

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

NOVEMBER 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, NOVEMBER 04, 2013
6:30 PM

THE CLAYTON CENTER
COUNCIL CHAMBERS

1. CALL TO ORDER

Pledge of Allegiance & Invocation – Mayor Jody L. McLeod

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

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

- a. Draft minutes from the October 21, 2013, work session meeting.
- b. Cooper Elementary PTA Run for the Rockets community event: Saturday, March 8, 2014, from 9 AM to 12 noon.
- c. Revisions to the Financial Policy Guidelines.
- d. NCDOT Locally Administered Project Agreement for the Sam's Branch / North O'Neil Crossing.
- e. NCDOT Locally Administered Project Agreement for the Sam's Branch Phase II.
- f. Resolution from Johnston County Schools for the pending bond referendum.
- g. Resolution authorizing development of a grant application for infrastructure funding through the NC Department of Commerce.
- h. Amendments to the Municipal Records Retention & Disposition Schedule.
- i. Resolution – 2014 Holiday Schedule.
- j. Resolution – 2014 Council Schedule.

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Presentation by Johnston County Visitors Bureau on a proposed Johnston County Recreation Master Plan.

5. PUBLIC HEARINGS

- a. Public comment for the proposed fee amendment to the water and sewer capacity fees.
- b. Evidentiary hearing for special use permit application SUP 2013-71 for LionsGate.
- c. Evidentiary hearing for subdivision application SUB (PSD) 2013-56 for LionsGate, Phase 3A and 3G.

- d. Evidentiary hearing for subdivision application SUB (PSD) 2013-57 for LionsGate, Phase 6A and 6B.
6. **OLD BUSINESS**
- a. Status of 110 West Front Street, former Red & White Store.
 - b. Status of the acquisition of easements for the Clayton-Raleigh sewer transmission project.
7. **NEW BUSINESS**
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: 11/04/13

TITLE: DRAFT MINUTES FROM THE OCTOBER 21, 2013, WORK SESSION MEETING.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

11-04-13

Approval.

DRAFT 10/21/2013 Council Minutes.

**MINUTES
CLAYTON TOWN COUNCIL
OCTOBER 21, 2013**

The second regular meeting of the Clayton Town Council for the month of October was held on Monday, October 21, 2013, at 6:30 PM at Town Hall, 111 East Second Street.

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

ABSENT: Councilman Jason Thompson

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

ITEM 1. CALL TO ORDER

Mayor Jody McLeod called the meeting to order at 6:33 PM. Mayor McLeod gave the invocation.

ITEM 2. ADJUSTMENT OF THE AGENDA

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

ITEM 3. ACTION AGENDA

Councilman Holder motioned to approve the action agenda as presented; Mayor Pro Tem Grannis seconded the motion. The motion carried 4-0 with the following action agenda items approved at 6:34 PM:

- Item 3a. Draft minutes from October 7, 2013, regular meeting.
- Item 3b. Public notice for the following items slated for Clayton Town Council consideration at its November 4, 2013, Council meeting:
 - Evidentiary hearing for special use permit application SUP 2013-71 for LionsGate
 - Evidentiary hearing for subdivision application SUB (PSD) 2013-56 for LionsGate, Phase 3A and 3G

- Evidentiary hearing subdivision application SUB (PSD) 2013-57 for LionsGate, Phase 6A and 6B
- Public comment on the proposed fee amendment to the water and sewer capacity fees.

ITEM 4. INTRODUCTIONS & SPECIAL PRESENTATIONS

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

No new Town of Clayton employees were introduced.

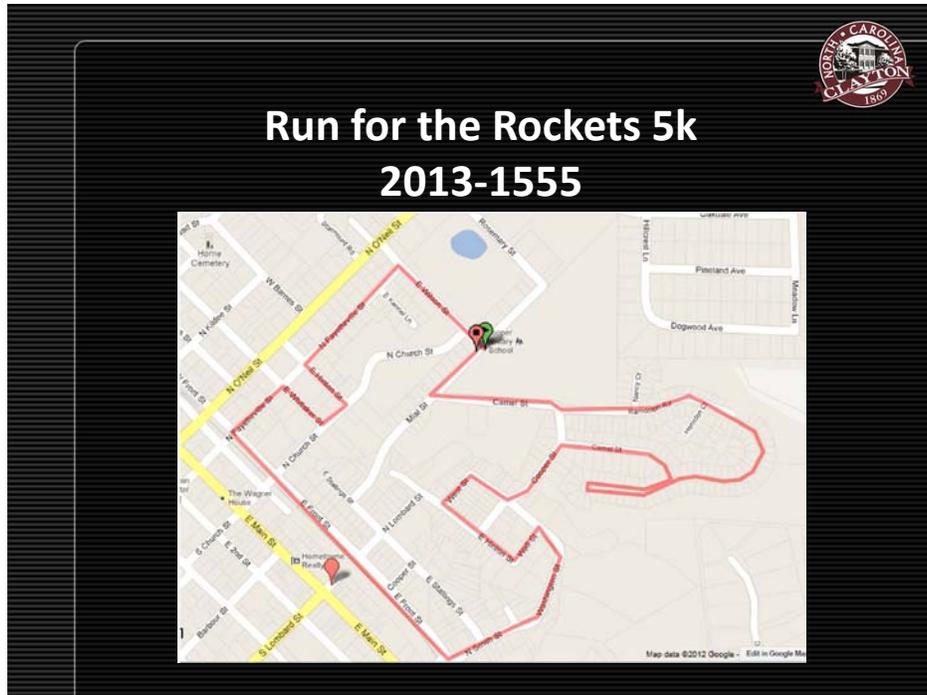
Item 4b. Presentation and introduction of cadet program and overview of Johnston County EMS.

Josh Holloman, Chief of EMS Division with Johnston County Emergency Services, provided an overview of the EMS cadet program. He stated in July 2012, Johnston County EMS took over the operations of the former Clayton EMS and wanted to continue being active in the community. He stated the Clayton EMS cadet program ceased operating when Johnston County EMS began operating. He stated Johnston County EMS created a cadet program in August of this past year. He stated the academy teaches the basics such as providing oxygen and performing CPR. He introduced the cadets that were able to attend this evening: Katherine Fitzpatrick, Alexis Kay, Christian Hughes, and Samantha Nelson. He stated also attending is Clayton Area Supervisor Johnson.

The Council expressed its appreciation to the cadets.

Item 4c. Presentation by Cooper Elementary PTA for Run for the Rockets request.

Downtown Development Coordinator Bruce Naegelen stated the Cooper Elementary PTA is requesting to host Run for the Rockets on Saturday, March 8, 2014, from 9 AM to 12 noon. He displayed a map of the requested route for the Run for the Rockets:



He stated the Special Events Committee is recommending approval for this event. He added that Ms. Heather Moser and Ms. Allison Wilson are in attendance this evening.

Councilman Lawter expressed his appreciation to the Cooper Elementary PTA.

Ms. Heather Moser extended a challenge to the police, fire, EMS, Council and town staff to participate in the road course.

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

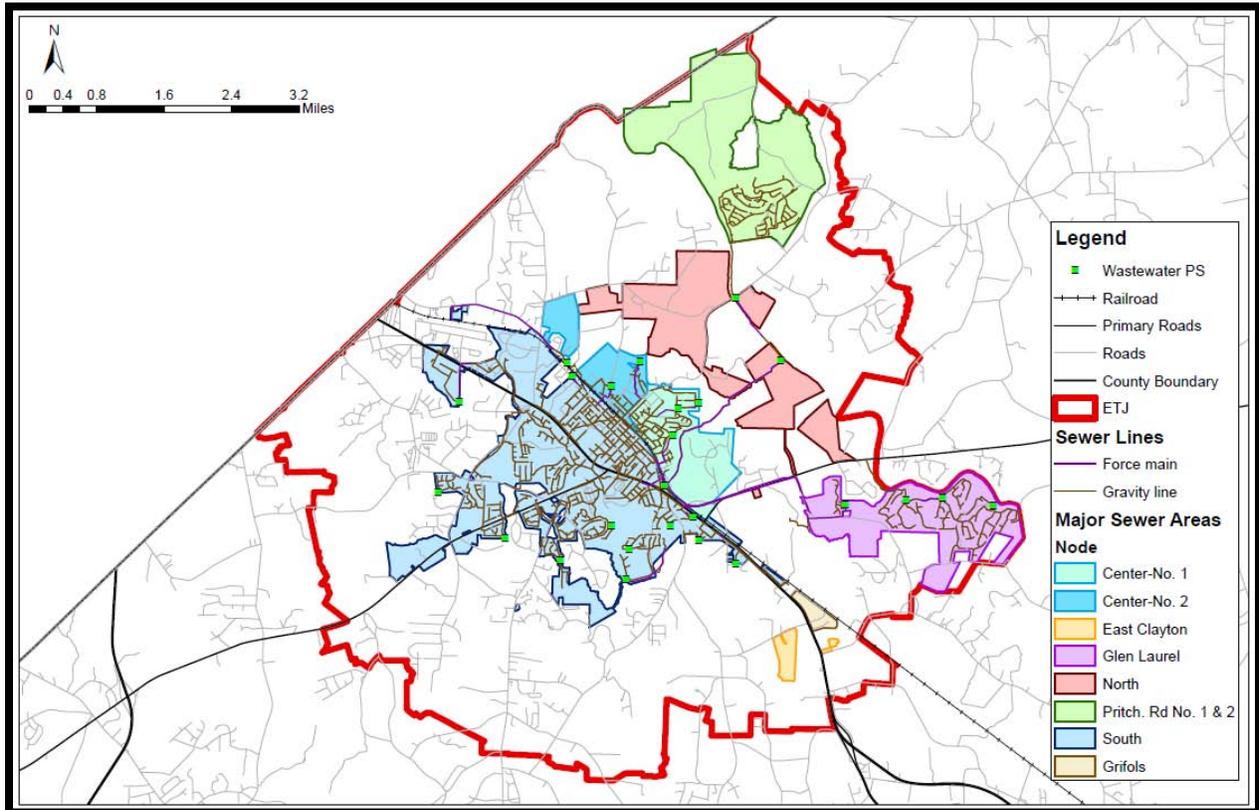
Item 4d. Presentation of wastewater conveyance study by CH2M Hill.

Town Manager Steve Biggs stated the Town has three primary sources of wastewater treatment: Little Creek facility (owned and operated by the Town), purchase allocation from Johnston County, and contract agreement with the City of Raleigh.

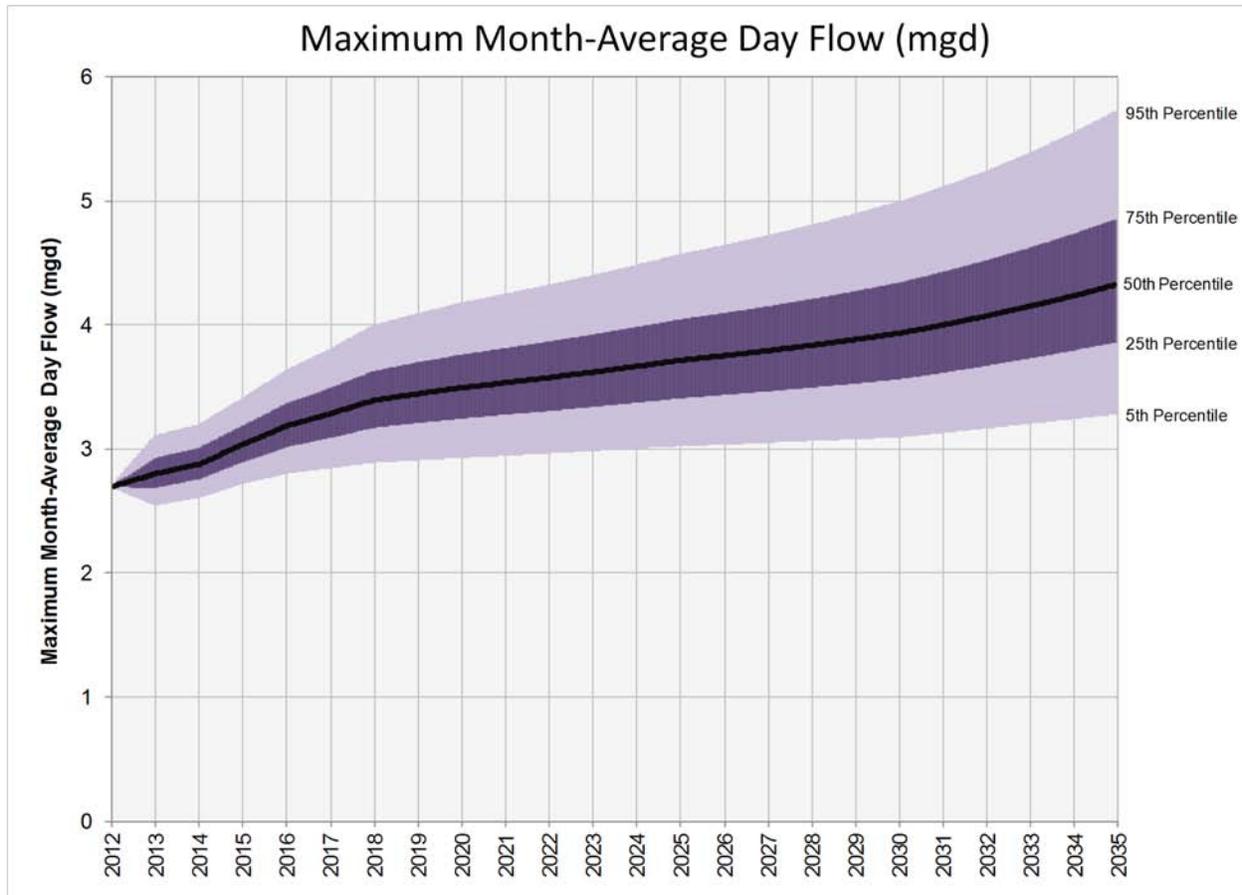
Ms. Jennifer Bell, project manager of CH2M Hill, stated the study accomplished establishing projections in terms of how much capacity is needed for wastewater treatment and the three options for efficient treatment of wastewater.

Mr. Adam Sharpe of CH2M Hill provided a PowerPoint presentation for the future of wastewater for the Town of Clayton; herewith attached and incorporated into

the record. He stated the goals of the study were: develop a meaningful forecast of wastewater flows through 2035; identify the infrastructure requirements for conveyance to treatment locations; and develop an optimization model to identify the least cost option for future wastewater conveyance and treatment. He stated CH2M Hill met with Town staff to develop a meaningful map of areas with potential growth:



Mr. Sharpe displayed a graph on potential flow:



Mr. Sharpe stated the model processed 15,000 possible routing scenario combinations.

Mr. Sharpe shared general recommendations from the forecast:

- Continue to monitor flow and compare against the wastewater flow forecast
- Re-appraise timing of capacity expansions
- Continue with flexibility in conveyance system
- Investigate expansion of contractual agreements with the City of Raleigh and Johnston County

Based upon question by Council, Mr. Sharpe stated the letter of intent from Grifols indicated through 2020 and Grifols made no mention of plans beyond 2020.

Based upon question by Council, Mr. Sharpe stated the Raleigh agreement is through 2026 and if it is not continued, then Clayton would plan for a new facility and ten years is a realistic timeline for the process of a new wastewater facility.

Based upon question by Council, Mr. Sharpe stated one of the hardest parts of a wastewater treatment facility is the acquisition of land. He stated the Town has already done that.

Town Manager Biggs stated staff is engaging the City of Raleigh about extending the contract.

Based upon question by Council, Mr. Sharpe stated an estimate for a new wastewater treatment facility is \$40 million dollars.

ITEM 5. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA

Item 5a. Presentation of amendment to the Water/Sewer fees of the Town's Comprehensive List of Fees and Charges.

Town Manager Steve Biggs stated the Town purchases water for resale to retail customers from Johnston County. He stated in purchasing the water the Town must have an allocation from Johnston County. He stated as growth occurs, the Town charges development for water capacity. He stated as of July 1, 2013, Johnston County amended its rate per gallon from \$3.00 to \$3.25. He stated the proposal is to adjust the Town fee according to the Johnston County adjustment.

Based upon question by Council, Town Manager Biggs stated the last increase by Johnston County appears to be 2006.

This item is slated for citizen comment at the Council's November 4, 2013, Council meeting.

Item 5b. Presentation of revisions to the Financial Policy Guidelines.

Town Manager Steve Biggs stated this is based on the most recent Davenport presentation. He stated Davenport recommended policies for the Town's enterprise funds. He stated Finance Director McKie included a comparison of revisions to the current and proposed policies.

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

Item 5c. Presentation of special use permit SUP 2013-71 located on Amelia Church Road and submitted by DC Adams Engineering Inc.

Planning Director David DeYoung provided the following PowerPoint presentation overview of special use permit request SUP 2013-71:

- Request for LionsGate for special use permit master plan update
- Request is for the undeveloped portions to be removed from the existing master plan that was approved in 2003
- LionsGate is off of Amelia Church Road

- Proposing 158 single family homes and 136 town homes; total of 294 dwelling units
- Requests to modify include removal of an access point off of Amelia Church Road, adjusting lines within the development, remove the commercial / mixed-use area to townhomes units
- Displayed the revised master plan; the white area is already developed, the pink area are to be developed, and the green area are open space or future recreation space



Based upon question by Council, Planning Director DeYoung stated the eight units per acre is not the densest development and it is consistent with what is being built in the development.

Based upon question by Council, Planning Director DeYoung stated the connection with Hocutt Drive would be made with phase 2B.

Based upon question by Council, Planning Director DeYoung stated he estimates the connection with Hocutt Drive by 2015.

Based on question by Council, Planning Director DeYoung stated the homes proposed to back up to Ellington Subdivision in Phase 2B are not available at this point. He added that would come in when that phase is developed.

Based on question by Council, Planning Director DeYoung stated the connection to Garrison Subdivision may be possible in Phase 2A. He stated that can be verified.

This item is slated for evidentiary hearing at the Council's November 4, 2013, Council meeting.

Item 5d. Presentation of subdivision application SUB (PSD) 2013-56 for phases 3A and 3G located within LionsGate Subdivision and submitted by DC Adams Engineering Inc.

Planning Director David DeYoung provided the following PowerPoint presentation overview of subdivision application SUB (PSD) 2013-56:

- Phases 3A and 3G of the LionsGate Subdivision
- Request is for 36 single family lots
- Subject to approval of revised master plan (SUP 2013-71)
- Area is 4.84 acres
- South of Amelia Church Road
- Access off of Shad Boat Lane and Middleton Avenue
 - Since the Planning Board, the developer is agreeable to include Middleton Avenue in this phase
- All Recreation and open space dedicated
- Neighborhood meeting held on September 9, 2013
- Planning Board reviewed this item at its September 23, 2013, meeting and unanimously recommended approval
- Staff is recommending approval with the four conditions

Based upon question from Council, Planning Director DeYoung stated Middleton Avenue will be shown in the plans.

Based upon question by Council, Planning Director DeYoung stated Middleton Avenue is the same road that was mentioned during the discussions about sewer. He stated the developer evaluated it and determined the future sewer connections would not be impacted.

Based upon question by Council, Planning Director DeYoung stated the sewer that will be placed will be for a future phase. He stated his understanding is the road will be curbed and paved. He added that would be a question for the developer to address as he was present during the discussion for the road and sewer for this phase.

This item is slated for evidentiary hearing at the Council's November 4, 2013, Council meeting.

Item 5e. Presentation of subdivision application SUB (PSD) 2013-57 for phases 6A and 6B located within LionsGate Subdivision and submitted by DC Adams Engineering Inc.

Planning Director David DeYoung provided the following PowerPoint presentation overview of SUB (PSD) 2013-57:

- Across the street from subdivision application SUB (PSD) 2013-56
- Subject to approval of the SUP 2013-71 request
- Proposal is for 52 townhome units; 26 buildings with shared lot line
- Access directly off of Amelia Church and will align with the entrance to Garrison Subdivision
- Greenway and bike trails within this phase
- Sidewalk is on both sides and sidewalk along buffer on Amelia Church Road
- Recreation and open space provided
- 30 foot class C buffer around the perimeter
- Neighborhood meeting held on September 9, 2013
- Planning Board reviewed this item at its September 23, 2013, meeting and unanimously recommended approval
- Staff is recommending approval of this request with six conditions

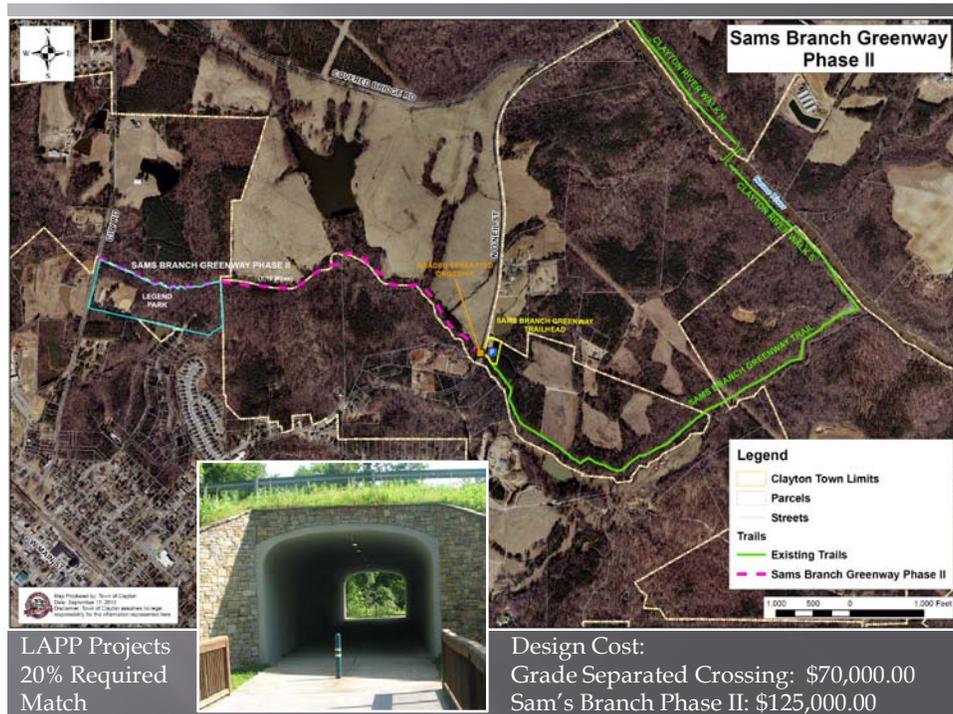
Based upon question by Council, Planning Director DeYoung stated greenway trails are required to be 10 foot paved pathway.

This item is slated for evidentiary hearing at the Council's November 4, 2013, Council meeting.

Item 5f. Presentation of NCDOT Locally Administered Project Agreement for the Sam's Branch / North O'Neil Crossing.

Item 5f and Item 5g were heard concurrently.

Planning Director David DeYoung stated this is a continuation of the benefits of being a member of the Capital Area Metropolitan Planning Organization, hereafter CAMPO. He stated the Town submitted several projects last year, including the Clayton Community Center Pedestrian Connector Construction Project which was approved by both the Town and NCDOT and will be underway next year.



Planning Director DeYoung stated before the Town Council are two additional projects in which studies were completed and the next step is design. He stated last year CAMPO did a hot spot study for where Sam's Branch Phase I ends at North O'Neil Street and the study found that the best way to cross is an at grade separated crossing under the road. He stated Phase 2 of Sam's Branch will take pedestrians from North O'Neil Street to Legend Park. He stated the grade separated crossing design is a \$70,000 agreement and the Sam's Branch Phase II design is a \$125,000 agreement. He stated for each of these agreements, the Town will have a 20% match and the remaining 80% is federal funding.

Based upon question by Council, Planning Director DeYoung stated both of these projects are for design. He stated the design represents about 15% of the cost to build.

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

Item 5g. Presentation of NCDOT Locally Administered Project Agreement for the Sam's Branch Phase II.

Item 5f and Item 5g were heard concurrently.

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

Item 5h. Presentation of resolution from Johnston County Schools for the pending bond referendum.

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

Item 5i. Presentation of resolution authorizing development of a grant application for infrastructure funding through the NC Department of Commerce.

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

Item 5j. Presentation of amendments to the Municipal Records Retention & Disposition Schedule.

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

Item 5k. Presentation of resolution – 2014 Holiday Schedule.

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

Item 5l. Presentation of resolution – 2014 Council Schedule.

Town Manager Steve Biggs stated earlier this year the Town Council shifted its second meeting in January to accommodate the Chamber Banquet. He stated the Chamber is requesting to consider moving the Tuesday, January 21, 2014, meeting to WEDNESDAY, January 22, 2014.

It was the consensus of the Council to amend the second meeting date in January 2014 to Wednesday, January 22, 2014, and 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 to the Council.

ITEM 7. ITEMS FOR DISCUSSION

No items for discussion were presented to the Council.

ITEM 8. OLD BUSINESS

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

Town Manager Steve Biggs stated milestones were set for the improvement of the property. He stated Mrs. Smith, owner of the property, shared she is not in a position to renovate and she is working through Mr. Randy Messick to see that the property is renovated. He stated Mr. Messick has produced an executed contract between Mrs. Smith and Mr. Messick dated today. He stated between now and the next meeting expect to meet Mr. Messick's financial backer. He added if the financial backer is an individual, then a financial statement is needed.

Item 8b. Status of the acquisition of easements for the Clayton-Raleigh sewer transmission project.

Town Attorney Katherine Ross stated conversations are continuing.

ITEM 9. STAFF REPORTS

Item 9a. Town Manager

Town Manager Steve Biggs stated no additional report.

Item 9b. Town Attorney

Town Attorney Katherine Ross stated no additional report.

Item 9c. Town Clerk

Town Clerk Scoggins stated no additional report.

Item 9d. Other Staff

Other staff did not have a report.

ITEM 10 OTHER BUSINESS

Item 10a. Informal Discussion & Public Comment.

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

Item 10b. Council Comments.

Councilman Lawter questioned the status of the street paving for Riverwood.

Town Manager Steve Biggs stated he spoke with representatives and mobilization is expected this week to adjust the casting of manholes.

Councilman Lawter stated he has noticed that along the greenway he saw yard waste collecting on either side and requested a letter be sent to the homeowners association.

Councilman Lawter stated there has been discussion about the change in open space as to what properties are acceptable.

Mayor Pro Tem Grannis stated an issue was brought to his attention about Riverwood Athletic Club and he is unsure who is responsible. He stated when the elementary school dismisses there are a number of children that walk down the east side of Athletic Boulevard to a cross walk. He stated there is no adult at the cross walk. He stated he is being told the school is stating it is not its responsibility, a representative of Fred Smith is stating it is not his responsibility, and the PTA indicated it is not its responsibility. He stated he was asked if the Town had responsibility. He stated he approached a Board of Education member and has not yet received a response. He stated he sees this as an accident waiting to happen. He stated he would like to engage the Johnston County School Board and discuss what the responsibility of the Town is in rendering assistance during that time.

Councilman Art Holder stated he believes it is everyone's responsibility. He added a dialogue between all the groups mentioned is warranted.

Councilman Satterfield stated at one time there were crossing guards.

Mayor Pro Tem Grannis stated it was brought to his attention that at one point in time the Fred Smith Company took responsibility for this.

Mayor McLeod stated he recalled the Town assisting with the provision of orange vests.

Town Manager Biggs stated being a school crossing guard is a legally controlled function and requires training and safety equipment.

Councilman Holder stated the elementary and the middle school dismiss at different times.

Mayor McLeod stated not too long ago there was discussion about speed limit on North Fayetteville near the church being reduced from 35 mph to 25 mph.

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 4-0 at 7:53 PM.

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

ATTEST:

Jody L. McLeod,
Mayor

Sherry L. Scoggins, MMC
Town Clerk

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

Agenda Item: 3b

Meeting Date: 11/04/13

**TITLE: COOPER ELEMENTARY PTA FOR RUN FOR THE ROCKETS
REQUEST: SATURDAY, MARCH 8, 2014, FROM 9 AM TO 12 NOON.**

DESCRIPTION: Presentation is to request temporary street closure of Town streets for a 5k event to raise funds for Cooper Elementary School on Saturday, March 8, 2014.

At its October 21, 2013, Council meeting, it was the consensus of the Council to add this request to the consent agenda.

RELATED GOAL: Expand Leisure Opportunities and Think Downtown

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-21-13	Presentation.	Staff report.
11-04-13	Approval.	Staff report.



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: 2013-1555
Event Name: Run for the Rockets
Event Date(s): March 8, 2014
Time: 9:00 am – 12:00 pm
Location: Cooper Elementary School, 849 N Mial Street

Downtown/Town Limits/ETJ: Town Limits

Applicant: Cooper Elementary PTA
1700 Old US 70 W, Clayton NC 27520

Contact: Heather Moser
Hdmoser78@yahoo.com

Committee Meeting: September 26, 2013

Attendance: Kenneth Lunger, PD; Dale Medlin, ELEC; Tony Atkinson, Lee Barbee, FIRE DEPT; Steve Blasko, PUBLIC WORKS; Martha Vandergriff, CLAYTON CENTER; Dede Bumgarner, David DeYoung PLANNING; Stacy Beard, PIO;

Guests: Heather Moser, *Run for the Rockets*

EVENT LOCATION: Cooper Elementary School, 849 N Mial Street

EVENT DESCRIPTION:

- 5k Run to raise money for Cooper Elementary
- The race will begin and end at Cooper Elementary School.
- 9:00 am – 12:00 pm.
- The race route is as follows: N Mial to Randolph Dr.; Camel St. to N Cooper; E Hinton to N Lombard – N Lombard to E Front St to Washington St to N Cooper.
- The E Front St section will be closed as needed by Clayton PD

Estimated Attendees per day: 250 people

SERVICES REQUESTED:

- Street closure or use permission as described from Town Council
 - Police support for lane closure on E Front Street
-

COMMITTEE DISCUSSION:

- Crowd Control - volunteers

- Health & Sanitation – at school
 - Medical – first aid kit/notify EMS
 - Traffic Control – volunteers and Clayton PD (Contact: Ken Lunger)
 - Communications -
 - Trash Cleanup – volunteers
-

COMMITTEE CONDITIONS:

- Organizers and staff will communicate plan with residents affected along race route
 - Request Town Council to authorize organizers the use of Town Streets within the race route for event
 - Certificate of Additional Insured, \$1 M, naming Town of Clayton to be submitted
 - No signage in US 70 median
 - Remove any other signage within 48 hours of event
-

COMMITTEE ACTIONS

- Committee recommends: APPROVAL
 - Staff will schedule Town Council Presentation on October 21, 2013
 - Special Event Permit will be issued upon authorization of street use by Town Council and other committee conditions as noted
-

TOWN COUNCIL CONSIDERATIONS

- Authorize Cooper Elementary PTA the use of Town Streets within the race route for event on March 8, 2014
 - **COUNCIL ACTION 10/21/13:**
-

DOCUMENTATION RECEIVED:

- Special Event Application
 - Site plan/route map
-

POST EVENT REVIEW:

(March 27, 2014)

-

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

Agenda Item: 3c

Meeting Date: 11/04/13

TITLE: REVISIONS TO THE FINANCIAL POLICY GUIDELINES.

DESCRIPTION: At its September 8, 2009, Council meeting, Council adopted a Financial Policy Guideline. An amendment Financial Policy is presented for Council consideration.

At its October 21, 2013, Council meeting, it was the consensus of the Council to add this request to the consent agenda.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-21-13	Presentation.	Financial Policy Guideline Adopted 9/8/2009; Financial Policy Guideline for Consideration; and Table of Summary of Amendments.
11-04-13	Approval.	Financial Policy Guideline (Amended 11/04/2013).

Financial Policy

For:



Town of Clayton, North Carolina

Adopted 9/8/2009; Amended 11/04/2013

FINANCIAL POLICY

Town of Clayton, North Carolina
Goals and Standards



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FINANCIAL POLICY

Town of Clayton, North Carolina Goals and Standards



FINANCIAL POLICY – PREAMBLE

The Town of Clayton establishes this comprehensive financial policy to manage its General Fund and Enterprise Funds in conjunction with facilitating and enhancing its credit rating. Furthermore, the Town acknowledges the existence of the fundamental and operational differences between these funds, which is attributable to the primary revenue sources that support each fund's activities. As such, the Town intends to utilize the same financial policy goals and standards where appropriate or relevant and establish separate benchmarks and other criteria as financial indicators to evaluate the performance and financial condition of these funds independently from each other.

FINANCIAL POLICY – OBJECTIVES

This financial policy is a statement of the goals and standards that will guide the financial management practices of the Town of Clayton, North Carolina. A financial policy that is adopted, adhered to, and regularly reviewed is recognized as the cornerstone of sound financial management. Effective financial policy:

- * Contributes significantly to the Town's ability to insulate itself from fiscal crisis,
- Enhances both short-term and long-term financial credit ability by helping to achieve the highest credit and bond ratings possible,
- Promotes long-term financial stability by establishing clear and consistent guidelines,
- Directs attention to the total financial picture of the Town rather than single issue areas,
- Promotes the view of linking long-term financial planning with day to day operations, and
- Provides the Town Staff, the Town Council and the Town citizens a framework for measuring the fiscal strength of government finances against established parameters and benchmarks.

To these ends, the following financial policy statements are presented.

FINANCIAL POLICY

Town of Clayton, North Carolina

Goals and Standards



CAPITAL IMPROVEMENT BUDGET POLICIES

1. The Town will consider all capital improvements in accordance with an adopted capital improvement program.
2. The Town will develop a five-year Capital Improvement Program and review and update the plan periodically.
3. The Town will enact an annual capital budget based on the five-year capital improvement plan. Future capital expenditures necessitated by changes in population, changes in real estate development, or changes in economic base will be calculated and included in capital budget projections.
4. The Town will coordinate development of the capital improvement budget with development of the operating budget. Future operating costs associated with new capital improvements will be projected and included in operating budget forecasts.
5. When the Town utilizes intergovernmental assistance to finance capital improvements, those projects will be consistent with the capital improvement plan and Town priorities, and with future operating and maintenance costs included in operating budget forecasts.
6. The Town will maintain all its assets at a level adequate to protect the Town's capital investment and to minimize future maintenance and replacement costs.
7. The Town will project its equipment replacement and maintenance needs for the next several years and will update this projection each year. From this projection a maintenance and replacement schedule will be developed and followed.
8. The Town will identify the estimated costs and potential funding sources for each capital project proposal before it is submitted for approval.
9. The Town will attempt to determine the least costly and most flexible financing method for all new projects.

FINANCIAL POLICY

Town of Clayton, North Carolina

Goals and Standards



FINANCIAL MANAGEMENT PERFORMANCE EXPECTATIONS

In addition to the policies established on pages 4-5 of this document, the Town also wishes to articulate certain financial management performance expectations for fund balance reserves, debt service expenditures, and liquidity. These expectations are intended to illustrate typical performance in normal conditions and are intended as internal performance benchmarks. The Town shall most commonly expect to operate within the following prescribed expectations:

General Fund:

- Unassigned fund balance as a percentage of net expenditures: at least 30%
- Tax supported debt service as a percentage of total governmental expenditures less capital outlay not more than 13%

Enterprise Funds:

- Debt service coverage ratio for all indebtedness: at least 1.50
- Equity funding of the system's capital improvement program: at least 25%
- Operating days cash on hand:
 - Water and Sewer Enterprise Fund: at least 200.75 days
 - Electric Enterprise Fund: at least 98.55 days

In conjunction with the key ratios established by the financial policy guidelines, the Local Government Commission (LGC) also monitors similar key ratios and compares these ratios to the Town's peer group (similarly positioned municipalities) as benchmarks. If the Town deviates materially below the peer group benchmarks, then the Town will formulate and execute a multi-year plan to reestablish and sustain itself among leaders in its peer group.

State oversight via the LGC also provides the Town's residents, taxpayers, and the investment community with an additional layer of risk management expertise. The Town shall perform such that inquiries and admonitions from the LGC shall be avoided and in the event of LGC comment or inquiry the Town shall take immediate action to respond and affirmatively address the matter of interest. This approach will prevent broad swings in key indicators, even those within acceptable parameters, on a year to year basis.

FINANCIAL POLICY

Town of Clayton, North Carolina Goals and Standards



DEBT POLICIES

1. The Town will confine long-term borrowing to capital improvements or projects that cannot be financed from current revenues except where approved justification is provided.
2. When assessing capital project funding approaches and the issuance of debt, the Town will conduct a series of financial analyses to demonstrate each Fund's financial ability to incur such debt under its current rate structure, and to determine if, when and to what degree rate structures need to be adjusted in the event that the current rate structure is not able to accommodate new additional debt.
3. The Town will review each Fund's current debt structure periodically as interest rates fluctuate and optional bond redemption dates arise for refunding or advance refunding opportunities. Refinancing opportunities that produce a net present value savings of 3% or greater will be considered as beneficial to the Funds, although other factors can be taken into account when assessing the feasibility of a refunding transaction.
4. The Town will take a balanced approach to capital funding utilizing debt financing, draws on capital reserves and/or fund balances in excess of policy targets, and pay-as-you go funding. Each Enterprise Fund will target a minimum amount of equity funding equal to 20% of the system's capital improvement program.
5. The Town will set rates and charges for each Enterprise Fund so as to achieve a debt service coverage ratio of 1.25 times or greater for all indebtedness. All indebtedness includes both parity and subordinate debt obligations of each fund. In the absence of a specific debt ratio calculation required by a debt covenant, the debt coverage ratio will be calculated in accordance with the following example:

FINANCIAL POLICY

Town of Clayton, North Carolina

Goals and Standards



A. Operating Revenues	\$7,822,484
B. Operating Expenses*	\$6,413,900
Less: Depreciation and Amortization	<u>947,560</u>
Net Expenses	\$5,466,340
C. Net Revenue Available for Debt Service (A minus B)	\$2,356,144
D. Debt Service (Principal and Interest)	\$1,762,023
E. Debt Coverage Ratio (C divided by D)	1.34

*Operating expenses include support service charges and tax reimbursements to the General Fund.

The debt coverage ratios will be calculated and tracked annually for each Enterprise Fund separately and will be measured independently from the other and from the Town's General Fund.

6. When the Town finances capital improvements or other projects by issuing bonds or entering into capital leases, it will repay the debt within a period not to exceed the expected useful life of the project.
7. Where feasible, the Town will explore the usage of special assessment bonds, revenue bonds, or other self-supporting bonds instead of general obligation bonds.
8. The Town will retire tax anticipation debt, if any, annually and will retire bond anticipation debt within six months after completion of the project.
9. General Fund net debt as a percentage of estimated market value of taxable property shall not exceed 2.5%.
10. The ratio of debt service expenditures as a percent of total governmental fund expenditures shall not exceed 15.0%, with an aggregate ten-year principal payout ratio of 55%.
11. The Town recognizes the importance of underlying and overlapping debt in analyzing financial condition. The Town will regularly analyze total indebtedness including underlying and overlapping debt.

FINANCIAL POLICY

Town of Clayton, North Carolina Goals and Standards



RESERVE POLICIES AND STANDARDS

1. General Fund unassigned fund balance at the close of each fiscal year shall not be less than 20% of actual General Fund net expenditures without prior Town Council authorization.
2. The Town Council may, from time-to-time, utilize fund balances that will reduce the unassigned fund balance below the 20% policy for the purposes of a declared fiscal emergency, financial opportunity to enhance the well-being of the Town of Clayton or other such global purpose as to protect the long-term fiscal security of the Town of Clayton. In such circumstances, after unassigned fund balance has been calculated as part of closing-out a fiscal year, the Council will adopt a plan as part of the following year's budget process to restore the assigned fund balance to the policy level within 36 months from the date of the budget adoption. If restoration cannot be accomplished within such time period without severe hardship to the Town, then the Board will establish a different but appropriate time period.
3. Monies in excess of a 20% unassigned fund balance will be available for Appropriation, as deemed necessary and approved by the Council.
4. The Enterprise Funds will maintain the following minimum level of liquidity:
 - a. Water and Sewer Fund – a minimum of 50% of Unrestricted Cash as a percentage of Operating Expenditures or 182.5 Days Cash on Hand.
 - b. Electric Fund – a minimum of 25% of Unrestricted Cash as a percentage of Operating Expenditures or 91.25 Days Cash on Hand.

FINANCIAL POLICY

Town of Clayton, North Carolina
Goals and Standards



BUDGET DEVELOPMENT POLICIES

1. The Town will develop the Annual Budget in conjunction with a stated program of performance objectives and measures with which to gauge progress toward meeting those objectives.
2. Water, sewer and electric rates will be established at the appropriate level to enable the related funds to be self-supporting.
3. One-time or other special revenues will not be used to finance continuing Town operations but instead will be used for funding special projects.
4. The Town will pursue an aggressive policy seeking the collection of delinquent utility, license, permit and other fees due to the Town.
5. The Town will make regular, quarterly reports to the Council on the status of actual revenues and expenditures as compared to the adopted budget.

FINANCIAL POLICY

Town of Clayton, North Carolina

Goals and Standards



DEFINITIONS

1. Fund balance is defined as the difference between the assets and liabilities reported in a governmental fund. Unassigned fund balance in the General Fund is defined as the total fund balance in excess of what can be properly classified in one of the following four categories:
 - a. Nonspendable fund balance is the portion of net resources that cannot be spent because of their form or because they must be maintained intact.
 - b. Restricted fund balance is the portion of fund balance that reflects resources that are subject to externally enforceable legal restrictions, which are comprised of limitations imposed by creditors, grantors, contributors, or laws and regulations of other governments or limitations imposed by law through constitutional provisions or enabling legislation.
 - c. Committed fund balance is the portion of fund balance that represents resources whose use is constrained by limitations imposed by the Clayton Town Council upon the Town and will remain binding until formal action at the same level is taken to remove the self-imposed limitation.
 - d. Assigned fund balance is the portion of fund balance that reflects the Town's intended use of resources established by the Clayton Town Council or by a body or an official with delegated authority and does not require formal action to remove the limitation of intended use.
2. Net expenditures are defined as actual expenditures plus transfers out minus capital lease proceeds.
3. Debt coverage ratio is defined as annual net pledged revenues to the related annual debt service payments.
4. Equity funding is defined as the utilization of the Town's cash to fund its capital improvement program.
5. Days cash on hand is defined as unrestricted cash divided by (Operating Expenditures/365).
6. Net debt is defined as any and all debt that is tax supported.

FINANCIAL POLICY
Town of Clayton, North Carolina
Goals and Standards



Duly adopted by the Clayton Town Council this 4th day of November 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: 3d

Meeting Date: 11/04/13

TITLE: NCDOT LOCALLY ADMINISTERED PROJECT AGREEMENT FOR THE SAM'S BRANCH / NORTH O'NEIL CROSSING.

DESCRIPTION: Locally administered project agreement (U-5530 LA) for the preliminary engineering for Sam's Branch / North O'Neil Crossing in Clayton. The project consists of preliminary engineering for the grade separation crossing of North O'Neil Street for Sam's Branch Greenway using a 10-foot high by 14-foot wide reinforced concrete box culvert. The total estimated cost of the project is \$70,000: Federal Funds amount of \$56,000 and Local Funds amount of \$14,000. The timeframe for completion is by 10/31/2014; and completion is defined as all design and environmental documentation activities, acceptance of the project, and submission of a final reimbursement package to NCDOT.

At its October 21, 2013, Council meeting, it was the consensus of the Council to add this request to the consent agenda.

RELATED GOAL: Expand Leisure Opportunities and Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-21-13	Presentation.	Agreement.
11-04-13	Approval.	Agreement.

NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT -
FEDERAL**

JOHNSTON COUNTY

DATE: 9/24/2013

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: U-5530 LA

AND

WBS Elements: PE 44111.1.FD5

TOWN OF CLAYTON

FEDERAL-AID NUMBER: STPDA-0406(7)

CFDA #: 20.205

Total Funds [NCDOT Participation] \$56,000

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

WITNESSETH:

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

WHEREAS, the Town of Clayton has requested federal funding for Sam's Branch/North O'Neil Crossing, hereinafter referred to as the Project, in Johnston County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the Municipality has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$56,000 for the Project; and,

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

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

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

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

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

GENERAL PROVISIONS

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

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

AGREEMENT MODIFICATIONS

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

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

LOCAL PUBLIC AGENCY TO PERFORM ALL WORK

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

PERSON IN RESPONSIBLE CHARGE

The Municipality shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:

- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintain knowledge of day to day project operations and safety issues;
- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the Municipality, but the duties may be split among several employees, if necessary.

COMPLIANCE WITH STATE/FEDERAL POLICY

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

FAILURE TO COMPLY - CONSEQUENCES

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

SCOPE OF PROJECT

The Project consists of Preliminary Engineering and NEPA for the grade separation crossing of North O'Neil Street for Sam's Branch Greenway using a 10-ft high by 14-ft wide reinforced concrete

box culvert (RCBC). This will require holding the elevation of North O'Neil Street and lowering the existing elevation of the multi-use path. The Department's funding participation in the Project shall be restricted to the following eligible items:

- Design
- Environmental Documentation

as further set forth in this Agreement.

FUNDING

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall participate up to a maximum amount of Fifty Six Thousand Dollars (\$56,000), as detailed below. The Municipality shall provide a local match, as detailed in the FUNDING TABLE below, and all costs that exceed the total estimated cost.

FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
STP-DA	\$56,000	80 %	\$14,000	20 %
Total Estimated Cost			\$70,000	

TIME FRAME

The Municipality, and/or its agent, shall complete the Project by 10/31/2014. Completion for this Agreement is defined as completion of all design and environmental documentation activities, acceptance of the project, and submission of a final reimbursement package to the Department. Any extensions of time beyond that date will require a supplemental agreement. The Department and/or FHWA reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates included herein.

PRELIMINARY ENGINEERING AUTHORIZATION

If Preliminary Engineering is an eligible expense, then upon receipt of an executed agreement, the Department will authorize Preliminary Engineering funds and shall notify the Municipality, in writing, once funds have been authorized and can be expended. The Municipality shall not initiate any

work, nor solicit for any professional services prior to receipt of written authorization from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

PROFESSIONAL AND ENGINEERING SERVICES

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

PROCUREMENT POLICY

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

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

SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.

- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

WORK BY ENTITY

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

PLANNING / ENVIRONMENTAL DOCUMENTATION

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

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

DESIGN

CONTENT OF PLAN PACKAGE

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

CONTRACTOR PROCUREMENT

FORCE ACCOUNT

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

RETAINAGE

The Municipality shall not retain any portion of a payment due the contractor.

CONTRACTOR COMPLIANCE

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

REIMBURSEMENT

SCOPE OF REIMBURSEMENT

Activities eligible for funding reimbursement for this Project shall include:

Design

Environmental Documentation

REIMBURSEMENT GUIDANCE

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

WORK PERFORMED BEFORE NOTIFICATION

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

NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING

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

UNSUBSTANTIATED COSTS

Agreement ID # 4448

8

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

WORK PERFORMED BY NCDOT

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of \$56,000 available to the Municipality under this Agreement. If the cost of work done by the Department exceeds the funding award, the Department will bill the Municipality for

BILLING THE DEPARTMENT

PROCEDURE

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

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

INTERNAL APPROVALS

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

TIMELY SUBMITTAL OF INVOICES

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

FINAL INVOICE

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

REPORTING REQUIREMENTS AND RECORDS RETENTION

PROJECT EVALUATION REPORTS

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

PROJECT RECORDS

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

OTHER PROVISIONS

REFERENCES

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

INDEMNIFICATION OF DEPARTMENT

The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The

Department shall not be responsible for any damages or claims, which may be initiated by third parties.

DEBARMENT POLICY

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

TITLE VI - CIVIL RIGHTS ACT OF 1964

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

OTHER AGREEMENTS

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

AVAILABILITY OF FUNDS

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

IMPROPER USE OF FUNDS, EXCESS USE OF FUNDS

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

TERMINATION OF PROJECT

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

AUDITS

In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" (www.whitehouse.gov/omb/circulars/a133/a133.html) dated June 27, 2003 and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

REIMBURSEMENT BY MUNICIPALITY

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

USE OF POWELL BILL FUNDS

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

GIFT BAN

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

SUNSET PROVISION

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

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

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

ATTEST: TOWN OF CLAYTON

BY: _____ BY: _____
Sherry L. Scoggins Jody L. McLeod
TITLE: Town Clerk TITLE: Mayor

DATE: _____

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

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

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

(SEAL)

(FINANCE OFFICER) Robert W. McKie

Federal Tax Identification Number

Town of Clayton

Remittance Address:

P O BOX 879

Clayton, NC 27528-0879

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

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

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

Agenda Item: 3e

Meeting Date: 11/04/13

TITLE: NCDOT LOCALLY ADMINISTERED PROJECT AGREEMENT FOR THE SAM'S BRANCH PHASE II.

DESCRIPTION: Locally administered project agreement (U-5530 LB) for the preliminary engineering for Sam's Branch Greenway from the end of phase I at North O'Neil Street to Legend Park at City Road in Clayton. The total estimated cost of the project is \$125,000: Federal Funds amount of \$100,000 and Local Funds amount of \$25,000. The timeframe for completion is by 10/31/2014; and completion is defined as completion of all activities, acceptance of the project, and submission of a final reimbursement package to the Department.

At its October 21, 2013, Council meeting, it was the consensus of the Council to add this request to the consent agenda.

RELATED GOAL: Expand Leisure Opportunities and Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-21-13	Presentation.	Agreement.
11-04-13	Approval.	Agreement.

NORTH CAROLINA
JOHNSTON COUNTY

LOCALLY ADMINISTERED PROJECT - FEDERAL

DATE: 9/25/2013

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: U-5530LB

AND

WBS Elements: PE 44111.1.FD6

TOWN OF CLAYTON

FEDERAL-AID NUMBER: STPDA-0406(8)

CFDA #: 20.205

Total Funds [NCDOT Participation] \$100,000

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

WITNESSETH:

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

WHEREAS, the Town of Clayton has requested federal funding for Sam's Branch Phase II greenway, hereinafter referred to as the Project, in Johnston County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the Municipality has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$100,000 for the Project; and,

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

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

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

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

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

GENERAL PROVISIONS

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

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

AGREEMENT MODIFICATIONS

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

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

LOCAL PUBLIC AGENCY TO PERFORM ALL WORK

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

PERSON IN RESPONSIBLE CHARGE

The Municipality shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:

- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintain knowledge of day to day project operations and safety issues;
- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the Municipality, but the duties may be split among several employees, if necessary.

COMPLIANCE WITH STATE/FEDERAL POLICY

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

FAILURE TO COMPLY - CONSEQUENCES

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

SCOPE OF PROJECT

The Project consists of the design of Sam's Branch Greenway trail from the end of Phase I at North O'Neil Street to Legend Park at City Road.

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

- Design
- Environmental Documentation

as further set forth in this Agreement.

FUNDING

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall participate up to a maximum amount of One Hundred Thousand Dollars (\$100,000), as detailed below. The Municipality shall provide a local match, as detailed in the FUNDING TABLE below, and all costs that exceed the total estimated cost.

FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
STP-DA	\$100,000	80 %	\$25,000	20 %
Total Estimated Cost			\$125,000	

TIME FRAME

The Municipality shall complete the Project by 10/31/2014. Completion for this Agreement is defined as completion of all activities, acceptance of the project, and submission of a final reimbursement package to the Department. Any extensions of time beyond this date will require a supplemental agreement.

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

PRELIMINARY ENGINEERING AUTHORIZATION

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

from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

PROFESSIONAL AND ENGINEERING SERVICES

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

PROCUREMENT POLICY

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

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

SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation.

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

WORK BY ENTITY

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

PLANNING / ENVIRONMENTAL DOCUMENTATION

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

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

DESIGN

CONTENT OF PLAN PACKAGE

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

- **FORCE ACCOUNT**

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

- **RETAINAGE**

The Municipality shall not retain any portion of a payment due the contractor.

RIGHT TO INSPECT

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

CONTRACTOR COMPLIANCE

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

REIMBURSEMENT

SCOPE OF REIMBURSEMENT

Activities eligible for funding reimbursement for this Project shall include:

- Design
- Environmental Documentation

REIMBURSEMENT GUIDANCE

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

REIMBURSEMENT LIMITS

- **WORK PERFORMED BEFORE NOTIFICATION**

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

- **NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING**

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

- **UNSUBSTANTIATED COSTS**

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

- **WORK PERFORMED BY NCDOT**

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of \$100,000 available to the Municipality under this Agreement. If the cost of work done by the Department exceeds the funding award, the Department will bill the Municipality for the excess costs.

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

BILLING THE DEPARTMENT

- **PROCEDURE**

The Municipality may bill the Department for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each

invoice, the Municipality certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

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

▪ **INTERNAL APPROVALS**

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

▪ **TIMELY SUBMITTAL OF INVOICES**

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

▪ **FINAL INVOICE**

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

REPORTING REQUIREMENTS AND RECORDS RETENTION

PROJECT EVALUATION REPORTS

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

PROJECT RECORDS

The Municipality and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs

incurred under this Agreement. Further, the Municipality shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department's Financial Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

OTHER PROVISIONS

REFERENCES

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

INDEMNIFICATION OF DEPARTMENT

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

DEBARMENT POLICY

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

TITLE VI - CIVIL RIGHTS ACT OF 1964

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

OTHER AGREEMENTS

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

AVAILABILITY OF FUNDS

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

IMPROPER USE OF FUNDS, EXCESS USE OF FUNDS

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

TERMINATION OF PROJECT

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

AUDITS

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

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

REIMBURSEMENT BY MUNICIPALITY

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

USE OF POWELL BILL FUNDS

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

GIFT BAN

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

SUNSET PROVISION

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

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

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

ATTEST: TOWN OF CLAYTON

BY: Sherry L. Scoggins BY: Jody L. McLeod
TITLE: Town Clerk TITLE: Mayor

DATE: _____

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

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

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

(SEAL)

(FINANCE OFFICER) Robert W. McKie

Federal Tax Identification Number

Town of Clayton

Remittance Address:

P O BOX 879

Clayton, NC 27528-0879

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

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

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

Agenda Item: 3f

Meeting Date: 11/04/13

TITLE: RESOLUTION FROM JOHNSTON COUNTY SCHOOLS FOR THE PENDING BOND REFERENDUM.

DESCRIPTION: Johnston County Schools is requesting the support of the municipalities for the upcoming bond referendum for the public school bond and the community college bond.

At its October 21, 2013, Council meeting, it was the consensus of the Council to add this request to the consent agenda.

RELATED GOAL: Grow the Local Economy.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-21-13	Presentation.	Resolution.
11-04-13	Approval.	Resolution.



Support of Bond Referendum Johnston County Board of Education November 5, 2013

WHEREAS, the Town of Clayton is dedicated to maintaining a strong and supportive working relationship with the Johnston County Schools to provide superior academic instruction and outstanding educational opportunities to its youth; and

WHEREAS, the Town of Clayton is also dedicated to maintaining a strong, viable community college program so that Johnston County Schools graduates can continue their educational careers and adults from all walks of life can engage in continuing education; and

WHEREAS, the Town of Clayton is committed to attaining and preserving the highest quality of life for its citizenry through its partnership with the local Board of Education **and Johnston Community College**; and

WHEREAS, the school population of Johnston County continues to grow at an accelerated rate requiring additional school facilities; and

WHEREAS, the people of the Town of Clayton and all of Johnston County have been dedicated to the cause of new construction for schools to accommodate this growth; and

WHEREAS, the Town of Clayton desires to assist the Board of Education in meeting its facility needs for the benefit of our youth, our citizens and our community; and

WHEREAS, the Town of Clayton recognizes that a commitment to quality education results in an elite workforce which attracts commerce and spurs economic development at the benefit of the town's people;

NOW, THEREFORE, BE IT RESOLVED that the Town of Clayton supports the Johnston County Board of Education and Johnston Community College and goes on record in support of the school facilities bond issue in the amount of \$57 million.

ADDITIONALLY, the Town of Clayton urges all citizens to vote for both the public school bond and the community college bond.

This resolution was duly considered and approved by the Town of Clayton at its meeting on Monday, November 4, 2013, while in regular session.

Mayor Jody L. McLeod

Mayor Pro Tem Michael Grannis

Councilman Bob Satterfield

Councilman R.S. "Butch" Lawter, Jr.

Councilman Art Holder

Councilman Jason Thompson

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

Agenda Item: 3g

Meeting Date: 11/04/13

TITLE: RESOLUTION AUTHORIZING DEVELOPMENT OF A GRANT APPLICATION FOR INFRASTRUCTURE FUNDING THROUGH THE NC DEPARTMENT OF COMMERCE.

DESCRIPTION: Resolution authorizing the filing of an application with NC Department of Commerce Rural Economic Division for a grant to assist with the East Clayton Industrial Corridor Infrastructure Project.

At its October 21, 2013, Council meeting, it was the consensus of the Council to add this request to the consent agenda.

RELATED GOAL: Grow the Local Economy.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-21-13	Presentation.	Resolution.
11-04-13	Approval.	Resolution.

AUTHORIZING RESOLUTION BY THE TOWN OF CLAYTON TOWN COUNCIL

**Rural Economic Development Division Grant Program
East Clayton Industrial Corridor Infrastructure Improvements Project**

WHEREAS, the Rural Economic Development Division, North Carolina Department of Commerce (DOC) has authorized the awarding of grants from appropriated funds to aid eligible units of government in financing the cost of infrastructure activities needed to create jobs; and

WHEREAS, the Town of Clayton needs assistance in financing infrastructure for East Clayton Industrial Corridor Infrastructure Improvements that may qualify for DOC funding; and

WHEREAS, the Town of Clayton intends to request grant assistance for East Clayton Industrial Corridor Infrastructure Improvements from the Rural Economic Development Division Grant Program.

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON, NORTH CAROLINA:

That the Town of Clayton will provide the required local match and all remaining costs of the project if approved for a grant.

That Jody McLeod, Mayor, and successors so titled, is hereby authorized to execute and file an application on behalf of the Town of Clayton with the DOC for a grant to assist in the above-named infrastructure project.

That Jody McLeod, Mayor, and successors so titled, is hereby authorized to execute and file an application on behalf of the Town of Clayton with the Rural Economic Development Division, North Carolina Department of Commerce for a grant to assist in the above named infrastructure project.

That Steve Biggs, Manager, and successors so titled, is hereby authorized and directed to furnish such information as the DOC may request in connection with an application or with the project proposed; to make assurances as contained in the application; and to execute such other documents as may be required in connection with the application.

That the Town of Clayton has substantially complied or will substantially comply with all federal, state, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

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

Steve Biggs, Town Manager

Jody L. McLeod, Mayor

ATTEST:

Sherry L. Scoggins, Town Clerk

(Seal)

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

Agenda Item: 3h

Meeting Date: 11/04/13

TITLE: AMENDMENTS TO THE MUNICIPAL RECORDS RETENTION & DISPOSITION SCHEDULE.

DESCRIPTION: At its November 5, 2012, Council meeting, Council approved the use of the 2012 Municipal Schedule for the Town of Clayton.

The amendments to the Records Retention Schedule include:

- **Amending Escheat and Unclaimed Property File**
- **Adding Accreditation Records**
- **Amending Employee Eligibility Records**
- **Amending Family Medical Leave Act (FMLA), Leave File and Leave Without Pay File**

At its October 21, 2013, Council meeting, it was the consensus of the Council to add this request to the consent agenda.

RELATED GOAL: Legislative.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-21-13	Presentation.	Amendment.
11-04-13	Approval.	Amendment.

**Municipal
Records Retention Schedule Amendment**

Amending the Municipal Records Retention and Disposition Schedule published September 10, 2012.

STANDARD 4. BUDGET, FISCAL AND PAYROLL RECORDS

Amending item 32 **Escheat and Unclaimed Property File** as shown on substitute page 29.

STANDARD 12. PERSONNEL RECORDS

Adding item 1-A **Accreditation Records** as shown on substitute page 101.

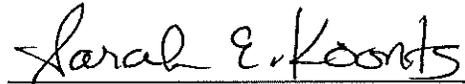
Amending item 19 **Employee Eligibility Records** as shown on substitute page 105.

Amending items 36 **Family Medical Leave Act (FMLA) Records**, 42 **Leave File**, and 43 **Leave Without Pay File** as shown on substitute pages 110-111.

APPROVAL RECOMMENDED

City/Town Clerk

Chief Administrative Officer/
City Manager



Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Mayor



Susan W. Kluttz, Secretary
Department of Cultural Resources

August 29, 2013

Municipality

ITEM #	STANDARD-4: BUDGET, FISCAL AND PAYROLL RECORDS		
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
27.	DAILY DETAIL REPORTS	Destroy in office after 1 year.*	
28.	DEPOSITS	a) Destroy in office official/audit copies after 3 years.* b) Destroy in office remaining records after 1 year.	G.S. § 159-32
29.	DETAIL REPORT FILE (FINANCIAL RECORDS FOR GENERAL FUND OR GENERAL LEDGER)	a) Destroy in office annual reports after 3 years.* b) Destroy in office all other reports after 1 year.	
30.	DIRECT DEPOSIT APPLICATIONS/AUTHORIZATIONS Includes related records such as bank account numbers and routing numbers.	Destroy in office when superseded or obsolete.	Comply with applicable confidentiality provisions of G.S. §132-1.10(b)(5) regarding personal identifying information.
31.	DISTRICT INVESTMENT RECORDS	Destroy in office after 3 years.*	
32.	ESCHEAT AND UNCLAIMED PROPERTY FILE	a) Destroy in office after 10 years if report was filed prior to July 16, 2012.* b) Destroy in office after 5 years if report was filed after July 16, 2012.*	Comply with applicable provisions of G.S. §116B-60 and §116B-73.
33.	EXPENDITURE REPORTS	Destroy in office after 3 years.*	
34.	FACILITY SERVICE AND MAINTENANCE AGREEMENTS See also GRANTS: FINANCIAL item 36, page 30.	a) Destroy in office depreciation schedules 3 years after asset is fully depreciated or disposed. b) Destroy in office remaining records after 3 years.*	

*See *AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS*, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "destroy when administrative value ends." Please use the space provided.

ITEM #	STANDARD-12. PERSONNEL RECORDS		
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	ABOLISHED POSITION FILE	Destroy in office when administrative value ends.† Agency Policy: Destroy in office after _____	
1-A.	ACCREDITATION RECORDS Records concerning compliance with those standards outlined by professional accreditation programs.	Destroy in office 1 year after accreditation is obtained, renewed, or no longer valid.*	
2.	ADDRESS FILE	Destroy in office when superseded or obsolete.	
3.	ADS AND NOTICES OF OVERTIME, PROMOTION, AND TRAINING OPPORTUNITIES	Destroy in office 1 year from date record was made.	29 CFR 1627.3
4.	AFFIRMATIVE ACTION FILE	a) Destroy in office all reports, analyses, and statistical data after 5 years. b) Destroy in office affirmative action plans 5 years from date superseded.	29 CFR 30.8(b)(e) 29 CFR 1608.4
5.	APPRENTICESHIP PROGRAM RECORDS	Destroy in office 5 years from the date of enrollment.	29 CFR 30.8(e)
6.	APTITUDE AND SKILLS TESTING RECORDS Records concerning aptitude and skills tests required of job applicants or of current employees to qualify for promotion or transfer. May include civil service examinations. See also EMPLOYMENT SELECTION RECORDS item 32, page 109.	a) Destroy in office applicant and employee test papers 2 years from date record was created. b) Destroy in office validation studies and copies of tests 2 years after no longer in use. c) Destroy in office records relating to the planning and administration of tests in office after 2 years.	29 CFR 1602.31 29 CFR 1602.40 29 CFR 1602.49

*See *AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS*, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "destroy when administrative value ends." Please use the space provided.

ITEM #	STANDARD-12. PERSONNEL RECORDS		
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.	<p>EMPLOYEE EDUCATIONAL ASSISTANCE PROGRAM RECORDS Includes records requesting tuition assistance, repayments, and other related records.</p> <p>See also PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p>	Destroy in office 3 years after completion, denial, repayment, or removal from program.*	
19.	<p>EMPLOYEE ELIGIBILITY RECORDS Includes the United States Immigration and Naturalization Services, Employment Eligibility Verification (I-9) forms.</p>	<p>a) Destroy in office certificates, I-9 forms, and statements, 3 years after individual was hired or 1 year from date of separation, whichever occurs later.</p> <p>b) Destroy in office registers after 2 years.</p>	8 USC 274a.2
20.	<p>EMPLOYEE EXIT INTERVIEW RECORDS</p> <p>See also PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p>	Destroy in office after 1 year.	
21.	<p>EMPLOYEE HEALTH CERTIFICATES Includes health or physical examination reports, or certificates created in accordance with Title VII and the Americans with Disabilities Act (ADA).</p>	<p>a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p> <p>b) Destroy in office all other records 2 years after resolution of all actions.</p>	

*See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "destroy when administrative value ends." Please use the space provided.

ITEM #	STANDARD-12. PERSONNEL RECORDS		
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
35.	EQUAL PAY RECORDS Includes reports, studies, aggregated or summarized data, and similar documentation compiled to comply with the Equal Pay Act.	Destroy in office after 2 years.	29 CFR 1620.32
36.	FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS Records concerning leave taken, premium payments, employer notice, medical examinations considered in connection with personnel action, disputes with employees over FMLA and other related records.	Item discontinued. See LEAVE FILE , item 42, page 111.	
37.	FRINGE BENEFITS FILE	Destroy in office when administrative value ends.† Agency Policy: Destroy in office after _____	
38.	GRIEVANCE FILE Includes initial complaint, investigations, actions, summary, and disposition. May include disciplinary correspondence, including email. See also DISCIPLINARY FILE item 11, page 102 and PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.	Destroy in office after 2 years.	
39.	HEALTH INSURANCE FILE Completed claim forms and other records concerning employees covered by health plans.	Destroy in office after 2 years.*	
40.	INCREMENTS FILE	Destroy in office when released from all audits.	
41.	INTERNSHIP PROGRAM FILE Records concerning interns and students.	Destroy in office after 3 years.	

*See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "destroy when administrative value ends." Please use the space provided.

ITEM #	STANDARD-12. PERSONNEL RECORDS		
	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
42.	LEAVE FILE Records concerning employee leave, including requests for and approval of sick, vacation, overtime, buy-back, shared, donated, military, etc. Includes premium payments, employer notice, medical examinations considered in connection with personnel action, disputes with employees over the Family Medical Leave Act (FMLA), and other related records.	Destroy in office 3 years after return of employee or termination of employment.*	29 CFR 825.110(b)(2)(i) 29 CFR 825.500(b)
43.	LEAVE WITHOUT PAY FILE	Item discontinued. See LEAVE FILE , item 42, page 111.	
44.	LONGEVITY PAY REQUESTS	Destroy in office when released from all audits.	
45.	MERIT AND SENIORITY SYSTEM RECORDS	a) Destroy in office employee-specific records after 3 years. b) Destroy in office system and plan records 1 year after no longer in effect.	29 CFR 1627.3
46.	PERSONNEL ACTION NOTICES Records used to create or change information in the personnel records of individual employees concerning such issues as hiring, termination, transfer, pay grade, position or job title, name change and leave.	a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112. b) Destroy in office all remaining records 2 years from date record was created, received, or the personnel action involved.	

*See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction “destroy when administrative value ends.” Please use the space provided.

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

Agenda Item: 3i

Meeting Date: 11/04/13

TITLE: RESOLUTION – 2014 HOLIDAY SCHEDULE.

DESCRIPTION: Attached.

At its October 21, 2013, Council meeting, it was the consensus of the Council to add this request to the consent agenda.

RELATED GOAL: Administrative.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-21-13	Presentation.	Resolution.
11-04-13	Approval.	Resolution.

**TOWN OF CLAYTON
RESOLUTION - 2014 HOLIDAY SCHEDULE**

WHEREAS, it is the policy of the Town to follow the holiday schedule provided by the State of North Carolina for its employees; and

WHEREAS, the below 2014 Holiday Schedule was retrieved from the State of North Carolina website <http://www.osp.state.nc.us/holsched.htm>..:

2014 Holiday Schedule		
Holiday	Observance Date	Day of Week
New Year's Day	January 1, 2014	Wednesday
Martin Luther King Jr.'s Birthday	January 20, 2014	Monday
Good Friday	April 18, 2014	Friday
Memorial Day	May 26, 2014	Monday
Independence Day	July 4, 2014	Friday
Labor Day	September 1, 2014	Monday
Veteran's Day	November 11, 2014	Tuesday
Thanksgiving	November 27 & 28, 2014	Thursday & Friday
Christmas	December 24, 25 & 26, 2014	Wednesday, Thursday, & Friday

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Clayton hereby adopts the 2013 Holiday Schedule as presented.

Duly adopted this 4th day of November 2014, 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: 3j

Meeting Date: 11/04/13

TITLE: RESOLUTION – 2014 COUNCIL SCHEDULE.

DESCRIPTION: Attached.

At its October 21, 2013, Council meeting, it was the consensus of the Council to add this request to the consent agenda.

RELATED GOAL: Legislative.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-21-13	Presentation.	Resolution.
11-04-13	Approval.	Resolution.

**TOWN OF CLAYTON
RESOLUTION – 2014 COUNCIL SCHEDULE**

WHEREAS, the Clayton Town Council exists to conduct the business of the citizens; and

WHEREAS, the Clayton Town Council meetings are held the first and third Monday of the month at 6:30 PM in the Council Chambers of the Town Hall, unless otherwise noted; and

WHEREAS, each meeting of the Clayton Town Council is open to the public, except as provided by NC G.S. 143-318.11; and

WHEREAS, the Clayton Town Council may amend the yearly meeting schedule in accordance with NC G.S. 143-318.12:

TOWN OF CLAYTON 2014 CALENDAR TOWN COUNCIL MEETINGS
January 6, 2014 & January 22, 2014 <i>(Wednesday)</i>
February 3, 2014 & February 17, 2014
March 3, 2014 & March 17, 2014
April 7, 2014 & April 21, 2014
May 5, 2014 & May 19, 2014
June 2, 2014 & June 16, 2014
July 7, 2014 & July 21, 2014
August 4, 2014 & August 18, 2014
September 2, 2014 <i>(Tuesday)</i> & September 15, 2014
October 6, 2014 & October 20, 2014 <i>--NCLM Annual Conference October 12-14, 2014; Greensboro, NC--</i>
November 3, 2014 & November 17, 2014
December 1, 2014 & December 15, 2014

NOW THEREFORE, BE IT RESOLVED that the Town Council of Clayton hereby adopts the 2014 Clayton Town Council Schedule as presented.

Duly adopted this 4th of November 2013 while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Sherry L. Scoggins, MMC
Town Clerk

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

Agenda Item: 4a

Meeting Date: 11/04/13

**TITLE: PRESENTATION BY JOHNSTON COUNTY VISITORS BUREAU ON
A PROPOSED JOHNSTON COUNTY RECREATION MASTER PLAN.**

DESCRIPTION: A representative of the Johnston County Visitors Bureau will make a presentation on a proposed Johnston County Recreation Master Plan for the Johnston County Sports Council. The representative is requesting the Council's consideration of resolution: Resolution Supporting a Johnston County Parks and Recreation Study.

RELATED GOAL: Expand Leisure Opportunities.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-04-13	Presentation.	Resolution.

**TOWN OF CLAYTON
RESOLUTION SUPPORTING A
JOHNSTON COUNTY PARKS AND RECREATION STUDY**

WHEREAS, tourism in Johnston County is a \$197 million dollar industry and is vital to small business owners along Interstates 95 and 40 and US Highway 70, such as, hotels, restaurants, shopping, attractions, and transportation services; and

WHEREAS, tourism in Johnston County provides over 4000 jobs and \$29 million in payroll in the county and generates over \$15 million in state and local taxes; and

WHEREAS, the Johnston County Sports Council and the Johnston County Tourism Authority recognize the potential for sports and recreation to drive additional tourism dollars to the county; and

WHEREAS, the public uses a master plan to learn about parks and recreation facilities and services, understand benefits of services, learn about park development process and understand the decisions the governing body makes; and

WHEREAS, Parks and Recreation Boards use a master plan as a tool to promote parks and recreation in the area, to advocate for priorities from public surveys, to shape policy framework for board business/priorities and as a baseline to measure success; and

WHEREAS, the governing board uses the plan to direct priorities for parks and recreation services, to guide planning for expected growth, to provide general plan policy guiding land use and public services, to understand the public's issues and desires and to identify funding gaps and directly meeting them; and

WHEREAS, the community partners use the plan to meet identified gaps in facilities/programs, have a policy framework for partnerships with the governing body and compare services to avoid duplication; and

WHEREAS, Parks and Recreation Department staff uses the plan to guide daily decisions based on adopted policy, to plan workload and resource needs, to promote benefits of parks and recreation, to negotiate ways to fill service gaps, to update current park/facility inventory, to establish baselines as a measure of success,

NOW, THEREFORE, LET IT BE RESOLVED THAT the Clayton Town Council, supports a Johnston County Parks and Recreation Master Plan and encourages the Johnston County Sports Council to pursue the study for the betterment of the tourism industry in Johnston County.

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

Jody L. McLeod,
Mayor, Town of Clayton

Sherry L. Scoggins, MMC
Town Clerk

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

Agenda Item: 5a

Meeting Date: 11/04/13

TITLE: PUBLIC COMMENT FOR THE PROPOSED FEE AMENDMENT TO THE WATER/SEWER FEES.

DESCRIPTION: Johnston County Utilities amended its water capacity fee from \$3.00 to \$3.25 per gallon effective July 1, 2013.

In accordance with NC GS 160A-4.1, this item was posted on the Town's website on 10/9/2013 that this item would be on the 10/21/2013 work session for presentation and slated for public comment at the 11/4/2013 regular meeting.

This item is slated for public comment at the Council's November 4, 2013, Council meeting.

This item has been noticed for public comment in accordance with the NC GS. Included in the agenda packet is the excerpt of the Comprehensive List of Fees & Charges for Water/Sewer for Council consideration.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-21-13	Presentation.	Water/Sewer Fee Except.
11-04-13	Public Comment.	Water/Sewer Fee Excerpt.

TOWN OF CLAYTON COMPREHENSIVE LIST OF FEES & CHARGES

WATER/SEWER

I. Tap Fees

- A. 3/4" water tap \$ 650
- B. 1" water tap \$ 800
- C. 2" water tap \$1,275 plus current cost of appropriate meter
- D. 4" ss tap \$ 800

Note: 3/4" and 1" meters are paid for by the customer when service is set-up or an account is opened.

II. Acreage Fees Water and Sewer¹ (Adopted 2/20/2006)

- A. Residential
 - 1. Water - \$200 / ac. plus \$150 per unit
 - 2. Sewer - \$250 / ac. plus \$150 per unit
- B. Commercial and Industrial
 - 1. Water - \$2.20 per gallon of daily flow
 - 2. Sewer - \$2.50 per gallon of daily flow
- C. Sam's Branch:
 - 1. \$5,400 / ac. (Zone A)
 - 2. \$2,600 / ac. (Zone B)
 - 3. \$1,000 / ac. (Zone C)
 - 4. Standard Acreage Fee (Zone D)

III. Capacity Fees¹ (Amended 11/04/2013)

- A. Residential – Water
 - 1. \$1,170 / 3 BR unit (360 gallons)
 - 2. \$780 / 1-2 BR unit (240 gallons)
 - 3. \$390 / BR above 3 (120 gallons)
- B. Non-Residential – Water (Amended 11/04/2013)
 - 1. Commercial \$3.25 per gallon daily flow
- C. Residential - Sewer
 - 1. \$1,500 / unit (SF)
 - 2. \$1,500 / unit (3 BR)
 - 3. \$1,440 / unit (2 BR)
 - 4. \$720 / unit (1 BR)
- D. Non-Residential
 - 1. Commercial - \$6.00 per gallon daily flow
- E. Nutrient Off-Set Fee¹
 - 1. 4 inch Tap - \$400 per tap
 - 2. >4-inch Tap - .4 (four-tenths) of a cent per gallon of annual wastewater capacity.

- IV. Bulk Water Purchase
 - A. Water
 - 1. \$4.16 per 1,000 gallons - Hauled by purchaser from Town of Clayton's designated site.

1In accordance with NC GS 160A-4.1 (**Electronic notice of new fees and fee increase; public comment period**), as the Town maintains its website, the Town shall provide notice of the imposition of or increase in fees or charges applicable solely to the construction of development subject to the provisions of Part 2 of Article 19 of this Chapter on the Town's website at least seven days prior to the first meeting where the imposition of or increase in the fees or charges is on the agenda for consideration. During the consideration of the imposition of or increase in fees or charges, the Clayton Town Council shall permit a period of public comment.

This section shall not apply if the imposition of or increase in fees or charges is contained in a budget filed in accordance with the requirements of NC GS 159-12.

Duly adopted by the Clayton Town Council this 4th day of November 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: 5b

Meeting Date: 11/04/13

**TITLE: EVIDENTIARY HEARING FOR SPECIAL USE PERMIT SUP 2013-71
LOCATED ON AMELIA CHURCH ROAD AND SUBMITTED BY DC
ADAMS ENGINEERING INC.**

DESCRIPTION: The applicant is requesting approval to withdraw the undeveloped portions of the LionsGate Planned Development from mixed-use planned development case MUPD 03-01 and include those same properties as part of a new special use permit, which would act as the master plan for those undeveloped properties.

At the regularly scheduled Planning Board meeting held on September 23, 2013, the Planning Board voted unanimously to recommend approval of the Special Use Permit, modifying condition 4 to specify “stormwater lines.”

This item is slated for an evidentiary hearing at the Council’s November 4, 2013, Council meeting.

RELATED GOAL: Manage Growth Producing Quality Developments.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-21-13	Presentation.	Staff report, Application, Owner’s Consent Form, Neighborhood meeting Support material, & Master plan.
11-04-13	Evidentiary Hearing.	SUP Hearing Procedure, Staff report, Application, Owner’s Consent Form, Neighborhood meeting Support material, Master Plan, & Evaluation Form.

****If SUP 2013-71 is approved, will continue with Item 5c (SUB 2013-56) and Item 5d (SUB 2013-57).***

**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 Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
6. **OPPOSITION TESTIMONY.** Those speaking in opposition to the application shall be called upon to present their case. The Mayor shall be responsible for keeping the testimony relevant and factual. No questions shall be asked by the Town Council at this time.
7. **APPLICANT REBUTTAL.** The applicant and/or those in support of the application shall be provided an opportunity to rebut testimony provided by the opposition. The Council may also ask questions of the applicant at this time.
8. **OPPOSITION REBUTTAL.** Those in opposition to the application shall be provided an opportunity to rebut testimony provided by the applicant. The Council may also ask questions of the opposition at this time.
9. **COUNCIL INQUIRY.** The Council may ask any additional questions of the applicant, opposition, or staff at this time. The Mayor shall be responsible for keeping questions and responses relevant and factual.

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



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

Town Council

STAFF REPORT

Application Number: SUP 2013-71 (Special Use Permit)
Project Name: LionsGate Master Plan Revision

NC PIN: 165918-32-6389, 165918-41-8223, 165919-51-7554, 165919-61-2030
Town Limits/ETJ: Town Limits
Overlay: None
Applicant: DC Adams Engineering, Inc.
Owners: LIONSGATE VILLAGE LLC, SUNBELT GOLF GROUP LLC

Neighborhood Meeting: Held September 9, 2013
Public Noticing: Property posted September 13, 2013
Planning Board Meeting: Held September 23, 2013

PROJECT LOCATION: The project is located on Amelia Church Road and is part of the LionsGate Planned Development.

REQUEST: The applicant is requesting approval to withdraw the undeveloped portions of the LionsGate Planned Development from Mixed Use Planned Development Case #03-1 and include those same properties as part of a new Special Use Permit, which would act as the Master Plan for those undeveloped properties.

SITE DATA:

Acreeage: 52.58 acres (total LionsGate site included 118.78 acres)
Present Zoning: PD-MU
Proposed Zoning: PD-MU
Existing Use: Vacant
Existing Impervious: None - property is vacant.

DEVELOPMENT DATA:

Proposed Uses: Single family townhome residential development.
Buildings: Residential buildings will include a maximum of 294 units (including a maximum of 158 single family homes and 136 townhomes).

Number of Stories: Maximum height of 35 feet.

Impervious Surface: 60% percent maximum requested

Required Parking: 2 spaces per unit.

Proposed Parking: 2 spaces per unit.

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

Access/Streets: Access to phases south of Amelia Church Road will be provided by an existing driveway off of Amelia Church Road which will connect into internal circulation providing access to each phase. Access to the phases north of Amelia Church Road will be provided of a new access point off of Amelia Church Road, directly across from Garrison Avenue.

Water/Sewer Provider: Town of Clayton

Electric Provider: Town of Clayton and Duke/Progress Energy (location dependent)

ADJACENT ZONING AND LAND USES:

North: Zoning: Planned Development – Mixed Use (PD-MU), Residential-10 (R-10)
Existing Use: Single Family Residential

South: Zoning: Residential-10 (R-10), Residential-8 (R-8)
Existing Use: Single Family Residential

East: Zoning: Planned Development – Mixed Use (PD-MU)
Existing Use: Vacant Land donated to the Town of Clayton for parkland/greenway

West: Zoning: Residential-10 (R-10)
Existing Use: Vacant, Single Family Residential

STAFF ANALYSIS AND COMMENTARY:

The applicant is requesting approval to withdrawal the undeveloped portions of the LionsGate Planned Development from Mixed Use Planned Development Case #03-1 (approved November 17, 2003, filed in book 2628, pages 155 to 158) and include those same properties as part of a new Special Use Permit, which would act as the Master Plan for those undeveloped properties. The Master Plan for LionsGate was approved via a Special Use permit as part of Permit # 03-01 in 2003 and is approximately 50% built out. The request would leave the developed portions of the site unchanged and still subject to the provisions of the 2003 Master Plan/Special Use Permit.

The reason for the withdrawal is to request a new Master Plan (to be approved as a new Special Use Permit) for the undeveloped properties in order to accommodate modifications from the originally approved Master Plan. The undeveloped portions of the site would be a part of the new Special Use Permit/Master Plan. Modifications include:

- The removal of a previously planned access point off of Amelia Church Road (which was originally planned to be located east of the existing driveway)
- Adjustment of phase lines
- Adjustment of lot lines to change lot sizes in certain phases. The overall number of lots is not changed from the original approval.
- A change in use for the property shown as phases 7B, 7C, and 7E east of the existing daycare facility. This property was originally planned to be mixed use units with commercial on the first floor and residential units above. The applicant has requested these uses be changed to residential-only and is proposing townhome units.

If the new Special Use Permit/Master Plan is approved, each phase will require major preliminary subdivision plat approval from the Town Council.

Planned Development zoning permits site minimum and maximum standards to be set by a Master Plan. These specifications are proposed as presented on the Master Plan. Please note that this Master Plan only guides development of the undeveloped portions of the site; all existing development information is for reference purposes only.

- **Consistency with the Strategic Growth Plan**
The request is consistent with the Strategic Growth Plan.
- **Consistency with the Unified Development Code**
The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC).
- **Compatibility with Surrounding Land Uses**
The proposed development is consistent with the density and patterns of the developed portions of LionsGate and surrounding residential development.
- **Landscaping and Buffering**
A 20-30 foot Class “C” buffer, as required by the UDC, is proposed for those portions of the request that represent the perimeter of the overall LionsGate development.
- **Recreation and Open Space**
Recreation and open space totals and configuration provided as part of the original Special Use Permit/Master Plan for LionsGate has not been impacted by this request.
- **Environmental**
Several creeks run through the property. Where considered a “stream buffer” as defined in Section 155.502 of the UDC, a 50-foot riparian buffer is provided on either side of the creek and is considered “resource conservation area.” This total 100-foot buffer area shall remain undisturbed in perpetuity. Jurisdictional wetlands and 100-year floodplains must also remain undisturbed as provided in the Unified Development Code. All resource conservation areas will also be shown on preliminary plats to demonstrate protection of environmental resources. Riparian buffers which do not meet the definition of a “stream buffer” in the UDC will meet preservation requirements set by the State.
- **Signs**
No signage is requested as part of this request.

➤ **Access**

Access is provided via a connection to the existing driveway access off of Amelia Church Road and will connect in the construction of Phase 2B to Hocutt Drive in the Ellington Subdivision. Access to Phases 6A and 6B will be via a new driveway off of Amelia Church Road directly across from Garrison Avenue.

➤ **Multi-Modal Access**

A 10-foot multi-use paved path currently exists along a portion of Amelia Church Road with plans for future expansion further along Amelia Church Road to connect to Shotwell Road and to the future greenway to the east. Paths are proposed throughout the development. Sidewalk development within the development will be consistent with the UDC requirements.

➤ **Architecture**

N/A. Any architecture requirements shall be handled at site plan review.

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

None.

CONSIDERATIONS:

- The applicant is requesting Master Plan approval (via a Special Use Permit) for the undeveloped portions of the LionsGate Planned Development (originally approved as Mixed Use Planned Development 03-01).
 - Special Use Permit decisions are quasi-judicial.
-

FINDINGS:

The applicant has addressed the Master Plan Approval Criteria outlined in UDC Section 155.705(K) and the Findings of Fact detailed in UDC Section 155.711(I) required for a Special Use Permit. The applicant's Findings of Fact are incorporated into the record as Exhibit A of the Staff Report.

CONDITIONS:

If approved, staff recommends the following conditions be applied to the approval of the Special Use Permit/Master Plan:

1. All development fees must be paid prior to issuance of a building permit.
2. Development of the site shall be consistent with the specifications of the Master Plan approved as part of this Special Use Permit. Modifications to the Master Plan may require additional approvals as required by the Town Code.
3. Each phase shall receive preliminary plat and/or site plan approval, as applicable, before proceeding to final plat approval or site development.

4. Prior to issuance of any final plats associated with the development, Verrazano Place, Sioux Lane, and Tuscarora Lane are to be inspected by developer's engineer and Town Staff to determine which stormwater lines need to be cleaned.
- ~~5. Roadway connections to Hocutt Drive shall be constructed prior to issuance of a Certificate of Occupancy for dwelling units in Phase 2B.~~

Condition 5 is modified following Council Workshop to read:

5. A roadway connection to Hocutt Drive shall be constructed prior to issuance of a Certificate of Occupancy for dwelling units in Phase 2B, and a roadway connection to Garrison Avenue shall be constructed prior to issuance of a Certificate of Occupancy for dwelling units in Phase 2A.
6. Marked crosswalks shall be placed where the bike trail crosses a roadway, including at mid-block or at an intersection.
7. Marked crosswalks shall be placed at intersections where sidewalks are located.
8. Resource conservation areas as defined by Section 155.500 of the Unified Development Code shall be identified on preliminary and final plats as being permanently set aside, and shall be protected in perpetuity by a binding legal instrument recorded with the deed which includes clear restriction on the use of the resource conservation area, as described in Section 155.500(F).
9. Flexible approaches such as adjustments to lot layout, placement of buildings and paved surfaces and location of utilities should be pursued in order to save existing stands of trees or trees with a diameter at breast height of 12 inches or more.

New Conditions following Council Workshop:

10. Middleton Street shall be constructed to provide secondary access at Scuppernong Way to Phase 3G prior to the issuance of a Certificate of Occupancy for Phase 3A or 3G.
11. The final lift of asphalt will be placed on the streets within each phase in accordance with the Town of Clayton Manual of Specifications, Standards and Design, dated July 2010.

Planning Board Recommendation: At their regularly scheduled meeting on September 23, 2013, the Planning Board voted unanimously to recommend approval of the Special Use Permit, modifying Condition #4 to specify "stormwater lines."

Attachments: **1)** Exhibit "A", **2)** Zoning & Aerial Map, **3)** Application, **4)** Neighborhood Meeting Materials, **5)** Master Plan

Exhibit A

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 proposed revisions to this existing development will not materially endanger the public health or safety.

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 developer has worked with the Planning Dept to ensure proper planning with these revisions.

This project conforms to the standards and specifications set aside by the Town Code.

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 continued development of this project will not substantially injure the value of adjoining or abutting property or be detrimental to the use or development of said property.

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 developer has worked with the Planning Dept to insure that the continued development of this project will be consistent with adopted plans and policies of the Town.

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.

Downie Adams

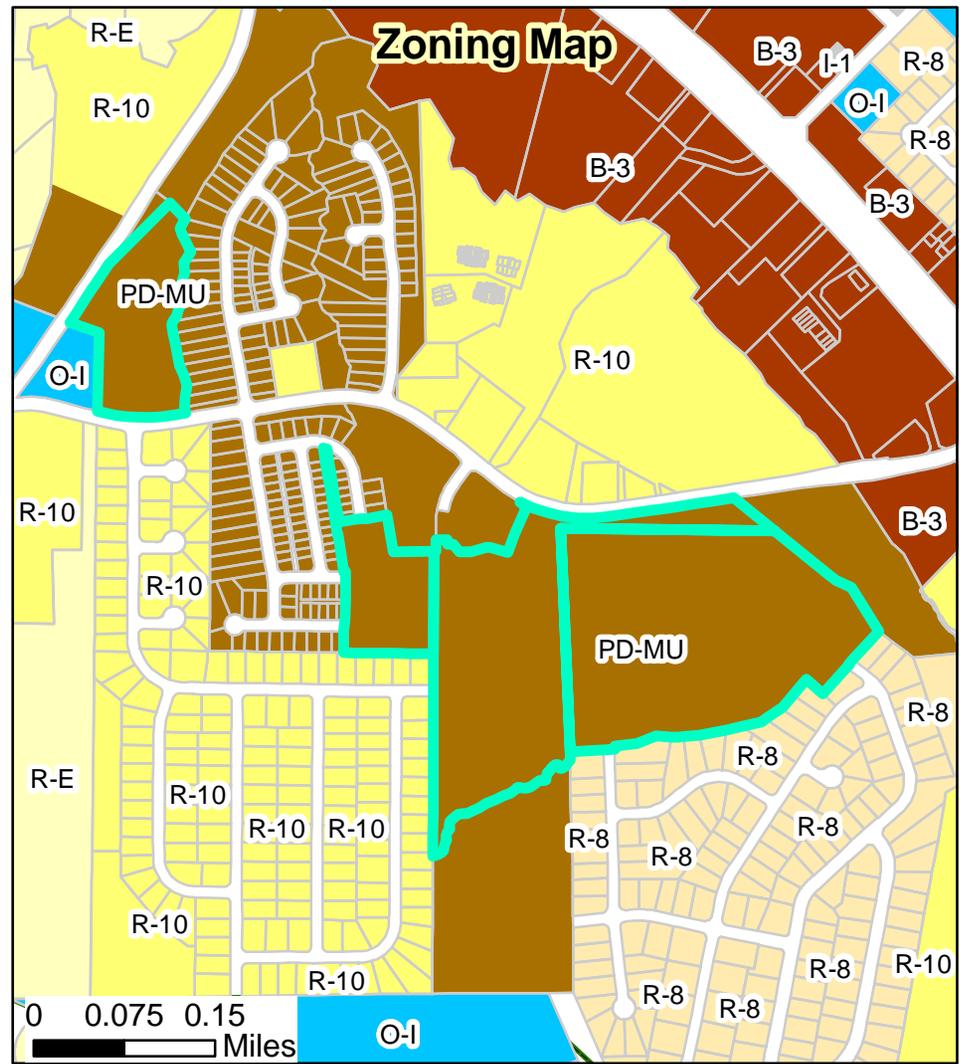
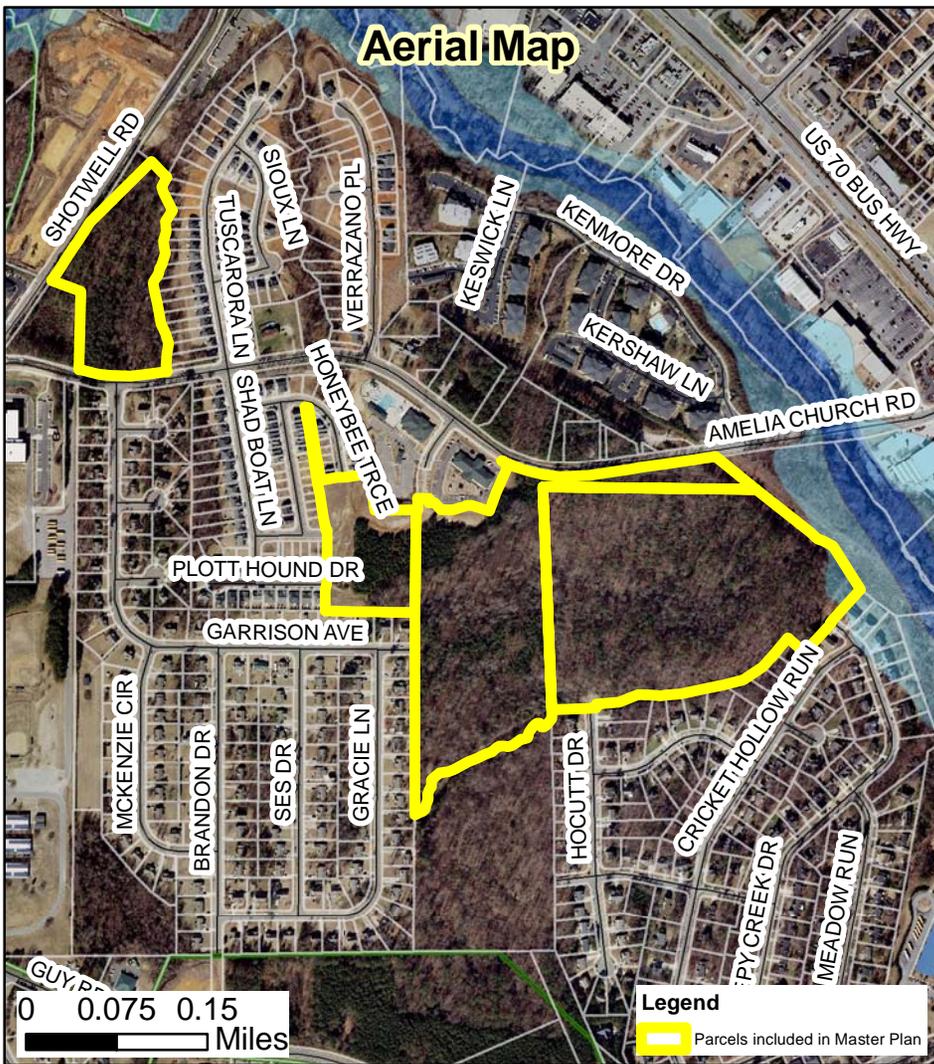
Print Name



Signature of Applicant

9/5/2013

Date

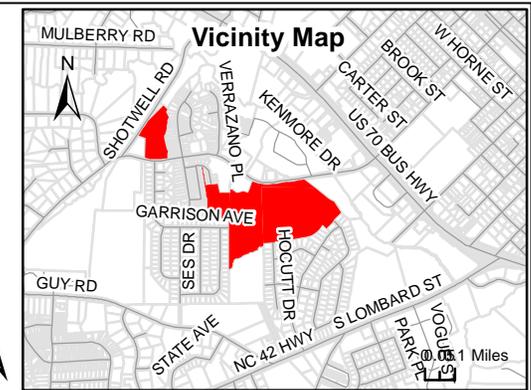


LionsGate Master Plan/Special Use Permit

Applicant: Donnie Adams
 Property Owner: LionsGate Village LLC, Sunbelt Golf Group, LLC
 Parcel ID Number: 165918-32-6389, 165918-41-8223, 165919-51-7554, 165919-61-2030
 File Number: SUP 2013-71

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

9/17/13





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

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: LionsGate Acreage of Property: _____

Parcel ID Number: _____ Tax ID: _____

Deed Book: _____ Deed Page(s): _____

Address: Amelia Church Rd

Location: On both sides of Amelia Church Rd between Shotwell Rd and US 70

Existing Use: _____ Proposed Use: _____

Existing Zoning District: _____

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: _____	Date Received: _____	Amount Paid: _____
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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 proposed revisions to this existing development will not materially endanger the public health or safety.

- 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 developer has worked with the Planning Dept to ensure proper planning with these revisions.

This project conforms to the standards and specifications set aside by the Town Code.

- 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 continued development of this project will not substantially injure the value of adjoining or abutting property or be detrimental to the use or development of said property.

- 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 developer has worked with the Planning Dept to insure that the continued development of this project will be consistent with adopted plans and policies of the Town.

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.

Downie Adams

Print Name



Signature of Applicant

9/5/2013

Date



**Town of Clayton
Planning Department**

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

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: LIONSGATE MASTER PLAN Submittal Date: 8/1/2013

I hereby give CONSENT to DENNIE ADAMS (DC ADAMS ENGINEERING, INC) (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)

LIONSGATE VILLAGE, LLC
(Name - type, print clearly)
400 RIVERWOOD DR
(Address)

[Signature]
(Signature)
CLAYTON, NC 27520
(City, State, Zip)

AGENT INFORMATION:

DENNIE ADAMS (DC ADAMS ENGINEERING, INC)
(Name - type, print clearly)
404 SWAMP TRAIL
(Address)

[Signature]
(Signature)
CLAYTON, NC 27527
(City, State, Zip)

STATE OF NC
COUNTY OF JOHNSTON

Sworn and subscribed before me Mary L Hunt, a Notary Public for the above State and County, this the 1st day of August, 2013.

SEAL



Mary L Hunt
Notary Public

My Commission Expires: 3/21/15



August 30, 2013

Re: LionsGate
Clayton, NC

Dear Adjacent 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 according to Johnston County tax records. Per town of Clayton regulations, a neighborhood meeting will be held to provide information 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: Monday September 9th, 2013
Location: LionsGate Athletic Club
Time: 7:00
Type of Application: Master Plan Revision/Major Subdivision
General Description: Overall Master Plan revisions as well as subdivision plans for Phases 3A, 3G, 6A & 6B.

If you have any questions prior to or after this meeting, please contact us at (919) 550-8086, ext 249.

Sincerely,

Brian Strickland

cc: Clayton Planning Dept.

www.FredSmithCompany.com

400 Riverwood Drive Clayton, NC 27527 • Phone: (919) 550-8086 • Fax: (919) 550-8186

Building The Way

Parcels within 100 feet of the parcels associated with SUP 2013-71, PSD 2013-56, and PSD 2013-57							
	NAME1	NAME2	ADDRESS1	ADDRESS2	CITY	STATE	ZIPCODE
1	AMELIA VILLAGE LLC		701 EXPOSITION PL STE 101	SUITE 115	RALEIGH	NC	27615-3356
2	ASCO BUILDERS INC		319 CHAPANOKE RD STE 102		RALEIGH	NC	27603-0000
3	AUSTIN, JACOB R	AUSTIN, AMBER S	156 TRANTHAM TRAIL		CLAYTON	NC	27520-0000
4	BLACK & GOLD INVESTMENTS LLC	A NC LIMITED LIABILITY CO	400 RIVERWOOD DR		CLAYTON	NC	27520-0000
5	BROWN, HAROLD C	BROWN, CAROLYN B	125 HOCUTT DR		CLAYTON	NC	27520-0000
6	BURROUGHS, TERRY L	BURROUGHS, HELEN S	85 SCUPPERNONG WAY		CLAYTON	NC	27520-7374
7	BUTLER, ROBERT S	WATSON, ANDREA L	15 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000
8	CALTRIDER, EVAN	IRELAND, LAWRENCE PATRICK	207 TUSCARORA LN		CLAYTON	NC	27520-7381
9	CHEN, XU	CHEN, QIU YING WANG	27 TUSCARORA LANE		CLAYTON	NC	27520-0000
10	CHESTNUT, KERRY II AND	CHESTNUT, JANET	109 GRACIE LANE		CLAYTON	NC	27520-7948
11	COLE, CATHY		59 TUSCARORA LANE		CLAYTON	NC	27520-0000
12	COUNTY OF JOHNSTON		PO BOX 1049		SMITHFIELD	NC	27577-0000
13	CRAWFORD, RUTH D		701 GARRISON AVENUE		CLAYTON	NC	27520-0000
14	CREECH, TIMOTHY D	CREECH, JOY A	9 CRICKET HOLLOW RUN		CLAYTON	NC	27520-5923
15	DASHKAVICH, CHARLOTTE EDWARDS		11 E AUGUSTA PL	APT 221	GREENVILLE	SC	29605-1760
16	DEAN, RUSSELL S &	DEAN, MARJORIE A	801 GARRISON		CLAYTON	NC	27520-0000
17	DELGADO, EDWARD	TATUM, LISA	108 BILTMORE DRIVE		CLAYTON	NC	27520-0000
18	DENNINGSON, MATTHEW SCOTT		149 HONEYBEE TRACE		CLAYTON	NC	27520-0000
19	DRAUGHON, CINDY L		119 GRACIE LANE		CLAYTON	NC	27520-0000
20	DUBLIN, AVIS J		P O BOX 41513		RALEIGH	NC	27629-1513
21	FARNSWORTH, WILLIAM		11934 SNIDER RD		CINCINNATI	OH	45249-0000
22	FEDERAL NATIONAL MORTGAGE	ASSOCIATION		PO BOX 650043	DALLAS	TX	75265-0043
23	FICARROTTA, VINCENZO	FICARROTTA, STELLA	99 PLOTT HOUND DRIVE		CLAYTON	NC	27520-0000
24	FRITZ, NICHOLAS	FRITZ, ALISSA	171 SOUTHWICK AVE		CLAYTON	NC	27527-5231
25	FSC III LLC		400 RIVERWOOD DR		CLAYTON	NC	27527-0000
26	GAMBINO, CHRISTOPHER C	CYGAN, ASHLEY C	171 TUSCARORA LN		CLAYTON	NC	27520-7369
27	GOLDEN PROPERTIES AND	DEVELOPMENT INC	5160 W NC 42 HWY		GARNER	NC	27529-0000
28	GOLDLEAF PROPERTIES LLC		PO BOX 369		CLAYTON	NC	27520-0000
29	GONSALVES, GILBERT B	GONSALVES, KELLY M	107 TUSCARORA LANE		CLAYTON	NC	27520-0000
30	GRESHAM, JAMES L II		116 HONEYBEE TRACE		CLAYTON	NC	27520-0000
31	GRIFFITHS, JUSTIN	CYGAN, AMANDA	179 TUSCARORA LANE		CLAYTON	NC	27520
32	GROOMS, CLAUDETTE		61 SLEEPY CREEK DR		CLAYTON	NC	27520-7239
33	HAYES, CHRISTINA MICHELLE	HAYES, ASHLEY	116 BILMORE DRIVE		CLAYTON	NC	27520-0000
34	HAYES, JONATHAN R	HAYES, JENNIFER DIXON	115 SCOTCH BONNET RDG		CLAYTON	NC	27520-7366
35	HAYES, SHERWOOD LYNN	HAYES, CHRISTINA C	107 GRACIE LANE		CLAYTON	NC	27520-0000
36	HESTER, R FLETCHER JR	HESTER, KIMBERLY P	252 AMELIA CH RD		CLAYTON	NC	27520-0000
37	HESTER, ROYAL FLETCHER JR		252 AMELIA CH RD		CLAYTON	NC	27520-0000
38	HILL, JAMES H	HILL, JACQUELINE W	703 GARRISON AVENUE		CLAYTON	NC	27520-0000
39	HOWARD, E FRANK JR		252 COOPER BRANCH RD		CLAYTON	NC	27520-0000
40	JOHNSON, SARAH T		13 HONEYBEE TRACE		CLAYTON	NC	27520-0000
41	LEONA SUZANNE ANDERSON TRUST	ANDERSON, LEONA SUZANNE TRUSTE	115 GRACIE LN		CLAYTON	NC	27520-7948
42	LEVERIDGE, LAURA MEGAN		25 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000
43	LEVINSON, GINGER T		PO BOX 851		CLAYTON	NC	27520-0000
44	LGV, LLC		C/O FRED SMITH CO	400 RIVERWOOD DR	CLAYTON	NC	27527-5500
45	LIONS SPRING HOUSING ASSOC LLC		7706 SIX FORKS RD SUITE 202		RALEIGH	NC	27615-0000
46	LIONSGATE DAYECARE LLC		400 RIVERWOOD DRIVE		CLAYTON	NC	27527-0000
47	LIONSGATE VILLAGE LLC	A NC LIMITED LIABILITY COMPANY	400 RIVERWOOD DRIVE		CLAYTON	NC	27520-0000
48	MAYNARD, DAVID W	MAYNARD, NANCY P	1102 RIVER RD		EWING	NJ	08628-2104
49	MEEHAN MEDICAL LLC		45 SHOTWELL ROAD		CLAYTON	NC	27520-0000
50	MENTEER, ROBERT E II		113 GRACIE LANE		CLAYTON	NC	27520-0000

51	MERENDINO, CARRIE E		93 SCUPPERNONG WAY		CLAYTON	NC	27520-7374
52	MILES, KELVIN M	MILES, MARCELLETTA O	104 FLAT ROCK CT		GARNER	NC	27529-8472
53	N C NATURAL GAS CORP		C/O JOHN E RAPER JR	PO BOX 2129	FAYETTEVILLE	NC	27302-0000
54	NARRON, JENNIFER LYNN		103 GRACIE LANE		CLAYTON	NC	27520-0000
55	PERREGO, JOEL	PERREGO, TIFFANY	120 HOCUTT DRIVE		CLAYTON	NC	27520-0000
56	PHAM, HONG		124 BROOKWYND CT		GARNER	NC	27529-4445
57	POST, DANE STEVEN		111 GRACIE LN		CLAYTON	NC	27520-7948
58	ROBEY, ROANNE STROUD		803 GARRISON AVENUE		CLAYTON	NC	27520-0000
59	ROMAN, EDGARDO	ROMAN, CARMEN	121 HOCUTT LANE		CLAYTON	NC	00000-0000
60	SAHLY, APRIL J		95 TUSCARORA LANE		CLAYTON	NC	27527-0000
61	SALOME, CHRISTINE J &	SALOME, MICHAEL ANTHONY	364 DAFFODIL LN		CLAYTON	NC	27520-4532
62	SAUNDERS, JOHN PATRICK	SAUNDERS, KIMBERLY RENEE	150 HONEYBEE TRACE		CLAYTON	NC	27520-0000
63	SCHABERG, YVONNE		117 TUSCARORA LANE		CLAYTON	NC	27520-0000
64	SCHILLER, SCOTT A	SCHILLER, CANDI	127 TUSCARORA LANE		CLAYTON	NC	27520-0000
65	SCOTT, LESLIE M		120 BILTMORE DRIVE		CLAYTON	NC	27520
66	SEELIG, CHARLES THOMAS	SEELIG, TAMARA DAWN	13 CRICKET HOLLOW RUN		CLAYTON	NC	27520-0000
67	SHIELDS CONSTRUCTION LLC		305 BOSWELL LN		CLAYTON	NC	27527-0000
68	SHIELDS, CHRISTY W		132 HONEYBEE TRCE		CLAYTON	NC	27520-7370
69	SMEDLEY, KIMBERLY SUE		17 TUSCARORA LANE		CLAYTON	NC	27520-0000
70	SMITH, FREDERICK G		1007 MULBERRY RD		CLAYTON	NC	27520-2131
71	SNIADDECKI, ANTHONY		268 SHOREHAM LN		TOLEDO	OH	43612-4502
72	SNOW, WILLIAM WYLEY III &	SNOW, ARLENE MARIE &	112 BILTMORE DRIVE		CLAYTON	NC	27520-5926
73	SPERATI, KAREN FREELAND		2159 WOLF LN		KINSTON	NC	28501-9702
74	SPRASON, ANTONY E		71 TUSCARORA LN		CLAYTON	NC	27520-7335
75	STANTON, JOHN L	STANTON, CHRISTINE M	17 CRICKET HOLLOW RUN		CLAYTON	NC	27520-0000
76	SUNBELT GOLF GROUP LLC		400 RIVERWOOD DR		CLAYTON	NC	27527-0000
77	TETTERTON, ROBERT J		117 GRACIE LN		CLAYTON	NC	27520-7948
78	TIMBALIA, MUKESH	PATEL, SIMA	101 SCUPPERNONG WAY		CLAYTON	NC	27520-7377
79	TORRES, KRISTEN A		123 SCOTCH BONNET RDG		CLAYTON	NC	27520-7366
80	WELLS FARGO BANK NA		8480 STAGECOACH CIR		FREDERICK	MD	21701-4747
81	WHITAKER, BRIAN PATRICK	DELEON, VANESSA	137 TUSCARORA LANE		CLAYTON	NC	27520-0000
82	WHITE, ROY E		84 PLOTT HOUND DR		CLAYTON	NC	27520-7387
83	WILKINS, EMILY L	BOYKIN, CAROLYN E	137 HONEYBEE TRACE		CLAYTON	NC	27520-7371
84	WOJCIK, TROY A	WOJCIK, LEIGH S	33 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000

Neighborhood Meeting Minutes for:

PDD-MU 2013-55 LionsGate Master Plan Revision, PSD 2013-56 LionsGate Phase 3A & 3G, PSD 2013-57 LionsGate Phase 6A & 6B

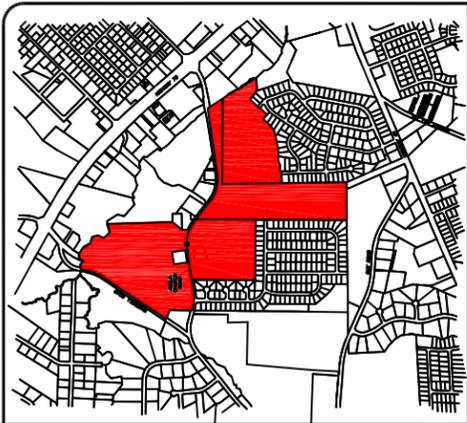
- The meeting was opened at 7:00PM by Fred Smith (developer) who gave an overall summary of LionsGate and the proposed changes to the master plan as well as the two subdivisions. He stated that he had worked through the revisions with input from the Town.
- The majority of comments from adjacent property owners was basically a rehashing of the original master plan and not associated with the proposed revisions or subdivisions – questions related to riparian buffers, tax values, biking/walking trails, land clearing...
- Although not associated with the revisions, all comments were heard and responded to appropriately by the developer.
- Emily Beddingfield (Town of Clayton) addressed all the comments by confirming that the revisions to the master plan did not increase the overall density nor was there any additional property added to the project.
- Some property owners adjacent to Phases 3A & 3G voiced concerns about home building adjacent to their property.
- Developer confirmed that there had been no changes (from the originally approved master plan) to proposed lots in Phase 3A & 3G.
- Some property owners adjacent to Phases 6A & 6B voiced concerns about home building adjacent to their property. They also had questions about the riparian buffer between their property and Phases 6A & 6B.
- Developer pointed out that the lots in Phases 6A & 6B were part of the original master plan but would be narrower than originally planned.
- Donnie Adams (Applicant) addressed concerns about the riparian buffer.
- Emily Beddingfield (Town of Clayton) followed with a clarification of the Town's RCA (Resource Conservation Area) as it pertains to riparian buffers.
- A property owner asked when Phases 3A & 3G would be constructed.
- Developer said plans are to begin in spring of 2014 but no guarantees.
- After a final call for questions or comments and hearing none, the meeting was closed at 7:28PM.

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: DC ADAMS ENGINEERING, Inc

Location/Date: LIONS GATE ATHLETIC CLUB / 9/9/2013

PARCEL NUMBER	NAME	ADDRESS
	ROY WHITE	84 PLOTT HOUND PR.
	Melissa Papadopoulos	-
	SUZANNE ANDERSON	115 GRACIE LN
	Terry Burroughs	85 Scuppernon Way
	Russ DEAN	801 GARRISON
	Ann DEAN	801 GARRISON
	Wonne Schaberg	117 Tuscarora Lane
	CHRIS GAMBINO	171 TUSCARORA LANE
	Justin Griffiths	179 Tuscarora Lane
	Emily Beddingfield	Town of Clayton
	Reid Smith	1117 Pritchard Rd
	Fred Smith	460 Renewables Dr
	Jeanne Robey	803 Garrison Ave
	Evan Caltrider	207 Tuscarora Ln
	AMELY SPANSON	71 TUSCARORA LN



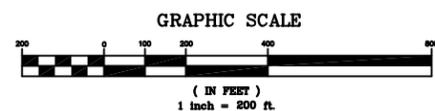
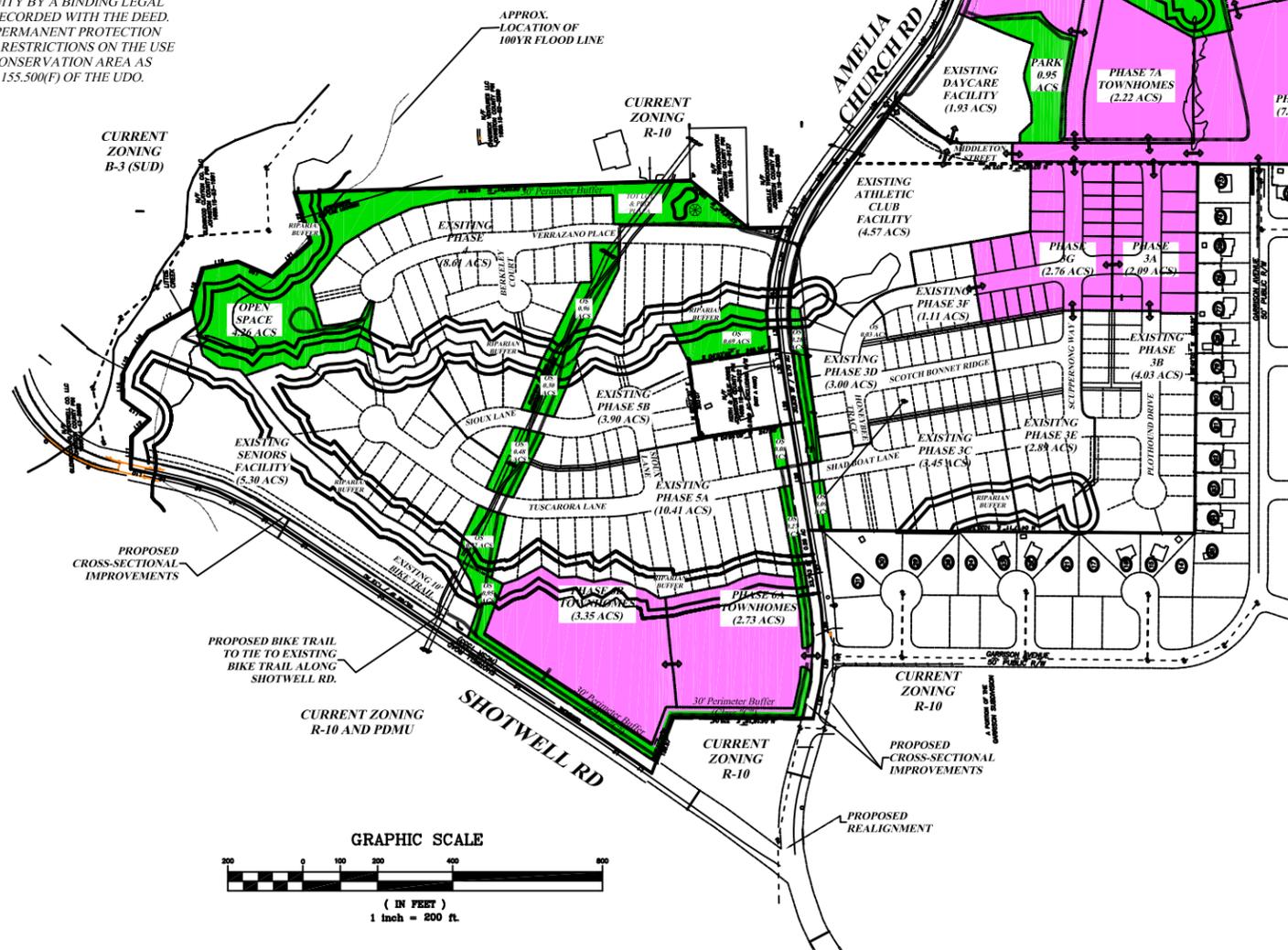
VICINITY MAP

APPROX. 6.35 ACS
LAND DONATED BY
DEVELOPER TO
TOWN OF CLAYTON

APPROX. 11.55 ACS
DONATED BY
DEVELOPER TO
TOWN OF CLAYTON

RESOURCE CONSERVATION AREAS

1. RESOURCE CONSERVATION AREAS AS DEFINED BY SECTION 155.500 OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO) SHALL BE IDENTIFIED ON PLATS AS BEING PERMANENTLY SET ASIDE. THESE AREAS SHALL INCLUDE JURISDICTIONAL WETLANDS, 100 YEAR FLOOD PLAINS AND STREAM BUFFERS (AS DEFINED IN SECTION 155.502(A)(1) OF THE UDO).
2. RESOURCE CONSERVATION AREAS SHALL BE PROTECTED IN PERPETUITY BY A BINDING LEGAL INSTRUMENT THAT IS RECORDED WITH THE DEED. THE INSTRUMENT FOR PERMANENT PROTECTION SHALL INCLUDE CLEAR RESTRICTIONS ON THE USE OF THE OF RESOURCE CONSERVATION AREA AS DESCRIBED IN SECTION 155.500(F) OF THE UDO.



SITE INFORMATION

1. OWNER: LIONSGATE VILLAGE, LLC
400 RIVERWOOD DR.
CLAYTON, NC 27520
2. TAX PARCEL #: 05G02010B, 05G02198P,
05G02198M, 05E01199C (UNDEVELOPED PORTIONS ONLY)
3. CURRENT ZONING: PDD-MU
4. TOTAL SITE ACREAGE = 131.36 ACS - 17.9 ACS (DONATED TO TOWN) = 113.46 ACS
5. OVERALL DEVELOPMENT RECREATION AND OPEN SPACE = 32.28 ACS (INCLUDING 17.9 ACS DONATED TO TOWN)
6. OVERALL MAXIMUM PERCENT IMPERVIOUS AREA = 60%
7. TOTAL RESOURCE CONSERVATION AREA = 6.8 ACS. RESOURCE CONSERVATION AREAS ARE IDENTIFIED AS "STREAM BUFFERS" ON THIS PLAN.
8. LAND AREA FOR RESIDENTIAL USE = 83.97 ACS
9. MAXIMUM RESIDENTIAL DENSITY @ 8 UNITS/AC = 8*83.97 ACS = 672 UNITS
10. PROPOSED UNITS = 490 UNITS
11. ALL OPEN SPACE (EXCLUDING LAND DONATED TO TOWN OF CLAYTON) TO BE MAINTAINED BY LIONSGATE HOA.
12. THE DEVELOPER WILL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY DAMAGED TREES WITHIN ANY LAND USE BUFFER.
13. RIPARIAN BUFFERS ARE SUBJECT TO THE NEUSE RIVER RIPARIAN BUFFER RULES.

LEGEND

- BIKE TRAILS (CONCRETE/ASPHALT)
- OPEN SPACE
- WETLANDS
- PROPOSED RESIDENTIAL

PRELIMINARY RESULTS

LOT STANDARDS TABLE

PHASE	UNIT TYPE	AREA (ACS)	MAX. # OF UNITS	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT)	MAX. IMPERVIOUS AREA PER LOT (SF)	SETBACKS				MIN. BLDG. SEPARATION (FT)	MAX. BLDG. HEIGHT (FT)
							FRONT (FT)	SIDE (FT)	REAR (FT)	STREET SIDE (FT)		
1A	SINGLE FAMILY	3.08	15	45	65	4000	12	0	5	8	10	40
1B	SINGLE FAMILY	3.72	20	45	65	4000	12	0	5	8	10	40
2A	SINGLE FAMILY	7.55	30	40	55	4000	12	0	5	8	10	40
2B	SINGLE FAMILY	3.87	17	40	55	4000	12	0	5	8	10	40
2C	SINGLE FAMILY	3.18	15	40	55	4000	12	0	5	8	10	40
2D	SINGLE FAMILY	6.01	25	40	55	4000	12	0	5	8	10	40
3A	SINGLE FAMILY	2.09	15	35	75	4000	12	0	5	8	10	40
3G	SINGLE FAMILY	2.76	21	35	75	4000	12	0	5	8	10	40
6A	TOWNHOMES	2.73	26	15	75	2350	12	0	5	8	10	40
6B	TOWNHOMES	3.35	26	15	75	2350	12	0	5	8	10	40
7A	TOWNHOMES	2.22	24	N/A	N/A	60%	0	0	0	0	10	40
7B	TOWNHOMES	2.38	24	N/A	N/A	60%	0	0	0	0	10	40
7C	TOWNHOMES	2.15	21	N/A	N/A	60%	0	0	0	0	10	40
7D	TOWNHOMES	1.48	15	N/A	N/A	60%	0	0	0	0	10	40
TOTALS		46.57	294			**MAX. IMPERVIOUS AREA PER LOT EXCLUDES STREET, SIDEWALK AND ALLEYS						

"EXISTING" LOT STANDARDS TABLE

PHASE	UNIT TYPE	AREA (ACS)	MAX. # OF LOTS	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT)	MAX. IMPERVIOUS AREA PER LOT (SF)	SETBACKS				MIN. BLDG. SEPARATION (FT)	MAX. BLDG. HEIGHT (FT)
							FRONT (FT)	SIDE (FT)	REAR (FT)	STREET SIDE (FT)		
3B	SINGLE FAMILY	4.03	27	EX	EX	4000	12	0	5	8	10	40
3C	SINGLE FAMILY	3.45	19	EX	EX	4000	12	0	5	8	10	40
3D	SINGLE FAMILY	3	24	EX	EX	4000	12	0	5	8	10	40
3E	SINGLE FAMILY	2.89	17	EX	EX	4000	12	0	5	8	10	40
3F	SINGLE FAMILY	1.11	10	EX	EX	4000	12	0	5	8	10	40
4	SINGLE FAMILY	8.61	37	EX	EX	4000	12	0	5	8	10	40
5A	SINGLE FAMILY	10.41	45	EX	EX	4000	12	0	5	8	10	40
5B	SINGLE FAMILY	3.9	17	EX	EX	4000	12	0	5	8	10	40
TOTALS		37.4	196			**MAX. IMPERVIOUS AREA PER LOT EXCLUDES STREET, SIDEWALK AND ALLEYS						

THE EXISTING PHASES OF LIONSGATE ARE NOT INCLUDED IN THIS REVISION AND REMAIN SUBJECT TO THE REQUIREMENTS OF MIXED USE PLANNED DEVELOPMENT PERMIT #03-1 (APPROVED NOVEMBER 17, 2003) Page 102 of 159

DC ADAMS ENGINEERING, INC
 404 SWANN TRAIL, CLAYTON, NC 27527
 (919) 763-7278
 dommie@dcadamspe.com
 FIRM # C-3894

LionsGate
 FRED SMITH COMPANY, CLAYTON, NC 27527
 MASTER PLAN

FILE DA-MASTER-PLAN-00
 DESIGN DCA
 DRAWING DCA
 CHECKED DCA
 HORIZONTAL SCALE 1"=50'
 VERTICAL SCALE N/A
 DATE 7/31/2013
 JOB NO.
 SHEET 1 of 1

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

Application Number: SUP 2013-71

The Town Council shall decide the matter of Special Use Permit Application Number SUP 2013-71 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 2013-71** 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: 5c

Meeting Date: 11/04/13

TITLE: EVIDENTIARY HEARING FOR SUBDIVISION PERMIT SUB (PSD) 2013-56 FOR PHASES 3A AND 3G LOCATED WITHIN LIONSGATE SUBDIVISION AND SUBMITTED BY DC ADAMS ENGINEERING INC.

DESCRIPTION: The applicant is requesting preliminary subdivision plat approval for the major subdivision of Phases 3A and 3G in the LionsGate Planned Development, located within the Town of Clayton.

At the regularly scheduled Planning Board meeting held on September 23, 2013, the Planning Board voted unanimously to recommend approval of the major subdivision.

This item is slated for an evidentiary hearing at the Council's November 4, 2013, Council meeting.

RELATED GOAL: Manage Growth Producing Quality Developments.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-21-13	Presentation.	Staff report, Application, Owner's Consent Form, Neighborhood meeting Support material, & Subdivision plan.
11-04-13	Evidentiary Hearing.	SUB Hearing Procedures, Staff report, Application, Owner's Consent Form, Neighborhood meeting Support material, Subdivision plan & Motion Form.

Town of Clayton Subdivision Review Application Hearing Procedure

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

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



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

Town Council

STAFF REPORT

Application Number: PSD 2013-56 (major subdivision)
Project Name: LionsGate Phases 3A & 3G

NC PIN: 165918-41-8223
Town Limits/ETJ: Town Limits
Overlay: None
Master Plan: LionsGate SUP 2013-71
Applicant: DC Adams Engineering, Inc.
Owners: SUNBELT GOLF GROUP LLC

Neighborhood Meeting: Held September 9, 2013
Public Noticing: Property posted September 13, 2013

PROJECT LOCATION: The project is located within the LionsGate Planned Development, south of the existing Athletic Club Facility.

REQUEST: The applicant is requesting preliminary subdivision plat approval for the major subdivision of Phases 3A and 3G in the LionsGate Planned Development, within Town Limits.

SITE DATA:

Acreage: 4.84 acres
Present Zoning: PD-MU
Proposed Zoning: PD-MU
Existing Use: Vacant
Existing Impervious: None - property is vacant.

DEVELOPMENT DATA:

Proposed Uses: Single family residential
Buildings: 36 residential units
Number of Stories: Maximum height of 35 feet.

Impervious Surface:	Maximum 3,250 SF per lot (60% maximum for the overall LionsGate development)
Required Parking:	2 spaces per unit
Proposed Parking:	2 spaces per unit
Fire Protection:	The Town of Clayton Fire Department will provide fire protection.
Access/Streets:	Access will be provided via connection to the existing Honeybee Trace, Scuppernong Way, and Plott Hound Drive.
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Duke/Progress Energy

ADJACENT ZONING AND LAND USES:

North:	Zoning:	Planned Development – Mixed Use (PD-MU)
	Existing Use:	LionGate Planned Development
South:	Zoning:	Residential-10 (R-10)
	Existing Use:	Single Family Residential
East:	Zoning:	Planned Development – Mixed Use (PD-MU)
	Existing Use:	LionsGate Planned Development
West:	Zoning:	Planned Development – Mixed Use (PD-MU)
	Existing Use:	LionsGate Planned Development

STAFF ANALYSIS AND COMMENTARY:

The applicant is requesting preliminary subdivision plat approval for Phases 3A and 3G as depicted on the LionsGate Master Plan (SUP 2013-71), which is under concurrent review. Approval of this preliminary subdivision plat is subject to approval of SUP 2013-71.

The applicant is requesting approval for a total of 36 lots (15 in Phase 3A and 21 in Phase 3G).

- **Consistency with the Strategic Growth Plan**
The request is consistent with the Strategic Growth Plan.
- **Consistency with Master Plan**
If the Master Plan (SUP 2013-71) is approved as proposed, the request will be consistent with the Master Plan.
- **Consistency with the Unified Development Code**
The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC).

➤ **Compatibility with Surrounding Land Uses**

The proposed development is consistent with the density and patterns of the developed portions of LionsGate and surrounding residential development.

➤ **Landscaping and Buffering**

N/A – no buffering is required for this request as the development is internal to the LionsGate development. No buffer is proposed to the south as the development patterns are consistent with the existing development.

➤ **Recreation and Open Space**

Recreation and open space requirements have been met by the overall LionsGate Planned Development.

➤ **Environmental**

There are no environmental concerns associated with this request. There are no resource conservation areas located on this particular piece of property. Stormwater is accommodated through design of the overall LionsGate development.

➤ **Signs**

No signage is requested as part of this request.

➤ **Access/Streets**

Access will be provided via connection to the existing Honeybee Trace, Scuppernong Way, and Plott Hound Drive. Streets provided will be extensions of these streets. One entrance to the subdivision is provided off of Amelia Church Road, with a ~~future~~ second entrance off of the Middleton Street extension located east of Phases 3A & 3G that will be completed prior to issuance of a Certificate of Occupancy for Phase 3A or 3G (per new condition #10 of SUP 2013-71).

➤ **Multi-Modal Access**

Sidewalks are provided along both sides of the street.

➤ **Architecture**

N/A – the Town does not regulate architecture of single family residential homes.

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

None.

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval for Phases 3A and 3G.
- This approval is subject to approval of SUP 2013-71.

FINDINGS:

The applicant has addressed the Major Subdivision Approval Criteria outlined in UDC Section 155.706. The applicant's Findings of Fact are incorporated into the record as Exhibit A of the Staff Report.

CONDITIONS:

If approved, staff recommends the following conditions be applied to the approval of the preliminary subdivision plan:

1. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications may require additional approvals and shall be consistent with the specifications of the Unified Development Code.
2. Development shall be consistent with the specifications of SUP 2013-71.
3. All development fees shall be paid prior to issuance of building permits.
4. Marked crosswalks shall be placed at intersections where sidewalks are located.

Planning Board Recommendation: At their regularly scheduled meeting on September 23, 2013, the Planning Board voted unanimously to recommend approval of the major subdivision.

Attachments: **1)** Exhibit "A", **2)** Zoning & Aerial Map, **3)** Application, **4)** Neighborhood Meeting Materials, **5)** Preliminary Subdivision Plan.

APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY

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

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

The proposed subdivision meets all Subdivision Regulation set by the Town and is consistent with requirements of the UDO.

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

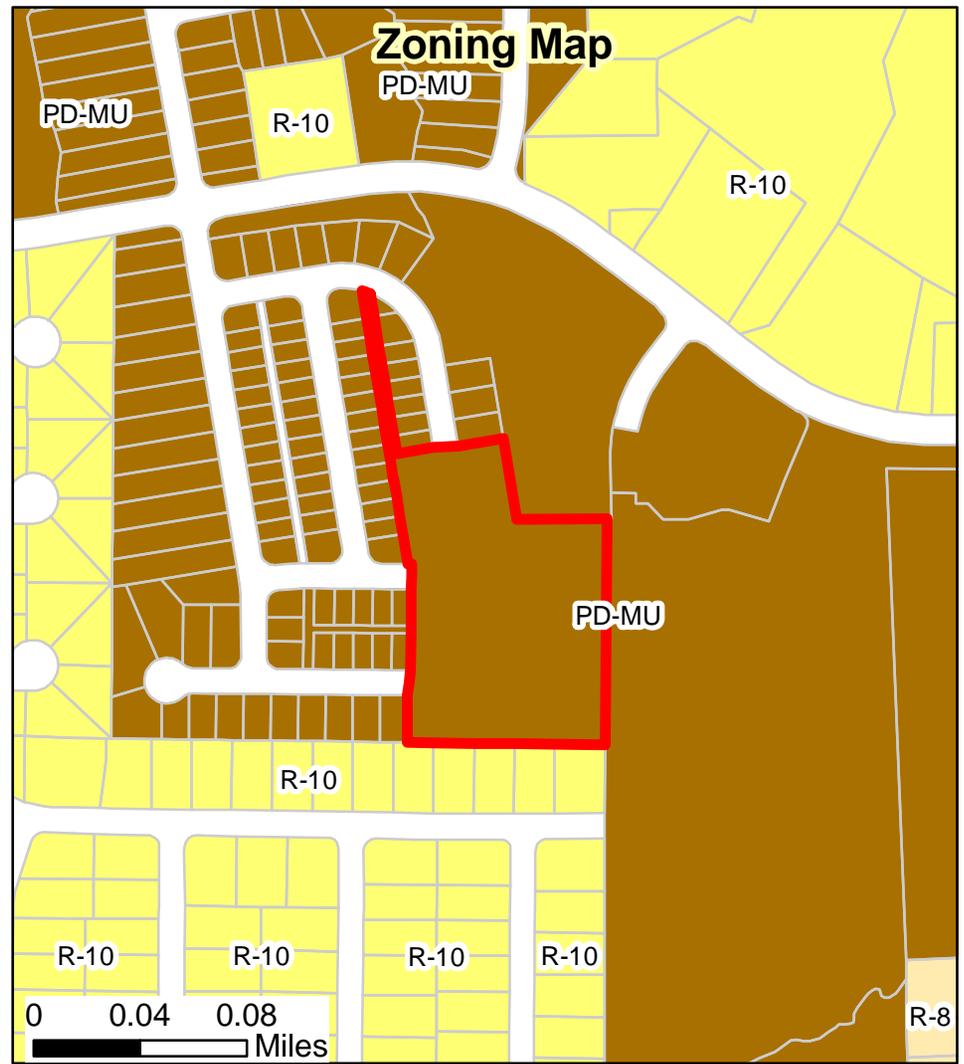
This project will be a benefit to the entire community.

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

The subdivision is design to provide safe ingress and egress and is consistent with previously approved access points onto the existing street network. This project will not pose a threat to The environment, public safety or general welfare.

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

This subdivision is consistent with the planning policies of the Town and will provide Orderly growth and development

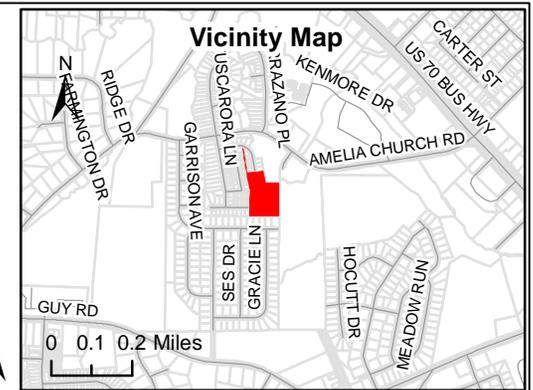


Major Subdivision Approval Phase 3A & 3G, LionsGate

Applicant: Donnie Adams
 Property Owner: Sunbelt Golf Group, LLC
 Parcel ID Number: 165918-41-8223
 File Number: PSD 2013-56

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

9/17/13





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

SUBDIVISION APPLICATION

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

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

- *Minor Subdivision: \$200.00 + \$5.00/lot.*
- *Major Subdivision: \$400.00 + \$5.00/lot.*
- *Open Space Subdivision = \$700.00 + \$5.00/acre.*
- *Final Plat: \$250.00 + \$5.00/lot.*
- *Exempt Map/Recombination: \$100.00.*

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

SUBDIVISION TYPE:

Application Type:

- Minor Subdivision
 Major Subdivision
 Final Plat
 Exempt Map
 Recombination

SITE INFORMATION:

Name of Project: Lionsgate Phase 3A & 3G Acreage of Property: 4.84acres

Preliminary Plat Approval Date (if applicable): _____

Parcel ID Number: 1165918-51-8223 Tax ID: 05G02198P

Location: Amelia Church Rd

Section(s): _____ Phase(s): Phases 3A & 3G

Number of Lots (Existing): _____ (Proposed): 36 Min. Lot Size: N/A

Duke
Energy
Progress

Zoning District: PDD Planned Development? (Y/N): Y Electric Provider: _____

Specific Use: Single Family Residential (duplex lots)

Recreation/Open Space Requirement:
 Fee in lieu
 Land Dedication (acreage)
Master plan

FOR OFFICE USE ONLY

File Number: _____ Date Received: _____ Amount Paid: _____ Page 117 of 159



OWNER INFORMATION:

Name: Lionsgate Village, LLC

Mailing Address: 400 Riverwood Dr, Clayton, NC 27520

Phone Number: 919-550-8086

Fax: _____

Email Address: Brian.Strickland@fredsmithcompany.com

APPLICANT INFORMATION:

Applicant: DC Adams Engineering, Inc

Mailing Address: 404 Swann Trail, Clayton, NC 27527

Phone Number: 919-763-7278

Fax: _____

Contact Person: Donnie Adams

Email Address: donnie@dcadamspe.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

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

APPLICANT AFFIDAVIT

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

Donnie Adams

Print Name



Signature of Applicant

8/1/2013

Date

APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY

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

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

The proposed subdivision meets all Subdivision Regulation set by the Town and is consistent with requirements of the UDO.

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

This project will be a benefit to the entire community.

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

The subdivision is design to provide safe ingress and egress and is consistent with previously approved access points onto the existing street network. This project will not pose a threat to The environment, public safety or general welfare.

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

This subdivision is consistent with the planning policies of the Town and will provide Orderly growth and development



**Town of Clayton
Planning Department**

141 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
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: LOUSGATE - PHASE 3A & 3B Submittal Date: 8/1/2013

I hereby give CONSENT to DENNIS ADAMS (DCAADAMS ENGINEERING, INC) (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)

LOUSGATE VILLAGE, LLC
(Name - type, print clearly)
400 RIVERWOOD DR
(Address)

[Signature]
(Signature)
CLAYTON, NC 27520
(City, State, Zip)

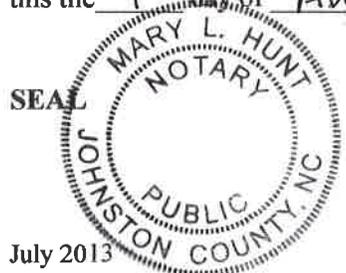
AGENT INFORMATION:

DENNIS ADAMS (DCAADAMS ENGINEERING, INC)
(Name - type, print clearly)
404 SWANN TRAIL
(Address)

[Signature]
(Signature)
CLAYTON, NC 27527
(City, State, Zip)

STATE OF NC
COUNTY OF JOHNSTON

Sworn and subscribed before me Mary L Hunt, a Notary Public for the above State and County, this the 1st day of August, 2013.



Mary L Hunt
Notary Public
My Commission Expires: 3/21/15



August 30, 2013

Re: LionsGate
Clayton, NC

Dear Adjacent 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 according to Johnston County tax records. Per town of Clayton regulations, a neighborhood meeting will be held to provide information 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: Monday September 9th, 2013
Location: LionsGate Athletic Club
Time: 7:00
Type of Application: Master Plan Revision/Major Subdivision
General Description: Overall Master Plan revisions as well as subdivision plans for Phases 3A, 3G, 6A & 6B.

If you have any questions prior to or after this meeting, please contact us at (919) 550-8086, ext 249.

Sincerely,

Brian Strickland

cc: Clayton Planning Dept.

Parcels within 100 feet of the parcels associated with SUP 2013-71, PSD 2013-56, and PSD 2013-57							
	NAME1	NAME2	ADDRESS1	ADDRESS2	CITY	STATE	ZIPCODE
1	AMELIA VILLAGE LLC		701 EXPOSITION PL STE 101	SUITE 115	RALEIGH	NC	27615-3356
2	ASCO BUILDERS INC		319 CHAPANOKE RD STE 102		RALEIGH	NC	27603-0000
3	AUSTIN, JACOB R	AUSTIN, AMBER S	156 TRANTHAM TRAIL		CLAYTON	NC	27520-0000
4	BLACK & GOLD INVESTMENTS LLC	A NC LIMITED LIABILITY CO	400 RIVERWOOD DR		CLAYTON	NC	27520-0000
5	BROWN, HAROLD C	BROWN, CAROLYN B	125 HOCUTT DR		CLAYTON	NC	27520-0000
6	BURROUGHS, TERRY L	BURROUGHS, HELEN S	85 SCUPPERNONG WAY		CLAYTON	NC	27520-7374
7	BUTLER, ROBERT S	WATSON, ANDREA L	15 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000
8	CALTRIDER, EVAN	IRELAND, LAWRENCE PATRICK	207 TUSCARORA LN		CLAYTON	NC	27520-7381
9	CHEN, XU	CHEN, QIU YING WANG	27 TUSCARORA LANE		CLAYTON	NC	27520-0000
10	CHESTNUT, KERRY II AND	CHESTNUT, JANET	109 GRACIE LANE		CLAYTON	NC	27520-7948
11	COLE, CATHY		59 TUSCARORA LANE		CLAYTON	NC	27520-0000
12	COUNTY OF JOHNSTON		PO BOX 1049		SMITHFIELD	NC	27577-0000
13	CRAWFORD, RUTH D		701 GARRISON AVENUE		CLAYTON	NC	27520-0000
14	CREECH, TIMOTHY D	CREECH, JOY A	9 CRICKET HOLLOW RUN		CLAYTON	NC	27520-5923
15	DASHKAVICH, CHARLOTTE EDWARDS		11 E AUGUSTA PL	APT 221	GREENVILLE	SC	29605-1760
16	DEAN, RUSSELL S &	DEAN, MARJORIE A	801 GARRISON		CLAYTON	NC	27520-0000
17	DELGADO, EDWARD	TATUM, LISA	108 BILTMORE DRIVE		CLAYTON	NC	27520-0000
18	DENNINGSON, MATTHEW SCOTT		149 HONEYBEE TRACE		CLAYTON	NC	27520-0000
19	DRAUGHON, CINDY L		119 GRACIE LANE		CLAYTON	NC	27520-0000
20	DUBLIN, AVIS J		P O BOX 41513		RALEIGH	NC	27629-1513
21	FARNSWORTH, WILLIAM		11934 SNIDER RD		CINCINNATI	OH	45249-0000
22	FEDERAL NATIONAL MORTGAGE	ASSOCIATION		PO BOX 650043	DALLAS	TX	75265-0043
23	FICARROTTA, VINCENZO	FICARROTTA, STELLA	99 PLOTT HOUND DRIVE		CLAYTON	NC	27520-0000
24	FRITZ, NICHOLAS	FRITZ, ALISSA	171 SOUTHWICK AVE		CLAYTON	NC	27527-5231
25	FSC III LLC		400 RIVERWOOD DR		CLAYTON	NC	27527-0000
26	GAMBINO, CHRISTOPHER C	CYGAN, ASHLEY C	171 TUSCARORA LN		CLAYTON	NC	27520-7369
27	GOLDEN PROPERTIES AND	DEVELOPMENT INC	5160 W NC 42 HWY		GARNER	NC	27529-0000
28	GOLDLEAF PROPERTIES LLC		PO BOX 369		CLAYTON	NC	27520-0000
29	GONSALVES, GILBERT B	GONSALVES, KELLY M	107 TUSCARORA LANE		CLAYTON	NC	27520-0000
30	GRESHAM, JAMES L II		116 HONEYBEE TRACE		CLAYTON	NC	27520-0000
31	GRIFFITHS, JUSTIN	CYGAN, AMANDA	179 TUSCARORA LANE		CLAYTON	NC	27520
32	GROOMS, CLAUDETTE		61 SLEEPY CREEK DR		CLAYTON	NC	27520-7239
33	HAYES, CHRISTINA MICHELLE	HAYES, ASHLEY	116 BILMORE DRIVE		CLAYTON	NC	27520-0000
34	HAYES, JONATHAN R	HAYES, JENNIFER DIXON	115 SCOTCH BONNET RDG		CLAYTON	NC	27520-7366
35	HAYES, SHERWOOD LYNN	HAYES, CHRISTINA C	107 GRACIE LANE		CLAYTON	NC	27520-0000
36	HESTER, R FLETCHER JR	HESTER, KIMBERLY P	252 AMELIA CH RD		CLAYTON	NC	27520-0000
37	HESTER, ROYAL FLETCHER JR		252 AMELIA CH RD		CLAYTON	NC	27520-0000
38	HILL, JAMES H	HILL, JACQUELINE W	703 GARRISON AVENUE		CLAYTON	NC	27520-0000
39	HOWARD, E FRANK JR		252 COOPER BRANCH RD		CLAYTON	NC	27520-0000
40	JOHNSON, SARAH T		13 HONEYBEE TRACE		CLAYTON	NC	27520-0000
41	LEONA SUZANNE ANDERSON TRUST	ANDERSON, LEONA SUZANNE TRUSTE	115 GRACIE LN		CLAYTON	NC	27520-7948
42	LEVERIDGE, LAURA MEGAN		25 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000
43	LEVINSON, GINGER T		PO BOX 851		CLAYTON	NC	27520-0000
44	LGV, LLC		C/O FRED SMITH CO	400 RIVERWOOD DR	CLAYTON	NC	27527-5500
45	LIONS SPRING HOUSING ASSOC LLC		7706 SIX FORKS RD SUITE 202		RALEIGH	NC	27615-0000
46	LIONSGATE DAYECARE LLC		400 RIVERWOOD DRIVE		CLAYTON	NC	27527-0000
47	LIONSGATE VILLAGE LLC	A NC LIMITED LIABILITY COMPANY	400 RIVERWOOD DRIVE		CLAYTON	NC	27520-0000
48	MAYNARD, DAVID W	MAYNARD, NANCY P	1102 RIVER RD		EWING	NJ	08628-2104
49	MEEHAN MEDICAL LLC		45 SHOTWELL ROAD		CLAYTON	NC	27520-0000
50	MENTEER, ROBERT E II		113 GRACIE LANE		CLAYTON	NC	27520-0000

51	MERENDINO, CARRIE E		93 SCUPPERNONG WAY		CLAYTON	NC	27520-7374
52	MILES, KELVIN M	MILES, MARCELLETTA O	104 FLAT ROCK CT		GARNER	NC	27529-8472
53	N C NATURAL GAS CORP		C/O JOHN E RAPER JR	PO BOX 2129	FAYETTEVILLE	NC	27302-0000
54	NARRON, JENNIFER LYNN		103 GRACIE LANE		CLAYTON	NC	27520-0000
55	PERREGO, JOEL	PERREGO, TIFFANY	120 HOCUTT DRIVE		CLAYTON	NC	27520-0000
56	PHAM, HONG		124 BROOKWYND CT		GARNER	NC	27529-4445
57	POST, DANE STEVEN		111 GRACIE LN		CLAYTON	NC	27520-7948
58	ROBEY, ROANNE STROUD		803 GARRISON AVENUE		CLAYTON	NC	27520-0000
59	ROMAN, EDGARDO	ROMAN, CARMEN	121 HOCUTT LANE		CLAYTON	NC	00000-0000
60	SAHLY, APRIL J		95 TUSCARORA LANE		CLAYTON	NC	27527-0000
61	SALOME, CHRISTINE J &	SALOME, MICHAEL ANTHONY	364 DAFFODIL LN		CLAYTON	NC	27520-4532
62	SAUNDERS, JOHN PATRICK	SAUNDERS, KIMBERLY RENEE	150 HONEYBEE TRACE		CLAYTON	NC	27520-0000
63	SCHABERG, YVONNE		117 TUSCARORA LANE		CLAYTON	NC	27520-0000
64	SCHILLER, SCOTT A	SCHILLER, CANDI	127 TUSCARORA LANE		CLAYTON	NC	27520-0000
65	SCOTT, LESLIE M		120 BILTMORE DRIVE		CLAYTON	NC	27520
66	SEELIG, CHARLES THOMAS	SEELIG, TAMARA DAWN	13 CRICKET HOLLOW RUN		CLAYTON	NC	27520-0000
67	SHIELDS CONSTRUCTION LLC		305 BOSWELL LN		CLAYTON	NC	27527-0000
68	SHIELDS, CHRISTY W		132 HONEYBEE TRCE		CLAYTON	NC	27520-7370
69	SMEDLEY, KIMBERLY SUE		17 TUSCARORA LANE		CLAYTON	NC	27520-0000
70	SMITH, FREDERICK G		1007 MULBERRY RD		CLAYTON	NC	27520-2131
71	SNIADDECKI, ANTHONY		268 SHOREHAM LN		TOLEDO	OH	43612-4502
72	SNOW, WILLIAM WYLEY III &	SNOW, ARLENE MARIE &	112 BILTMORE DRIVE		CLAYTON	NC	27520-5926
73	SPERATI, KAREN FREELAND		2159 WOLF LN		KINSTON	NC	28501-9702
74	SPRASON, ANTONY E		71 TUSCARORA LN		CLAYTON	NC	27520-7335
75	STANTON, JOHN L	STANTON, CHRISTINE M	17 CRICKET HOLLOW RUN		CLAYTON	NC	27520-0000
76	SUNBELT GOLF GROUP LLC		400 RIVERWOOD DR		CLAYTON	NC	27527-0000
77	TETTERTON, ROBERT J		117 GRACIE LN		CLAYTON	NC	27520-7948
78	TIMBALIA, MUKESH	PATEL, SIMA	101 SCUPPERNONG WAY		CLAYTON	NC	27520-7377
79	TORRES, KRISTEN A		123 SCOTCH BONNET RDG		CLAYTON	NC	27520-7366
80	WELLS FARGO BANK NA		8480 STAGECOACH CIR		FREDERICK	MD	21701-4747
81	WHITAKER, BRIAN PATRICK	DELEON, VANESSA	137 TUSCARORA LANE		CLAYTON	NC	27520-0000
82	WHITE, ROY E		84 PLOTT HOUND DR		CLAYTON	NC	27520-7387
83	WILKINS, EMILY L	BOYKIN, CAROLYN E	137 HONEYBEE TRACE		CLAYTON	NC	27520-7371
84	WOJCIK, TROY A	WOJCIK, LEIGH S	33 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000

Neighborhood Meeting Minutes for:

PDD-MU 2013-55 LionsGate Master Plan Revision, PSD 2013-56 LionsGate Phase 3A & 3G, PSD 2013-57 LionsGate Phase 6A & 6B

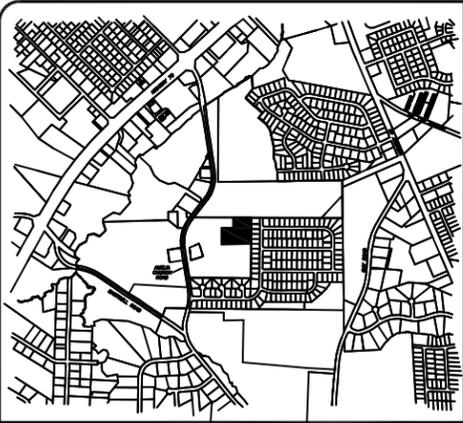
- The meeting was opened at 7:00PM by Fred Smith (developer) who gave an overall summary of LionsGate and the proposed changes to the master plan as well as the two subdivisions. He stated that he had worked through the revisions with input from the Town.
- The majority of comments from adjacent property owners was basically a rehashing of the original master plan and not associated with the proposed revisions or subdivisions – questions related to riparian buffers, tax values, biking/walking trails, land clearing...
- Although not associated with the revisions, all comments were heard and responded to appropriately by the developer.
- Emily Beddingfield (Town of Clayton) addressed all the comments by confirming that the revisions to the master plan did not increase the overall density nor was there any additional property added to the project.
- Some property owners adjacent to Phases 3A & 3G voiced concerns about home building adjacent to their property.
- Developer confirmed that there had been no changes (from the originally approved master plan) to proposed lots in Phase 3A & 3G.
- Some property owners adjacent to Phases 6A & 6B voiced concerns about home building adjacent to their property. They also had questions about the riparian buffer between their property and Phases 6A & 6B.
- Developer pointed out that the lots in Phases 6A & 6B were part of the original master plan but would be narrower than originally planned.
- Donnie Adams (Applicant) addressed concerns about the riparian buffer.
- Emily Beddingfield (Town of Clayton) followed with a clarification of the Town's RCA (Resource Conservation Area) as it pertains to riparian buffers.
- A property owner asked when Phases 3A & 3G would be constructed.
- Developer said plans are to begin in spring of 2014 but no guarantees.
- After a final call for questions or comments and hearing none, the meeting was closed at 7:28PM.

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: DC ADAMS ENGINEERING, Inc

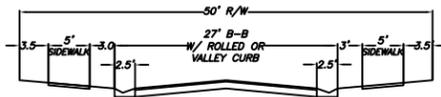
Location/Date: LIONS GATE ATHLETIC CLUB / 9/9/2013

PARCEL NUMBER	NAME	ADDRESS
	ROY WHITE	84 PLOTT HOUND PR.
	Melissa Papadopoulos	-
	SUZANNE ANDERSON	115 GRACIE LN
	Terry Burroughs	85 Scuppernon Way
	Russ DEAN	801 GARRISON
	Ann DEAN	801 GARRISON
	Wonne Schaberg	117 Tuscarora Lane
	CHRIS GAMBINO	171 TUSCARORA LANE
	Justin Griffiths	179 Tuscarora Lane
	Emily Beddingfield	Town of Clayton
	Reid Smith	1117 Pritchard Rd
	Fred Smith	460 Renewables Dr
	Jeanne Robey	803 Garrison Ave
	Evan Caltrider	207 Tuscarora Ln
	AMELY SPANSON	71 TUSCARORA LN



VICINITY MAP

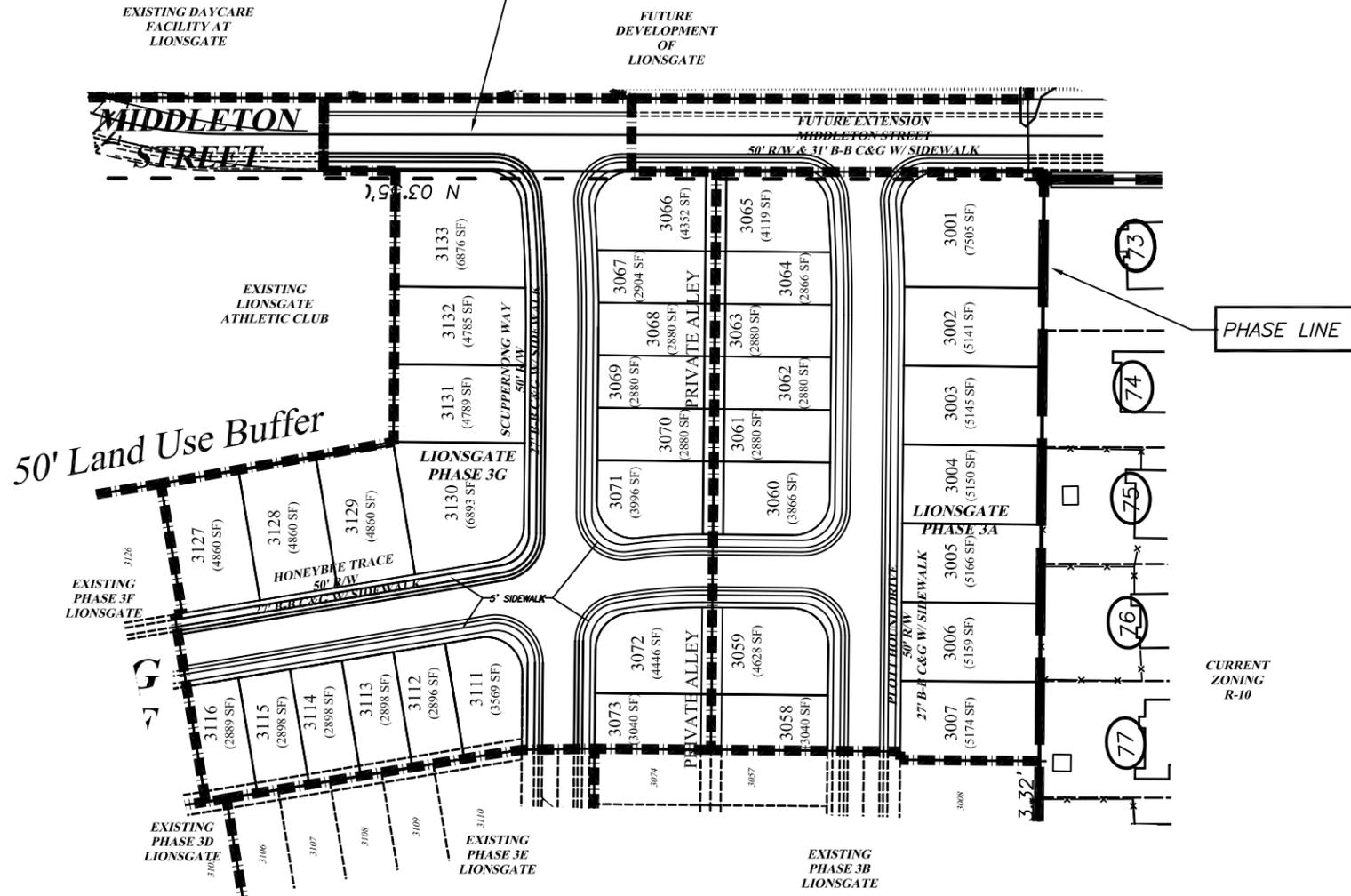
**TYPICAL RESIDENTIAL STREET
50' RIGHT OF WAY W/
SIDEWALK**



STREET YARD TREES

1. STREET YARD TREES SHALL BE REQUIRED ALONG ALL RIGHTS OF WAY AT THE RATE OF ONE CANOPY TREE PER LOT OR ONE CANOPY TREE FOR EVERY 40 LINEAR FEET (SPACE A MAXIMUM OF 50 FEET APART).
2. ALL STREET YARD TREES SHALL BE A MINIMUM OF TWO AND ONE-HALF CALIPER INCHES AT TIME OF PLANTING AND SHALL BE PLANTED NO LESS THAN FIVE FEET OR MORE THAN 15 FEET FROM THE BACK OF THE SIDEWALK.

THIS PORTION OF MIDDLETON STREET WILL BE CONSTRUCTED AT THE SAME TIME AS THESE PHASES ARE DEVELOPED.



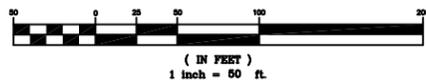
PRELIMINARY RESULTS

SITE INFORMATION

1. OWNER: SUNBELT GOLF GROUP, LLC
400 RIVERWOOD DR,
CLAYTON, NC 27520
2. PARCEL #: 165918-41-8223
3. TAX #: 05G02198P
4. TOTAL SITE ACREAGE = 4.84 ACS
5. CURRENT ZONING: PDD-MU
6. PROPOSED LOTS = 36
7. ALL OPEN SPACE TO BE MAINTAINED BY LIONSGATE HOA.
8. THE DEVELOPER WILL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY DAMAGED TREES WITHIN ANY LAND USE BUFFER.
9. MAXIMUM IMPERVIOUS AREA = 189,996 SF (INCLUDING STREETS, SIDEWALK, ALLEYS AND 4000SF PER LOT).

NOTE:
A COMPLETE SET OF CONSTRUCTION DRAWINGS FOR WATER, SEWER, EROSION CONTROL, GRADING AND STREET EXTENSION TO BE SUBMITTED TO AND APPROVED BY TOWN'S PLANNING ENGINEERING DEPARTMENT PRIOR TO CONSTRUCTION.

GRAPHIC SCALE



LOT STANDARDS TABLE

PHASE	UNIT TYPE	AREA (ACS)	# OF UNITS	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT)	MAX. IMPERVIOUS AREA PER LOT	SETBACKS				MIN. BLDG. SEPARATI	MAX. BLDG. HEIGHT
							FRONT (FT)	SIDE (FT)	REAR (FT)	STREET SIDE (FT)		
3A	SINGLE FAMILY	2.09	15	35	75	4000	12	0	5	8	10	40
3G	SINGLE FAMILY	2.76	21	35	75	4000	12	0	5	8	10	40
TOTALS		4.85	36	**MAX. IMPERVIOUS AREA PER LOT EXCLUDES STREET, SIDEWALK AND ALLEYS								

FILE: DA-MASTER-PLAN-REV
DESIGN: DCA
DCA CHECKED: DCA
HORIZONTAL SCALE: 1"=50'
VERTICAL SCALE: N/A
DATE: 7/31/2013
JOB NO.
SHEET 1 of 1

DC ADAMS ENGINEERING, INC
404 SWANN TRAIL, CLAYTON, NC 27527
dommie@dcadamspec.com (919) 763-7278 FIRM # C-3894

LionsGate
PHASES 3A & 3G
FRED SMITH COMPANY, CLAYTON, NC 27527

SUBDIVISION PLAN

**TOWN OF CLAYTON
SUBDIVISION APPLICATION
EVALUATION FORM**

Application Number: SUB 2013-56

The Town Council shall decide the matter of Subdivision Application Number SUB 2013-56 by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

Finding One of Four:

Circle One

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

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

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

Finding Two of Four:

Circle One

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

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

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

Finding Three of Four:

Circle One

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

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

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

Finding Four of Four:

Circle One

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

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

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

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

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

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

Record of Decision:

Based on a motion and majority vote of the Clayton Town Council Subdivision Application Number SUB 2013-56 is hereby:

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

_____ denied for the noted reasons.

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

Jody L. McLeod,
Mayor

ATTEST:

Sherry L. Scoggins, MMC
Town Clerk

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

Agenda Item: 5d

Meeting Date: 11/04/13

TITLE: EVIDENTIARY HEARING FOR SUBDIVISION PERMIT SUB (PSD) 2013-57 FOR PHASES 6A AND 6B LOCATED WITHIN LIONSGATE SUBDIVISION AND SUBMITTED BY DC ADAMS ENGINEERING INC.

DESCRIPTION: The applicant is requesting preliminary subdivision plat approval for the major subdivision of Phases 6A and 6B in the LionsGate Planned Development to allow 52 townhome units located within the Town of Clayton.

At the regularly scheduled Planning Board meeting held on September 23, 2013, the Planning Board voted unanimously to recommend approval of the major subdivision.

This item is slated for an evidentiary hearing at the Council's November 4, 2013, Council meeting.

RELATED GOAL: Manage Growth Producing Quality Developments.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-21-13	Presentation.	Staff report, Application, Owner's Consent Form, Neighborhood meeting Support material, & Subdivision plan.
11-04-13	Evidentiary Hearing.	SUB Hearing Procedures, Staff report, Application, Owner's Consent Form, Neighborhood meeting Support material, Subdivision plan & Motion Form.

Town of Clayton Subdivision Review Application Hearing Procedure

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

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



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

Town Council

STAFF REPORT

Application Number: PSD 2013-57 (major subdivision)
Project Name: LionsGate Phases 6A & 6B

NC PIN: 165918-32-6389
Town Limits/ETJ: Town Limits
Overlay: None
Master Plan: LionsGate SUP 2013-71
Applicant: DC Adams Engineering, Inc.
Owners: LionsGate Village, LLC

Neighborhood Meeting: Held September 9, 2013
Public Noticing: Property posted September 13, 2013

PROJECT LOCATION: The project is located within the LionsGate Planned Development, near the intersection of Amelia Church and Shotwell Road.

REQUEST: The applicant is requesting preliminary subdivision plat approval for the major subdivision of Phases 6A and 6B in the LionsGate Planned Development to allow 52 townhome units, within Town Limits.

SITE DATA:

Acreage: 6.82 acres
Zoning: PD-MU (Planned Development – Mixed Use)
Existing Use: Vacant
Existing Impervious: None - property is vacant.

DEVELOPMENT DATA:

Proposed Uses: Townhome residential units
Buildings: 52 residential units (26 buildings) – each unit will be on its own lot
Number of Stories: Maximum height of 35 feet
Impervious Surface: Maximum 1,850 SF per lot (maximum 60% impervious for overall development)

Required Parking:	2 spaces per unit
Proposed Parking:	2 spaces per unit
Fire Protection:	The Town of Clayton Fire Department will provide fire protection.
Access/Streets:	One access point will be provided via a new driveway off of Amelia Church Road, directly across from and aligned with Garrison Avenue.
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Duke/Progress Energy

ADJACENT ZONING AND LAND USES:

North:	Zoning:	Planned Development – Mixed Use (PD-MU), Residential-10 (R-10)
	Existing Use:	LionGate Planned Development, Vacant
South:	Zoning:	Residential-8 (R-8)
	Existing Use:	Single Family Residential
East:	Zoning:	Planned Development – Mixed Use (PD-MU)
	Existing Use:	LionsGate Planned Development (Phase 5A Single Family Residential)
West:	Zoning:	Planned Development – Mixed Use (PD-MU), R-10 (Residential-10)
	Existing Use:	Vacant

STAFF ANALYSIS AND COMMENTARY:

The applicant is requesting preliminary subdivision plat approval for Phases 6A and 6B as depicted on the LionsGate Master Plan (SUP 2013-71), which is under concurrent review. Approval of this preliminary subdivision plat is subject to approval of SUP 2013-71.

The applicant is requesting approval for a total of 52 lots (26 in each phase). Each townhome unit will be on an individual lot for a total of 52 units for both phases. The proposed layout includes two units per building for a total of 26 buildings for both phases. Driveways will be in the front of the buildings.

- **Consistency with the Strategic Growth Plan**
The request is consistent with the Strategic Growth Plan.
- **Consistency with Master Plan**
If the Master Plan (SUP 2013-71) is approved as proposed, the request will be consistent with the Master Plan.
- **Consistency with the Unified Development Code**
The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC). Individual lot development specifications including building placement, driveway

placement, etc. will be required to meet all Town standards and be consistent with the provisions of the approved Master Plan.

➤ **Compatibility with Surrounding Land Uses**

The proposed development is consistent with the density and patterns of the LionsGate Planned Development. The existing riparian buffer provides a 100 foot natural buffer from existing homes to the east, which makes the higher densities of these phases have less visual impact on the adjacent properties.

➤ **Landscaping and Buffering**

A 30 foot Class C perimeter buffer is provided along the boundary of the property. A bike trail is proposed through this buffer; the applicant has indicated they intend to meet the requirements of a Class C buffer and provide the bike trail within this area. A riparian buffer exists on the eastern border of the phases and shall meet all state preservation requirements.

➤ **Recreation and Open Space**

Recreation and open space requirements have been met by the overall LionsGate Planned Development.

➤ **Environmental**

Resource conservation areas (stream buffers, 100-year flood zones) shall be preserved by a binding legal instrument recorded with the deed as each phase is platted. Riparian buffers not considered “stream buffers” by the UDC will meet all state preservation requirements.

➤ **Signs**

No signage is requested as part of this request.

➤ **Access/Streets**

Access will be provided via a new driveway and cul-de-sac off of Amelia Church Road. The proposed name is Yellow Jacket Ridge. The length is 700 feet, which is in compliance with the requirements of the UDC. The driveway will require NCDOT permits and shall be aligned with the existing Garrison Avenue to the south.

➤ **Multi-Modal Access**

Sidewalks are provided along both sides of the street and will extend fully around the cul-de-sac. A 30 foot access point will provide access from the cul-de-sac sidewalk to the bike trail that runs along Shotwell Road. The proposed bike/multi-purpose 10 foot paved pathway will be required to connect to the northern edge of the property along Shotwell Road to allow for a connection to the existing multi-use paved pathway existing to the north in front of the LionSpring senior living facility.

➤ **Architecture/Design**

The UDC sets certain standards for townhome design if a garage is present. If the townhomes have garages, they will be required to meet Town of Clayton standards as addressed in Section 155.301(J) which sets standards such as garage width in relation to the home width. Driveway placement on each lot will also be required to meet the requirements of the UDC.

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

None.

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval for Phases 6A and 6B.
 - This approval is subject to approval of SUP 2013-71.
-

FINDINGS:

The applicant has addressed the Major Subdivision Approval Criteria outlined in UDC Section 155.706. The applicant’s Findings of Fact are incorporated into the record as Exhibit A of the Staff Report.

CONDITIONS:

If approved, staff recommends the following conditions be applied to the approval of the preliminary subdivision plan:

1. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications may require additional approvals and shall be consistent with the specifications of the Unified Development Code.
 2. Development shall be consistent with the specifications of SUP 2013-71.
 3. All development fees shall be paid prior to issuance of building permits.
 4. The bike trail shall be constructed prior to the issuance of a certificate of occupancy.
 5. The proposed bike trail shall be built to the edge of the north property line along Shotwell Road to allow for a connection to the existing paved pathway along Shotwell Road, located just north of the property.
 6. Resource conservation areas as defined by Section 155.500 of the Unified Development Code (UDC) shall be identified on the final plats as being permanently set aside, and shall be protected in perpetuity by a binding legal instrument recorded with the deed which includes clear restriction on the use of the resource conservation area, as described in Section 155.500(F) of the UDC.
-

Planning Board Recommendation: At their regularly scheduled meeting on September 23, 2013, the Planning Board voted unanimously to recommend approval of the major subdivision.

Attachments: **1)** Exhibit “A”, **2)** Zoning & Aerial Map, **3)** Application, **4)** Neighborhood Meeting Materials, **5)** Preliminary Subdivision Plan

APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY

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

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

The proposed subdivision meets all Subdivision Regulation set by the Town and is consistent with requirements of the UDO.

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

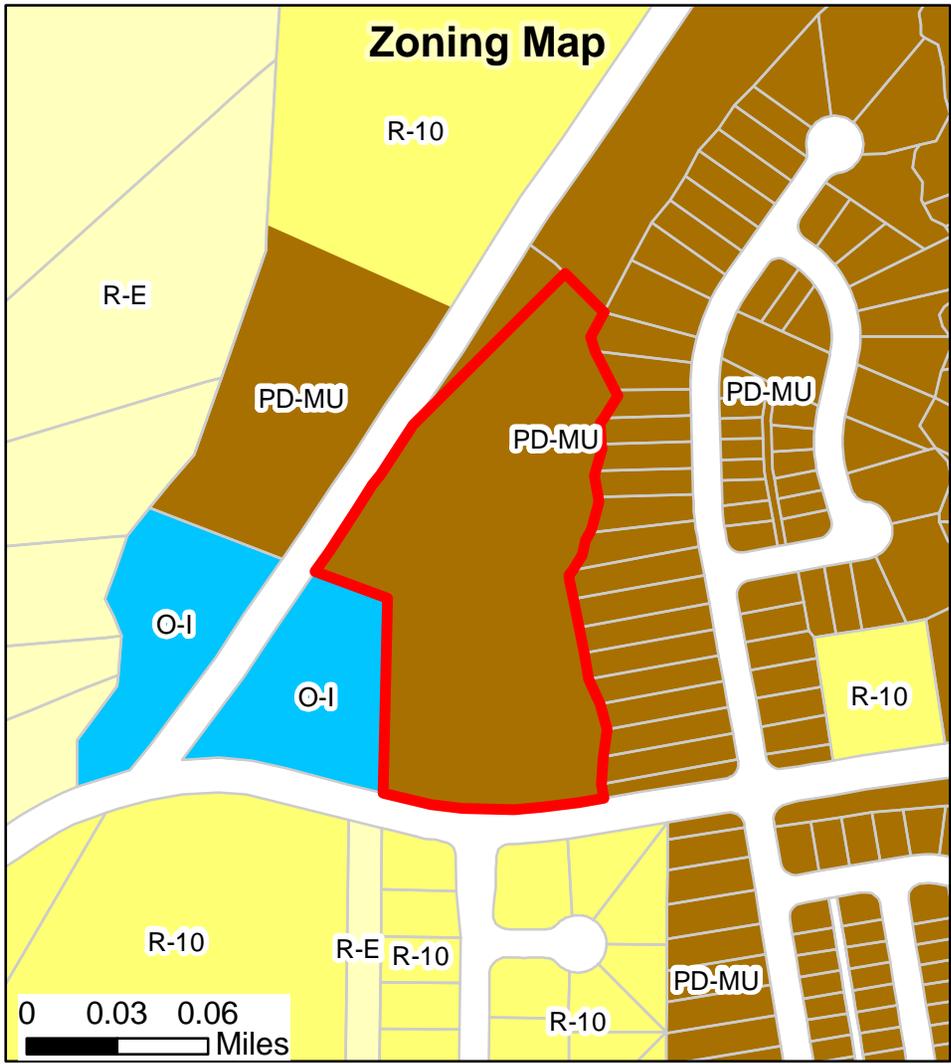
This project will be a benefit to the entire community.

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

The subdivision is design to provide safe ingress and egress and is consistent with previously approved access points onto the existing street network. This project will not pose a threat to The environment, public safety or general welfare.

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

This subdivision is consistent with the planning policies of the Town and will provide Orderly growth and development

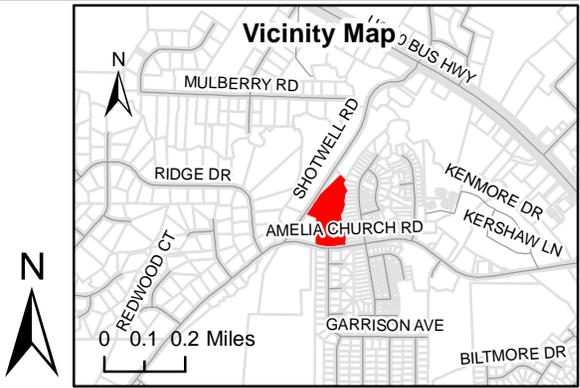


Major Subdivision Approval Phase 6A & 6B, LionsGate Planned Development

Applicant: Donnie Adams
 Property Owner: LionsGate Village, LLC
 Parcel ID Number: 165918-32-6389
 File Number: PSD 2013-57

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

9/17/13





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

SUBDIVISION APPLICATION

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

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

- *Minor Subdivision: \$200.00 + \$5.00/lot.*
- *Major Subdivision: \$400.00 + \$5.00/lot.*
- *Open Space Subdivision = \$700.00 + \$5.00/acre.*
- *Final Plat: \$250.00 + \$5.00/lot.*
- *Exempt Map/Recombination: \$100.00.*

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

SUBDIVISION TYPE:

Application Type:

- Minor Subdivision
 Major Subdivision
 Final Plat
 Exempt Map
 Recombination

SITE INFORMATION:

Name of Project: Lionsgate Phase 6A & 6B Acreage of Property: 6.82acres

Preliminary Plat Approval Date (if applicable): _____

Parcel ID Number: 1165918-32-6389 Tax ID: 05G02010B

Location: Amelia Church Rd

Section(s): _____ Phase(s): Phases 6A & 6B

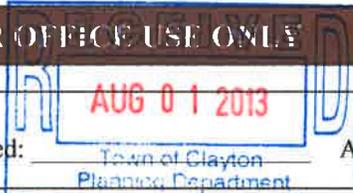
Number of Lots (Existing): _____ (Proposed): 52 Min. Lot Size: N/A

Zoning District: PDD Planned Development? (Y/N): Y Electric Provider: Duke Energy Progress

Specific Use: Single Family Residential (duplex lots)

Recreation/Open Space Requirement:
 Fee in lieu
 Land Dedication (acreage)
Master plan

FOR OFFICE USE ONLY



File Number: _____ Date Received: _____ Amount Paid: _____

Page 141 of 159

OWNER INFORMATION:

Name: Lionsgate Village, LLC

Mailing Address: 400 Riverwood Dr, Clayton, NC 27520

Phone Number: 919-550-8086

Fax: _____

Email Address: Brian.Strickland@fredsmithcompany.com

APPLICANT INFORMATION:

Applicant: DC Adams Engineering, Inc

Mailing Address: 404 Swann Trail, Clayton, NC 27527

Phone Number: 919-763-7278

Fax: _____

Contact Person: Donnie Adams

Email Address: donnie@dcadamspe.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

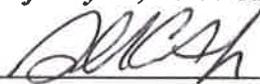
- Required plans (*please see the plan requirements checklist below*).
- Road Name Approval Application (*if applicable*).
- A signed and sealed traffic impact analysis (*if required*).
- Verification of wastewater allocation (*granted or requested*).
- Verification of approval for the potable water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

APPLICANT AFFIDAVIT

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

Donnie Adams

Print Name



Signature of Applicant

8/1/2013

Date

APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY

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

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This project will be a benefit to the entire community.

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

This subdivision is consistent with the planning policies of the Town and will provide Orderly growth and development



**Town of Clayton
Planning Department**

11 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
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: Lionsgate - Phase 6A+6B **Submittal Date:** 8/1/2013

I hereby give CONSENT to DANNIE ADAMS (DC ADAMS ENGINEERING, Inc) (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)

Lionsgate Village, LLC
(Name - type, print clearly)
400 RIVARWOOD DR
(Address)

[Signature]
(Signature)
CLAYTON, NC 27520
(City, State, Zip)

AGENT INFORMATION:

DANNIE ADAMS (DC ADAMS ENGINEERING, Inc)
(Name - type, print clearly)
404 SWANA TRAIL
(Address)

[Signature]
(Signature)
CLAYTON, NC 27527
(City, State, Zip)

STATE OF NC
COUNTY OF Johnston

Sworn and subscribed before me Mary L Hunt, a Notary Public for the above State and County, this the 1st day of August, 2013.



Mary L Hunt
Notary Public
My Commission Expires: 3/21/15



August 30, 2013

Re: LionsGate
Clayton, NC

Dear Adjacent 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 according to Johnston County tax records. Per town of Clayton regulations, a neighborhood meeting will be held to provide information 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: Monday September 9th, 2013
Location: LionsGate Athletic Club
Time: 7:00
Type of Application: Master Plan Revision/Major Subdivision
General Description: Overall Master Plan revisions as well as subdivision plans for Phases 3A, 3G, 6A & 6B.

If you have any questions prior to or after this meeting, please contact us at (919) 550-8086, ext 249.

Sincerely,

Brian Strickland

cc: Clayton Planning Dept.

www.FredSmithCompany.com

400 Riverwood Drive Clayton, NC 27527 • Phone: (919) 550-8086 • Fax: (919) 550-8186

Building The Way

Parcels within 100 feet of the parcels associated with SUP 2013-71, PSD 2013-56, and PSD 2013-57							
	NAME1	NAME2	ADDRESS1	ADDRESS2	CITY	STATE	ZIPCODE
1	AMELIA VILLAGE LLC		701 EXPOSITION PL STE 101	SUITE 115	RALEIGH	NC	27615-3356
2	ASCO BUILDERS INC		319 CHAPANOKE RD STE 102		RALEIGH	NC	27603-0000
3	AUSTIN, JACOB R	AUSTIN, AMBER S	156 TRANTHAM TRAIL		CLAYTON	NC	27520-0000
4	BLACK & GOLD INVESTMENTS LLC	A NC LIMITED LIABILITY CO	400 RIVERWOOD DR		CLAYTON	NC	27520-0000
5	BROWN, HAROLD C	BROWN, CAROLYN B	125 HOCUTT DR		CLAYTON	NC	27520-0000
6	BURROUGHS, TERRY L	BURROUGHS, HELEN S	85 SCUPPERNONG WAY		CLAYTON	NC	27520-7374
7	BUTLER, ROBERT S	WATSON, ANDREA L	15 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000
8	CALTRIDER, EVAN	IRELAND, LAWRENCE PATRICK	207 TUSCARORA LN		CLAYTON	NC	27520-7381
9	CHEN, XU	CHEN, QIU YING WANG	27 TUSCARORA LANE		CLAYTON	NC	27520-0000
10	CHESTNUT, KERRY II AND	CHESTNUT, JANET	109 GRACIE LANE		CLAYTON	NC	27520-7948
11	COLE, CATHY		59 TUSCARORA LANE		CLAYTON	NC	27520-0000
12	COUNTY OF JOHNSTON		PO BOX 1049		SMITHFIELD	NC	27577-0000
13	CRAWFORD, RUTH D		701 GARRISON AVENUE		CLAYTON	NC	27520-0000
14	CREECH, TIMOTHY D	CREECH, JOY A	9 CRICKET HOLLOW RUN		CLAYTON	NC	27520-5923
15	DASHKAVICH, CHARLOTTE EDWARDS		11 E AUGUSTA PL	APT 221	GREENVILLE	SC	29605-1760
16	DEAN, RUSSELL S &	DEAN, MARJORIE A	801 GARRISON		CLAYTON	NC	27520-0000
17	DELGADO, EDWARD	TATUM, LISA	108 BILTMORE DRIVE		CLAYTON	NC	27520-0000
18	DENNINGSON, MATTHEW SCOTT		149 HONEYBEE TRACE		CLAYTON	NC	27520-0000
19	DRAUGHON, CINDY L		119 GRACIE LANE		CLAYTON	NC	27520-0000
20	DUBLIN, AVIS J		P O BOX 41513		RALEIGH	NC	27629-1513
21	FARNSWORTH, WILLIAM		11934 SNIDER RD		CINCINNATI	OH	45249-0000
22	FEDERAL NATIONAL MORTGAGE	ASSOCIATION		PO BOX 650043	DALLAS	TX	75265-0043
23	FICARROTTA, VINCENZO	FICARROTTA, STELLA	99 PLOTT HOUND DRIVE		CLAYTON	NC	27520-0000
24	FRITZ, NICHOLAS	FRITZ, ALISSA	171 SOUTHWICK AVE		CLAYTON	NC	27527-5231
25	FSC III LLC		400 RIVERWOOD DR		CLAYTON	NC	27527-0000
26	GAMBINO, CHRISTOPHER C	CYGAN, ASHLEY C	171 TUSCARORA LN		CLAYTON	NC	27520-7369
27	GOLDEN PROPERTIES AND	DEVELOPMENT INC	5160 W NC 42 HWY		GARNER	NC	27529-0000
28	GOLDLEAF PROPERTIES LLC		PO BOX 369		CLAYTON	NC	27520-0000
29	GONSALVES, GILBERT B	GONSALVES, KELLY M	107 TUSCARORA LANE		CLAYTON	NC	27520-0000
30	GRESHAM, JAMES L II		116 HONEYBEE TRACE		CLAYTON	NC	27520-0000
31	GRIFFITHS, JUSTIN	CYGAN, AMANDA	179 TUSCARORA LANE		CLAYTON	NC	27520
32	GROOMS, CLAUDETTE		61 SLEEPY CREEK DR		CLAYTON	NC	27520-7239
33	HAYES, CHRISTINA MICHELLE	HAYES, ASHLEY	116 BILMORE DRIVE		CLAYTON	NC	27520-0000
34	HAYES, JONATHAN R	HAYES, JENNIFER DIXON	115 SCOTCH BONNET RDG		CLAYTON	NC	27520-7366
35	HAYES, SHERWOOD LYNN	HAYES, CHRISTINA C	107 GRACIE LANE		CLAYTON	NC	27520-0000
36	HESTER, R FLETCHER JR	HESTER, KIMBERLY P	252 AMELIA CH RD		CLAYTON	NC	27520-0000
37	HESTER, ROYAL FLETCHER JR		252 AMELIA CH RD		CLAYTON	NC	27520-0000
38	HILL, JAMES H	HILL, JACQUELINE W	703 GARRISON AVENUE		CLAYTON	NC	27520-0000
39	HOWARD, E FRANK JR		252 COOPER BRANCH RD		CLAYTON	NC	27520-0000
40	JOHNSON, SARAH T		13 HONEYBEE TRACE		CLAYTON	NC	27520-0000
41	LEONA SUZANNE ANDERSON TRUST	ANDERSON, LEONA SUZANNE TRUSTE	115 GRACIE LN		CLAYTON	NC	27520-7948
42	LEVERIDGE, LAURA MEGAN		25 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000
43	LEVINSON, GINGER T		PO BOX 851		CLAYTON	NC	27520-0000
44	LGV, LLC		C/O FRED SMITH CO	400 RIVERWOOD DR	CLAYTON	NC	27527-5500
45	LIONS SPRING HOUSING ASSOC LLC		7706 SIX FORKS RD SUITE 202		RALEIGH	NC	27615-0000
46	LIONSGATE DAYECARE LLC		400 RIVERWOOD DRIVE		CLAYTON	NC	27527-0000
47	LIONSGATE VILLAGE LLC	A NC LIMITED LIABILITY COMPANY	400 RIVERWOOD DRIVE		CLAYTON	NC	27520-0000
48	MAYNARD, DAVID W	MAYNARD, NANCY P	1102 RIVER RD		EWING	NJ	08628-2104
49	MEEHAN MEDICAL LLC		45 SHOTWELL ROAD		CLAYTON	NC	27520-0000
50	MENTEER, ROBERT E II		113 GRACIE LANE		CLAYTON	NC	27520-0000

51	MERENDINO, CARRIE E		93 SCUPPERNONG WAY		CLAYTON	NC	27520-7374
52	MILES, KELVIN M	MILES, MARCELLETTA O	104 FLAT ROCK CT		GARNER	NC	27529-8472
53	N C NATURAL GAS CORP		C/O JOHN E RAPER JR	PO BOX 2129	FAYETTEVILLE	NC	27302-0000
54	NARRON, JENNIFER LYNN		103 GRACIE LANE		CLAYTON	NC	27520-0000
55	PERREGO, JOEL	PERREGO, TIFFANY	120 HOCUTT DRIVE		CLAYTON	NC	27520-0000
56	PHAM, HONG		124 BROOKWYND CT		GARNER	NC	27529-4445
57	POST, DANE STEVEN		111 GRACIE LN		CLAYTON	NC	27520-7948
58	ROBEY, ROANNE STROUD		803 GARRISON AVENUE		CLAYTON	NC	27520-0000
59	ROMAN, EDGARDO	ROMAN, CARMEN	121 HOCUTT LANE		CLAYTON	NC	00000-0000
60	SAHLY, APRIL J		95 TUSCARORA LANE		CLAYTON	NC	27527-0000
61	SALOME, CHRISTINE J &	SALOME, MICHAEL ANTHONY	364 DAFFODIL LN		CLAYTON	NC	27520-4532
62	SAUNDERS, JOHN PATRICK	SAUNDERS, KIMBERLY RENEE	150 HONEYBEE TRACE		CLAYTON	NC	27520-0000
63	SCHABERG, YVONNE		117 TUSCARORA LANE		CLAYTON	NC	27520-0000
64	SCHILLER, SCOTT A	SCHILLER, CANDI	127 TUSCARORA LANE		CLAYTON	NC	27520-0000
65	SCOTT, LESLIE M		120 BILTMORE DRIVE		CLAYTON	NC	27520
66	SEELIG, CHARLES THOMAS	SEELIG, TAMARA DAWN	13 CRICKET HOLLOW RUN		CLAYTON	NC	27520-0000
67	SHIELDS CONSTRUCTION LLC		305 BOSWELL LN		CLAYTON	NC	27527-0000
68	SHIELDS, CHRISTY W		132 HONEYBEE TRCE		CLAYTON	NC	27520-7370
69	SMEDLEY, KIMBERLY SUE		17 TUSCARORA LANE		CLAYTON	NC	27520-0000
70	SMITH, FREDERICK G		1007 MULBERRY RD		CLAYTON	NC	27520-2131
71	SNIADDECKI, ANTHONY		268 SHOREHAM LN		TOLEDO	OH	43612-4502
72	SNOW, WILLIAM WYLEY III &	SNOW, ARLENE MARIE &	112 BILTMORE DRIVE		CLAYTON	NC	27520-5926
73	SPERATI, KAREN FREELAND		2159 WOLF LN		KINSTON	NC	28501-9702
74	SPRASON, ANTONY E		71 TUSCARORA LN		CLAYTON	NC	27520-7335
75	STANTON, JOHN L	STANTON, CHRISTINE M	17 CRICKET HOLLOW RUN		CLAYTON	NC	27520-0000
76	SUNBELT GOLF GROUP LLC		400 RIVERWOOD DR		CLAYTON	NC	27527-0000
77	TETTERTON, ROBERT J		117 GRACIE LN		CLAYTON	NC	27520-7948
78	TIMBALIA, MUKESH	PATEL, SIMA	101 SCUPPERNONG WAY		CLAYTON	NC	27520-7377
79	TORRES, KRISTEN A		123 SCOTCH BONNET RDG		CLAYTON	NC	27520-7366
80	WELLS FARGO BANK NA		8480 STAGECOACH CIR		FREDERICK	MD	21701-4747
81	WHITAKER, BRIAN PATRICK	DELEON, VANESSA	137 TUSCARORA LANE		CLAYTON	NC	27520-0000
82	WHITE, ROY E		84 PLOTT HOUND DR		CLAYTON	NC	27520-7387
83	WILKINS, EMILY L	BOYKIN, CAROLYN E	137 HONEYBEE TRACE		CLAYTON	NC	27520-7371
84	WOJCIK, TROY A	WOJCIK, LEIGH S	33 SCOTCH BONNET RIDGE		CLAYTON	NC	27520-0000

Neighborhood Meeting Minutes for:

PDD-MU 2013-55 LionsGate Master Plan Revision, PSD 2013-56 LionsGate Phase 3A & 3G, PSD 2013-57 LionsGate Phase 6A & 6B

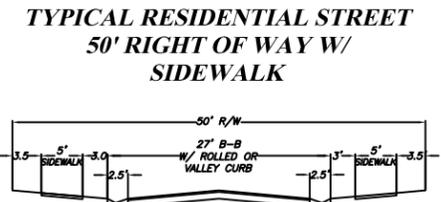
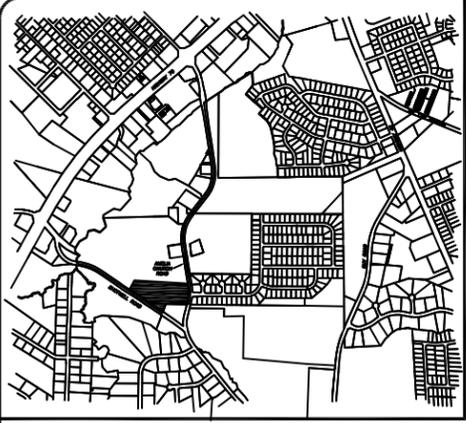
- The meeting was opened at 7:00PM by Fred Smith (developer) who gave an overall summary of LionsGate and the proposed changes to the master plan as well as the two subdivisions. He stated that he had worked through the revisions with input from the Town.
- The majority of comments from adjacent property owners was basically a rehashing of the original master plan and not associated with the proposed revisions or subdivisions – questions related to riparian buffers, tax values, biking/walking trails, land clearing...
- Although not associated with the revisions, all comments were heard and responded to appropriately by the developer.
- Emily Beddingfield (Town of Clayton) addressed all the comments by confirming that the revisions to the master plan did not increase the overall density nor was there any additional property added to the project.
- Some property owners adjacent to Phases 3A & 3G voiced concerns about home building adjacent to their property.
- Developer confirmed that there had been no changes (from the originally approved master plan) to proposed lots in Phase 3A & 3G.
- Some property owners adjacent to Phases 6A & 6B voiced concerns about home building adjacent to their property. They also had questions about the riparian buffer between their property and Phases 6A & 6B.
- Developer pointed out that the lots in Phases 6A & 6B were part of the original master plan but would be narrower than originally planned.
- Donnie Adams (Applicant) addressed concerns about the riparian buffer.
- Emily Beddingfield (Town of Clayton) followed with a clarification of the Town's RCA (Resource Conservation Area) as it pertains to riparian buffers.
- A property owner asked when Phases 3A & 3G would be constructed.
- Developer said plans are to begin in spring of 2014 but no guarantees.
- After a final call for questions or comments and hearing none, the meeting was closed at 7:28PM.

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: DC ADAMS ENGINEERING, Inc

Location/Date: LIONS GATE ATHLETIC CLUB / 9/9/2013

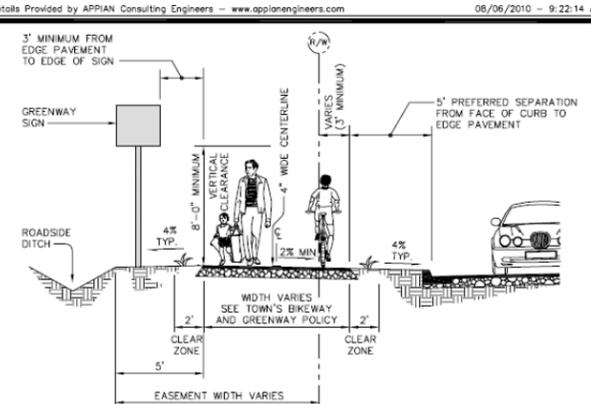
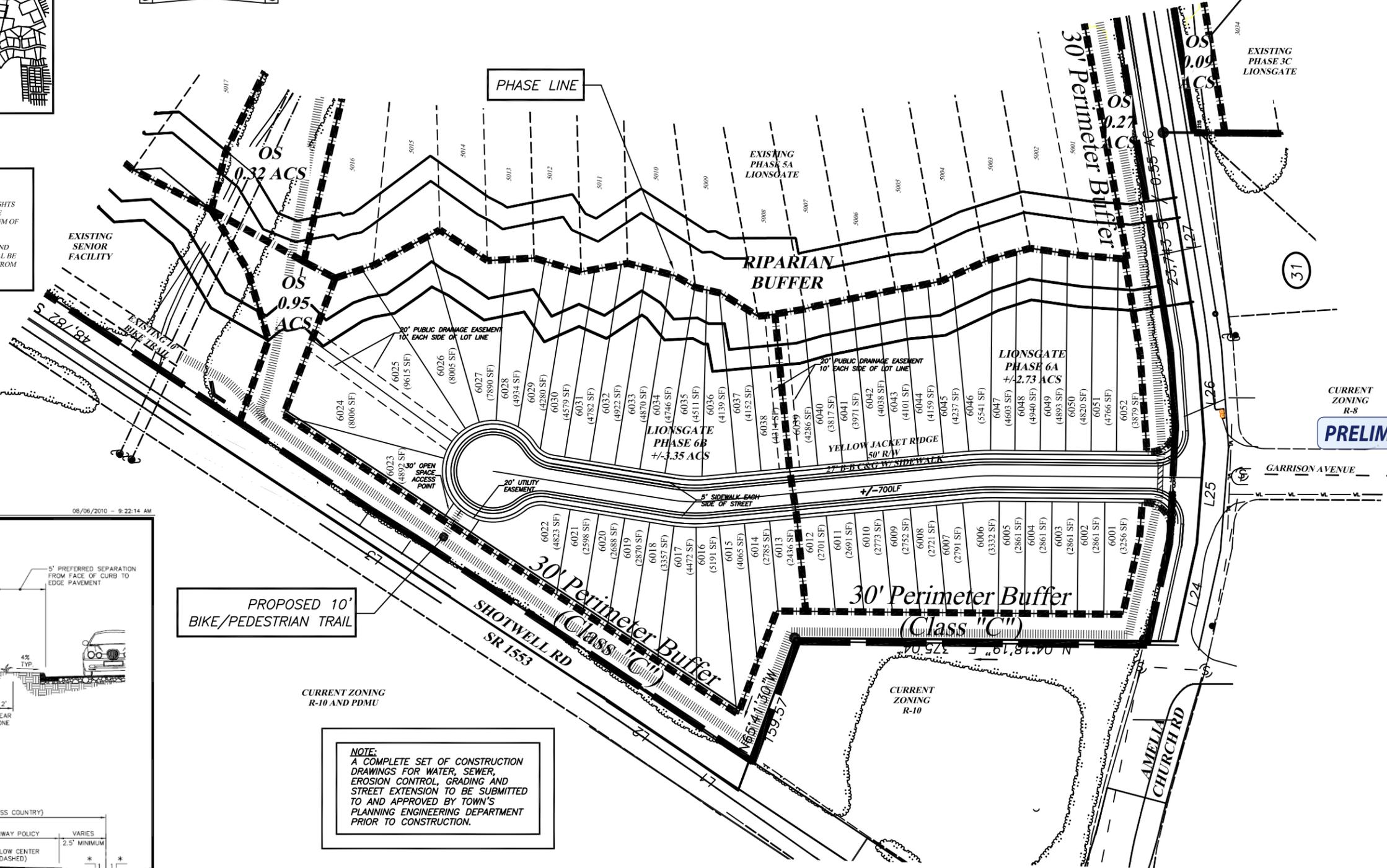
PARCEL NUMBER	NAME	ADDRESS
	ROY WHITE	84 PLOTT HOUND PR.
	Melissa Papadopoulos	-
	SUZANNE ANDERSON	115 GRACIE LN
	Terry Burroughs	85 Scuppernon Way
	Russ DEAN	801 GARRISON
	Ann DEAN	801 GARRISON
	Wonne Schaberg	117 Tuscarora Lane
	CHRIS GAMBINO	171 TUSCARORA LANE
	Justin Griffiths	179 Tuscarora Lane
	Emily Beddingfield	Town of Clayton
	Reid Smith	1117 Pritchard Rd
	Fred Smith	460 Renewables Dr
	Jeanne Robey	803 Garrison Ave
	Evan Caltrider	207 Tuscarora Ln
	AMELY SPANSON	71 TUSCARORA LN



STREET YARD TREES

- STREET YARD TREES SHALL BE REQUIRED ALONG ALL RIGHTS OF WAY AT THE RATE OF ONE CANOPY TREE PER LOT OR ONE CANOPY TREE FOR EVERY 40 LINEAR FEET (SPACE A MAXIMUM OF 50 FEET APART).
- ALL STREET YARD TREES SHALL BE A MINIMUM OF TWO AND ONE-HALF CALIPER INCHES AT TIME OF PLANTING AND SHALL BE PLANTED NO LESS THAN FIVE FEET OR MORE THAN 15 FEET FROM THE BACK OF THE SIDEWALK.

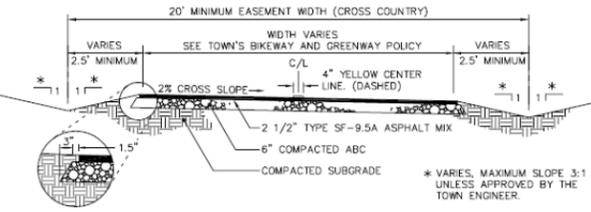
- SITE INFORMATION**
- OWNER: LIONSGATE VILLAGE, LLC
400 RIVERWOOD DR.
CLAYTON, NC 27520
 - PARCEL #: 165918-32-6389
 - TAX #: 05G02010B
 - TOTAL SITE ACREAGE = 6.82 ACS
 - THE RIPARIAN BUFFER IN THESE PHASES DOES NOT MEET THE DEFINITION OF A RESOURCE CONSERVATION AREA AS DESCRIBED IN SECTION 155.550 OF THE UDC.
 - THE RIPARIAN BUFFER IS SUBJECT TO THE NEUSE RIVER RIPARIAN BUFFER RULES.
 - CURRENT ZONING: PDD-MU
 - PROPOSED LOTS = 52
 - ALL OPEN SPACE TO BE MAINTAINED BY LIONSGATE HOA.
 - THE DEVELOPER WILL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY DAMAGED TREES WITHIN ANY LAND USE BUFFER.
 - TOTAL PROPOSED IMPERVIOUS AREA = 168,195 SF (57%).



PROPOSED 10' BIKE/PEDESTRIAN TRAIL

CURRENT ZONING R-10 AND PDMU

NOTE:
A COMPLETE SET OF CONSTRUCTION DRAWINGS FOR WATER, SEWER, EROSION CONTROL, GRADING AND STREET EXTENSION TO BE SUBMITTED TO AND APPROVED BY TOWN'S PLANNING ENGINEERING DEPARTMENT PRIOR TO CONSTRUCTION.



- NOTES:**
- See detail 401.01 for road way construction / dimensions.
 - Subgrade must be compacted enough to hold up the paving operation.

TOWN of CLAYTON
TYPICAL BIKEWAY / GREENWAY PAVEMENT SECTION

SCALE: Not To Scale
DATE: 7/31/2013
SHEET # 1 of 1

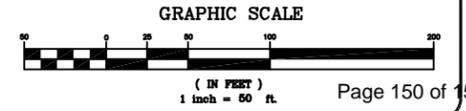
LOT STANDARDS TABLE

PHASE	UNIT TYPE	AREA (ACS)	# OF UNITS	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT)	MAX. IMPERVIOUS AREA PER LOT	SETBACKS				MIN. BLDG. SEPARATI	MAX. BLDG. HEIGHT
							FRONT (FT)	SIDE (FT)	REAR (FT)	STREET SIDE (FT)		
6A	TOWNHOMES	2.73	26	15	75	2350	12	0	5	8	10	40
6B	TOWNHOMES	3.35	26	15	75	2350	12	0	5	8	10	40
TOTALS		6.08	52									

*MAX. IMPERVIOUS AREA PER LOT EXCLUDES STREET, SIDEWALK AND ALLEYS

LEGEND

BIKE TRAILS (CONCRETE/ASPHALT)



PRELIMINARY RESULTS

**TOWN OF CLAYTON
SUBDIVISION APPLICATION
EVALUATION FORM**

Application Number: SUB 2013-57

The Town Council shall decide the matter of Subdivision Application Number SUB 2013-57 by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

Finding One of Four:

Circle One

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

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

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

Finding Two of Four:

Circle One

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

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

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

Finding Three of Four:

Circle One

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

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

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

Finding Four of Four:

Circle One

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

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

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

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

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

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

Record of Decision:

Based on a motion and majority vote of the Clayton Town Council Subdivision Application Number SUB 2013-57 is hereby:

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

_____ denied for the noted reasons.

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

Jody L. McLeod,
Mayor

ATTEST:

Sherry L. Scoggins, MMC
Town Clerk

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

Agenda Item: 6b

Meeting Date: 11/04/13

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

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

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

RELATED GOAL: Legislative.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-15-13	Presentation.	Resolutions (7).
8-05-13	Discussion.	
8-19-13	TRACKING.	
9-03-13	Discussion.	
9-16-13	Update.	
10-07-013	Update.	
10-21-13	Update.	
11-04-13	Update.	

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

Agenda Item: 8c

Meeting Date: 11/04/13

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Halloween Parade – Thursday, October 31, 2013 from 2 PM to 4:30 PM – begins at Horne Square and concludes at Town Square
- E-Recycle Event – Saturday, November 2, 2013, from 8 AM to 2 PM at Horne Square
- East Clayton Community Park Dedication [on Glen Laurel Road] – Sunday, November 3, 2013, at 2 PM
- Council Mtg – Monday, November 4, 2013 @ 6:30 PM
- Election Day – Tuesday, November 5, 2013; polls open from 6:30 AM to 7:30 PM
- Veteran’s Day Holiday – Monday, November 11, 2013
- Canvass Day at the Board of Elections – Tuesday, November 12, 2013
- Council Mtg – Monday, November 18, 2013 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, November 20, 2013 @ 6 PM
- Fire Advisory Board Mtg – Thursday, November 21, 2013 @ 7:30 PM at Fire Station 1, 325 West Horne Street
- The Clayton Center presents: Barbara Bailey Hutchison – Saturday, November 23, 2013 @ 8 PM
- Planning Board Mtg – Monday, November 25, 2013 @ 6:00 PM
- Thanksgiving Holiday – Thursday, November 28, 2013 & Friday, November 29, 2013
- Council Mtg (Organizational Mtg) – Monday, December 2, 2013 @ 6:30 PM
- Christmas Village & Tree Lighting Event – Thursday, December 5, 2013 from 6 PM to 8:30 PM
- The Clayton Center Palladian Series: It’s a Wonderful Life (Live from WVLRadio Theatre) – Saturday, December 7, 2013 @ 8 PM
- Downtown Development Association Mtg – Monday, December 9, 2013 @ 6:30 PM at Clayton Town Hall, Room GS 223
- Parks & Recreation Santa’s Workshop – hosted at the Clayton Community Center on Saturday, December 14, 2013 from 10 AM to 12 noon [two canned goods per child]
- Clayton Christmas Parade (<http://business.claytonchamber.com/Events/details/the-clayton-christmas-parade-12-14-2013-336>) – Saturday, December 14, 2013 @ 3 PM
- The Clayton Center Palladian Series: The Tar River Swing Band (Holiday Favorites) – Saturday, December 14, 2013 @ 8 PM
- Council Mtg – Monday, December 16, 2013 @ 6:30 PM

- Board of Adjustment Mtg – Wednesday, December 18, 2013 @ 6 PM
- Planning Board Mtg – Monday, December 23, 2013 @ 6:00 PM
- Christmas Holiday – Tuesday, December 24, 2013; Wednesday, December 25, 2013; & Thursday, December 26, 2013
- The Clayton Center Palladian Series: Junior Brown – Saturday, January 25, 2014 @ 8 PM
- The Clayton Center Palladian Series: The Hot Club of San Francisco (Meet Me in Paris) – Friday, February 14, 2014 @ 8 PM
- The Clayton Center Palladian Series: The Celtic Tenors – Saturday, March 15, 2014 @ 8 PM
- The Clayton Center presents: Schoolhouse Rock Live! – Saturday, April 5, 2013 @ 3 PM
- The Clayton Center Palladian Series: James Gregory (The Funniest Man in America!) – Friday, April 11, 2014 @ 8 PM
- NCLM Town Hall Day – June 4, 2014
- NCLM Annual Conference – October 12-14, 2014; Greensboro, NC

Date:
11-04-13

Action:
N/A.

Info. Provided:
Calendar of Events.