

Jody L. McLeod  
**MAYOR**

Bruce Thompson  
**TOWN ATTORNEY**

Steve Biggs  
**TOWN MANAGER**



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

Michael Grannis  
**MAYOR PRO TEM**

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## **TOWN COUNCIL MEETING**

**OCTOBER 07, 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, OCTOBER 07, 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 September 16, 2013, work session meeting.
- b. Asphalt warranty acceptance memorandum for Creekside Commons Subdivision, excluding Phase 4A.

**4. INTRODUCTIONS AND SPECIAL PRESENTATIONS**

**5. PUBLIC HEARINGS**

- a. Public hearing for text amendments to Town of Clayton Code of Ordinances for Chapter 155 for the following:
  - 155.308 Accessory Uses and Structures (food truck addition)
  - 155.405 Outdoor Storage and Display
  - 155.719 Nonconformities
- b. Evidentiary hearing for subdivision request SUB 2013-51, Ashcroft Subdivision, located on North O’Neil Street adjacent to Sam’s Branch Greenway trailhead.

**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.
- c. Budget amendment for the off-budget capital outlay proposals.

**7. NEW BUSINESS**

- a. Proclamation: Public Power Week – Neighbors with Know-How.

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: 10/07/13**

**TITLE: DRAFT MINUTES FROM THE SEPTEMBER 16, 2013, WORK SESSION MEETING.**

**DESCRIPTION: Attached.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**10-07-13**

**Approval.**

**DRAFT minutes from  
9/16/2013 meeting.**

**MINUTES  
CLAYTON TOWN COUNCIL  
SEPTEMBER 16, 2013**

The second regular meeting of the Clayton Town Council for the month of September was held on Monday, September 16, 2013, at 6:30 PM at Town Hall, 111 East Second Street.

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

**ABSENT:** Councilman Bob Satterfield

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

**ITEM 1. CALL TO ORDER**

Mayor Jody McLeod called the meeting to order at 6:36 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; Councilman Thompson seconded the motion. The motion carried 4-0 with the following action agenda items approved at 6:37 PM.

- Item 3a. Draft minutes from the September 3, 2013, regular meeting.
- Item 3b. Public notice for the following hearings slated for Monday, October 7, 2013 at 6:30 PM:
  - Evidentiary hearing for preliminary subdivision request for Ashcroft Subdivision located on North O'Neil Street.
  - Public hearing for text amendments to Town of Clayton Code of Ordinances, Chapter 155 for the following:

- 155.308 Accessory Uses and Structures (Food truck addition)
- 155.405 Outdoor Storage and Display
- 155.719 Nonconformities

**ITEM 4. INTRODUCTIONS & SPECIAL PRESENTATIONS**

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

The following new Town of Clayton employee was introduced:

- Nick DiCecco, Electric Line Technician

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

Item 5a. Presentation of memorandum of understanding between the Raleigh-Durham, Johnston County, Triangle Faith, and Nonprofit Community Consortium and the Town.

Mayor Pro Tem Michael Grannis stated a couple of months ago Town Manager Biggs and he were approached by Reverend Terrence Leathers about partnering with them in an organization. He stated the organization is a non-profit. He stated a concern was raised by a Council member and because of that more discussion of the Council is needed. He stated his recommendation is to table this item to a later date.

Councilman Butch Lawter stated he agrees with taking time to review and discuss is a good thing.

Councilman Holder questioned the cost to the Town.

Mayor Pro Tem Grannis stated at this time cost is an unknown. He stated it is a possibility that the Town would receive a request to utilize space for meetings and/or work with them in obtaining grants.

Councilman Holder stated he noticed a few typos in the document and requested those be corrected for the final document.

Mayor Pro Tem Grannis stated the Mayor and the Council has seen the graduation of the mentoring program. He stated it is the intent to continue with the mentoring program.

It was the consensus of the Council to table this item to a later date.

Item 5b. Presentation of preliminary subdivision request for Ashcroft Subdivision located on North O’Neil Street adjacent to the Sam’s Branch Greenway trailhead.

Planning Director David DeYoung provided a PowerPoint presentation of Ashcroft Subdivision; herewith attached. He provided the following overview:

- SUB 2013-51, Ashcroft
- Previous subdivision expired in March 2013
- Applicant is The Harnett Land Group LLC
- Owner is Johnston Land Group LLC
- 74.64 acre parcel
- Within the watershed overlay district
- Adjoins the Sam's Branch Greenway Trail
- Proposed 150 residential units
  - 104 single family
  - 46 townhomes
- Requesting two dwelling units per acre
- Access to the site is from North O'Neil Street
- Traffic improvement to the development
  - Right turn lane into the development
  - Dedicated left turn lane
- Will be required to have sidewalks on both sides of the street
- Recreation and Open Space
  - 11.98 acres total
    - 6.55 acres of dedicated open space
    - 5.46 acres for a park, which will be dedicated to the Town for use as a trailhead and public park
- Site meets the watershed overlay requirements
- Several lots along the south are within the 100 year flood zone
  - Applicant is working with the Town Engineer to address any changes to the 100 year flood zone line
- Site is configured to preserve trees
- Applicant is requesting 49,740 gpd wastewater allocation
- Requesting a waiver for a cul de sac length that exceeds the length
  - Previously approved
- Generally consistent with the UDO
- No impact on adjacent land uses
- Neighborhood meeting was held on August 12, 2013
  - One attendee, no concerns noted

Based upon question by Council, Planning Director DeYoung stated the density is the same request as the previous request. He stated the density allowance in the watershed protection overlay limits development to either two units per acre or a maximum of impervious surface area of 36% of the overall site. He stated this request is two units per acre and within the 36%.

Based upon question by Council, Planning Director DeYoung stated all the surrounding property owners within 100 feet of this site were invited.

Councilman Lawter stated it appears that 12 or 13 owners were noticed.

Based upon question by Council, Planning Director DeYoung stated one of the conditions of approval is: Prior to plat recordation, a development agreement shall be executed between the developer and the Town of Clayton to formalize the timeframes and process associated with the necessary road improvements and the dedication of land for a public park.

Planning Director DeYoung stated several of the conditions of approval were revised and will be included in the next agenda packet.

Based upon question by Council, Planning Director DeYoung stated he does not know if the development agreement will be fully executed by the next meeting.

Based upon question by Council, Planning Director DeYoung stated the cul-de-sac was reviewed by the fire department and he will request written support.

Based upon question by Council, Planning Director DeYoung stated there are about seven lots in the 100 year flood plain.

This item is noticed for evidentiary hearing at the Monday, October 7, 2013, Council meeting.

- Item 5c.      **Presentation of text amendments to the Town of Clayton Code of Ordinances, Chapter 155 for the following:**
- 155.308 Accessory Uses and Structures (food truck addition)
  - 155.405 Outdoor Storage and Display
  - 155.719 Nonconformities

Planning Director David DeYoung provided a PowerPoint presentation of text amendments; herewith attached. He provided the following overview:

- **Delete outdoor dining from accessory use**
- **Added food truck as an accessory use**
  - Food trucks have become popular
  - Created regulations relating to permits and exemptions
  - Limited the hours of operation and signage
- **Relocated 155.405**
- **Added outdoor dining to Outdoor Storage and Display**
  - Added requirements for minor and major site plans
- **Complete re-write of 155.719**
  - Relocated to 155.711
  - 700 section of the code is process and permit
  - 100 section of the code is general guidance

Based upon question by Council, Planning Director DeYoung stated he is working with Johnston County Health Department to clarify requirements for food trucks from out of county.

Based upon question by Council, Planning Director DeYoung stated several of the overnight vehicle storage locations are non-conforming as the regulations were adopted after the business came into existence. He stated if the business ceases to operate, then the site would have to meet today's code.

Based upon question by Council, Planning Director DeYoung stated no more than two food trucks on a site sounded reasonable.

Based upon question by Council, Planning Director DeYoung stated the approval for outdoor dining by the Town Manager occurs when it is located within the right-of-way.

Based upon question by Council, Planning Director DeYoung stated he cannot think of an area where outdoor dining would be next to traffic going 45 mph.

Councilman Lawter stated in reviewing the text amendment, he noticed reference to the "town" and to "local government."

Based upon question by Council, Planning Director DeYoung stated an example of outdoor storage screening would be for tractor trailers when the cabs are being repaired.

Based upon question by Council, Planning Director DeYoung stated the Town has pervious and impervious surface area requirements.

This item has been noticed for public hearing at the Monday, October 7, 2013, Council meeting.

Item 5d. Presentation of the asphalt warranty acceptance memorandum for Creekside Commons Subdivision, excluding Phase 4A.

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

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

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

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

No items for discussion were presented to the Council.

#### **ITEM 8. OLD BUSINESS**

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

Town Attorney Katherine Ross stated conversations are continuing with the property owners.

## **ITEM 9. STAFF REPORTS**

**Item 9a. Town Manager**

- Report on off-budget outlay capital proposals

Town Manager Steve Biggs stated back in July a request for off-budget equipment was presented. He stated the request this evening is to report and seek Council consensus to move forward with preparation of a budget amendment for presentation at the next Council meeting. He stated the topics were broken down by land purchase, equipment and storm drainage. He provided the following overview:

- Storm drainage – \$255,600 total improvements
  - Pond Drive was an emergency repair because the pipe failed
    - \$20,900 project
  - Jones Circle – corrugated pipe and junction boxes that have deteriorated
    - Section toward Page and Hamby Streets
    - Section toward BUS 70 HWY
      - \$94,700 for both sections
  - Basin converges in a ditch between West Second Street and Horne Street and the area has been neglected and is deteriorated
    - Sanitary sewer line could be jeopardized if no action is taken
      - \$140,000
- Equipment – \$116,900
  - Skit steer that would be used with a hammer attachment for demolition and a bucket attachment for scooping up demolished material
  - Large dual axle utility trailer to transport equipment to job sites
  - 72 inch deck commercial grade mower for use by the Parks & Recreation Department
    - Will include efficiency measures at the next meeting relating to time savings
  - UTV for easement inspections
- Property - \$650,000
  - DuPont Property, 39 acres that adjoins the Covered Bridge property
    - Currently have an agreement for a discount sale at a maximum of \$600,000
  - Trailhead project at Sam’s Branch Greenway
    - Allotted \$50,000

Town Manager Biggs stated the total cost for the requested items is \$1,022,285. He stated the general fund balance is at 44%. He stated by making an appropriation, the Town will be at 37% and within the Town's Financial Policy.

Mayor McLeod stated last week he received a call from a resident on Page Street asking why the Town does not have a packer as the resident watched Town employees manually working with the asphalt.

Councilman Lawter stated small sections are raked out, such as packing, before it is rolled.

Mayor Pro Tem Grannis questioned if this is financed, the interest that the Town would pay.

Town Manager Biggs stated to do a single finance package would not be possible.

This item will be included in the October 7, 2013, agenda packet.

**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**

No other staff presented a report to Council.

## **ITEM 10 OTHER BUSINESS**

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

No informal discussion and public comment were presented to Council.

**Item 10b. Council Comments.**

Councilman Lawter requested in the subdivision that was presented to the Council, it was mentioned an analysis for the Clayton Parkway. He questioned if that alignment could be included in the small area plan for the north side.

Town Manager Biggs stated that can be incorporated.

Mayor McLeod recognized Reverend Leathers.

Reverend Terrence Leathers stated with him are:

- Dr. Irene Perry of White Rock Church Enrichment Center, Durham NC
- Keri Richardson, Executive Director of Harbor Inc, Smithfield NC
- (Coach) Marvin Lee, The Men of Distinction, Clayton NC

He stated he has been part of the Clayton community for the past eight years and served seven years as the pastor of Mount Vernon Christian Church. He provided an overview of Community Emergency Response Team (CERT). He provided an overview of a mentor program for teens.

Dr. Martel Perry Associate Pastor of Mount Vernon Christian Church and President and CEO of BNCI Institute provided an overview of the memorandum of understanding with the Town of Clayton. He stated they will be submitting three or four proposals before the end of the year to different organizations.

#### **ITEM 11. ADJOURNMENT**

With there being no further business brought before the Council, Councilman Thompson motioned to adjourn. Councilman Holder seconded the motion. Motion carried 4-0 at 7:46 PM.

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

ATTEST:

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Jody L. McLeod,  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk

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

**Agenda Item: 3b**

**Meeting Date: 10/07/13**

**TITLE: ASPHALT WARRANTY ACCEPTANCE MEMORANDUM FOR  
CREEKSIDE COMMONS SUBDIVISION, EXCLUDING PHASE 4A.**

**DESCRIPTION: Attached.**

**At its September 16, 2013, Council meeting, it was the  
consensus of the Council to place this item on the consent  
agenda.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<b><u>Date:</u></b>	<b><u>Action:</u></b>	<b><u>Info. Provided:</u></b>
<b>9-16-13</b>	<b>Presentation.</b>	<b>Memorandum.</b>
<b>10-07-13</b>	<b>Approval.</b>	<b>Memorandum.</b>

# TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE  
(919) 553-1530

VEHICLE MAINTENANCE  
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS  
(919) 553-1530

WATER RECLAMATION  
(919) 553-1535

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## MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector *CR*

Date: September 02, 2013

Cc: Dave DeYoung, Planning Director  
Michael Stewart, Stewart-Proctor

Subject: Creekside Commons Subdivision

The asphalt pavement has been installed within the subject development excluding Phase 4A. Please schedule Council action for the acceptance of this work, subject to a one-year warranty period. Following the warranty period, pavement and base course conditions will be evaluated and any identifiable faults corrected by the developer prior to final acceptance.

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

**Agenda Item: 5a**

**Meeting Date: 10/07/13**

**TITLE: PUBLIC HEARING FOR TEXT AMENDMENTS TO THE TOWN OF CLAYTON CODE OF ORDINANCES, CHAPTER 155 FOR THE FOLLOWING:**

- 155.308 ACCESSORY USES AND STRUCTURES (FOOD TRUCK ADDITION);
- 155.405 OUTDOOR STORAGE AND DISPLAY;
- 155.719 NONCONFORMITIES.

**DESCRIPTION:** This item is slated for a public hearing at the October 7, 2013, Council meeting.

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

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
9-16-13	Presentation.	Text Amendments (3).
10-07-13	Public hearing.	Text Amendments (3) & Statement of Consistency & Reasonableness.

**TOWN OF CLAYTON**  
**Amendment to the Code of Ordinances: Chapter 155**  
**Unified Development Ordinances**

**BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA** to amend Chapter 155, Section 308 with the following:

**155.308 (D) Accessory Uses in Nonresidential Districts**

**(2) Food Truck**

A food truck is a mobile food service establishment that prepares and serves food and/or beverages for sale to the general public on a recurring basis from a truck, vehicle-mounted, or vehicle-towed piece of equipment designed to be readily moved.

**(a) Permits Required**

1. Prior to the issuance of a Zoning Compliance Permit, food truck vendors must provide documentation of approval from the Health Department of the County in which the food truck's associated restaurant or commissary is located.
2. The food truck vendor must apply to the Town of Clayton Planning Department for a Zoning Compliance Permit. The Planning Department will verify that the proposed location meets the requirements of this Section and other applicable provisions of the Unified Development Code.
3. The food truck vendor must obtain an annual Zoning Compliance Permit and Privilege License from the Town.
4. The Zoning Compliance Permit, Privilege License and County Health Permit must be displayed during hours of operation.
5. The Zoning Compliance Permit issued for the food truck business may be revoked if the vendor violates any of the provisions contained in this Section.
6. The Town Manager reserves the right to temporarily suspend food truck permits during times of special events in the downtown area.

**(b) Exemptions**

1. This Section shall not apply to food truck with applicable valid Health Department permits vending at any market, festival, or event authorized by the Town.
2. Food trucks with applicable valid Health Department permits may temporarily locate within an active construction site to serve construction workers.

**(c) Public Safety**

1. Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
2. Grease and wastewater must be contained and disposed of in an approved grease receptacle located at the associated restaurant or commissary.
3. If the food truck is operating after dark, the food truck vendor shall provide appropriate lighting.
4. A food truck vendor shall not operate the food truck as a drive-in window.
5. The Planning Director may revoke the Zoning Compliance Permit if it is determined that the food truck vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.

**(d) General Location Requirements**

3. Food trucks must be located on private property with written permission from property owner.
4. Food trucks shall be positioned at least 400 feet from the customer entrance of an existing restaurant during hours of operation, unless the vendor provides documentation that the restaurant owner supports a closer proximity.
5. Food trucks shall not block parking spaces, drive aisles, access to loading/service areas, or emergency access and fire lanes. Food truck vending must also be positioned at least 15 feet away from fire hydrants, any fire department connection, driveway entrances, tree trunks, and vegetation.

6. No more than two food trucks are permitted as an accessory use, unless associated with an event exempted under § 155.308(D)(2)(b).

**(e) Hours of Operation**

Food trucks must cease operations between the hours of 12 a.m. and 7 a.m., and are not permitted to remain on site overnight.

**(f) Signage**

No signage shall be allowed other than signs permanently attached to the motor vehicle. An easel sign no more than 12 square feet per sign face in display area may be placed within the customer waiting area.

Duly adopted this 7<sup>th</sup> day of October 2013 while in regular session.

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Katherine E. Ross  
Town Attorney

## 1. ACTION [MOTION] ON PROPOSED TEXT AMENDMENT\*

### **Motion:**

**Council motion** to approve [or deny] the proposed text amendment.

*If the text amendment request is approved, Council will continue with the Consistency and Reasonableness Statement.*

## 2. ACTION [MOTION] ON CONSISTENCY AND REASONABLENESS STATEMENT\*

### **MOTION:**

**Council motion** to approve [or deny] the Statement of Consistency and Reasonableness for the text amendment as included in the agenda packet.

\*There are three text amendments for Council consideration. It is the Council's preference to take action on each of the text amendments and statement on consistency and reasonableness with three separate motions or to take action on the text amendments with one motion for all three text amendments and one motion for the statement on consistency and reasonableness.

**TOWN OF CLAYTON**

**CONSISTENCY AND REASONABLENESS STATEMENT**

**Text Amendment to 155.308: Accessory Uses in Nonresidential Districts**

**THE TOWN COUNCIL OF THE TOWN OF CLAYTON HEREBY STATES** that the text amendment to 155.308: Accessory Uses in Nonresidential Districts, is consistent with the Town of Clayton Strategic Growth Plan and based upon information presented at the public hearing and by the applicant, and based upon the recommendations and detailed information developed by staff and/or the Planning Board contained in the staff report, and considering the criteria of Section 155.703 (H) [Text Amendment], ~~Section 155.704(J) [Rezoning] and/or Section 155.705(J) [Planned Development District]~~ of the Unified Development Code of the Town of Clayton, the text amendment is reasonable and in the public interest.

Date of approval: Monday, October 7, 2013

ATTEST:

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Jody L. McLeod  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk

**TOWN OF CLAYTON**  
**Amendment to the Code of Ordinances: Chapter 155**  
**Unified Development Ordinances**

**BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend Chapter 155, Section 311 with the following:**

**§ 155.311 OUTDOOR DINING, DISPLAY AND STORAGE**

**(A) APPLICABILITY**

- (1) Any dining area, merchandise, material or equipment stored outside of a fully-enclosed building shall be subject to the requirements of this Section.
- (2) Vehicles for sale, lease or rent as part of a properly permitted use (including boats and manufactured housing) shall not be considered merchandise, material or equipment and shall be subject to the parking buffer requirements set forth in § 155.402 of this Chapter.

**(B) OUTDOOR DINING**

- (1) Outdoor dining shall be defined as the placement of tables and chairs for dining outside of a permanent structure on property owned or leased by a person, firm or corporation.

**(2) General Requirements**

Outdoor dining shall only be permitted following review of a minor site plan, or as a component of a major site plan in accordance with § 155.707, illustrating the extent of the outdoor dining area, the maximum seating capacity, and subject to the standards below. The impact of outdoor dining areas on adjacent churches, hospitals, public schools, and residential uses shall be mitigated to minimize potential impacts related to glare, light, loitering, and noise.

- (a) Patron tables and other outdoor dining area components shall be clearly defined and located on the same site as the other facilities of the restaurant or on the adjacent public right-of-way (sidewalks only). Separation by a physical barrier may be required, with the design to be approved by the Planning Director.

1. Separation may be achieved through the use of either landscape planters, walls, railings or a combination thereof. Only barriers composed of landscape planters or retaining walls may be solid.

- (b) The additional seating created in the outdoor dining area shall comply with the parking requirements set forth in § 155.402 of this Chapter.
- (c) Outdoor dining areas and associated structural elements, such as awnings, covers, furniture, umbrellas, or other physical elements shall be compatible with the overall design of the main structure and must maintain a horizontal clearance of seven feet and meet ADA accessibility requirements. Dining equipment (including, but not limited to tables, chairs, space heaters, barriers) may remain in place.
- (d) The Town may revoke the outdoor dining area if it is determined that its operation is causing litter problems either on or off the property where the dining is located or that such use is otherwise creating a danger to the public health or safety.

**(3) Outdoor Dining Within Public Rights-of-Way**

In addition to the requirements set forth in § 155.311(B)(2) above, if any portion of the outdoor dining area is to be located within a public right-of-way (sidewalks only), the dining area must also receive approval from the Town Manager or his designee, and agree to following stipulations:

- (a) Outdoor dining within right-of-way owned and operated by the State of North Carolina, must also meet the requirements of G.S. 136-27.4 listed below.
  - 1. Tables, chairs, and other furnishings shall be placed a minimum of six feet from any travel lane.
  - 2. Tables, chairs, and other furnishings shall be placed in such a manner that at least five feet of unobstructed paved space of the sidewalk, measured from any permanent or semi-permanent object, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act.
  - 3. Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilations areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.

4. The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for sidewalk dining activities shall not be greater than 45 miles per hour.
  5. The restaurant operator shall provide evidence of adequate liability insurance specified by the local government under G.S. 160A-485 as the limit of the local government's waiver of immunity or the amount of Tort Claim liability specified in G.S. 143-299.2, whichever is greater. The insurance shall protect and name NCDOT and the local government as additional insured on any policies covering the business and the sidewalk activities.
  6. The restaurant operator shall provide an agreement to indemnify and hold harmless NCDOT and the local government from any claim resulting from the operation of sidewalk dining activities.
  7. The restaurant operator shall provide a copy of all permits and licenses issued by the State, County or Town, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the Town for exterior alterations or improvements to the restaurant.
  8. The restaurant operator shall cease part or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by NCDOT, the local government, its agents or employees, or by any other governmental entity or public utility.
  9. Any other requirements deemed necessary by the NCDOT, either for a particular local government or a particular component of the State highway system.
- (b) The Town reserves the right to terminate the use of outdoor dining within the public right-of-way at any time. Upon notice, all furnishings must be removed from the sidewalk within 24 hours of notice from the Town. If furnishings are not removed within the time specified, the Town has the right to remove and dispose of these items and may assess the property owner for the cost of removal and disposal. The Town has the right to remove such items immediately in emergency situations. The Town is not responsible for damage to the furnishings under any circumstances.

- (c) The owner of the business utilizing a dining area within a public sidewalk is responsible for repairing any incidental damage to public sidewalk resulting from outdoor dining furnishings.

**(C) OUTDOOR DISPLAY AND SALES**

- (1) Outdoor display and sales shall be generally defined as the display and sales of goods, wares or merchandise outside of a permanent structure on property owned or leased by the person, firm or corporation. Outdoor display and sales must be secondary and incidental to the principal use or structure on the property, unless authorized pursuant to § 155.309, Temporary Use.
  - (a) Outdoor display and sales shall only be permitted following Planning Director review of a minor site plan in accordance with § 155.707, illustrating the extent of the permitted area for outdoor display and sales subject to the standards below.
  - (b) The location of outdoor merchandise must be:
    - 1. Adjacent to the principal customer entrance and shall extend no more than eight feet from the wall.
  - (c) Displayed to allow pedestrians use of the adjacent sidewalk or parking areas, and shall meet ADA accessibility requirements.
    - 1. Any merchant desiring to display and sell merchandise along a public sidewalk must also receive approval from the Town Manager or his designee, and agree to following stipulations:
      - A. Merchandise must be removed from the sidewalk within 24 hours of notice from the Town. If such items are not removed following notice, the Town has the right to remove and dispose of these items and may assess the property owner for the cost of removal and disposal. The Town has the right to remove such items immediately in emergency situation. The Town is not responsible for damage to the merchandise under any circumstances.
      - B. The owner of the business displaying or selling merchandise within a public sidewalk is responsible for repairing any incidental damage to public sidewalk resulting from the display of merchandise.
      - C. Merchandise must be removed from the sidewalk when the business is closed.

**(D) OUTDOOR STORAGE**

**(1) Limited Outdoor Storage**

- (a) Limited outdoor storage shall be defined as the overnight outdoor storage of vehicles awaiting repair (includes the storage of vehicles at self-storage facility), merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers, shopping carts, garden supplies, building supplies, plants, fleet vehicles and other similar merchandise, material or equipment.
- (b) Limited outdoor storage shall only be permitted following Planning Board review of a major site plan in accordance with § 155.707, illustrating the extent of the permitted area for limited outdoor storage provided it meets the standards below.
  - 1. Limited outdoor storage shall not be more than 12 feet in height and shall be fully screened from view from the public right-of-way, public parking areas, or adjacent residential development by a 100% opaque visual barrier or screen.
  - 2. All limited outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residentially-zoned district.
  - 3. Limited outdoor storage shall be located in the rear yard.
  - 4. Limited outdoor storage may be located to the side of a building, provided it is not located within the side yard setback.
  - 5. Vehicles awaiting repair may be stored up to 14 days within the required screened storage area.

**(2) General Outdoor Storage**

- (a) General outdoor storage shall be defined as salvage yards, vehicle storage yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.
- (b) General outdoor storage shall only be permitted in the I-1 and I-2 Districts following Planning Board review of a major site plan in accordance with § 155.707, illustrating the extent of the permitted area for general outdoor storage provided it meets the standards below.
  - 1. General outdoor storage shall be screened by 100% opaque, eight foot high visual barrier or screen, except where located abutting or across the street from a residential use or residentially-zoned property such screening shall be high enough to completely conceal all outdoor storage from view.

2. All general outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residential district.
3. No general outdoor storage shall be permitted in a street yard or otherwise forward of the front building line.
4. General outdoor storage may be located in the side or rear yard.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2007-05-03, passed 5-7-07)

[THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

Duly adopted this 7<sup>th</sup> day of October 2013 while in regular session.

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Jody L. McLeod,  
Mayor

ATTEST:

APPROVED AS TO FORM:

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Sherry L. Scoggins, MMC  
Town Clerk

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Katherine E. Ross  
Town Attorney

## 1. ACTION [MOTION] ON PROPOSED TEXT AMENDMENT\*

### **Motion:**

**Council motion** to approve [or deny] the proposed text amendment.

*If the text amendment request is approved, Council will continue with the Consistency and Reasonableness Statement.*

## 2. ACTION [MOTION] ON CONSISTENCY AND REASONABLENESS STATEMENT\*

### **MOTION:**

**Council motion** to approve [or deny] the Statement of Consistency and Reasonableness for the text amendment as included in the agenda packet.

\*There are three text amendments for Council consideration. It is the Council's preference to take action on each of the text amendments and statement on consistency and reasonableness with three separate motions or to take action on the text amendments with one motion for all three text amendments and one motion for the statement on consistency and reasonableness.

# TOWN OF CLAYTON

## CONSISTENCY AND REASONABLENESS STATEMENT

### Text Amendment to 155.311: Outdoor Dining, Display, and Storage

**THE TOWN COUNCIL OF THE TOWN OF CLAYTON HEREBY STATES** that the text amendment to 155.311: Outdoor Dining, Display, and Storage, is consistent with the Town of Clayton Strategic Growth Plan and based upon information presented at the public hearing and by the applicant, and based upon the recommendations and detailed information developed by staff and/or the Planning Board contained in the staff report, and considering the criteria of Section 155.703 (H) [Text Amendment], ~~Section 155.704(J) [Rezoning] and/or Section 155.705(J) [Planned Development District]~~ of the Unified Development Code of the Town of Clayton, the text amendment is reasonable and in the public interest.

Date of approval: Monday, October 7, 2013

ATTEST:

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Jody L. McLeod  
Mayor

---

Sherry L. Scoggins, MMC  
Town Clerk

**TOWN OF CLAYTON**  
**Amendment to the Code of Ordinances: Chapter 155**  
**Unified Development Ordinances**

**BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend Chapter 155, Section 110 with the following:**

**§ 155.110 NONCONFORMITIES.**

**(A) PURPOSE AND INTENT**

The purpose of this Section is to establish regulations to address lots, structures, uses and site elements that were lawfully established before this Chapter was adopted or amended, but do not conform to the terms and current requirements of this Chapter, or were required as part of an approval but do not exist. It is the intent of this Section to regulate and limit the continued existence of such nonconformities; and, where possible, bring them into conformance with this Chapter.

**(B) APPLICABILITY**

This Section applies to nonconforming lots, structures, uses and site elements. In determining whether such nonconformities will be regulated by the provisions of this Section, the following shall apply:

- (1) Nonconforming status shall not be provided for any lot, structure, use, or site element which was illegally created, commenced, constructed, or unlawfully continued.
- (2) Nonconforming status shall only be authorized upon demonstration by the applicant that a lot, structure, use or site element was lawfully approved, created, commenced or constructed, and not merely contemplated.
  - (a) To obtain nonconforming status, the applicant must demonstrate that the use was in continuous operation during business hours and not an occasional use of the property.
- (3) An accessory nonconforming use shall not become the principal use.

**(C) NONCONFORMING LOT**

A nonconforming lot is a lot that was lawfully created before this Chapter was adopted or amended, but does not conform to the minimum lot acreage and dimensional criteria as set forth in Article 2, Zoning Districts of this Chapter.

- (1) Where the owner of a residential lot that was lawfully created before this Chapter was adopted or amended, or any successor in title does not own sufficient land to conform to the standards provided in Section 155.203, District Standards, such a lot may be used as a building site for a single-family residence in a district in which residences are permitted, provided that the

required standards are not more than 20 percent below the minimum specified in this Chapter, or within 5 percent of the average deviation on lots adjacent to or within the same subdivision. The County Health Department's approval of the reduction is required if on-site water or wastewater facilities are involved. In cases where the criteria above cannot be met, the Board of Adjustment may grant a Variance, subject to the required findings set forth in Section 155.716, Variance.

- (2) Nonconforming Nonresidential substandard lots may be granted a Variance for development, subject to approval by the Board of Adjustment and the required findings set forth in Section 155.716, Variance.
- (3) If two or more adjoining and vacant lots are in one ownership when this Chapter is adopted, or at any time after the adoption of this Chapter, and either or both lots do not meet the dimensional requirements of this Chapter for the district in which such lots are located, then such group of lots shall be considered as a single lot.

**(D) NONCONFORMING USE**

A nonconforming use is the use of land, buildings, or structures that was lawfully established on a property prior before this Chapter was adopted or amended, but does not conform to the use regulations of his Chapter.

**(1) Continuation**

No nonconforming use may be enlarged, expanded or extended, or moved to occupy a different or greater area of land, buildings or structures than was occupied by the use at the time it became nonconforming.

**(2) Change in Use**

A nonconforming use shall not be changed to any other use, unless the new use conforms to this Chapter. A nonconforming use physically replaced by a permitted use shall not be re-established.

**(3) Maintenance**

Maintenance and repair of a building occupied by a nonconforming use is permitted, provided it does not extend the nonconforming use.

**(4) Discontinuance or Cessation**

A nonconforming use that is discontinued, abandoned, or changed to an accessory use for a period of more than 90 consecutive days, or for a total of 180 calendar days during any twelve month period, shall lose its nonconforming status and shall not be reestablished or resumed. Any subsequent use in the same location shall be consistent with this Chapter.

**(E) NONCONFORMING STRUCTURE**

A nonconforming structure is a structure that was lawfully established on a property prior to this Chapter being adopted or amended, but does not conform with the square footage, density, yard, dimensional, height, lot coverage or other structural provision of this Chapter.

- (1) The nonconforming features of a structure shall not be changed or increased in such a way as to intensify the nonconformity or increase the degree to which the structure is nonconforming. A nonconforming structure can be changed if the area of the improvement will reduce the nonconformity.
- (2) Changes to or expansion of a nonconforming structure shall not result in the intensification or expansion of a nonconforming use.
- (3) Substandard structures which are damaged or destroyed by fire, wind, flood or other natural causes may be reconstructed and shall comply with the applicable provisions of this Chapter, unless the structure is situated on a substandard lot of record, in which case the provisions concerning nonconforming lots shall apply.

**(F) NONCONFORMING SITE ELEMENT**

A nonconforming site element is a site improvement that is required as part of an approval but does not exist, or was existing or lawfully established prior to this Chapter being adopted or amended. Site elements include, but are not limited to access, parking, landscaping, signage and lighting.

- (1) No nonconforming site element shall be erected, replaced, or modified except to reduce or eliminate the nonconformity. Repair and maintenance of nonconforming site elements is permitted.
- (2) When improvements or major external renovations are proposed to an existing conforming structure, the associated non-conforming site elements must also be improved to comply with the current requirements of this Chapter.
- (3) If all site elements cannot be brought into compliance with the current requirements of this Chapter for reasons which include, but are not limited to site layout, space limitations, tree preservation or other natural features, the Planning Director may approve a deviation from site element requirements so long as the modifications to the elements are moving in the direction of conformity with the provisions of this Chapter.

**(G) NONCONFORMITIES IN THE WATER PROTECTION OVERLAY (WPO)**

Nonconforming lots, buildings and structures located within the WPO may be continued and maintained. Expansions to nonconformities must meet the requirements of § 155.501.

Duly adopted this 7<sup>th</sup> day of October 2013 while in regular session.

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Jody L. McLeod,  
Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Sherry L. Scoggins, MMC  
Town Clerk

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Katherine E. Ross  
Town Attorney

## 1. ACTION [MOTION] ON PROPOSED TEXT AMENDMENT\*

### **Motion:**

**Council motion** to approve [or deny] the proposed text amendment.

*If the text amendment request is approved, Council will continue with the Consistency and Reasonableness Statement.*

## 2. ACTION [MOTION] ON CONSISTENCY AND REASONABLENESS STATEMENT\*

### **MOTION:**

**Council motion** to approve [or deny] the Statement of Consistency and Reasonableness for the text amendment as included in the agenda packet.

\*There are three text amendments for Council consideration. It is the Council's preference to take action on each of the text amendments and statement on consistency and reasonableness with three separate motions or to take action on the text amendments with one motion for all three text amendments and one motion for the statement on consistency and reasonableness.

**TOWN OF CLAYTON**

**CONSISTENCY AND REASONABLENESS STATEMENT**

**Text Amendment to 155.110: Nonconformities**

**THE TOWN COUNCIL OF THE TOWN OF CLAYTON HEREBY STATES** that the text amendment to 155.110: Nonconformities, is consistent with the Town of Clayton Strategic Growth Plan and based upon information presented at the public hearing and by the applicant, and based upon the recommendations and detailed information developed by staff and/or the Planning Board contained in the staff report, and considering the criteria of Section 155.703 (H) [Text Amendment], ~~Section 155.704(J) [Rezoning] and/or Section 155.705(J) [Planned Development District]~~ of the Unified Development Code of the Town of Clayton, the text amendment is reasonable and in the public interest.

Date of approval: Monday, October 7, 2013

ATTEST:

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

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

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

**Agenda Item: 5b**

**Meeting Date: 10/07/13**

**TITLE: EVIDENTIARY HEARING FOR PRELIMINARY SUBDIVISION REQUEST FOR ASHCROFT SUBDIVISION LOCATED ON NORTH O'NEIL STREET ADJACENT TO THE SAM'S BRANCH GREENWAY TRAILHEAD.**

**DESCRIPTION: The applicant, The Harnett Land Group LLC, is requesting approval of the Ashcroft subdivision for a development that includes 150 residential units (104 single family and 46 townhomes). Overview of action at this site:**

<b>File</b>	<b>Action</b>	<b>Date</b>
SUB 06-02	Approval of Preliminary Subdivision Request	5/15/2006
2006-06-01 (Annexation Petition)	Approved	Adopted 7/17/2006; Effective 12/31/2006
Variance 06-06 (BOA)	Approval	8/16/2006
PDD 09-05	Withdrawn by applicant	4/5/2010
PDD 2010-46	Approved	3/7/2011
2011-007 (Resolution)	Approved (37,500 gpd)	3/7/2011

This item is slated for an evidentiary hearing at the October 7, 2013, Council meeting.

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

**ITEM SUMMARY:**

<b><u>Date:</u> 9-16-13</b>	<b><u>Action:</u> Presentation.</b>	<b><u>Info. Provided:</u> Staff report, Subdivision Application, Neighborhood Meeting Information, Site Plan, and Wastewater Allocation Request (7/30/13).</b>
<b>10-07-13</b>	<b>Evidentiary Hearing.</b>	<b>Hearing Procedures, Staff Report (Revised), Subdivision Application, Neighborhood Mtg Info, Site Plan (Revised), Utility Allocation Policy, Wastewater Allocation Request (7/30/13), and Motion Form.</b>

# **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 2013-51 (Preliminary Subdivision approval)  
**Project Name:** Ashcroft

**NC PIN:** 166900-75-1610  
**Town Limits/ETJ:** Town Limits  
**Overlay:** Watershed Protection Overlay  
**Applicant:** The Harnett Land Group, LLC  
**Owners:** Johnston Land Group, LLC  
**Developer:** The Harnett Land Group, LLC

**Neighborhood Meeting:** Held August 12, 2013  
**Public Noticing:** Property posted August 15, 2013  
**Planning Board Meeting:** Held August 26, 2013

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**PROJECT LOCATION:** The project is located on North O'Neill Street at the trailhead of the Sam's Branch Greenway.

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**REQUEST:** The applicant is requesting preliminary subdivision approval of the Ashcroft residential development, which includes 150 residential units (104 single family and 46 townhomes).

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### SITE DATA:

**Acreage:** 74.64 acres  
**Present Zoning:** PD-R  
**Proposed Zoning:** PD-R (no change)  
**Existing Use:** Vacant, Sam's Branch Greenway

### DEVELOPMENT DATA:

**Proposed Uses:** Residential development to include 150 units, including 104 single family units and 46 townhomes.  
**Proposed Density:** 2 units/acre. The maximum allowed is 2 units/acre because the site is located in the Watershed Protection Overlay.

Impervious Surface:	944,809 square feet (21.7 acres, or 29%). Maximum impervious permitted is 36% or 2 units/acre because the site is located in the Watershed Protection Overlay.
Required Parking:	N/A.
Proposed Parking:	N/A.
Fire Protection:	The Town of Clayton Fire Department will provide fire protection.
Access/Streets:	One access to the subdivision shall be provided off of O'Neil Street.
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Town of Clayton

**ADJACENT ZONING AND LAND USES:**

<b>North:</b>	Zoning:	Residential Estate (R-E)
	Existing Use:	Single Family Residential, Vacant
<b>South:</b>	Zoning:	Residential Estate (R-E)
	Existing Use:	Single Family Residential, Sam's Branch Greenway
<b>East:</b>	Zoning:	Residential Estate (R-E)
	Existing Use:	Single Family Residential
<b>West:</b>	Zoning:	Residential Estate (R-E)
	Existing Use:	Single Family Residential, Agriculture

**STAFF ANALYSIS AND COMMENTARY:**

The applicant is requesting approval of a residential Planned Development known as Ashcroft. The Ashcroft preliminary subdivision/master plan was most recently approved in March of 2011 (PDD-R 2010-46), but this subdivision approval expired March of 2013, and so this request is treated as a new subdivision approval. Other previous approvals date back to 2010 and 2007 (PD-R 09-05 and S 07-01). This request is very similar to the most recent approved preliminary subdivision.

As the property is zoned PD-R, a master plan is required. Per Section 155.705(E)(3) of the Unified Development Code, a master plan which meets the requirements for submittal for a preliminary subdivision plat may be approved as the master plan for the development and the preliminary plat concurrently. The applicant has chosen this option and is requesting concurrent approval.

➤ **Consistency with the Strategic Growth Plan**

The proposed subdivision 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 provides a buffer around the perimeter of the property to protect adjacent land uses, and provides access easements to adjacent properties that are landlocked.

➤ **Landscaping and Buffering**

The site plan meets all applicable elements of the UDC landscaping requirements. A Class “C” buffer is provided along the perimeter of the property, with the exception of the portion of the property bounded by Sam’s Branch creek. In this location, the existing riparian buffer provides an adequate buffer and no additional plantings are necessary.

➤ **Recreation and Open Space**

The property provides 11.98 acres in recreation and open space (well above the 12.5%, or 3.08 acres required), which includes 6.55 acres of dedicated open space plus 5.46 acres for a park, which will be dedicated to the Town for use as a trailhead and public park.

12.04 acres of the site are located in a greenway easement (11.64 acres of that area is “resource conservation area”) and includes the existing paved Sam’s Branch Greenway which runs from the trailhead at O’Neil Street down to the River Walk on the Neuse. In addition to the trailhead, the development will include four 20’ greenway/utility easements, which will provide paved trail access from the internal roadways to the trail.

➤ **Environmental**

The project is located in the Watershed Protection Overlay (WPO) and the southern property line is delineated by Sam’s Branch creek. A 50 foot riparian buffer is required on both sides of the creek and is provided on the proposed preliminary subdivision plan. WPO standards are set via Section 155.501 of the Unified Development Code; all requirements have been met. The overall impervious is limited to 36% or 2 dwelling units per acre and curb and gutter will be utilized on the streets. Generally, lots within the WPO are not permitted to be less than 1/3 acre, but because the development meets the standards of an Open Space Subdivision smaller lot sizes are permitted.

No lots are located in the 50 foot riparian buffer as a variable width greenway easement is in place along the creek, which includes the existing paved Sam’s Branch Greenway.

Several lots are partially located in the 100-year flood zone. The applicant is working with the Town Engineer to address any changes to the 100-year flood zone line that may be necessary to place homes on these lots. No buildings will be permitted within the 100-year flood zone, and because the 100-year flood zone is considered a “resource conservation area” (per Section 155.500 of the UDO), the area is required to remain undisturbed except for maintenance to remove litter, and dead trees and plant materials.

Open space has been configured to protect stands of existing trees.

➤ **Utility Allocation**

A utility allocation of 49,740 gpd has been requested by the applicant.

➤ **Signs**

No signage is requested at this time.

➤ **Access**

Access is provided via a driveway off of O’Neil Street. NCDOT driveway permits will be required. Proposed improvements to O’Neil Street include dedicated right and left turn lanes into the development.

➤ **Multi-Modal Access**

Sidewalks are provided throughout the subdivision on both sides of the street, with crosswalks. Access is provided in five locations (including the trailhead) to the existing Sam’s Branch Greenway, which abuts the residential development. The greenway connects to the existing River Walk on the Neuse greenway (which is part of a 30+ mile uninterrupted paved greenway along the Neuse River and a part of the Mountains to Sea Trail). The Sam’s Branch Greenway is proposed to connect to downtown Clayton.



*The existing Sam’s Branch Greenway runs along the southern border of the proposed development.*

➤ **Architecture**

N/A.

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

As provided in Section 155.706 (I)(7) a waiver to UDO Section 155.602 (G)(2) cul-de-sac length is requested due to dead end sections exceeding 700’ are indicated on the plan. The staff recommends favorable consideration of this waiver due to the presence of Sam’s Branch and associated riparian buffers.

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**CONSIDERATIONS:**

- The applicant is requesting concurrent approval of the master plan and preliminary subdivision plat.
  - A utility allocation request of 49,740 gpd is being requested. Town Council approves all allocation requests above 10,000 gpd.
  - A waiver to UDO Section 155.602(G)(2) is requested to exceed the maximum permitted cul-de-sac length.
-

## **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 155.706(l)(10) required for a subdivision. The applicant's Findings of Fact are incorporated into the record as Exhibit A of the Staff Report.

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## **COUNCIL CONSIDERATIONS:**

- 1) Consideration of a preliminary subdivision waiver to UDC Section 155.602(G)(1) to allow the cul-de-sac length to exceed 700 feet.
- 2) Consideration of the preliminary subdivision plat and master plan (to be approved as the master plan for the development and the preliminary plat concurrently) with the following conditions:
  1. All conditions of approval associated with the subdivision approval under PDD-R 2010-46 (approved March, 2011) are hereby deleted and replaced as follows.
  2. Following Council approvals, three copies of the approved Master Plan/Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to Planning Department.
  3. The development of the site is limited to the design and uses approved by the Town Council. Modifications may require additional approvals to be consistent with the UDC, or as necessary to meet Conditions of Approval.
  4. A utility acreage and nutrient offset fees, and recreation and open space fees are due prior to plat recordation. Capacity fees shall be due prior to the issuance of each building permit.
  5. Approved street names and addresses shall be applied to the plat prior to recording.
  6. All recorded maps shall prominently identify riparian buffers and note that the lots are subject to the regulations of the Watershed Protection Overlay District of the Town of Clayton.
  7. The street connection to N. O'Neil Street (SR 1708) shall be approved by NCDOT prior to recording final plats.
  8. Prior to plat recordation, a Development Agreement shall be executed between the developer and the Town of Clayton to formalize the timeframes and process associated with necessary roadway improvements and the dedication of land for a public park.
  9. The lots at the eastern end of the project shall not be recorded until NCDOT completes a preliminary alignment analysis for the Clayton Parkway.
  10. Homeowners Association documents which provide for maintenance and management of all common facilities must be recorded prior to any plat recordation.

11. Existing 100 year flood zone encroachment issues shall be resolved before any non-drainage related improvements occur in the impacted area.

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**PLANNING BOARD RECOMMENDATION:**

All Planning Board members recommended approval of the rezoning to PD-R to the Town Council. All Planning Board members recommended approval of the preliminary subdivision with the 12 conditions listed in the staff report to the Town Council. All Planning Board members recommended approval of the preliminary subdivision waiver to UDC Section 155.602 (G) (1) to allow the cul-de-sac length to exceed 700 feet.

*Note: After the Planning Board meeting was held, Town Attorneys have advised that the request should not include a rezoning. Instead, it will only involve the concurrent approval of the preliminary subdivision plan and the master plan.*

**Attachments:** 1) Findings of Fact, 2) Map, 3) Rezoning Application, 4), Subdivision Application, 5) Neighborhood Meeting Materials, 6) Master Plan/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 subject property is zoned PD-R. The subject property will comply with all zoning requirements of the Town of Clayton Unified Development Ordinance.

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

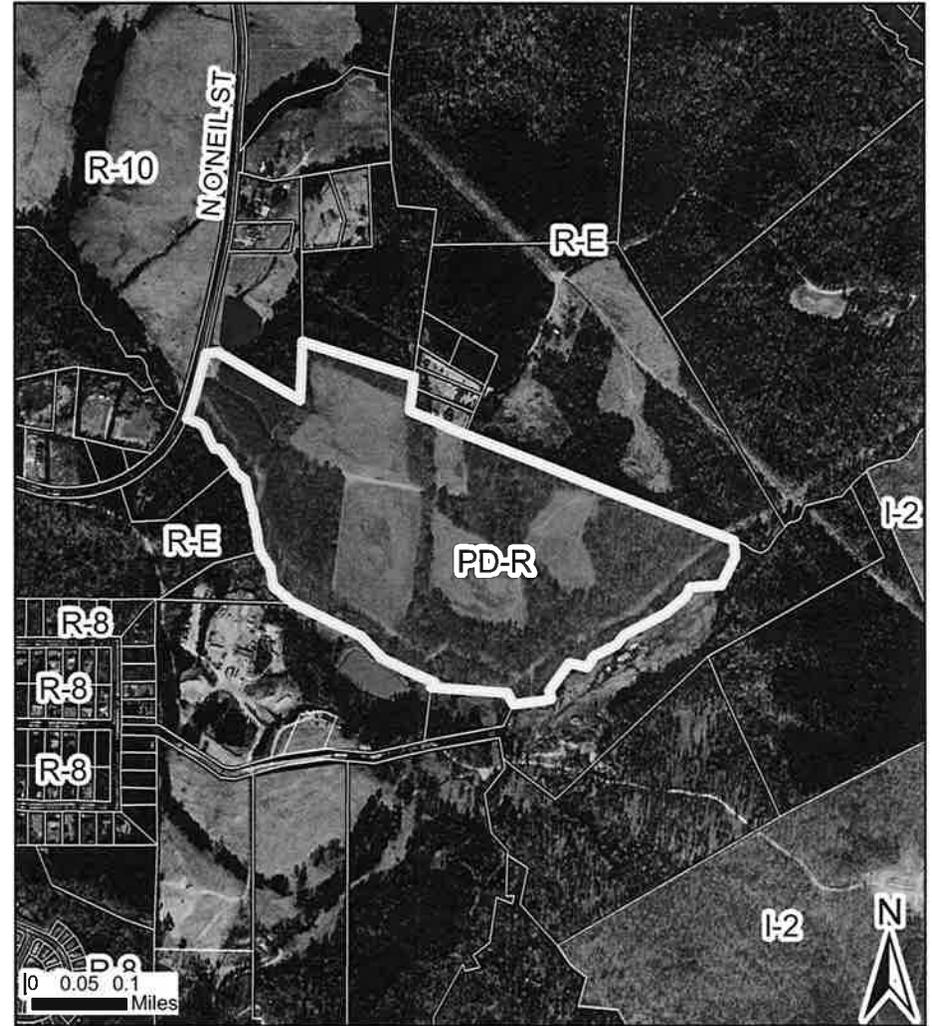
The subject property will complement the surrounding properties. The location of subject property in relation to downtown Clayton will encourage continued residential growth and development of the surrounding properties.

- (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 subject project will provide proper distribution of traffic to avoid congestion to the public in the immediate area. The project will provide products and service to the public that are desired and will not endanger the environment or public.

- (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.

The subject property is located in the resource conservation area and will complement The surrounding properties.



**Ashcroft Subdivision  
Subdivision and Master Site Plan**

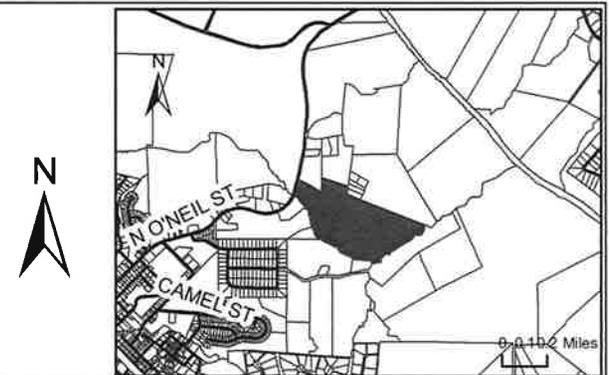
Applicant: Jonathan Barnes, Dalton Engineering  
 Property Owner: JOHNSTON LAND GROUP LLC  
 Parcel ID Number: 166900-75-1610  
 File Number: PSD 2013-51

Produced by: TOC Planning

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



7/19/13





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: Ashcroft Subdivision      Acreage of Property: 74.64 acres  
 Preliminary Plat Approval Date (if applicable): \_\_\_\_\_  
 Parcel ID Number: 166900-75-1610      Tax ID: 05H02015A  
 Location: North O'Neil Street  
 Section(s): \_\_\_\_\_      Phase(s): 6  
 Number of Lots (Existing): 0      (Proposed): 150      Min. Lot Size: 6000sf  
 Zoning District: PD-R      Planned Development? (Y/N): Y      Electric Provider: TOC  
 Specific Use: Residential Subdivision  
 Recreation/Open Space Requirement:   
  Fee in lieu     
  Land Dedication (acreage) 11.98

### FOR OFFICE USE ONLY

File Number: _____	Date Received: _____	Amount Paid: _____
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## OWNER INFORMATION:

Name: The Harnett Land Group, LLC.

Mailing Address: PO Box 427, Mamers, NC 27552

Phone Number: (919) 606-4696

Fax: \_\_\_\_\_

Email Address: cdb1971@gmail.com

## APPLICANT INFORMATION:

Applicant: The Harnett Land Group, LLC.

Mailing Address: PO Box 427, Mamers, NC 27552

Phone Number: (919) 606-4696

Fax: \_\_\_\_\_

Contact Person: Dustin Blackwell

Email Address: cdb1971@gmail.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.*

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
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 subject property is zoned PD-R. The subject property will comply with all zoning requirements of the Town of Clayton Unified Development Ordinance.

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

The subject property will complement the surrounding properties. The location of subject property in relation to downtown Clayton will encourage continued residential growth and development of the surrounding properties.

- (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 subject project will provide proper distribution of traffic to avoid congestion to the public in the immediate area. The project will provide products and service to the public that are desired and will not endanger the environment or public.

- (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.

The subject property is located in the resource conservation area and will complement The surrounding properties.

# Dalton Engineering

and Associates, P.A.



8/14/13

To: Town of Clayton  
Planning Department  
Post Office Box 879  
Clayton, North Carolina 27528

Sub: Ashcroft Subdivision  
Minutes from Neighborhood Meeting

Meeting Date : Monday, August 12, 2013

Location : Dalton Engineering and Associates, P.A.  
446 East Main Street  
Clayton, North Carolina 27520

Time : 6:00 p.m. – 6:50 p.m.

Comments : There are thirteen property owners adjacent to subject project. On July 31, 2013, our office mailed the invitations to the adjacent landowners to inform each of the Neighborhood Meeting for the project.

To our office's knowledge, there have been a total of two ( 2) inquires about the project :

1. The first inquiry came from Steven Blalock, representing Four Oaks Bank and Trust. Mr. Blalock called our office on the morning of 8/12/13 and said he would not be able to attend the Neighborhood Meeting. However, he did have a question regarding access to the parcel of property that Four Oaks Bank and Trust owns, located adjacent to ( North side ) Ashcroft.

My response to Mr. Blalock was that the proposed Preliminary Layout for Ashcroft included a subdivision street stub to the Four Oaks parcel. The street stub is labeled as " Street H " on the Preliminary Layout, and is shown as tying directly to the main access drive of the project.

At the conclusion of our conversation, Mr. Blalock commented that " The Bank is in full support of the project " .

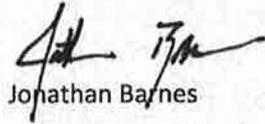
2. The second inquiry came from Bobby Hardee, who is one of the adjacent landowners. Mr. Hardee called our office on the afternoon of 8/12/13, and then stopped by our office to view the Preliminary Layout for the project. Other than myself, he was the only attendee present at the Neighborhood Meeting.

After looking over the Preliminary Layout, I explained that the current layout had not changed since being previously approved by the Town of Clayton.

Mr. Hardee did not present any questions or concerns regarding the project.

If there are any questions, please do not hesitate to call or e-mail.

Thank you.



Jonathan Barnes

Dalton Engineering and Associates, P.A.

( 919 ) 550 - 4740 office

[jbarnes@daltonengineering.com](mailto:jbarnes@daltonengineering.com)

Dalton Engineering

and Associates, P.A.  
446 East Main Street  
Post Office Box 426  
Clayton, NC 27528(919) 550-4740  
Fax (919) 550-4741PROJECT ASHCROFTCALCULATED BY JWB

CHECKED BY \_\_\_\_\_

SUBJECT NOTE TO FILEDATE 8/12/13

DATE \_\_\_\_\_

ASHCROFT - NEIGHBORHOOD MEETING @ DALTON ENGINEERING & ASSOC.  
- 8/12/13 @ 6:00 P.M.

ATTENDEES :

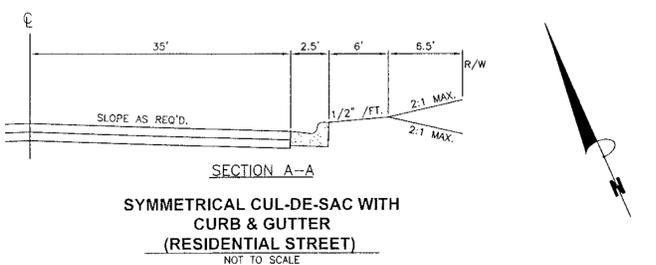
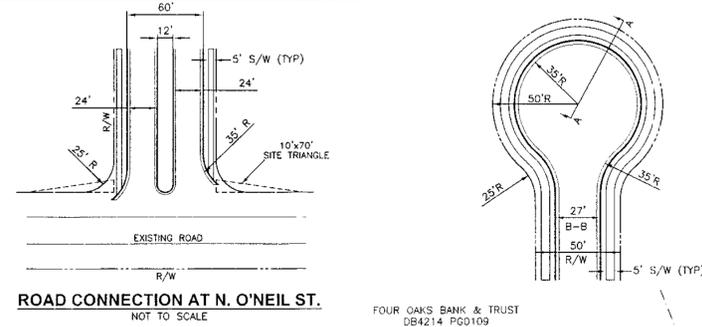
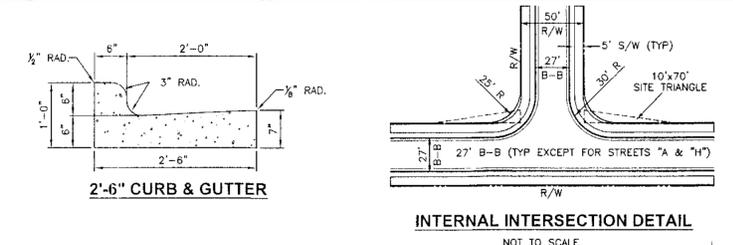
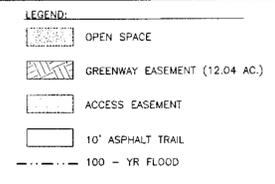
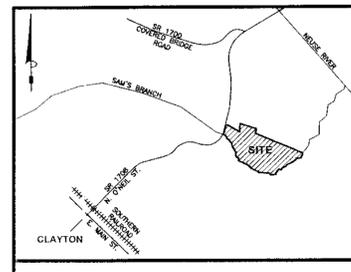
NAMEADDRESS & CONTACT NUMBER

1. BOBBY HARDEE

2019 Harder Ln. Clayton  
919-553-6676

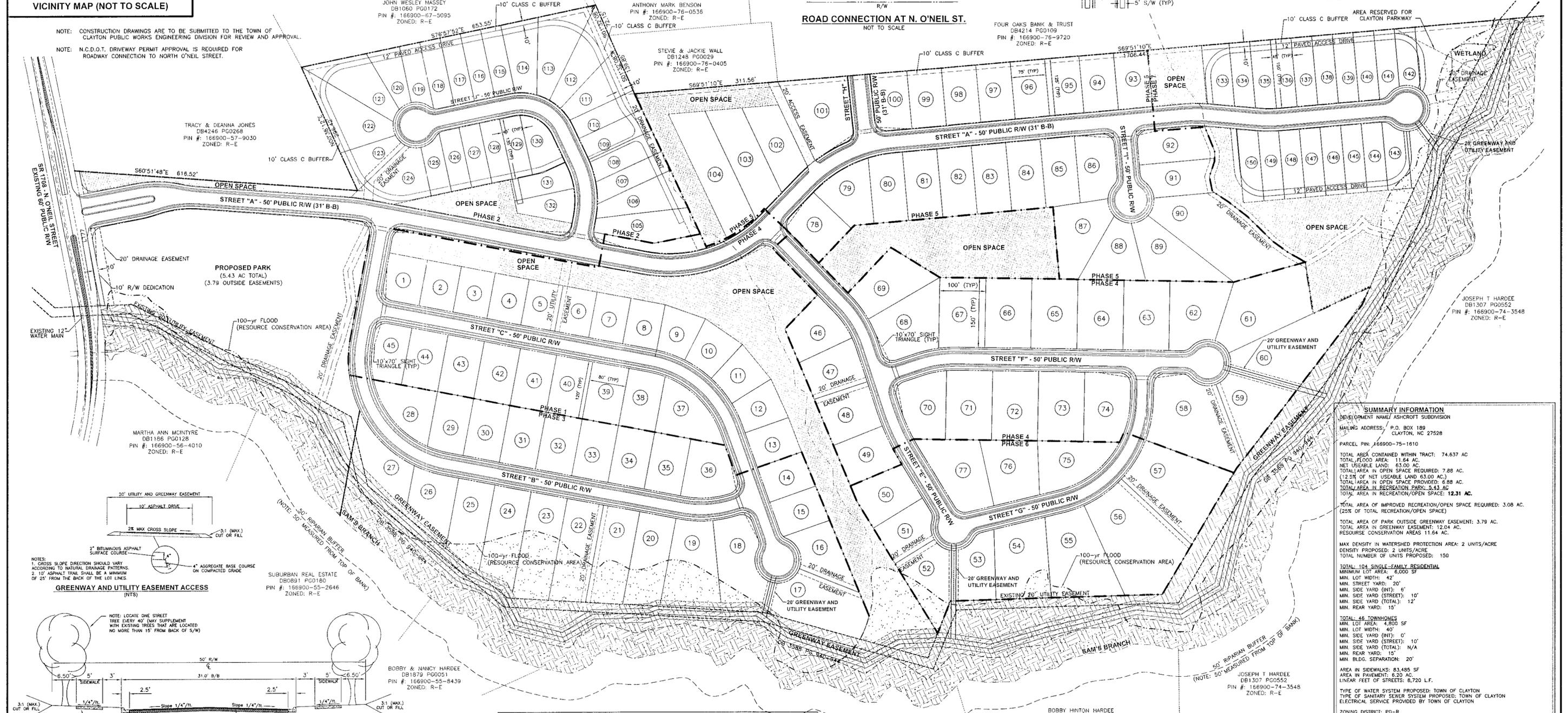
2. JONATHAN BARNES

446 EAST MAIN STREET  
CLAYTON, NC 27520  
(919) 550-4740



NOTE: CONSTRUCTION DRAWINGS ARE TO BE SUBMITTED TO THE TOWN OF CLAYTON PUBLIC WORKS ENGINEERING DIVISION FOR REVIEW AND APPROVAL.

NOTE: N.C.D.O.T. DRIVEWAY PERMIT APPROVAL IS REQUIRED FOR ROADWAY CONNECTION TO NORTH O'NEIL STREET.



**SUMMARY INFORMATION**

DEVELOPMENT NAME: ASHCROFT SUBDIVISION  
MAILING ADDRESS: P.O. BOX 189 CLAYTON, NC 27528

PARCEL PIN: 166900-75-1610

TOTAL AREA CONTAINED WITHIN TRACT: 74.637 AC  
TOTAL FLOOD AREA: 11.64 AC  
NET USABLE LAND: 63.00 AC  
TOTAL AREA IN OPEN SPACE REQUIRED: 7.88 AC  
(12.5% OF NET USABLE LAND 63.00 AC)  
TOTAL AREA IN OPEN SPACE PROVIDED: 6.88 AC  
TOTAL AREA IN RECREATION PARK: 3.43 AC  
TOTAL AREA IN RECREATION/OPEN SPACE: 12.31 AC

TOTAL AREA OF IMPROVED RECREATION/OPEN SPACE REQUIRED: 3.08 AC  
(25% OF TOTAL RECREATION/OPEN SPACE)

TOTAL AREA OF PARK OUTSIDE GREENWAY EASEMENT: 3.79 AC  
TOTAL AREA IN GREENWAY EASEMENT: 12.04 AC  
RESOURCE CONSERVATION AREAS 11.64 AC

MAX DENSITY IN WATERSHED PROTECTION AREA: 2 UNITS/ACRE  
DENSITY PROPOSED: 2 UNITS/ACRE  
TOTAL NUMBER OF UNITS PROPOSED: 150

TOTAL: 104 SINGLE-FAMILY RESIDENTIAL

MINIMUM LOT AREA: 6,000 SF  
MIN. LOT WIDTH: 42'  
MIN. STREET YARD: 20'  
MIN. SIDE YARD (RIT): 0'  
MIN. SIDE YARD (STREET): 10'  
MIN. SIDE YARD (TOTAL): 12'  
MIN. REAR YARD: 15'

TOTAL: 46 TOWNHOMES  
MIN. LOT AREA: 4,800 SF  
MIN. LOT WIDTH: 40'  
MIN. SIDE YARD (RIT): 0'  
MIN. SIDE YARD (STREET): 10'  
MIN. SIDE YARD (TOTAL): N/A  
MIN. REAR YARD: 15'  
MIN. BLDG. SEPARATION: 20'

AREA IN SIDEWALKS: 83,485 SF  
AREA IN PAVEMENT: 8,220 AC  
LINEAR FEET OF STREETS: 8,720 LF

TYPE OF WATER SYSTEM PROPOSED: TOWN OF CLAYTON  
TYPE OF SANITARY SEWER SYSTEM PROPOSED: TOWN OF CLAYTON  
ELECTRICAL SERVICE PROVIDED BY TOWN OF CLAYTON

ZONING DISTRICT: PD-R  
WATERSHED PROTECTION AREA: YES  
PROPOSED ZONING: PD-R

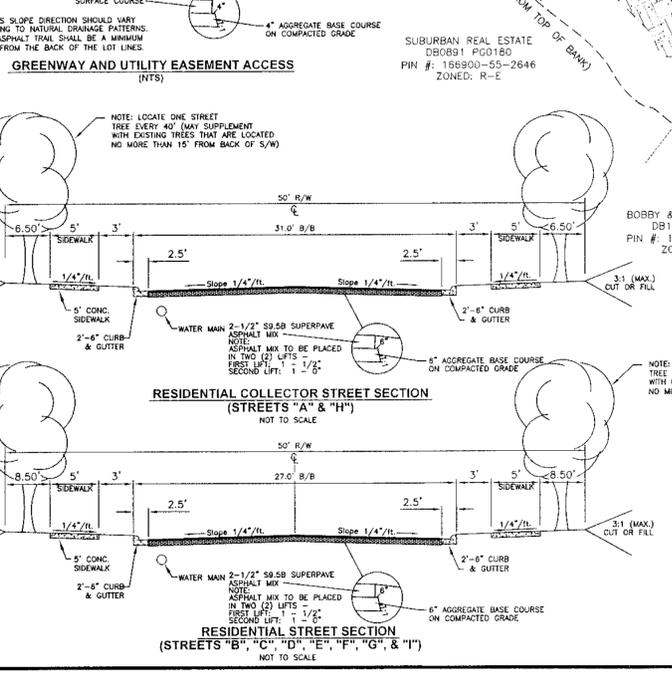
INSIDE CITY LIMITS? YES

OWNER AND APPLICANT:  
JOHNSTON LAND GROUP, LLC  
P.O. BOX 189  
CLAYTON, NC 27528

PRELIMINARY LAYOUT PREPARED BY:  
DALTON ENGINEERING AND ASSOCIATES, PA  
448 EAST MAIN STREET  
CLAYTON, NC 27520  
(919) 550-4740

**IMPERVIOUS SURFACE AREA SUMMARY**

- TOTAL AREA CONTAINED WITHIN TRACT = 74.637 AC. OR 3,251,188 S.F.
- MAXIMUM ALLOWABLE IMPERVIOUS SURFACE AREA = 3,251,188 S.F. x 55% = 1,778,273 S.F.
- AREA CONTAINED WITHIN BUILDING LOTS = 1,170,428 S.F.
- ALLOWABLE IMPERVIOUS SURFACE AREA WITHIN LOTS = 1,002,811 S.F. x 55% = 551,436 S.F.
- IMPERVIOUS SURFACE CONTAINED WITHIN ASPHALT AND C & G = 271,361 S.F.
- IMPERVIOUS SURFACE CONTAINED WITHIN CONCRETE SIDEWALK = 83,485 S.F.
- IMPERVIOUS SURFACE CONTAINED WITHIN PAVED ACCESS DRIVES = 38,485 S.F.
- TOTAL PROPOSED IMPERVIOUS SURFACE AREAS = 271,361 + 83,485 + 38,485 = 393,331 S.F.
- 944,809 S.F. < 1,778,273 S.F. (OKAY) MAXIMUM LOT IMPERVIOUS = 55%

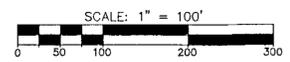


**NOTES:**

THE 10'x70' SIGHT TRIANGLES SHALL TAKE PRECEDENCE OVER ANY SIGN EASEMENTS.

THE FINAL PLAN WILL ENSURE THAT ALL DRAINAGE EASEMENTS INTERSECT THE PUBLIC RIGHT-OF-WAY ALONG A LOT LINE. DRAINAGE EASEMENTS WITHIN THE INTERIOR OF THE PROJECT MAY OR MAY NOT COMPLETELY CENTER ALONG A LOT LINE.

ALL ACCESS TO UTILITY EASEMENTS ALONG THE OUTFALL LINE SHALL HAVE A MAXIMUM SLOPE OF 4:1 (H:V) AND A MAXIMUM CROSS SLOPE OF 4%.



**PRELIMINARY SITE PLAN FOR ASHCROFT**

TOWN OF CLAYTON - JOHNSTON COUNTY, NC

REVISION 003: ADDRESSED TOWN OF CLAYTON COMMENTS - 9/11/13  
REVISION 002: ADDRESSED TOWN OF CLAYTON COMMENTS - 8/14/13  
REVISION 001: ADDRESSED TOWN OF CLAYTON COMMENTS - 7/28/13

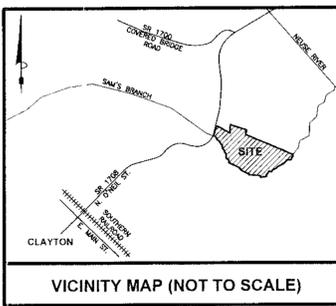


**Dalton Engineering and Associates, P.A.**

446 East Main Street  
P.O. Box 426  
Clayton, NC 27520

(919) 550-4740  
Fax (919) 550-4741

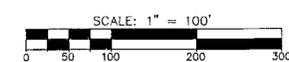
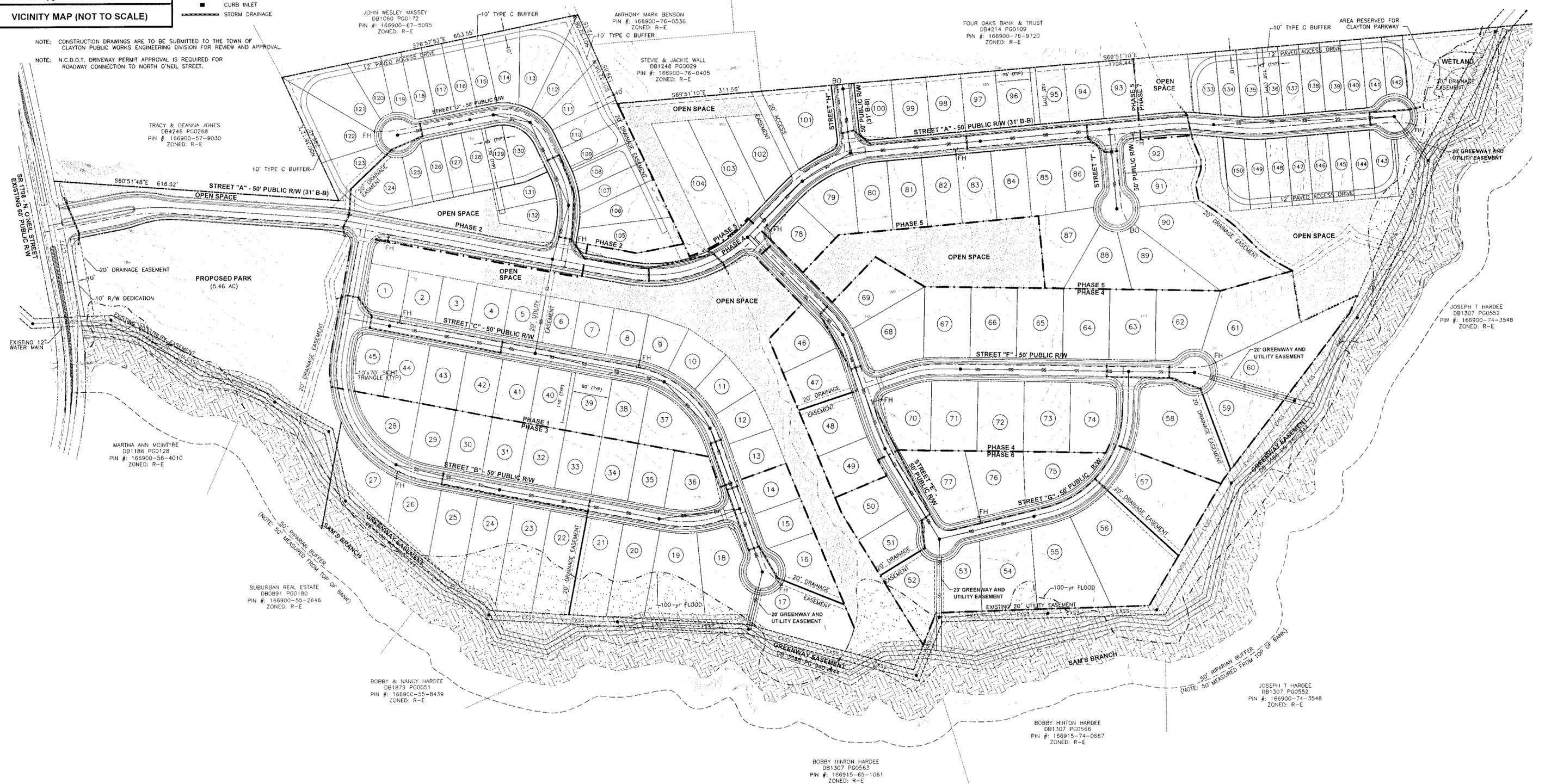
Job: 13031 Date: 7/1/13 Revision: 003  
File: PRELIMINARY Drawn: CSB Sheet: 1 OF 2



- LEGEND:
- OPEN SPACE
  - GREENWAY EASEMENT
  - ACCESS EASEMENT
  - 10' ASPHALT TRAIL
  - SANITARY SEWER MANHOLE
  - 8" GRAVITY SANITARY SEWER LINE
  - 6" WATER LINE
  - FIRE HYDRANT ASSEMBLY (FH)
  - CURB INLET
  - STORM DRAINAGE

NOTE: CONSTRUCTION DRAWINGS ARE TO BE SUBMITTED TO THE TOWN OF CLAYTON PUBLIC WORKS ENGINEERING DIVISION FOR REVIEW AND APPROVAL.

NOTE: N.C.D.O.T. DRIVEWAY PERMIT APPROVAL IS REQUIRED FOR ROADWAY CONNECTION TO NORTH O'NEIL STREET.

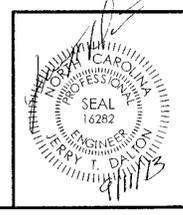


REVIEW ONLY

**PRELIMINARY UTILITY LAYOUT  
FOR  
ASHCROFT**

TOWN OF CLAYTON - JOHNSTON COUNTY, NC

REVISION 003: ADDRESSED TOWN OF CLAYTON COMMENTS - 9/11/13  
 REVISION 002: ADDRESSED TOWN OF CLAYTON COMMENTS - 8/14/13  
 REVISION 001: ADDRESSED TOWN OF CLAYTON COMMENTS - 7/28/13



**Dalton Engineering  
and Associates, P. A.**

446 East Main Street  
P.O. Box 426  
Clayton, NC 27520

(919) 550-4740  
Fax (919) 550-4741

Job: 13031	Date: 7/1/13	Revision: 003
File: UTILITY	Drawn: CSB	Sheet: 2 OF 2

- Residential projects that include tangible, high quality community amenities
- Residential projects that include diverse products and opportunities
- Residential projects, not otherwise described above

D. Based on analysis of the existing customer base, the Town of Clayton devotes approximately fifty percent of utility capacity to residential flow, thirty percent to industrial flow, and the balance to commercial flow.

## II. Policy

A. The Town of Clayton shall endeavor to grant utility allocations such that the existing character of the Town's utility customer base does not become more residential than is currently the case, and it shall seek to increase the diversity of the customer base by increasing the percentage of flow devoted to industrial, commercial, and mixed use development.

The total amount of available capacity and each incremental increase in capacity may be made available to applicants based on the following parameters:

-No more than fifty percent of the total may be allocated to strictly residential development projects.

-At least thirty percent of the total must be reserved for allocation to commercial/industrial projects.

-Projects encompassing mixed use (residential and commercial) elements may be considered for allocation even if such an allocation will exceed the limit established above for residential use.

B. The Town of Clayton may allocate utility service capacity to competing projects based on a demonstrated intent and ability on the part of the applicant to meet adopted Town goals and plans for character and quality of development.

C. The Town of Clayton may deny a utility allocation request if the applicant fails to adequately demonstrate how the project meets adopted Town goals or plans or in the case that the project is deemed to be less supportive of Town goals or plans.

# Town of Clayton

## Policy for Evaluating and Reserving Utility Allocations

### I. Foundation

- A. The Town of Clayton has invested substantial capital in the infrastructure necessary to support a growing, prosperous, and healthy community. Water supply and wastewater treatment capacity are among the most important elements of this infrastructure.
- B. The judicious allocation of these resources in conformity with adopted goals and priorities serves to shape the community consistent with the articulated vision to become the “Premier Community for Active Families.”
- C. The Town Council for the Town of Clayton has acted to adopt certain goals that are useful tools to successfully evaluate applications for allocation of public resources so that the character of the community shall be consistent with its vision, values, and plans.

The following community goals, as established by the Town Council, shall be considered when evaluating requests for utility allocations:

- Value for Taxes and Public Fees
- Business Community: Diverse and Profitable
- Regional Service Center

In accordance with a premise of the “Town of Clayton Strategic Growth Plan” utility allocations should support and maximize the concept of:

- Increasing the Town’s property tax based revenues by the expansion and improvement of higher valued commercial and industrial land uses.

Consistent with the intent of this policy and other public statements and policies made by the Town Council, the following hierarchy shall apply to evaluation of utility allocation requests:

- Industrial projects and other major employers
- Commercial properties with quality development projects
- Development projects with a mixed-use element
- Additional phases attached to residential projects with a proven record of quality product and economic success

### III. Reservation Process

- A. The owner of any project requiring utility service from the Town of Clayton shall submit a written application for an allocation. The application shall be in letter form, addressed to the Town Manager, and shall include detailed information on the amount of capacity necessary to serve the project, the nature of the project, project schedule in relation to consumption of utility capacity, and other supporting information demonstrating how the project serves the needs and interests of the Town of Clayton.
- B. The Town Council shall review for approval all allocations, which require or may require a daily flow allocation of ten thousand gallons or more and/or any allocation made for a land use category from capacity otherwise set aside for a different land use type.
  - 1. Subdivisions, Mixed-use Planned Developments, Special Use Permits. The Town Council shall fully and with deliberation incorporate the evaluation of utility allocation requests into the decision-making process associated with each of the aforementioned review processes. The criteria contained herein for evaluation of utility allocation requests shall be included as elements within the review processes for the accompanying land use application with regard to conformity with Town of Clayton policies and ordinances, planning practices, and consistency with adopted long-range and strategic plans.
  - 2. Allocations requiring Town Council approval, but which do not require other land use regulatory reviews or approvals. The applicant shall include with their letter of application a full description of how their project supports the goals and priorities established within this and related policies and plans.
- C. The Town Manager shall review for approval all applications for utility capacity, which require a daily flow allocation of less than ten thousand gallons for allocations in accordance with the land use allotments, specified in this policy.
  - 1. The Town Manager shall consider the goals articulated by this and related Town policies when reviewing applications for utility allocations. If an application is denied, the Town Manager shall state in writing the reasons for denial of the request.

2. Appeals process. Any applicant whose application for utility service is denied by the Town Manager and who believes that such denial is inconsistent with the goals and priorities stated by this and related Town policies may appeal the denial for review by the Town Council for final decision as provided in section III, B, 2 above at the next regularly scheduled Town Council meeting.
- D. Utility allocations granted under this policy shall require the requestor to post a deposit for capacity fees within forty-five (45) days of the date the allocation is granted. Failure to post a deposit in timely fashion may result in revocation of the allocation.
1. The required deposit shall be at least twenty percent (20%) of the total utility capacity fees calculated for the project.
  2. All utility allocations approved by the Town shall be effective for a period of twenty-four (24) months to start of construction beyond the time shown on the project schedule prepared and submitted by the developer or customer.
  3. Upon request by the applicant and at the discretion of the Town, an allocation may be extended for one twelve (12) month period.
  4. At the final expiration date for an unused allocation, the Town shall rescind the allocation and retain twenty percent (20%) of the total utility capacity fees calculated for the project from the posted deposit.
- E. An allocation holder may relinquish capacity back to the Town.
1. If a project is unsuccessful in obtaining any required Town permit or approval or any State permit or approval, the full deposit paid on utility capacity fees shall be reimbursed without penalty or other withholding by the Town.
  2. If a project is successful in obtaining all required Town and State approvals and holds an allocation for ninety (90) or more days, but relinquishes back to the Town the full amount of allocation within fewer than twenty-four months beyond the scheduled date for start of construction, then ten percent (10%) of the total utility capacity fees due shall be retained by the Town and the remaining amount of the deposit posted with the Town shall be returned to the applicant.

3. If a project is successful in obtaining all required Town and State approvals and agrees to relinquish the total capacity allocation granted back to the Town within ninety (90) days following receipt of final permit approval from the Town, then the total amount of the deposit on utility capacity fees paid to the Town shall be returned without penalty or other withholding by the Town.
- F. Granting of a utility allocation does not imply or confer approval of any other applications or reviews as may be required by Town Ordinance or policy and does not imply or create any vested right.
- G. If the Town of Clayton approves an allocation for utility capacity for a project and a permit for such project is ultimately denied by the North Carolina Department of Environment and Natural Resources or other responsible regulatory agency, then the Town of Clayton shall bear no liability for any costs incurred by the applicant, nor bare further responsibility in the matter. In such cases, applicable utility access fees, if previously collected, shall be returned as provided in section III, E, 1.

#### IV Capacity Accounting

- A. Due to weather related factors, the regulatory environment, and the dynamic nature of wastewater flow and treatment, accounting of available utility capacity is, by its very nature, inexact. The Town of Clayton shall seek to track the amount of capacity that may be available for allocation; however, such reports do not constitute a policy statement, commitment or guarantee on the amount of capacity available for allocation.
1. The Town Manager shall prepare and incorporate as part of the program established hereunder a schedule of utility capacity available and a list of allocations granted.
  2. The Town Manager shall make at least quarterly reports to the Town Council regarding the status of utility capacities available and allocations granted.

#### V. Applicability. This policy shall replace previous policies adopted by the Town Council, as noted below.

- A. "Town of Clayton Wastewater Treatment Capacity Allocation Policy" dated February 19, 2001.

- B. "Town of Clayton Policy Regarding Wastewater Treatment Allocations Granted by Resolution of the Town Council" dated September 17, 2001 and revised June 16, 2003.
- C. "Town of Clayton Policy for Evaluating and Reserving Utility Allocations" dated July 19, 2004.

Duly adopted this 7th day of September 2010, while in regular session.

---

Jody L. McLeod  
Mayor

ATTEST:

APPROVED AS TO FORM:

---

Sherry L. Scoggins, MMC  
Town Clerk

---

Brenton W. McConkey  
Town Attorney

Dalton Engineering  
and Associates, P.A.



7/30/13

To: Mr. Steve Biggs  
Town of Clayton  
PO Box 879  
Clayton, North Carolina 27520

Sub: Ashcroft  
Request for Sewer Allocation

On behalf of the Owners/Managers of the Ashcroft (The Harnett Land Group), I hereby request a total sewer allocation, as indicated in the attached spreadsheet. This information was adjusted relative to the previous request based on change of ownership in the project and their plans to phase the project differently than previously proposed.

The quantity used in the spreadsheet calculations, relative to volume per bedroom, was previously provided by the Town.

Thank you for considering this request. It is my understanding that this approval of allocation is the only outstanding issue for this project.



Jerry T. Dalton, PE



**Schedule of Sewer Usage - Revised**

7/24/2013

**Ashcroft**

	<u>Approx Total</u>	<u>Year 1 (2014)</u>	<u>Year 2 (2015)</u>	<u>Year 3 (2016)</u>	<u>Totals</u>
Single Family	104 units	Requested: 9,945	10,280	10,195	30,420
3 bdrm		Daily Flow: 17 units	17 units	18 units	
4 bdrm		17 units	18 units	17 units	
Town Homes	46 units	Requested: 6,240	6,360	6,720	<b>19,320</b>
3 bdrm		Daily Flow: 8 units	7 units	8 units	
4 bdrm		7 units	8 units	8 units	
		<u>16,185</u>	<u>16,640</u>	<u>16,915</u>	

<b><u>Town of Clayton - Acceptable Values</u></b>	
<b>Single Family:</b>	
Flow/Unit (gal/day)	250 (3 bdrm)
	335 (4 bdrm)
<b>Townhomes</b>	
Average Bedrooms	3 & 4
Flow/Bdrm (gal/day)	120

**Total Request for Allocation (gpd) ----->**

**49,740**

**TOWN OF CLAYTON  
SUBDIVISION APPLICATION  
EVALUATION FORM**

Application Number: SUB 2013-51

The Town Council shall decide the matter of Subdivision Application Number SUB 2013-51 by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

**Finding One of Four:**

Circle One

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

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

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**Finding Two of Four:**

**Circle One**

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

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

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**Finding Three of Four:**

**Circle One**

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

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

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**Finding Four of Four:**

**Circle One**

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

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

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

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

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

**Record of Decision:**

Based on a motion and majority vote of the Clayton Town Council Subdivision Application Number SUB 2013-51 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:** 6a **Meeting Date:** 10/07/13

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

**DESCRIPTION:** At the July 16, 2012, Council work session, it was the consensus of the Council that staff draft an ordinance authorizing the building inspector to have the property demolished in the event Town does not see work initiated within the specified timeframe.  
 At its August 6, 2012, Council meeting, it was the consensus of the Council to continue this item for 90 days.  
 At its November 5, 2012, Council meeting, the Council received information from the lien holder of this property. All Council members voted in favor of continuing this item to the 11/19/2012 Council meeting in order to receive additional information.

**RELATED GOAL:** Think Downtown & Administrative

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
7-16-12	Discussion.	Ordinance.
8-06-12	Discussion.	Ordinance, map, NC GS 160A-439, & Town Code of Ord Section 153.027.
10-15-12	None – Tracking.	Ordinance, map, NC GS 160A-439, and Town Code of Ord section 153.027.
11-05-12	Discussion.	Ordinance, map, NC GS 160A-439, and Town Code of Ord Section 153.027.
11-19-12	Discussion.	Ordinance, map, NC GS 160A-439, and Town Code of Ord Section 153.027.
12-3-12	Discussion.	Ordinance, Map, NC GS 160A-439, and Town Code of Ords section 153.027.
12-17-12	Discussion.	N/A.
1-7-13 – 6-17-13	Discussion.	N/A.
8-5-13	Discussion.	
8-19-13	Discussion.	

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

**Agenda Item: 6b**

**Meeting Date: 10/07/13**

**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.	

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

**Agenda Item: 6c**

**Meeting Date: 10/07/13**

**TITLE: BUDGET AMENDMENT FOR THE OFF-BUDGET CAPITAL OUTLAY PROPOSALS.**

**DESCRIPTION: Update on off-budget equipment request(s) for Town departments.**

**At its September 16, 2013, Council meeting, it was the consensus of the Council to receive a budget amendment for the off-budget capital outlay.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
6-17-13	Discussion.	
8-05-13	Discussion.	
8-19-13	Discussion.	
9-16-13	Discussion.	
10-07-13		Budget ordinance.

**TOWN OF CLAYTON  
 AMENDMENT TO THE FY 13-14 GENERAL FUND BUDGET  
 FOR CERTAIN PROJECTS AND EQUIPMENT**

**BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA** that the following amendment shall be made to the FY 13-14 General Fund Budget:

Revenues

<u>Line Item</u>	<u>Description</u>	<u>Original Allocation</u>	<u>Adjustment</u>	<u>Amended Allocation</u>
100-40-00-48 99	FB Appropriated	\$259,949	+1,001,285	\$1,261,234
100-40-00-45 20	Grants	\$0	+\$50,000	\$50,000

Expenditures

100-40-01-59 02	Council Contingency	\$64,864	+1,051,285	\$1,116,149
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**Purpose:** To approve for the acquisition of certain equipment, land, and completion of storm drainage improvement projects.

Duly adopted this 7<sup>th</sup> day of October 2013, while in regular session.

Attest:

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

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

October 7, 2013

Memorandum

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

From: Steve Biggs, Town Manager

Subject: Capital Items- Fund Balance Authorization

Background

The combination of financial austerity measures taken by the Town over the past three years and more recent growth in certain revenues, particularly sales tax and building permits, now provides the opportunity to address certain infrastructure, equipment, and capital purchases that have been deferred through the worst of the recent economic slowdown.

The Council instructed that these items be identified with related costs and presented for their consideration and authorization for appropriation.

Consideration

Unmet needs were grouped into one of three categories: Real Estate, Equipment, and Storm Drainage Projects.

## Real Estate.

The Town has an obligation by MOU to purchase 39 acres of property adjacent to the 79 acre "River Farm" property that was purchased as part of the 2008 GO Bond. This property is discounted approximately 50% but represents a \$600,000 obligation. The DuPont property is the flattest, most usable part of what will become the "River Park." Programmatic design has incorporated it into the future use plan.

Sam's Branch Trailhead. The Sam's Branch Greenway is one of the most popular amenities in the Town of Clayton. The existing trailhead exists by short term lease with the property owner. It is crucial to continuing use of the greenway to acquire a permanent trailhead for parking. The Town has a tentative agreement with the owner to acquire five acres. Town funds will be matched with grant funds for a maximum \$50,000 Town obligation.

## Equipment

Track Loader. Currently street, sidewalk and similar demolition must be worked by hand tools. This is an inefficient process. Acquisition of a small track loader will improve efficiency of operation and cut time for demolition and loading by up to 75%. The value of this equipment is particularly illustrated by the handicap ramps being installed on sidewalks at intersections throughout Town, but it offers significant advantage for other applications as well. The Town has vigorously negotiated with Caterpillar and Gregory Poole to acquire the equipment at a substantial savings. A spreadsheet detailing this saving, of more than \$23,600 is attached. Purchase cost for the unit is \$64,400. Attachments will be purchased with FY budgeted funds.

Mower. Parks and Recreation has to maintain 10 fields with twice per week mowing during the growing season. The new 72" mower is expected to perform that task twenty percent faster creating a time savings of 290 hours per year with a related productivity value of \$5,800 per year excluding fuel saving. The initial purchase cost is \$13,000.

Light off-road vehicle. This vehicle will enable a multitude of tasks, but most valuable will be the ability to perform required easement inspections with a vehicle that will not damage turf where easements run through backyards. These inspections are performed twice per year and often cause customer concern due to tracks or ruts left by larger vehicles. Such damage requires the Town to return to the site to make repairs. Use of a UTV for easement inspection will also generate savings in fuel. This vehicle can also be used to clear snow from sidewalks and around parking lots where larger equipment is inappropriate and for tree planting and bed mulching projects. Cost is \$17,500 including necessary attachments.

## Storm Drainage

Recent weather patterns have exposed the presence of certain deteriorated or inadequate storm drainage facilities. We currently enjoy a favorable bid environment and the following projects are recommended as immediate priorities.

Pond Street. This project has been completed due to an urgent failure of existing facilities. The funds used for the emergency repair had been budgeted for a large project on Johnson Drive. In order to perform the Johnson Drive project we need to replace the funds. Cost is \$20,920.

Jones Circle. These facilities consist of deteriorated corrugated metal pipe and undersized junction boxes. The facilities are in failure. The project was first identified in 2000 but has operated mostly satisfactory until the significant wet weather pattern this summer. Cost is \$94,700.

E. Second Street. This location consists of an overgrown open ditch along residential side yards. The ditch extends between E Second Street and Horne Street. It is parallel with an existing sewer main which is potentially in danger of being undermined. The ditch was evaluated for clearing and rip-rap but longer term maintenance concerns indicate it is best to have it piped. Total cost \$139,765.

## Conclusions

Total Fund Balance Appropriation necessary for all scope of work and acquisitions is \$1,001,285. As noted this amount will be supplemented by \$50,000 in grant funds for the trailhead project. The Town will still meet or exceed its policy for minimum fund balance after making the appropriation. It is considered good financial management to invest fund balance in infrastructure and equipment as contrasted with use for operations. After this year the Town should consider debt principal retirement for productive use of available fund balance above minimum policy threshold.

CAT 289D track loader and options					
Percentage of savings					
Description	Gregory Poole List Price	NC State Contract #760H	Town of Clayton Pricing	Savings	
CAT 289D track loader as spec	\$ 77,488.00	\$ 72,035.00	\$ 65,450.00	\$ 12,038.00	
-----Discount Percent		7%	16%		
78 inch CAT MP bucket	\$ 4,485.00	\$ 4,144.00	\$ 3,579.00	\$ 906.00	
		8%	20%		
HP15 pick up broom	\$ 5,789.00	\$ 5,348.00	\$ 4,619.00	\$ 1,170.00	
		7.62%	20.21%		
H65DS hammer with bit & lines	\$ 12,928.00	\$ 11,944.00	\$ 10,315.00	\$ 2,613.00	
		8%	20%		
HM312 48" mulcher w/debris kit	\$ 22,415.00	\$ 20,938.00	\$ 15,481.00	\$ 6,934.00	
		7%	31%		
Total Savings				\$ 23,661.00	

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

**Agenda Item: 7a**

**Meeting Date: 10/07/13**

**TITLE: PROCLAMATION: PUBLIC POWER WEEK – NEIGHBORS WITH KNOW-HOW.**

**DESCRIPTION: Public Power Week is October 6-13, 2013.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-07-13	Approval.	Proclamation.

**TOWN OF CLAYTON  
PROCLAMATION  
PUBLIC POWER WEEK - NEIGHBORS WITH KNOW-HOW**

*WHEREAS, the Town of Clayton provides electricity to its citizens; and,*

*WHEREAS, the citizens of the Town of Clayton are consumers and owners of their public power systems and exercise local control over utility operations and policies; and*

*WHEREAS, our employees are neighbors serving neighbors; and*

*WHEREAS, our electric system is a community asset that contributes to the well-being of citizens by providing safe and reliable power, customer service and economic development opportunities; and,*

*WHEREAS, the Town of Clayton is one of more than 70 public power communities serving more than 500,000 residential, commercial, and industrial customers in North Carolina; and*

*NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Clayton, North Carolina that October 6 through October 13, 2013, be recognized as*

**“PUBLIC POWER WEEK - NEIGHBORS WITH KNOW-HOW”**

*in an effort to promote public power and those who work to provide the best possible electric service for our citizens.*

*Duly proclaimed this the 7th day of October 2013, while in regular session.*

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*Jody L. McLeod,  
Mayor*

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

Agenda Item: 8c

Meeting Date: 10/07/13

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Squealin' on the Square (BBQ Cook off) – Friday, October 4, 2013, beginning at 7 PM and wrapping up on Saturday, October 5, 2013 at 3 PM on Town Square (<http://business.claytonchamber.com/events/details/squealin-on-the-square-893>)
- Shindig (music) – Saturday, October 5, 2013, from 10 AM to 7 PM on Town Square (runs concurrent with Squealin' on the Square)
- Clayton Band Classic – Saturday, October 5, 2013
- Council Mtg – Monday, October 7, 2013 @ 6:30 PM
- Last day to register to vote for municipal elections – Friday, October 11, 2013 [CARD MUST BE POSTMARKED 25 DAYS BEFORE ELECTION OR RECEIVED IN THE BOARD OF ELECTIONS OFFICE BY 5:00 PM, 25 DAYS BEFORE ELECTION.]
- Community Shred Event – Saturday, October 12, 2013 @ Town Square from 8 AM to 2 PM; first come first served, rain or shine
- Zaxby's Movie Night – Saturday, October 12, 2013 @ Town Square from 6 PM to 10 PM
- Downtown Development Association Mtg – Monday, October 14, 2013 @ 6:30 PM at Clayton Town Hall, Room GS 223
- ~~Board of Adjustment Mtg – Wednesday, October 16, 2013 @ 6 PM - Cancelled~~
- NC State Fair (<http://www.ncstatefair.org/2013/index.htm>) – Thursday, October 17, 2013 – Sunday, October 27, 2013
- Council Mtg – Monday, October 21, 2013 @ 6:30 PM
- Planning Board Mtg – Monday, October 28, 2013 @ 6:00 PM
- Halloween Parade – Thursday, October 31, 2013 from 2 PM to 4:30 PM – begins at Horne Square and concludes at Town Square
- Council Mtg – Monday, November 4, 2013 @ 6:30 PM
- Election Day – Tuesday, November 5, 2013; polls open from 6:30 AM to 7:30 PM
- Veteran's Day Holiday – Monday, November 11, 2013
- Canvass Day at the Board of Elections – Tuesday, November 12, 2013
- Council Mtg – Monday, November 18, 2013 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, November 20, 2013 @ 6 PM
- Fire Advisory Board Mtg – Thursday, November 21, 2013 @ 7:30 PM at Fire Station 1, 325 West Horne Street
- Planning Board Mtg – Monday, November 25, 2013 @ 6:00 PM
- Thanksgiving Holiday – Thursday, November 28, 2013 & Friday, November 29, 2013

- Council Mtg (Organizational Mtg) – Monday, December 2, 2013 @ 6:30 PM
- Christmas Village & Tree Lighting Event – Thursday, December 5, 2013 from 6 PM to 8:30 PM
- Downtown Development Association Mtg – Monday, December 9, 2013 @ 6:30 PM at Clayton Town Hall, Room GS 223
- Clayton Christmas Parade  
(<http://business.claytonchamber.com/Events/details/the-clayton-christmas-parade-12-14-2013-336>) – Saturday, December 14, 2013 @ 3 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

Date:  
10-07-13

Action:  
N/A.

Info. Provided:  
Calendar of Events.