

Jody L. McLeod
MAYOR

Bruce Thompson
TOWN ATTORNEY

Steve Biggs
TOWN MANAGER



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

Michael Grannis
MAYOR PRO TEM

TOWN COUNCIL MEETING

FEBRUARY 17, 2014

AGENDA

MAYOR AND TOWN COUNCIL

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

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

TOWN STAFF

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

AGENDA
THE WORK SESSION MEETING OF THE CLAYTON TOWN COUNCIL

MONDAY, FEBRUARY 17, 2014
6:30 PM

THE CLAYTON CENTER
COUNCIL CHAMBERS

1. **CALL TO ORDER**
Pledge of Allegiance & Invocation – Mayor Jody L. McLeod
2. **ADJUSTMENT OF THE AGENDA**
3. **ACTION AGENDA**
 - a. Draft minutes from the February 3, 2014, regular meeting and draft minutes from the February 3, 2014, closed session.
 - b. Public notice of public hearing slated for Monday, March 3, 2014, at 6:30 PM so the Clayton Town Council may consider text amendments to Chapter 155 of the Unified Development Code within the Town Code of Ordinances [related to Item 5c].
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
 - a. Introduction of new Town of Clayton employee(s).
 - b. Presentation of a summary of the annual report for Community and Senior Services of Johnston County.
 - c. Update on the proposed universal playground at East Clayton Community Park on Glen Laurel Road.
 - d. Presentation of the Clayton Police Department Annual Report.
 - e. Presentations for the following special events:
 - Zaxby’s Movie Night Series
 - MillStock Music & Art Faire
 - National Night Out Against Crime
 - f. Presentation by Hazen and Sawyer regarding Town of Clayton Plant for Nutrient (Nitrogen) Management.
5. **ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**
 - a. Presentation of amendments to the Clayton Town Code of Ordinances Unified Development Code for the following sections:
 - Section 155.710 Conditional Use Review
 - Section 155.202 (J) (4) Land Use Regulations
 - b. Presentation of resolution endorsing the negotiation of definitive agreements for the sale of certain generating assets owned by North Carolina Eastern Municipal Power Agency to Duke Energy Progress, Inc. and for power supply.
 - c. Presentation of Arbor Day Proclamation.

- d. Presentation of warranty acceptance for Glen Laurel East, Phase 2B for one year warranty period for utilities.
6. ITEMS CONTINGENT FOR THE REGULAR MEETING
 7. ITEMS FOR DISCUSSION
 8. OLD BUSINESS
 9. STAFF REPORTS
 - a. Town Manager
 - Discussion of the following items:
 - Restoration of position within the inspections department;
 - Amending the fees for building inspections.
 - b. Town Attorney
 - c. Town Clerk
 - Calendar of Events
 - d. Other Staff
 10. OTHER BUSINESS
 - a. Informal Discussion & Public Comment.
 - b. Council Comments.
 11. ADJOURNMENT

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 3a

Meeting Date: 2/17/14

TITLE: DRAFT MINUTES FROM THE FEBRUARY 3, 2014, REGULAR MEETING AND DRAFT MINUTES FROM THE FEBRUARY 3, 2014, CLOSED SESSION MEETING.

DESCRIPTION: Minutes.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-17-14	Approval.	DRAFT minutes of the 2/3/14 regular meeting. <i>*DRAFT minutes of the 2/3/14 closed session Will be hand-delivered.</i>

MINUTES CLAYTON TOWN COUNCIL FEBRUARY 03, 2014

The first regular meeting of the Clayton Town Council for the month of February was held on Monday, February 03, 2014, at 6:30 PM at Town Hall, 111 East Second Street.

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

ALSO PRESENT: Katherine Ross, Town Attorney; Sherry Scoggins, Town Clerk; Nancy Medlin, Deputy Town Manager; David DeYoung, Planning Director; Stacy Beard, Public Information Officer; Tommy Roy, Information Services Technician.

ITEM 1. CALL TO ORDER

Mayor McLeod called the meeting to order at 6:39 PM. Mayor McLeod gave the invocation.

ITEM 2. ADJUSTMENT OF THE AGENDA

The following adjustments of the agenda were requested:

- Table item 4a to the February 17, 2014, Council meeting;
- Add as Item 9c, closed session in accordance with NC GS 143-318.11(a) (1) to prevent disclosure of information not considered a public record within the meaning of NC GS Chapter 132.

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

ITEM 3. ACTION AGENDA

Councilman Holder motioned to approve the action agenda as presented; Councilman Thompson seconded the motion. The motion carried unanimously at 6:41 PM with the following action agenda items being approved:

Item 3a. Draft minutes from the January 22, 2014, work session.

Item 3b. Adoption of the following warranties:

- One year pavement warranty for Glen Laurel East, Phase 2B
- Five year pavement warranty for Riverwood AC, Phase 6D-1 (Alpine Valley)
- Five year pavement warranty for Riverwood AC, Phase 3A-1 & 3A-2

ITEM 4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

Item 4a. Update on the proposed universal playground at East Clayton Community Park on Glen Laurel Road.

This item tabled to the February 17, 2014, Council meeting.

ITEM 5. PUBLIC HEARINGS

Item 5a. Public comment for amendment to the Town of Clayton Comprehensive List of Fees and Charges for consultant review fees for tower review.

Planning Director David DeYoung stated this item was amended so the fee for tower collation is in accordance with action taken by the North Carolina General Assembly.

Mayor Jody McLeod stated this item has been noticed for public comment at 6:42 PM. As no one came forward to speak on this item, the public comment was closed at 6:42 PM.

Mayor Pro Tem Grannis motioned to approve as presented in agenda packet. Councilman Lawter seconded the motion. Motion carried unanimously at 6:43 PM.

ITEM 6. OLD BUSINESS

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

Mr. Randy Messick stated progress was made to the interior of the building. He stated permits have not yet been attained because of the asbestos report. He stated he has a meeting set for Wednesday.

Councilman Satterfield questioned the date of the letter for the asbestos.

Town Engineer John McCullen stated the first report is June 6, 2009, and the second letter is dated May 2013. He stated the 2013 report does not mention the roof and the 2009 letter mentions certain areas of the attic and roof are suspect.

Councilman Satterfield stated two weeks ago at the Council meeting, the Council was informed that an application was submitted for demolition permit.

Town Engineer McCullen stated that is correct.

Mr. Messick stated the report is unclear about asbestos. He stated the thing in question is the asphalt shingles and felt paper in the back.

Councilman Satterfield questioned if those two items were learned about within the last two weeks.

Councilman Satterfield questioned if there was anything else mentioned in June.

Town Engineer McCullen stated not at that time.

Councilman Satterfield questioned if what was looked at in June was not looked at previously.

Town Engineer McCullen stated when discussing demolition of the roof, there was discussion of asbestos, overhead power lines, staging of dumpsters and trucks as those are NCDOT streets.

Councilman Satterfield questioned if progress has been made.

Mr. Messick stated no as he is waiting on the permits. He added all that was listed in the original report has been completed several years ago.

Councilman Satterfield stated as of last Monday, all the asbestos is out of the building until it was brought to Mr. Messick's attention there may be more asbestos.

Mr. Messick stated the question was raised on whether the shingles on the roof have asbestos as it is not mentioned in the report.

Councilman Satterfield stated when serving the fire department, prior to a burning exercise an expert reviewed the house before it was burnt. He stated he heard an asbestos person was hired and only looked at one particular area and did not look at the whole building at that time.

Town Engineer McCullen read the following excerpt into the record, "The suspect asbestos materials located in the attic are not part of this inspection therefore no work activity should be conducted in this area."

Councilman Satterfield stated he is having a hard time understanding. He stated if there is a possibility, he would take a sample.

Councilman Lawter stated back in June an asbestos inspector came and looked at the floor and stuff inside the building, took samples and came up with an abatement plan, and implemented the abatement plan as he heard materials were removed in black bags.

Mr. Messick stated his understanding is if asbestos is not suspected then there is not a sample.

Councilman Satterfield questioned when the person is willing to come back out to sample for asbestos.

Mr. Messick stated he could be there on Wednesday.

Councilman Lawter stated he has experience in asbestos removal as he buys old properties for the business he is employed. He stated as part of due diligence, if there is suspected asbestos, someone is hired to go in and do a report. He stated when the person is there to check for asbestos they are told while there that if it appears suspect, to sample it. He stated a sample is \$20 per sample and the time of the expert. He stated the State could have recommended a list of asbestos contractors. He stated his frustration is this was discussed in December that the Council would have a full set of plans by this meeting and to get a permit to do the whole building, not just the roof. He stated this has been a work in progress for the past year and a half. He stated his concern is this will not be completed. He stated his recommendation is to file the ordinance for demolition.

Mayor Pro Tem Grannis stated he echoes the sentiments of Councilman Lawter. He stated this has been ongoing since July 2012. He stated Mr. Messick was involved sometime in the August timeframe, maybe earlier. He stated several deliverables that were requested and most of which the Council has not received; for example the complete set of plans. He stated some of the other deliverables dealt with financial statements, purchase agreement, and none of that has been seen. He stated what is concerning is that movement is not seen. He stated he understands there are challenges. He stated Council has heard from a number of different citizens. He stated based on the time given, he is not satisfied.

Mayor Pro Tem Grannis motioned to direct the enforcement officer to remove or demolish the non-residential structure at 110 West Front Street. He stated that is done with pain. He added the building is not safe.

Mr. Messick stated everything has been done. He stated his CPA has spoken with Town Manager Biggs. He stated he is not willing to share his financials in open session. He stated the Town Manager has this information. He stated

everything else has been done. He stated a structural engineer is under contract to do the drawings and it is in process. He stated progress has been made to get the roof off the building. He questioned why he would apply for a permit if there is any asbestos in the shingles. He stated he was asked to have the shingles tested for asbestos and he has \$1,500 worth of asbestos reports. He stated since the last meeting he has been trying to get a permit. He stated when the expert comes out to check a structure, samples are taken of everything they feel like needs to be sampled.

Councilman Satterfield stated when a person is hired to do the building, he would do the structure.

Town Engineer McCullen stated in the report it states that surveys were performed on materials accessible at the time.

Mayor Pro Tem Grannis questioned the date of the (recent) report.

Town Engineer McCullen stated May 6, 2013.

Mayor Pro Tem Grannis stated it is now February 2014 and this is still being discussed. He stated that is a serious concern. He stated this has been discussed for eight months and there is not a solution and that is not acceptable. He stated the building as it stands today is designated as unsafe. He stated the Council has an obligation to the citizens of the Town to take action. He stated it pains him, but there is an obligation to the citizens. He stated time has run out and that is why he made that motion.

Mr. Messick requested an opportunity to perform the asbestos check. He stated he has paid for two asbestos reports. He stated he is waiting on the plans.

Councilman Satterfield stated it would be nice to have a set of drawings. He stated the decision before the Council this evening is whether or not to demolish or make the building safe. He stated the roof cannot be pulled off because there is not a demolition permit. He stated a demolition permit has not been issued because of two areas that may or may not have asbestos. He stated and the person to do the sampling is not available until Wednesday.

Mr. Messick stated Wednesday is the earliest to test the asbestos and the results could be back by Friday. He stated he is set to immediately take off the roof.

Councilman Satterfield questioned Mr. Messick's definition of immediately.

Mr. Messick stated at least three days from receipt of the permit and resolving placement of the dumpster.

Councilman Satterfield questioned if that had been looked into.

Mr. Messick stated that is up to the Town. He stated he has asked about it.

Mayor Pro Tem Grannis questioned what does planned out mean.

Mr. Messick stated he has equipment and carpenters in place.

Councilman Satterfield questioned if Mayor Pro Tem Grannis would amend his motion.

Mayor Pro Tem Grannis stated he is not willing to do that.

Councilman Lawter made the second to Mayor Pro Tem Grannis' motion.

Motion carried four to one with Councilman Holder voting opposed.

Mr. Messick stated if this was an issue, someone should have told him.

Councilman Satterfield stated this has been an issue for 19 months. He stated the Council did want this rehabilitated and progress was not made.

Mr. Messick questioned what he needs to do to appeal this decision.

Town Attorney Katherine Ross stated if Mr. Messick wishes to appeal for him to contact an attorney.

Mr. Messick questioned when this needed to be done. He stated he is disappointed.

Councilman Lawter stated Mr. Messick was before the Council in December and stated a full set of drawing would be received today.

Mr. Messick stated affirmative.

Councilman Lawter stated those are not received.

Mr. Messick stated at the last meeting Council was made aware about the roof structure.

Councilman Lawter stated his comment was that Mr. Messick had loaded for the February 3 meeting. He stated he [Mr. Messick] is not near meeting the goal. He stated he does not see that getting better in the future. He stated it needs to be made safe now.

Mr. Messick stated for the record he is appealing. He added he spent \$150,000 to date and he needs two days to address the item. He stated he really thought progress was being made.

Town Attorney Katherine Ross stated Mr. Messick would need to contact an attorney who would represent him. She stated an attorney would talk him through the process.

ITEM 7. NEW BUSINESS

Item 7a. Application for a Clayton Fire Department member for the Clayton Fire Advisory Board.

Town Clerk Sherry Scoggins stated there is a vacancy on the Fire Advisory Board with the retirement of Chris Sutton. She added Mr. Matthew Vessie has submitted an application for consideration to complete the unexpired term of Mr. Sutton.

Councilman Satterfield motioned to appoint Mr. Vessie to complete the unexpired term through December 31, 2014 on the Fire Advisory Board. Mayor Pro Tem Grannis seconded the motion. Motion carried unanimously at 7:15 PM.

ITEM 8. STAFF REPORTS

Item 8a. Town Manager

Deputy Town Manager Nancy Medlin stated no additional report.

Item 8b. Town Attorney

Town Attorney Katherine Ross stated no additional report.

Mayor McLeod inquired on the status of the easements for the Clayton-Raleigh project.

Town Attorney Ross stated there continue to be discussions. She stated in speaking with Public Works & Utilities Director Simpson the work is anticipated to occur later this year.

Item 8c. Town Clerk

Town Clerk Sherry Scoggins stated the Chamber Banquet is Tuesday, February 4, 2014, at 6 PM hosted at the Clayton Center.

Town Clerk Sherry Scoggins stated the Council portrait is scheduled for Monday, February 17, 2014, at 6:00 PM.

Town Clerk Sherry Scoggins stated ElectriCities contacted the Town of Clayton to host a regional meeting for ElectriCities members and elected officials. She stated if it is the pleasure of the Council to host, the dates for consideration are Thursday, March 20 and Thursday, March 27.

Item 8d. Other Staff

No other staff presented to the Town Council.

ITEM 9. OTHER BUSINESS

Item 9a. Informal Discussion and Public Comment.

Ms. Whitney Price, resident of Clayton since 1996 and student at Barton College, addressed the Council about the Red & White building.

Item 9b. Council Comments.

Mayor Pro Tem Grannis requested Council consideration of the following proclamation and he read it into the record:

**TOWN OF CLAYTON
RECOGNITION OF ALVIN D. THOMPSON SR. ON HIS
VICENNIAL AS PASTOR AT NEW TRINITY MISSIONARY BAPTIST CHURCH**

WHEREAS, Alvin D. Thompson Sr. was called to join New Trinity Missionary Baptist Church as its pastor in February 1994; and

WHEREAS, through Pastor Thompson's commitment to serve the Clayton community, one of the largest food pantries in central North Carolina was established; and

WHEREAS, through Pastor Thompson's visionary leadership, the congregation of New Trinity Missionary Baptist Church united in renovating an old warehouse so that it could minister a few of the following programs to our

Clayton youth - an after school program, mentoring program, and summer camp; and

WHEREAS, Pastor Thompson has the distinction of being our first chaplain to the Clayton Police Department who has assisted three police administrations and he continues to serve the Clayton Police Department in this spiritual role today; and

WHEREAS, Pastor Thompson is blessed with vision and energy as he tirelessly advocates for partnerships between churches and community organizations in Clayton.

NOW, THEREFORE, the Honorable Mayor and Town Council of the Town of Clayton recognize Pastor Alvin D. Thompson Sr. for his service to our community as he exemplifies the, “Heart of a Servant.” And the Honorable Mayor and Town Council of the Town of Clayton extend best wishes for a joyous and memorable 20 year anniversary celebration.

Duly proclaimed this the 22nd day of February 2014.

Councilman Lawter motioned to approve the proclamation as presented. Councilman Thompson seconded the motion. Motion carried unanimously at 7:24 PM.

Item 9c. Closed session in accordance with NC GS 143-318.11(a) (1) to prevent disclosure of information not considered a public record within the meaning of NC GS Chapter 132.

Councilman Thompson motioned to go into closed session; Councilman Lawter seconded the motion. Motion carried unanimously at 7:24 PM.

Mayor Pro Tem Grannis motioned to return to open session; Councilman Lawter seconded the motion. Motion carried unanimously at 7:43 PM.

ITEM 10. ADJOURNMENT

Mayor Pro Tem Grannis motioned to adjourn; Councilman Lawter seconded the motion. Motion carried unanimously at 7:43 PM.

Duly adopted by the Clayton Town Council this _____ day of _____ 2014, while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Sherry L. Scoggins, MMC
Town Clerk

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

Agenda Item: 3b

Meeting Date: 2/17/14

TITLE: PUBLIC NOTICE OF PUBLIC HEARING SLATED FOR MONDAY, MARCH 3, 2014, AT 6:30 PM SO THE CLAYTON TOWN COUNCIL MAY CONSIDER TEXT AMENDMENTS TO CHAPTER 155 OF THE UNIFIED DEVELOPMENT CODE WITHIN THE TOWN CODE OF ORDINANCES [RELATED TO ITEM 5C].

DESCRIPTION: Public Notice.

RELATED GOAL: Legislative.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-17-14	Approval.	Notice.



PUBLIC NOTICE

Notice is hereby given that the Clayton Town Council of the Town of Clayton will hold the following hearings on **Monday, March 3, 2014, at 6:30 PM** in the Council Chambers of the Town Hall, 111 East Second Street:

- In accordance with NC GS 160A-364, the Clayton Town Council will hold a public hearing on March, 3, 2014, at 6:30 PM in the Council Chambers at the Clayton Center, 111 E Second Street, to consider amendments to the Unified Development Code. Copies of the proposed amendments are available in the Planning office and the Town Clerk's office for review by the public. The proposed amendments include:
 - 155.202(J)(4) Land Use Regulations [Yard Encroachments]
 - 155.710 Conditional Use Permits

This is an open meeting and the public is invited to attend.

Sherry L. Scoggins, MMC -- Town Clerk

All meetings of the Clayton Town Council are public meetings and citizens are invited to attend. Public hearings and evidentiary hearings may be scheduled during a public meeting; however each hearing functions differently:

- Public hearing, also known as legislative hearing, occurs when an agenda item has been advertised and noticed according to the law thus allowing persons to come before the Council to state their view. After receiving public comment, the item is turned over to the Council for discussion and action.
- Evidentiary hearing, also known as quasi-judicial hearing, occurs when an agenda item has been advertised and noticed according to the law; however, the Council acts like a court of law. During an evidentiary hearing, the Council receives only sworn testimony and other credible evidence. In addition, the Council must make findings of fact based upon the evidence presented. Citizens may give testimony in an evidentiary hearing after they have taken an oath.

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

Agenda Item: 4a

Meeting Date: 02/17/14

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

DESCRIPTION: Introduction(s).

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

02-17-14

Introduction(s).

N/A.

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

Agenda Item: 4b

Meeting Date: 02/17/14

TITLE: PRESENTATION OF A SUMMARY OF THE ANNUAL REPORT FOR COMMUNITY AND SENIOR SERVICES OF JOHNSTON COUNTY.

DESCRIPTION: A representative of the Community and Senior Services of Johnston County [formerly known as the Council on Aging] will provide a summary of its annual report.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-17-14	Presentation.	N/A.

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

Agenda Item: 4c

Meeting Date: 2/17/14

TITLE: UPDATE ON THE PROPOSED UNIVERSAL PLAYGROUND AT EAST CLAYTON COMMUNITY PARK ON GLEN LAUREL ROAD.

DESCRIPTION: A representative of the playground focus group will provide an update on the proposed universal playground for East Clayton Community Park on Glen Laurel Road.

This item was tabled to the February 17, 2014, Council meeting.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-03-14	Presentation.	N/A.
02-17-14	Presentation.	N/A.

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

Agenda Item: 4d

Meeting Date: 02/17/14

TITLE: PRESENTATION OF THE CLAYTON POLICE DEPARTMENT ANNUAL REPORT.

DESCRIPTION: A representative of the Clayton Police Department will provide an overview of its annual report.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-17-14	Introduction(s).	N/A.

Clayton Police Department

2013 Annual Report



Introduction

To: *Citizens of the Town of Clayton, Mayor Jody McLeod, Mayor Pro Tem Michael Grannis, Council members Art Holder, Butch Lawter, Bob Satterfield, Jason Thompson and Town Manager Steve Biggs*



On behalf of the police officers and staff of the Clayton Police Department, I am pleased to submit to you the 2013 Annual Report. This report provides the reader with information regarding the various divisions and units within the Department and gives them a glimpse into our activities and accomplishments this past year.

The report also contains information regarding crime trends in the community, as well as reported crimes and arrests. In 2013, we continued to serve Clayton to the best of our ability by sharing data and activities with the community to keep citizens well informed. We have remained diligent in addressing crime and safety issues throughout the Town of Clayton.

Significant events involving the [Clayton Police Department](#) in 2013 include:

- Three new officers hired to fill vacancies
- Chief Glen Allen retired after 6 years of service
- Captain Wayne Bridges promoted to Chief of Police
- Lieutenant Herring promoted to Patrol Captain
- Officer LeQuire promoted to Patrol Lieutenant
- No homicides in 2013
- Large drug seizures and arrests by investigators
- Two new canines added to department
- Detective Temple obtained his Advanced Law Enforcement Certification
- Tyler McNeill obtained his Intermediate Law Enforcement Certification
- Arrests made in several vehicle burglary and robbery cases
- Expanded Crisis Intervention Team (CIT) to serve those with disabilities
- Successful "Night Out Against Crime" event organized and held in August 2013
- Filed Reports on 660 Traffic Accidents – 122 with injuries, 0 fatalities
- Handled 24,168 police calls for service in 2013

The principles and practices of community policing remain our best approach to serving our diverse community. Throughout the year we have taken pride in serving our community and upholding the rights of all citizens. We appreciate the continued support of the department's law enforcement and community service efforts. The members of the Clayton Police Department continue to demonstrate their commitment to providing a safe community for all.

Synopsis of Crime Statistics

This is the Clayton Police Department's preliminary 2013 annual report on Part 1 (Index) Crimes. The data analyzed for this summary covers the period from January 1 through December 31, 2013.

During the past year, the Clayton Police Department received 452 reports of Part I (Index*) Offenses.

The number of **Violent Crimes reported in 2013 increased by a total of 4** (17%) over the 2012 number. This was due in large part to an increase in aggravated assaults from 15 to 20. Robbery offenses remained steady at 5 incidences. There were no homicides for the sixth consecutive year. The number of **Property Crimes increased by 21 incidents**. This increase is primarily due to a rash of larcenies from unlocked vehicles.

These statistics must always be viewed in the context that numerical deviations are influenced by many factors beyond our control (see Appendix A). While we are careful to monitor apparent trends in reported crime and are cautiously pleased with our crime rate which remains well below state and national levels, that is of little consolation to those who have been victims of crime. The Police Department staff, officers, and civilian employees have shown a steadfast commitment to improving our department and to making Clayton a better place to live, work and visit.

Part I (Index) Crimes Town of Clayton					
* For an explanation of how Summary-based Uniform Crime Reporting is scored and tabulated for statistical analysis, see Appendix A .					
Crime	2010	2011	2012	2013	2012 – 2013 change**
Murder	0	0	0	0	n/a
Rape	3	2	4	3	-(1) **
Robbery	8	10	5	5	n/a
Aggravated Assault	13	8	15	20	+(5) **
Violent Crime Total	24	20	24	28	+(4) **
Burglary	110	112	107	104	-3%
Larceny	272	282	288	307	+7%
Motor Vehicle Theft	10	13	8	11	+(3) **
Property Crime Total	392	410	403	424	+5%
TOTAL INDEX CRIMES	416	430	427	452	+6%

** Change shown by actual number of incidents (not by percentage, if the total # is less than 100).

New Officers



(Ofc. Kilpatrick)

Officer Bill Kilpatrick returned to the department in 2013 after briefly working in the “private sector” for almost two years. He had previously served with us for eight years and had obtained the rank of detective. He brings a wealth of knowledge and law enforcement experience back to this agency.

Officer Tyler Johnson came to the department after serving with the Kinston Police Department. He graduated from Basic Law Enforcement Training at the Johnston County Community College and grew up in the Clayton area.



(Ofc. Johnson)



(Ofc. Mims)

Officer Timothy Mimms is a graduate of East Carolina University, where he obtained his degree in Criminal Justice. While completing coursework for his degree he interned with the Zebulon Police Department and gained insight into many computer programs and law enforcement applications. Officer Mimms completed his Basic Law Enforcement Training at Nash Community College.

Retirement



(Chief Glen Allen)

Chief Glen B. Allen retired from service with the Clayton Police Department in April of 2013. After his retirement he went on to work as the Chief of the State Capital Police Department in Raleigh. The Chief had been with the Clayton Police Department for six years and saw the construction of the new Law Enforcement Center as well as the accreditation of the department during his tenure.

Chief Allen graduated from Appalachian University and then began his law enforcement career with the Wilson Police Department. He worked his way through the ranks with Wilson and achieved the rank of captain. He later left Wilson to go to his hometown of Henderson as Chief of Police.

After approximately twenty five years of law enforcement service, Chief Allen came to the Clayton Police Department and filled the position left after Chief Gary Ragland's retirement. He served this agency admirably and made numerous lifelong friends in and out of law enforcement.

New Chief Named



(Chief Wayne Bridges)

Chief Bridges has been with the Clayton Police Department for fifteen (15) years and has served in numerous roles during that time. He came to Clayton after serving ten (10) years with the Raleigh Police Department and began his career here as a patrol officer. He was later promoted to the rank of sergeant and led a patrol squad for a year before being promoted to the rank of lieutenant.

The chief obtained his bachelor's degree in criminal justice while working the street and later achieved the rank of captain. While in charge of the patrol division he created the department's tactical team and was the team commander until making chief. He also wrote the initial grant that started the traffic unit. He has been in charge of many special projects to include our transition to Johnston County 911 dispatch, and the creation of the Administrative Services Division and the Community Action Team.

Chief Bridges has also served as the agencies accreditation manager and played a large role in both our initial CALEA accreditation and first re-accreditation.

Chief Bridges has begun to implement new programs and approaches to address the changing nature of police work in our community. He places a very strong emphasis on customer service, officer fitness for duty, officer training, and police tactics.

Promotions and Awards

Lieutenant J. R. Herring was promoted to the rank of captain in July of 2013. After beginning his career in Clayton in 2001 as an officer, Herring progressed through the ranks of the agency, and now commands the patrol division.



John LeQuire was promoted to the rank of lieutenant in August of 2013. He has a total of 10 years with the agency and holds numerous certifications to include being a certified drug recognition expert. He is currently assigned to "C" Squad in the Patrol Division.

Detective Temple was awarded his Advanced Law Enforcement Certification in 2013. The award represents many hours of law enforcement and traditional education and is one of the highest awards that can be earned by a law enforcement officer.



Members of the department's Special Response Team won first place during a challenge at the Regional SWAT competition. The event was called the "GUT CHECK" and consisted of an extreme obstacle course which stressed participants to their limit.

Sgt. Kevin Cook won second place in a police motorcycle in-service training and competition put on by the Raleigh Police Department. The field was extremely competitive with motor officers from across the state.



2013 Officer of the Year



Officer Ron Freeman served as the Clayton Police Department's Officer of the Year for 2013. Officer Freeman was selected for this position after displaying years of dedicated service to the department and going above and beyond when dealing with the citizens of Clayton. Freeman is currently assigned to the Administrative Services Division where he has served on both the Community Action Team as well as the Traffic Unit as a police motor officer.

Officer Freeman attended and passed the Police Motor Officer Training Course in early 2013. This is an extremely difficult course with a high failure rate. The course is designed to provide agencies with highly qualified motorcycle operators for the purposes of traffic enforcement. After completion of the course Freeman returned to our agency and began his work on the motorcycle unit in a highly effective manner.

In the past Officer Freeman was also charged with the responsibility of organizing and running the police department's response to a community event held each August called National Night Out Against Crime. While volunteers from the community put on the event, there is still a great deal of work and coordination on the department's part. Officer Freeman assisted our citizens in the planning and running of the event for several years and produced very good results.

While on the Community Action Team, Freeman represented the department before numerous civic, church, and youth groups. He was instrumental in organizing many of the Town's Neighborhood Watch Programs and still remains in contact with those groups. Many children in Town may only recognize him as McGruff the Crime Dog!

Officer Activity, Complaints, and Internal Reviews

The Clayton Police Department continues to assess the conduct of our employees as we strive to ensure that all officers and civilians represent the agency in a positive manner. Our goal is to offer a high level of quality, commitment and professionalism both on and off-duty. To that end, we fully document and investigate any and all complaints against members of our department, and communicate with complainants regarding the status of their individual complaints(s).

In 2013 the department investigated a total of 6 complaints which was down from 14 in 2012. This total includes complaints made by citizens and those initiated by the administration of the police department. Of the 6 complaints investigated; 2 were substantiated, 3 were unfounded, and 1 was exonerated. In all substantiated cases some level of disciplinary or corrective action is taken. **All complaints from all sources are documented in writing and investigated.**

Definitions of Complaint Classifications

Substantiated -	Information was sufficient to prove the allegation
Unsubstantiated -	Information was insufficient to prove the allegation.
Exonerated -	The allegation or conduct occurred, but was lawful and proper.
Unfounded -	The allegation was proven false or determined to be not factual.

Subject of all Complaints (both internal and external origins)

Excessive Use of Force	0
Rights Violation	0
Improper Police Action	2
Biased Based	0
Officer Demeanor	2
Other	2

Defensive Actions

Officers reported 19 encounters requiring Defensive Actions in 2013. Clayton Police Officers are required by departmental policy to complete an internal report for every occasion during which they have to use physical force or use weapons in self defense, to affect an arrest, to respond to aggression or resistance, or to perform some other lawful action.

Citations

Citations differ from arrests in law enforcement reporting. Citations are primarily issued to offenders charged with infractions or minor misdemeanors that do not require the signing or the posting of a bond (waivable offense). Citations are written for traffic violations and a wide variety of non-traffic misdemeanors. In 2013, the Clayton Police Department's officers issued 3,305 citations. This is down slightly from 3,346 in 2012.

Traffic Enforcement Action Taken by Driver's Sex, Race, and Ethnicity

Report From 1/1/2013 through 11/30/2013

Action	Gender	White	Black	Native American	Asian	Other	Total By Race	Hispanic	Non Hispanic	Total By Ethnicity
Citation Issued	Female	506	201	1	3	0	711	77	634	711
No Action Taken	Female	12	7	0	0	0	19	2	17	19
On-View Arrest	Female	10	7	0	0	0	17	1	16	17
Verbal Warning	Female	188	81	1	1	0	271	20	251	271
Written Warning	Female	104	65	0	0	1	170	7	163	170
Written Warning	Male	157	53	2	1	0	213	13	200	213
Verbal Warning	Male	329	130	2	1	0	462	54	408	462
On-View Arrest	Male	34	18	0	0	0	52	11	41	52
No Action Taken	Male	21	13	0	0	0	34	0	34	34
Citation Issued	Male	842	272	6	4	2	1126	199	927	1126
Female Total	Female	820	361	2	4	1	1188	107	1081	1188
Male Total	Male	1383	486	10	6	2	1887	277	1610	1887
Total		2203	847	12	10	3	3075	384	2691	3075

Note: This data reflects ONLY vehicle stops for traffic offenses – It does not reflect citations for criminal misdemeanor or local ordinance violations.

This data is for the period of January 1, 2013 through November 30, 2013.

Traffic Collisions

In 2013, officers of the Clayton Police Department investigated 660 traffic accidents. This is 106 more accidents than were investigated in 2012. We also saw a significant increase in injuries resulting from accidents. In 2012 there were 38 injury accidents and in 2013 there were 122. There were no traffic fatalities in 2013. The information regarding our traffic accidents and injuries has been used as the basis for a grant request to the Governor's Highway Safety Program. This grant will be specifically targeted toward education, enforcement, and accident reduction.

Pursuits

There were a total of 4 pursuits in 2013. This is the same number of pursuits we experienced in 2012. Departmental policy states that all pursuits must be documented and reviewed at each supervisory level to insure that rules were followed.

Calls for Service

There were 24,168 police calls for service in 2013. This is 620 fewer calls than the department received in 2012. The total number of calls includes traffic stops, wreck investigations, arrests, and a wide variety of officer-initiated actions as well as all police responses and planned activities.

Appendix A

About Crime Reporting

The Clayton Police Department voluntarily participates in the FBI's Uniform Crime Reporting program (UCR) by submitting monthly reports to the North Carolina State Bureau of Investigations. Through this voluntary program, and with the cooperation of participating agencies such as our own, the UCR program strives to ensure the production of a reliable and uniform set of crime statistics, from which a nationwide and statewide view of crime is possible. The North Carolina State Bureau of Investigations' (SBI) Division of Criminal Information (DCI) gathers data from participating law enforcement agencies throughout the state and forwards the UCR statistics to the FBI in UCR format.

Because of their seriousness and frequency, seven offenses comprise a **Crime Index**, which is used by law enforcement agencies throughout the nation to serve as indicators of crime experience within jurisdictions. These figures are intended to represent the volume of crime in Clayton, NC. Volume indicators do not represent the actual number of crimes committed; rather, they represent the number of offenses reported to law enforcement for each category. The Uniform Crime Reporting program (UCR) collects data on offenses known to law enforcement, and on persons arrested, to depict total crime and to provide data for administrative and operational use in addressing community problems. With respect to Murder, Rape and Aggravated Assault, the volume represents the number of actual victims known to law enforcement, while for Robbery, Burglary, Larceny – Theft, and Motor Vehicle Theft, the number of known offenses is represented.

When analyzing UCR statistics, the user of this information should guard against superficial agency-to-agency comparisons. Such direct comparisons, without taking into account the demographic differences between law enforcement jurisdictions, are misleading.

The underlying causes of crime are complex, and they resist simplistic "quick-fix" solutions. Crime is a community problem that requires law enforcement, citizens of the community, and other social institutions in the community to cooperatively form crime-specific strategies for resisting crime. We continue to bring the resources that are available to us to bear on specific criminal activities, within our operating and resource limitations.

To accept crime as a fact of life is an admission of defeat. Only through the establishment of short and long-term strategies and the assistance of the citizens can the community successfully resist crime problems in our neighborhoods. The identification of our community's crime patterns, through an examination of local crime experience, is a starting point. Thus, these crime statistics are a way of revealing to all of the people in our community just what we're up against.

Social and economic factors have an enormous impact on the nature and levels of crime in any particular community. The FBI, as part of the Uniform Crime Reporting system (UCR), lists a number of factors that affect the volume and type of crime:

- *the size of the community and its population*
- *the density of its population*
- *how the population is composed*
- *stability of the population with respect to mobility and transience*
- *the prevailing economic conditions*
- *cultural conditions, such as educational, recreational, and religious characteristics*
- *climate*
- *effective strength of law enforcement agencies*
- *what law enforcement emphasizes in its administrative and investigative roles*
- *the policies of other components of the criminal justice system (prosecutors, courts, corrections, and probation)*
- *citizen attitudes towards crime*
- *how citizens report crime (how often, how quickly)*

The majority of these factors are somewhat beyond the control of the police. However, the Police Department can play a major role in controlling "street crimes" - those that occur in public places (e.g., purse snatching, assaults/muggings). Crimes of passion committed among relatives or friends and other crimes committed indoors, such as shoplifting, are crimes for which law enforcement agencies' typically have little to no control over any increases and decreases in frequency. Police agencies collect information about these crimes and make arrests, as an order maintenance measure, whenever possible.

The rate at which citizens report crime varies from community to community. We strive to be responsive to our citizens' reports of criminal activity – the public's confidence in our ability to effectively respond to specific events is crucial if we, as a community, want to

Appendix A (continued)

formulate an effective community-wide strategy to resist increases in the frequency with which crimes occur. Therefore, increases in the frequency of crimes reported may be viewed favorably provided that we, as a community, use the statistics to identify our specific problems and formulate reasonable short and long-term responses.

In addition to arresting suspects after a crime has been committed, crime prevention and deterrence activities are methods by which Law Enforcement agencies and the citizens of the community can collaboratively resist increases in the volume of crimes.

All offenses are classified on the basis of law-enforcement officer investigation and in accordance with UCR offense definitions (which will not necessarily coincide with N.C. Statute definitions.) Because UCR identifies a Police problem, offense classifications are not based on the findings of a court, coroner, jury or decision of a prosecutor.

SCORING OF UCR OFFENSES

The method of scoring in the Uniform Crime Reporting program varies with the type of crime committed, and it is important to remember that the number of offenders does not determine the number of offenses.

For murder and non-negligent manslaughter, rape, and aggravated assaults, one offense is scored for each victim regardless of the number of offenders involved. For example, three offenders could be involved in the murder of one victim, and in this case one murder would be scored.

For robbery and larceny, one offense is counted for each distinct operation - that is, separate in time and place. The number of victims in any one operation does not determine the number of offenses. For example, if ten (10) people are robbed in a bar at the same time, only one offense is counted. However, if that robber then leaves the bar and holds up a passerby, a second offense has occurred and would be scored.

For burglary, one offense is counted for each "structure" which is illegally entered. For UCR purposes, a structure is generally defined as an enclosed, permanently occupied area. The illegal entries for the purpose of committing a felony or theft of such structures as dwelling houses, garages, offices, barns and the like are considered burglaries, and one burglary is scored for each separate unit entered. The illegal entry of several structures used to hold transients, such as hotel rooms, is scored as one burglary if there was one distinct criminal operation, regardless of the number of rooms or structures that have been entered. For motor vehicle theft, one offense is counted for each theft or attempted theft of a motor vehicle. For UCR purposes, a motor vehicle is defined as any self-propelled vehicle that runs on the surface and not on rails or a body of water. Thefts of farm and construction equipment are excluded from this definition and are scored as larcenies. All cases where persons not having lawful access take automobiles are classified as motor vehicle theft, even though the vehicles may later be found abandoned. This includes "joyriding." One offense is scored for each vehicle stolen or for each attempt to steal a motor vehicle.

Attempts to commit any of the above offenses are counted with the exception of attempts or assaults to kill, which are classified and scored under aggravated assaults.

For multiple offenses that occur in one incident (at the same "time and place"), only the most serious offense is counted.

Part I crimes are ranked according to UCR's definition of seriousness, and appear in order from the most serious to least serious. For example, a robber may seize a man's wallet and then beat him causing serious injury. Both a robbery and an aggravated assault have occurred, but because robbery is considered by UCR to be more serious, only the robbery is scored. From one perspective this method of counting seriously understates the crime problem, but from another, it prevents undue inflation of crime statistics.

The Clayton Police Department is dedicated to the protection of life and property. We are further committed to treating all people with respect while holding ourselves and others accountable for our actions. We strive to uphold the constitution and to conduct ourselves with integrity in all our undertakings.

R. W. Bridges
Chief of Police

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

Agenda Item: 4e

Meeting Date: 02/17/14

TITLE: PRESENTATION OF THE FOLLOWING SPECIAL EVENTS:

- **ZAXBY'S MOVIE NIGHT SERIES**
- **MILLSTOCK MUSIC & ART FAIRE**
- **NATIONAL NIGHT OUT AGAINST CRIME**

DESCRIPTION: The following community events require Council consideration for temporary street closure requests and /or use of Town property.

RELATED GOAL: Think Downtown & Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-17-14	Presentation.	Memorandum (3).



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

SPECIAL EVENT ACTION ITEM REPORT

Planning Staff Contact: Bruce Naegelen: 919-280-1278

EVENT INFORMATION:

Event Name: Zaxby's Movie Night File#: 2014-2
Event Date(s): 5-3 (rain 5/17) 9/13 (rain 9/27) 10/4 (possible date) **Event Time(s):** 6:00 pm to 10:00 pm
Event Location: Town Square 110 W. Main Street
Event Coordinator: Bruce Naegelen **Contact Number:** 919-280-1278
Contact Email: bnaegelen@townofclaytonnc.org
Attendees (Per Day): 500-800

TOWN SERVICES REQUESTED:

Department / Division	Requested Services	Date/Time	Primary Contact	Contact Phone #
Town Council	Use of Town Square & Parking Lot	5/3/2014 (or rain 5/17) 9/13/2014 (or rain 9/27) 10/4/2014 Time: 12:00 pm to 10:00 pm	Bruce	280-1278
Operations	4 each trash and recycle carts	Place: Friday before date. Remove: Monday after date.	Steve Blasko	553-1530

STAFF USE: Permit will be issued upon approval of Town Council

APPROVED:

DENIED:

DATE: 2-6-2014



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

SPECIAL EVENTS COMMITTEE REPORT

Application Number: 2014-02
Event Name: Zaxby's Movie Night
Event Date(s): 5/3/14 (5/17 rain date); 9/13/14 (9/27 rain date); 10/4/14 (possible)
Time: 6:00 pm – 10:00 pm
Location: 110 W Main Street (Town Square)

Downtown/Town Limits/ETJ: Town Limits

Applicant: Clayton Downtown Development Association, Inc.
PO Box 879, Clayton, NC 27528

Contact: Bruce Naegelen, znaegelen@townofclaytonnc.org
(919) 553-5002 (office) (919) 280-1278 (cell)

Committee Meeting: February 6, 2014

EVENT LOCATION: Town Square, 110 W Main Street

EVENT DESCRIPTION:

- Movie projected on an inflatable screen, food and beverage vendors, children's activities including face-painting and bouncy house.

Estimated Attendees per day: 500-800 people

SERVICES REQUESTED:

- Use of Town Square & Parking Lot
- Closure of Town Square parking lot from Noon to 10:00 pm
- Trash & recycled carts – 4 each

CHECKLIST:

1. Vendors - yes
2. Tents – 10 x 10's
3. Security & Fire Protection – volunteers and 911
4. Crowd Control – volunteers
5. Health & Sanitation – handicapped portable toilet will be provided
6. Medical – first aid kit / 911
7. Traffic Control – volunteers will assist pedestrian crossings
8. Temporary Lighting/Electrical Service – n/a
9. Communications – organizers name and cell phone are on this report

10. Clean-up & Waste Disposal – volunteers will pick up trash from the event area and deposit in provided roll out carts
 11. Noise Control – n/a
 12. Owners Consent – will have upon Committee Approval
 13. Insurance – n/a
 14. Temporary Signage – will need permits for any signage (Main Street banner)
 15. Permits – any additional permits will be filed with Planning Department
-

COMMITTEE CONDITIONS:

-
-

COMMITTEE ACTIONS

- Committee recommends: **APPROVAL**
 - Staff will schedule Town Council Presentation: 2/17/2014
 - Special Event Permit will be issued upon **Town Council Approval**
-

TOWN COUNCIL CONSIDERATIONS

- Close Town Square Parking Lot Noon to 10:00 pm

 - **COUNCIL ACTION:**
-

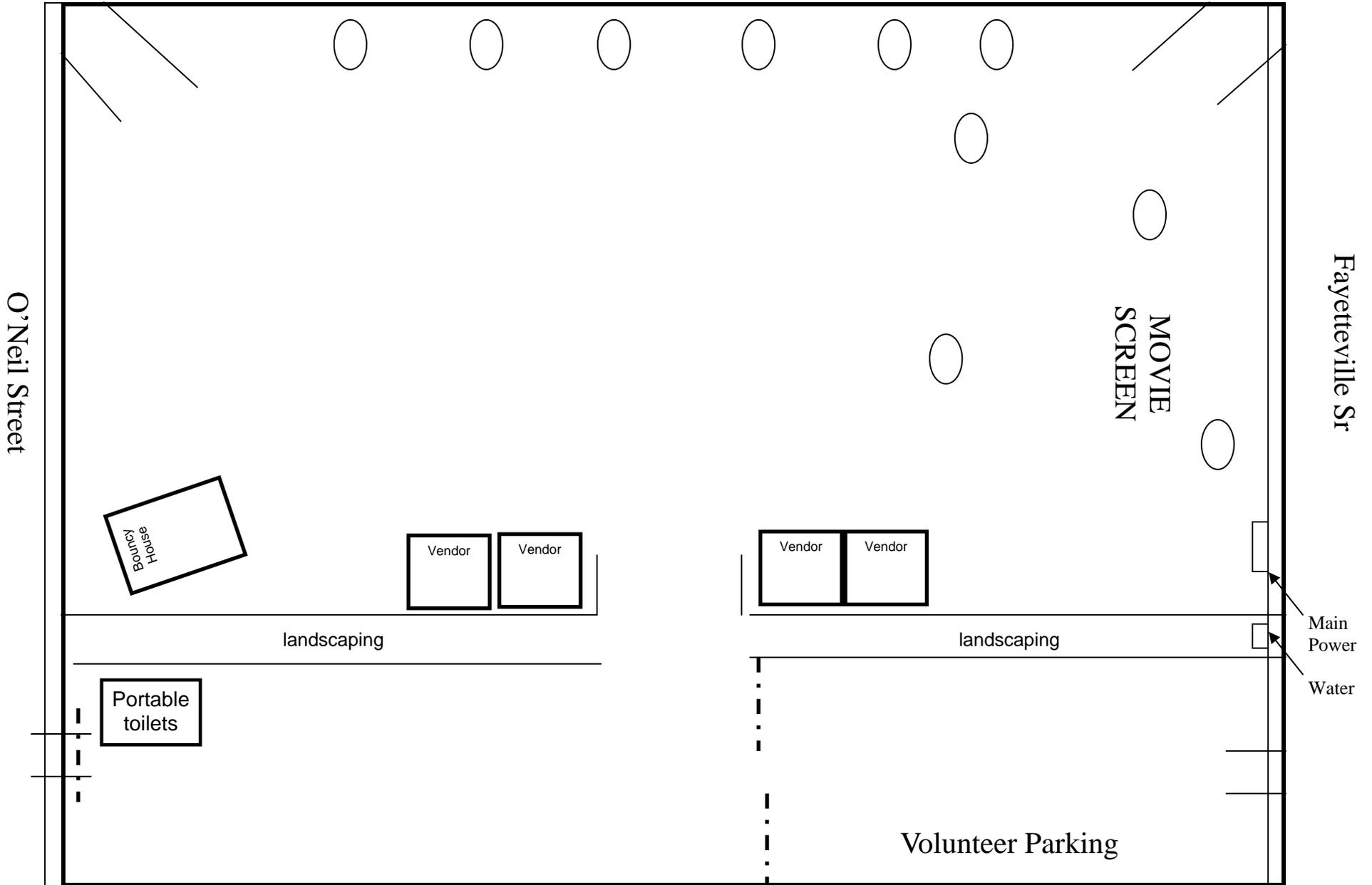
DOCUMENTATION RECEIVED:

- Special Event Application
 - Site plan
-

**POST EVENT REVIEW:
(October 30, 2014)**

-

West Main Street



East Second Street



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

SPECIAL EVENT ACTION ITEM REPORT

Planning Staff Contact: Bruce Naegelen: 919-280-1278

EVENT INFORMATION:

Event Name: Millstock File#: 2014-70

Event Date(s): June 7th, 2014 Event Time(s): 10:00 am to 4:00 pm

Event Location: Horne Square 248 E. Main Street

Event Coordinator: John McFadden Contact Number: 919-359-3649

Contact Email: jewelerjohn@hotmail.com

Attendees (Per Day): 1500

TOWN SERVICES REQUESTED:

Department / Division	Requested Services	Date/Time	Primary Contact	Contact Phone #
Town Council	Use of Horne Square	6-7-2014 7a-5 p	Bruce	280-1278
Town Council	Closure of Horne Square Parking Lot	6-7-2014 mid-5p	Bruce	280-1278
Town Council	Closure of S. Lombard St. between Main & Second St. (DOT approval req)	6-7-2014 7a-5p	Bruce	280-1278
Operations	Barriers & Cones for Street and Parking Lot closures	Place: 6-6-2014 Remove: 6-9-2014	Steve Blasko	553-1530
Police Dept.	Place cones at both entrances of Horne Square parking lot at midnight	Place: 6-7-2014 at Midnight	Capt. Herring	553-4611
Police Dept.	Place barricades at N Lombard & Main	Place: 6-7-2014 at midnight	Capt. Herring	553-4611
Operations	Roll-out Trash & Recycling Carts (7)	Place: 6-6-2014 Remove: 6-9-2014	Steve Blasko	553-1530

STAFF USE: Committee recommended approval conditional on approval by Town Council & NC DOT-2-6-2014

APPROVED:

DENIED:

DATE: 2-6-2014



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

SPECIAL EVENTS COMMITTEE REPORT

Application Number: 2014-70
Event Name: 2014 Millstock Music & Art Faire
Event Date(s): June 7, 2014
Time: 10:00 am – 4:00 pm
Location: Horne Square & S. Lombard St (between Main & Second)

Downtown/Town Limits/ETJ: Town Limits

Applicant: Clayton Visual Arts, Inc.
PO Box 698. Clayton, NC 27528

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

Committee Meeting: February 6, 2014

EVENT LOCATION: Horne Square, 348 E Main Street & S. Lombard Street (between Main & Second) and Clayton Farmers Market will move to N. Lombard Street

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

Estimated Attendees per day: 1,500 people

SERVICES REQUESTED:

- Use of Horne Square and parking lot from 7:00 am – 5:00 pm
- Closure of Horne Square parking lot from 12:00 am – 5:00 pm
- Closure of S. Lombard Street (between Main & Second) from 7:00 am – 5:00 pm
 - This requires a NCDOT Event Application
- Closure of N. Lombard Street for Clayton Farmers Market from 12:00 am – 5:00 pm
- Barriers and cones to close street and parking lot
- Roll out trash and recycling carts – 7 each

COMMITTEE DISCUSSION:

1. Vendors - yes
2. Tents – 10 x 10's
3. Security & Fire Protection – n/a

4. Crowd Control – volunteers
 5. Health & Sanitation – portable toilets
 6. Medical – first aid kit / notify EMS of event
 7. Traffic Control – Yes
 8. Temporary Lighting/Electrical Service – n/a
 9. Communications – organizers name and cell phone are on this report
 10. Clean-up & Waste Disposal – volunteers will pick up trash from the event area and deposit in provided roll out carts
 11. Noise Control – n/a
 12. Owners Consent – will have upon Committee Approval
 13. Insurance
 14. Temporary Signage – will need permits for any signage (Main Street banner)
 15. Permits – any additional permits will be filed with Planning Department
-

COMMITTEE CONDITIONS:

- Public Works
 - Place trash/recycled carts at Horne Square on Friday June 6
 - Applicant will locate on site as needed
 - Place cones for parking lot and barricades for road closures near needed locations on Friday, June 6
 - Applicant will place barricades at road closure at 7:00 am and remove by 5:00 pm
 - Police Department
 - Will close parking lot with cones after midnight on June 7
-

COMMITTEE ACTIONS

- Committee recommends: **APPROVAL**
 - Staff will schedule and present to Town Council: **February 17, 2014 Work Session**
 - NCDOT Special Event Application will be submitted upon Council Approval
 - Special Event Permit will be issued upon Town Council Approval & receipt of NC DOT Approval
-

TOWN COUNCIL CONSIDERATIONS

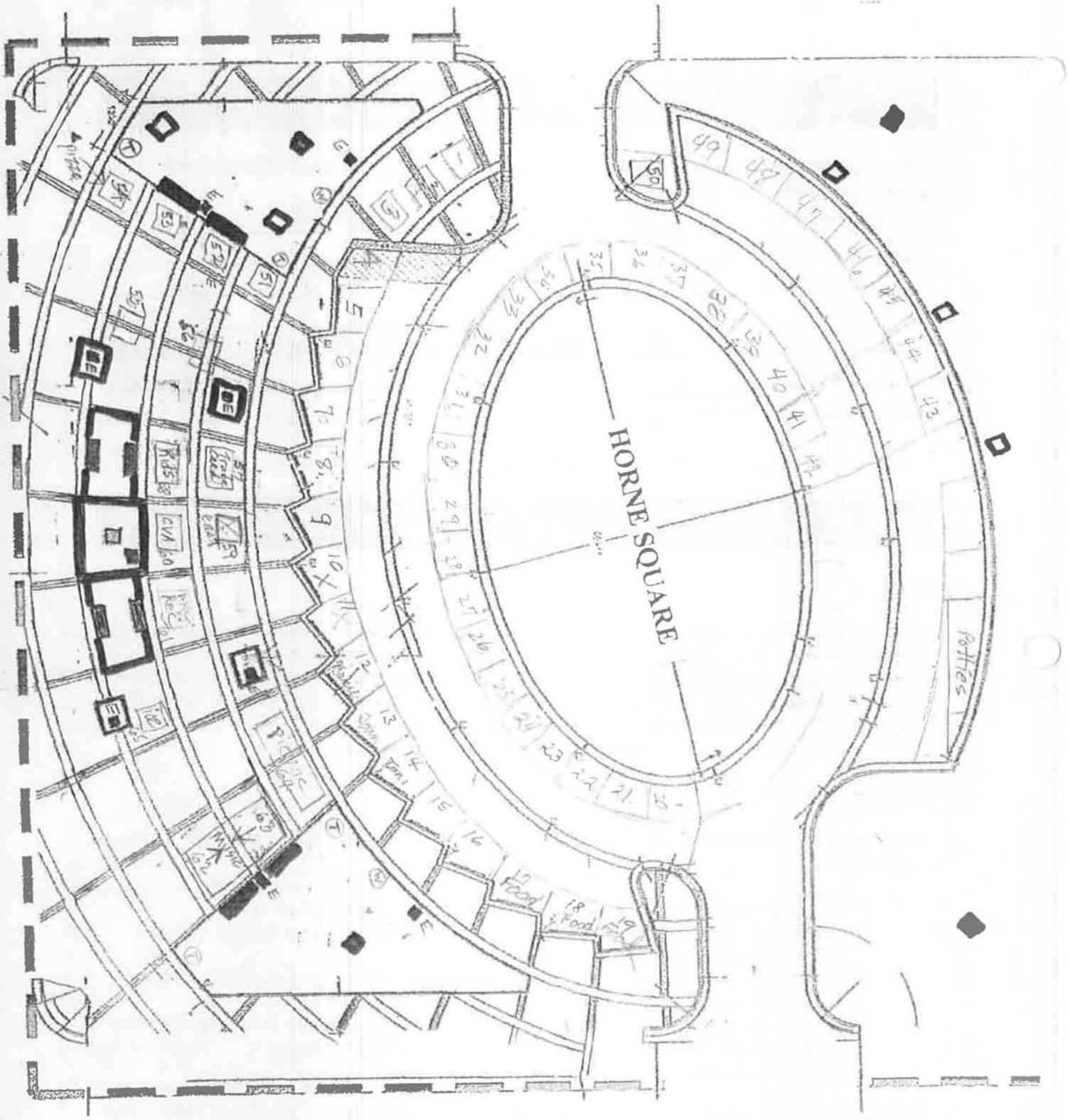
- Use of Horne Square and parking lot from 7:00 am – 5:00 pm
 - Closure of Horne Square parking lot from 7:00 am – 5:00 pm
 - Closure of S. Lombard Street (between Main & Second) from 7:00 am – 5:00 pm
 - This requires a NCDOT Event Application
 - Closure of N. Lombard Street for Clayton Farmers Market from 7:00 am – 5:00 pm

 - **COUNCIL ACTION:**
-

DOCUMENTATION RECEIVED:

- Special Event Application
 - Site plan – attached
 - Certificate of Insurance
 - Indemnification Agreement – **to be notarized**
 - NC DOT Special Event Application – **to be signed**
-

POST EVENT REVIEW: (June 26, 2014)





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

SPECIAL EVENT ACTION ITEM REPORT

Planning Staff Contact: Bruce Naegelen: 919-280-1278

EVENT INFORMATION:

Event Name: National Night Out File#: 2014-71
 Event Date(s): August 5, 2014 Event Time(s): 5:30 pm to 8:30 pm
 Event Location: Town Square 110 W. Main Street
 Event Coordinator: John McFadden Contact Number: 919-359-3649
 Contact Email: jewlerjohn@hotmail.com
 Attendees (Per Day): 300-400

TOWN SERVICES REQUESTED:

Department / Division	Requested Services	Date/Time	Primary Contact	Contact Phone #
Town Council	Closure of Fayetteville St between Main St. & Second St.	8-5-2014 5:00 to 9:00 pm	Bruce Naegelen	280-1278
Town Council	Closure of Town Square Parking Lot	8-5-2014 6:00 am to 9:00 pm	Bruce Naegelen	280-1278
Operations	Barriers and cones for closures	8/5/2014	Steve Blasko	553-1530
Operations	5 each roll out trash and recycling carts	Place: 8/5/2014 Remove: 8/6/14	Steve Blasko	553-1530
NOTE:	Check with Steve Biggs re: Insurance			

STAFF USE: Committee Recommends Approval - Permit will be issued upon approval by Town Council

APPROVED:

DENIED:

DATE: 2-6-2014



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

SPECIAL EVENTS COMMITTEE REPORT

Application Number: 2014-71
Event Name: National Night Out Against Crime
Event Date(s): August 5, 2014
Time: 5:30 pm – 8:30 pm
Location: Town Square

Downtown/Town Limits/ETJ: Town Limits

Applicant: John McFadden
417 E Main Street Clayton, NC 27520

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

Committee Meeting: February 6, 2014

EVENT LOCATION: Town Square, 110 W Main Street

EVENT DESCRIPTION:

National Night Out Against Crime is a public safety awareness event in cooperation with the Clayton Police Department, Fire Department, EMS, County Sheriff's Department and Park Rangers.

Estimated Attendees per day: 300-400 people

SERVICES REQUESTED:

- Closure of Fayetteville Street between Main & Second Streets from 5:00 pm – 9:00 pm
 - Closure of Town Square Parking Lot from 6:00 am – 9:00 pm
 - Use of Town Square and parking lot from 3:00 pm – 9:00 pm
 - Barriers and cones to close street and parking lot
 - 5 each roll out trash and recycling carts
-

COMMITTEE DISCUSSION:

1. Vendors - several
2. Tents – several 10 x10
3. Security & Fire Protection – n/a
4. Crowd Control – volunteers
5. Health & Sanitation
6. Medical – first aid kit / 911
7. Traffic Control – n/a

8. Temporary Lighting/Electrical Service – n/a
 9. Communications – organizers name and cell phone are on this report
 10. Clean-up & Waste Disposal – volunteers will pick up trash from the event area and deposit in provided roll out carts
 11. Noise Control – n/a
 12. Owners Consent – will have upon Committee Approval
 13. Insurance –
 14. Temporary Signage – n/a
 15. Permits – any additional permits will be filed with Planning Department
-

COMMITTEE CONDITIONS:

-
-

COMMITTEE ACTIONS

- Committee recommends: **APPROVAL**
 - Staff will schedule Town Council Presentation: 2/17/2014
 - Special Event Permit will be issued upon Town Council Approval
-

TOWN COUNCIL CONSIDERATIONS

- Closure of Fayetteville Street between Main & Second Streets from 5:00 pm – 9:00 pm
 - Closure of Town Square Parking Lot from 6:00 am – 9:00 pm
 - Use of Town Square and parking lot from 3:00 pm – 9:00 pm

 - **COUNCIL ACTION**
 - 2/17/14:
-

DOCUMENTATION RECEIVED:

- Special Event Application
 - Site plan
 - Town Square Use Policies & Procedure – pending signature
-

**POST EVENT REVIEW:
(August 28, 2014)**

-

Main Street

Parker's Self-Defense Studio | NC Emergency Reserves | Walgreens | Stop Hunger Now

Smithfield's Chicken & Barbecue

Kid's Game Area

Audience Tent

Band & Stage

Fayetteville Street
Fire Department
Police
Animal control
EMS

O'Neal Street

Cert Team | Aaron's | Clayton Parks & Recreation

Neighborhood Watch Tent

2nd Street Parking Lot

Mark's Catering | Primo Pizza

Pelican's SnoBalls | Crime Stoppers Truck

Fayetteville Street

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

Agenda Item: 4f

Meeting Date: 02/17/14

TITLE: PRESENTATION BY HAZEN AND SAWYER REGARDING TOWN OF CLAYTON PLANT FOR NUTRIENT (NITROGEN) MANAGEMENT.

DESCRIPTION: Presentation.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-17-14	Presentation.	N/A.

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

Agenda Item: 5a

Meeting Date: 2/17/2014

TITLE: PRESENTATION OF AMENDMENTS TO THE CLAYTON TOWN CODE OF ORDINANCES, UNIFIED DEVELOPMENT CODE, FOR THE FOLLOWING SECTIONS:

- SECTION 155.710 CONDITIONAL USE REVIEW
- SECTION 155.202 (J) (4) LAND USE REGULATIONS

DESCRIPTION: The attached text amendments were reviewed by the Planning Board at its January 27, 2014, Planning Board meeting. The Planning Board unanimously approved the amendments as presented.

This item is slated for public hearing by the Town Council at its Monday, March 3, 2014, Council meeting.

RELATED GOAL: Manage Growth Producing Quality Developments.

ITEM SUMMARY:

Date:

Action:

Info. Provided:

02-17-14

Presentation &
Public Notice.

Strikethrough of
155.710; clean draft
Version of 155.710;
Draft of 155.202;
And Planning Board
Recommendation.

§ 155.710 CONDITIONAL USE REVIEW

(A) APPLICABILITY

- (1) Conditional Uses ~~within a zoning district~~ are considered to be uses that may be appropriate in a particular zoning district, but because of their potential for incompatibility with adjacent uses require individual review by the Board of Adjustment.
- (2) A Conditional Use Permit shall be required for all Conditional Uses as set forth in the Permitted Land Use Table (see § 155.202(B)). A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses. The Conditional Use review process is as follows:

CONDITIONAL USE PROCESS



- (3) Where a use requiring approval as Conditional Use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to Conditional Use review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

(B) PRE-APPLICATION CONFERENCE

All applicants seeking Conditional Use approval shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).

(C) APPLICATION REQUIREMENTS

~~(1) Concurrent with a request for a Conditional Use Permit, an applicant shall submit a site plan for review and approval in accordance with § 155.707.~~

(1) An application for a Conditional Use Permit shall be submitted in accordance with § 155.702(C).

(2) If a Site Plan is required for the proposed Conditional Use pursuant to § 155.707, the applicant shall submit a Site Plan for review and approval concurrent with the Conditional Use request, in accordance with § 155.707. The two applications shall be filed together and review of each application shall proceed simultaneously in accordance with the provisions of this Chapter. However, the designated decision-making body shall render separate decisions on each application, recognizing that the applications are distinct and subject to different standards for approval.

~~(2)~~(3) A Traffic Impact Analysis may be required if the proposed development meets the thresholds established in § 155.708.

(D) NEIGHBORHOOD MEETING

All applicants seeking Conditional Use approval shall hold a neighborhood meeting in accordance with § 155.702(B).

~~(D)~~(E) ACTION BY PLANNING DIRECTOR

(1) Upon submission of a completed application, the Planning Director shall schedule the conditional use request and site plan, if applicable, for review by the Technical Review Committee. The Technical Review Committee shall review the request site plan for consistency with the requirements of this eChapter.

(2) Upon completion of the technical review ~~for a site plan~~, the Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the Town, and the general requirements of this Chapter. The report, site plan and any related application materials shall be forwarded to the Board of Adjustment.

(3) Where a Major Site Plan is required, ~~approval of the~~ Planning Board shall consider the site plan application following action conditional use permit by the Board of Adjustment. The site paln shall be processed pursuant to § 155.707. ~~shall be considered site plan approval.~~

~~(E)~~ NEIGHBORHOOD MEETING

~~All applicants seeking Conditional Use approval shall hold a neighborhood meeting in accordance with § 155.702(B).~~

(F) **NOTICE AND PUBLIC HEARINGS**

The Town shall hold all required public hearings and give notice in accordance with § 155.702(D).

(G) **ACTION BY BOARD OF ADJUSTMENT**

(1) Procedure

(a) The Board of Adjustment may approve the request, deny the request, or continue the request. A simple majority vote of the Board is necessary to grant a Conditional Use Permit.

(b) Each decision shall be accompanied by the Findings of Fact that specifies the reason for the decision.

(c) In approving the Conditional Use Permit, the Board of Adjustment may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.

(d) Conditions may be imposed by the Board of Adjustment regarding the location, character, and other features of the proposed building or use as may be deemed by the Board of Adjustment to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the Conditional Use is granted, shall be deemed a violation of this Chapter.

(e) Any additional condition approved by the Board of Adjustment shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

~~(1) After considering the Technical Review Committee's comments, the Board of Adjustment shall approve or disapprove the request, or send the request back to the Technical Review Committee for additional consideration.~~

~~(2) Site plans requiring revisions shall be returned to the Technical Review Committee's within 90 days or the application shall be considered withdrawn. One extension period may be granted by Board of Adjustment.~~

~~(1)~~ **(2) FINDINGS OF FACT REQUIRED – Findings of Fact**

No ~~C~~conditional ~~U~~use ~~P~~permit shall be approved by the Board of Adjustment, unless the following findings are made concerning the application:

~~(1)~~(a) That the application will not materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.

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

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

~~(4)~~(d) That the application will not adversely affect the adopted plans and polices of the Town, or violate the character of existing standards for development of the adjacent properties.

~~(H)~~ **ADDITIONAL CONDITIONS**

~~(1)~~ In granting approval of a conditional use permit, the Board of Adjustment may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right of way or easement dedication; recreation, open space, or buffer provision; limitation in scale, intensity, or hours of operation; and other reasonable restrictions.

~~(2)~~ Any additional condition approved by the Board of Adjustment shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

~~(H)~~(H) **MODIFICATIONS TO APPROVED CONDITIONAL USE PERMITS**

(1) **Minor Deviations**

The Planning Director is authorized to approve minor deviations to a ~~e~~C~~o~~n~~d~~i~~t~~i~~o~~n~~a~~l ~~U~~s~~e~~ ~~P~~e~~r~~m~~i~~t, if such change is not contrary to the approving action of the Board of Adjustment, but shall not have the authority to approve substantial deviations as set forth below.

(2) **Substantial Deviations**

(a) Any deviation requiring evidentiary support in addition to that presented at a public hearing on applications for the original permit shall constitute a substantial deviation. Before making a determination as to whether a proposed action is a minor deviation or a substantial deviation, the Planning Director shall review the record of the proceedings on the original application. Substantial deviations shall include the following:

1. A change in the boundaries of the approved site;
2. A change from the approved use;

3. An increase of 5% or more in the approved floor area, unless proposed addition is 500 square feet of floor area or less, whether such addition is proposed at one time or over an extended period of time;
4. An increase of 5% or more in the number of approved parking spaces, unless the proposed addition is ten or fewer spaces, whether such addition is proposed at one time or over an extended period of time;
5. Substantial change in the location of principal or accessory structures;
6. Structural alterations significantly affecting the basic size, form; style, ornamentation, and appearance of principal or accessory structures as shown on the approved site plan;
7. Substantial changes in pedestrian or vehicular access or circulation; and
8. Substantial change in the amount or location of landscape screens.

(b) If a proposed amendment deviates substantially from the approved ~~C~~onditional ~~U~~se ~~P~~ermit, the approved ~~e~~Conditional ~~U~~se ~~P~~ermit shall be amended in accordance with the procedure and standards which governed its approval.

~~(H)~~(I) EFFECT OF DECISION

- (1) If the Board of Adjustment votes to deny an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial. If the Board of Adjustment votes to approve an application, the permit shall be recorded in the County Register of Deeds office.
- (2) The ~~C~~onditional ~~U~~se ~~P~~ermit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs. Any decision by the Board of Adjustment, may be appealed within 30 days of the decision in accordance with G.S. § 160A-381.

~~(K)~~(J) PERIOD OF VALIDITY

- (1) An approved ~~C~~onditional ~~U~~se ~~P~~ermit shall expire 12 months from the date of approval unless the proposed development is pursued as set forth below:
 - (a) A complete building permit application has been submitted and remains valid;
 - (b) Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within 12 months from the date approval was granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or

(c) If no building permit is required, a ~~certificate of occupancy~~Zoning Permit has been issued.

(2) Once the appropriate permit has been issued, the ~~C~~onditional ~~U~~se ~~P~~ermit shall remain in force unless the use, construction, or activity ceases for a period of 12 consecutive months. In such instance the ~~C~~onditional ~~U~~se ~~P~~ermit shall become void. If a ~~C~~onditional ~~U~~se is determined by the Planning Director to be void, such determination shall be transmitted in writing to the applicant.

~~(L)~~(K) **BUILDING PERMIT/CERTIFICATE OF OCCUPANCY/ZONING PERMIT**

(1) No building permit, ~~or~~ certificate of occupancy or Zoning Permit shall be issued for the Conditional Use until the ~~required~~ site plan (if required) ~~of for~~ the proposed use or development has been approved by the ~~Board of Adjustment~~Planning Director (minor) or the Planning Board (major).

(2) In order to secure a vested right for a site plan, the applicant must submit a site-specific development plan in accordance with § 155.718.

~~(M)~~(L) **REVOCAION OF A CONDITIONAL USE PERMIT**

(1) If any conditions of a ~~C~~onditional ~~U~~se ~~P~~ermit, or other requirements of this ~~C~~hapter are violated, the Board of Adjustment may revoke the permit. Revocation may occur after an evidentiary hearing is conducted by the Board of Adjustment.

(2) Upon a four-fifths vote, the Board of Adjustment shall revoke the permit, and notice of such revocation shall be recorded in the County Register of Deeds office.

(3) Violations of conditions of a ~~C~~onditional ~~U~~se ~~P~~ermit shall be considered a violation of this ~~C~~hapter and thereby subject to the provisions of § 155.720.

~~(N)~~(M) **COORDINATION WITH VARIANCES**

Applications for ~~v~~ariances may be submitted concurrently with a request for a ~~C~~onditional ~~U~~se ~~P~~ermit. However, decisions shall be rendered with separate motions. The ~~C~~onditional ~~U~~se ~~P~~ermit request shall be considered first ~~(including any site plan)~~, and where it is denied, the variance request shall be null and void.

~~(O)~~(N) **COORDINATION WITH REZONING**

An application for a ~~C~~onditional ~~U~~se ~~P~~ermit may be reviewed concurrently with a ~~R~~ezoning application. However, a decision shall be rendered first for any ~~R~~ezoning and then subsequently for any ~~C~~onditional ~~U~~se ~~P~~ermit.

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

§ 155.710 CONDITIONAL USE REVIEW

(A) APPLICABILITY

- (1) Conditional Uses are considered to be uses that may be appropriate in a particular zoning district, but because of their potential for incompatibility with adjacent uses require individual review by the Board of Adjustment.
- (2) A Conditional Use Permit shall be required for all Conditional Uses as set forth in the Permitted Land Use Table (see § 155.202(B)). A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses. The Conditional Use review process is as follows:

CONDITIONAL USE PROCESS



- (3) Where a use requiring approval as Conditional Use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to Conditional Use review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

(B) **PRE-APPLICATION CONFERENCE**

All applicants seeking Conditional Use approval shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).

(C) **APPLICATION REQUIREMENTS**

- (1) An application for a Conditional Use Permit shall be submitted in accordance with § 155.702(C).
- (2) If a Site Plan is required for the proposed Conditional Use pursuant to § 155.707, the applicant shall submit a Site Plan for review and approval concurrent with the Conditional Use request, in accordance with § 155.707. The two applications shall be filed together and review of each application shall proceed simultaneously in accordance with the provisions of this Chapter. However, the designated decision-making body shall render separate decisions on each application, recognizing that the applications are distinct and subject to different standards for approval.
- (3) A Traffic Impact Analysis may be required if the proposed development meets the thresholds established in § 155.708.

(D) **NEIGHBORHOOD MEETING**

All applicants seeking Conditional Use approval shall hold a neighborhood meeting in accordance with § 155.702(B).

(E) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the conditional use request and site plan, if applicable, for review by the Technical Review Committee. The Technical Review Committee shall review the request for consistency with the requirements of this Chapter.
- (2) Upon completion of the technical review, the Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the Town, and the general requirements of this Chapter. The report, site plan and any related application materials shall be forwarded to the Board of Adjustment.
- (3) ~~Where Major~~Where Major Site Plan is required, the Planning Board shall consider the site plan application following action by the Board of Adjustment. The site ~~plan~~plan shall be processed pursuant to § 155.707.

(F) **NOTICE AND PUBLIC HEARINGS**

The Town shall hold all required public hearings and give notice in accordance with § 155.702(D).

(G) **ACTION BY BOARD OF ADJUSTMENT**

(1) Procedure

- (a) The Board of Adjustment may approve the request, deny the request, or continue the request. A simple majority vote of the Board is necessary to grant a Conditional Use Permit.
- (b) Each decision shall be accompanied by the Findings of Fact that specifies the reason for the decision.
- (c) In approving the Conditional Use Permit, the Board of Adjustment may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.
- (d) Conditions may be imposed by the Board of Adjustment regarding the location, character, and other features of the proposed building or use as may be deemed by the Board of Adjustment to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the Conditional Use is granted, shall be deemed a violation of this Chapter.
- (e) Any additional condition approved by the Board of Adjustment shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

(2) Findings of Fact

No Conditional Use Permit shall be approved by the Board of Adjustment, unless the following findings are made concerning the application:

- (a) That the application will not materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.
- (b) That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations.
- (c) That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

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

(H) **MODIFICATIONS TO APPROVED CONDITIONAL USE PERMITS**

(1) **Minor Deviations**

The Planning Director is authorized to approve minor deviations to a Conditional Use Permit, if such change is not contrary to the approving action of the Board of Adjustment, but shall not have the authority to approve substantial deviations as set forth below.

(2) **Substantial Deviations**

- (a) Any deviation requiring evidentiary support in addition to that presented at a public hearing on applications for the original permit shall constitute a substantial deviation. Before making a determination as to whether a proposed action is a minor deviation or a substantial deviation, the Planning Director shall review the record of the proceedings on the original application. Substantial deviations shall include the following:

1. A change in the boundaries of the approved site;
2. A change from the approved use;
3. An increase of 5% or more in the approved floor area, unless proposed addition is 500 square feet of floor area or less, whether such addition is proposed at one time or over an extended period of time;
4. An increase of 5% or more in the number of approved parking spaces, unless the proposed addition is ten or fewer spaces, whether such addition is proposed at one time or over an extended period of time;
5. Substantial change in the location of principal or accessory structures;
6. Structural alterations significantly affecting the basic size, form; style, ornamentation, and appearance of principal or accessory structures as shown on the approved site plan;
7. Substantial changes in pedestrian or vehicular access or circulation; and
8. Substantial change in the amount or location of landscape screens.

- (b) If a proposed amendment deviates substantially from the approved Conditional Use Permit, the approved Conditional Use Permit shall be amended in accordance with the procedure and standards which governed its approval.

(I) **EFFECT OF DECISION**

- (1) If the Board of Adjustment votes to deny an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial. If the Board of Adjustment votes to approve an application, the permit shall be recorded in the County Register of Deeds office.
- (2) The Conditional Use Permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs. Any decision by the Board of Adjustment, may be appealed within 30 days of the decision in accordance with G.S. § 160A-381.

(J) **PERIOD OF VALIDITY**

- (1) An approved Conditional Use Permit shall expire 12 months from the date of approval unless the proposed development is pursued as set forth below:
 - (a) A complete building permit application has been submitted and remains valid;
 - (b) Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within 12 months from the date approval was granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or
 - (c) If no building permit is required, a Zoning Permit has been issued.
- (2) Once the appropriate permit has been issued, the Conditional Use Permit shall remain in force unless the use, construction, or activity ceases for a period of 12 consecutive months. In such instance the Conditional Use Permit shall become void. If a Conditional Use is determined by the Planning Director to be void, such determination shall be transmitted in writing to the applicant.

(K) **BUILDING PERMIT/CERTIFICATE OF OCCUPANCY/ZONING PERMIT**

- (1) No building permit, certificate of occupancy or Zoning Permit shall be issued for the Conditional Use until the site plan (if required) for the proposed use or development has been approved by the Planning Director (minor) or the Planning Board (major).
- (2) In order to secure a vested right for a site plan, the applicant must submit a site-specific development plan in accordance with § 155.718.

(L) **REVOCAION OF A CONDITIONAL USE PERMIT**

- (1) If any conditions of a Conditional Use Permit or other requirements of this Chapter are violated, the Board of Adjustment may revoke the permit. Revocation may occur after an evidentiary hearing is conducted by the Board of Adjustment.

- (2) Upon a four-fifths vote, the Board of Adjustment shall revoke the permit, and notice of such revocation shall be recorded in the County Register of Deeds office.
- (3) Violations of conditions of a Conditional Use Permit shall be considered a violation of this Chapter and thereby subject to the provisions of § 155.720.

(M) **COORDINATION WITH VARIANCES**

Applications for Variances may be submitted concurrently with a request for a Conditional Use Permit. However, decisions shall be rendered with separate motions. The Conditional Use Permit request shall be considered first , and where it is denied, the variance request shall be null and void.

(N) **COORDINATION WITH REZONING**

An application for a Conditional Use Permit may be reviewed concurrently with a Rezoning application. However, a decision shall be rendered first for any Rezoning and then subsequently for any Conditional Use Permit.

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

§ 155.202 LAND USE REGULATIONS.

(J) *Yards and setbacks.*

(4) *Yard encroachments.* The following encroachment standards shall apply to all required yards, so long as they do not extend into any easements:

(a) Parking structures may extend into the rear yard of a dwelling unit.

(b) Chimneys, pre-fabricated chimneys, flues, or smokestacks may extend a maximum of four feet into a required yard.

(c) Building eave or roof overhang may extend up to 24 inches into a required yard; provided that such extension is at least three feet from the property line, its lower edge is at least seven and one-half feet above the ground elevation, and it is located at least five feet from any other building or eave.

(d) Sills and ornamental features may project up to 24 inches into any required yard.

(e) Except in the B-1 District, fire escapes may project up to eight feet into any required yard.

(f) Signs may extend into required yards in conformance with standards found in § 155.403.

(g) Pedestrian bridges, breezeways, building connections, and supports of these structures may extend into required yards upon findings by the approving authority that the connecting feature is necessary to provide safe pedestrian access or to improve transit access.

(h) Security gates and guard stations may be located within any required yard.

(i) Unenclosed patios, decks or terraces, including lighting structures, may extend up to four feet into any required side yard, or up to eight feet into any required rear yard.

(j) Covered porches may encroach a maximum of 20% of the required street yard setback depth.

(k) Mechanical equipment for residential uses, such as HVAC units and security lighting, may extend into any required side yard but shall remain at least four feet from the property line.

(l) Bay windows, entrances, balconies, and similar features that are less than ten feet wide may extend up to 18 inches into any required yard, but shall remain at least six feet from the property line.

(m) Structures below and covered by the ground may extend into any required yard.

(n) Driveways may extend into any required yard, provided that, to the extent practicable, they extend across rather than along the setback area and may be no closer than two feet from the property line.

(o) Planters, retaining walls, fences, hedges, and other landscaping structures may encroach into any required yard ~~and may be no closer than one foot from the property line~~ subject to visibility restrictions.

(p) Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into any required yard.

TOWN OF CLAYTON, NC

PLANNING BOARD RECOMMENDATION FORM

REQUEST: UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS

On January 27, 2014 the Planning Board ~~conducted a legislative~~ heard the above-referenced request and made the following recommendation to the Town Council:

1) Modifications to Section 155.710 of the Unified Development Code

Approval of the modifications as presented by staff.

Approval of the modifications with the following changes:

Denial of the modifications.

2) Modifications to Section 155.202(J)(4) of the Unified Development Code

Approval of the modifications as presented by staff.

Approval of the modifications with the following changes:

Denial of the modifications.

Recommendations made this 27th day of January, 2014 while in regular session.

Signed:



Frank Price, Planning Board Chair

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

Agenda Item: 5b

Meeting Date: 2/17/2014

TITLE: PRESENTATION OF RESOLUTION ENDORSING THE NEGOTIATION OF DEFINITIVE AGREEMENTS FOR THE SALE OF CERTAIN GENERATING ASSETS OWNED BY NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY TO DUKE ENERGY PROGRESS, INC. AND FOR POWER SUPPLY.

DESCRIPTION: Attached.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-17-14	Presentation.	Resolution.

TOWN OF CLAYTON

A RESOLUTION OF THE CLAYTON TOWN COUNCIL OF THE TOWN OF CLAYTON ENDORSING THE NEGOTIATION OF DEFINITIVE AGREEMENTS FOR THE SALE OF CERTAIN GENERATING ASSETS OWNED BY NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY TO DUKE ENERGY PROGRESS, INC. AND FOR POWER SUPPLY

WHEREAS, the Town of Clayton (the “Municipality”) and North Carolina Eastern Municipal Power Agency (“Power Agency”) heretofore have entered into an Initial Project Power Sales Agreement, as amended, and a Supplemental Power Sales Agreement, as amended, pursuant to which, among other things, the Municipality purchases from Power Agency and Power Agency sells to the Municipality all of the Municipality’s All Requirements Bulk Power Supply, as such term is defined in Supplemental Power Sales Agreement; and

WHEREAS, a portion of the All Requirements Bulk Power Supply sold by Power Agency to the Municipality and purchased by the Municipality from Power Agency is derived from the Power Agency’s undivided ownership interest in the following electric generating units jointly owned by Power Agency with Duke Energy Progress, Inc. (“DEP”): Brunswick Units Nos. 1 and 2, Harris Unit No. 1, Mayo Unit No. 1 and Roxboro Unit No. 4 (collectively the “Joint Units”); and

WHEREAS the Clayton Town Council of the Municipality (the “Governing Body”) has been advised by representatives of Power Agency that Power Agency has been authorized by its Board of Directors and by the Board of Commissioners of the Power Agency to negotiate with DEP on an exclusive basis definitive agreements pursuant to which (i) Power Agency would sell and DEP would purchase all of the Power Agency’s ownership interests in the Joint Units and (ii) Power Agency and DEP would enter into a full requirements power purchase agreement pursuant to which DEP would sell and Power Agency would purchase all of the power and energy required by Power Agency to provide full requirements power supply services to the Town of Clayton and to all other members of Power Agency (the “Proposed Transaction”); and

WHEREAS, representatives of Power Agency also have advised the Governing Body that if the Proposed Transaction is consummated the proceeds to be derived from the sale of the Joint Units, when combined with other funds available to Power Agency, may not be sufficient to pay or provide for the payment of the principal of and premium, if any, and interest on all

revenue bonds heretofore issued by Power Agency to finance the acquisition of the Joint Units; and

WHEREAS, representatives of Power Agency confidentially presented to the Governing Body the confidential results of the preliminary financial analyses of the Proposed Transaction undertaken by and at the request of Power Agency to determine the projected effect of the Proposed Transaction on Power Agency and its participants; and

WHEREAS, the Governing Body, having taken into consideration the confidential information concerning the Proposed Transaction presented to the Governing Body by representatives of Power Agency.

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

1. The Governing Body has given due consideration to the confidential information concerning the Proposed Transaction presented by representatives of Power Agency at this meeting and hereby finds and determines that it is in the best interest of the Municipality for representatives of Power Agency to negotiate a definitive agreement with DEP concerning the Proposed Transaction.
2. The Governing Body hereby endorses the action of the Board of Directors and Board of Commissioners of Power Agency authorizing representative of Power Agency to negotiate a definitive agreement with DEP concerning the Proposed Transaction.
3. The Governing Body hereby directs the Town Clerk to cause to be furnished to Power Agency, if requested, a certified copy of this resolution.
4. This resolution shall become effective upon its adoption.

Duly adopted the day of 2014, by the Clayton Town Council while in regular session.

(SEAL)

Jody L. McLeod,
Mayor

Sherry L. Scoggins, MMC
Town Clerk

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

Agenda Item: 5c

Meeting Date: 2/17/2014

TITLE: PRESENTATION OF ARBOR DAY PROCLAMATION.

DESCRIPTION: In North Carolina, Friday, March 21, 2014, is recognized as Arbor Day.

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

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-17-14	Presentation.	Proclamation.

TOWN OF CLAYTON PROCLAMATION - ARBOR DAY

WHEREAS, in 1872, J. Sterling Morton, who would become Secretary of Agriculture under President Grover Cleveland, proposed to the Nebraska Board of Agriculture that a special day be set aside for planting trees; and,

WHEREAS, the resulting holiday - Arbor Day - was first observed in that State with the planting of more than one million trees and is now observed throughout the nation and the world; and

WHEREAS, trees are renewable resources that yield fruit and nuts for food and profit, wood for construction, fuel for warmth, paper products and a variety of other goods and materials; and

WHEREAS, trees intercept storm water, reduce runoff and erosion, clean air and water, produce oxygen, slow climate change by absorbing carbon dioxide, provide habitat for wildlife, and moderate air temperature; and

WHEREAS, when properly selected and tended appropriately, trees increase property values, enhance economic vitality of business districts, provide buffers from traffic and are a source of joy and spiritual renewal; and

WHEREAS, the Town of Clayton achieved Tree City, USA status in 2006 and continues to maintain and improve our urban forest by the planting of additional trees to enhance our community; and

WHEREAS, Arbor Day reminds us of the timeless observation by its founder, J. Sterling Morton, that "Each generation takes the earth as trustees;"

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Clayton, North Carolina, that Friday, March 21, 2014, be recognized as "**Arbor Day**" and we urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands. We encourage all citizens to plant trees to promote the well-being of this and future generations because a healthy urban forest can bring a sense of vibrancy or respite, adventure or calm and escape or contentment, amidst asphalt and concrete.

Duly proclaimed by the Clayton Town Council this ___ day of March 2014, while in regular session.

Jody L. McLeod,
Mayor

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

Agenda Item: 5d

Meeting Date: 2/17/2014

TITLE: PRESENTATION OF WARRANTY ACCEPTANCE FOR GLEN LAUREL EAST, PHASE 2B FOR ONE YEAR WARRANTY PERIOD FOR UTILITIES.

DESCRIPTION: Attached.

RELATED GOAL: Administrative.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-17-14	Presentation.	Memorandum.

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector

Copy: Danny Blackburn, Blackburn Consulting
David DeYoung, Planning Director

Date: February 03, 2014

Subject: Glen Laurel East, Phase 2B

CR

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

received
2/3/14 JKA

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

Agenda Item: 9a

Meeting Date: 2/17/2014

TITLE: TOWN MANAGER.

DESCRIPTION: Discussion of the following items:
▪ Restoration of position within the inspections department;
▪ Amending the fees for building inspections.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-17-14	Discussion.	

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

Agenda Item: 9c

Meeting Date: 02/17/14

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events

- The Clayton Center Palladian Series: The Hot Club of San Francisco (Meet Me in Paris) – Friday, February 14, 2014 @ 8 PM
- Council Mtg – Monday, February 17, 2014 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, February 19, 2014 @ 6 PM
- Planning Board Mtg – Monday, February 24, 2014 @ 6 PM
- Council Mtg – Monday, March 3, 2014 @ 6:30 PM
- Cooper Elementary PTA Run for the Rockets community event – Saturday, March 8, 2014 from 9 AM to 12 noon
- Spring Forward: 2014 Daylight Saving Time begins – Sunday, March 9, 2014, at 2 AM
- The Clayton Center Palladian Series: The Celtic Tenors – Saturday, March 15, 2014 @ 8 PM
- Sunshine Week – March 16 -22, 2014
- Council Mtg – Monday, March 17, 2014 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, March 19, 2014 @ 6 PM
- Planning Board Mtg – Monday, March 24, 2014 @ 6 PM
- Fire Advisory Board Mtg – Thursday, March 27, 2014 @ 7 PM at Fire Station 1, 325 West Horne Street
- The Clayton Center presents: Schoolhouse Rock Live! – Saturday, April 5, 2013 @ 3 PM
- Council Mtg – Monday, April 7, 2014 @ 6:30 PM
- The Clayton Center Palladian Series: James Gregory (The Funniest Man in America!) – Friday, April 11, 2014 @ 8 PM
- Downtown Development Association Mtg – Monday, April 14, 2014 @ 6:30 PM in room GS 223
- Board of Adjustment Mtg – Wednesday, April 16, 2014 @ 6 PM
- Good Friday Holiday – Friday, April 18, 2014
- Council Mtg – Monday, April 21, 2014 @ 6:30 PM
- Planning Board Mtg – Monday, April 28, 2014 @ 6 PM
- Council Mtg – Monday, May 5, 2014 @ 6:30 PM
- Ethics Webinar 2014 – Wednesday, May 14, 2014, from 10 AM to 12 noon, Four Oaks Room
- 2014 Legislative Session [the Short Session] – Wednesday, May 14, 2014 at 12 noon
- Council Mtg – Monday, May 19, 2014 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, May 21, 2014 @ 6 PM

- Fire Advisory Board Mtg – Thursday, May 22, 2014 @ 7 PM at Fire Station 1, 325 West Horne Street
- Memorial Day Holiday – Monday, May 26, 2014
- Planning Board Mtg – **TUESDAY**, May 27, 2014 @ 6 PM
- Council Mtg – Monday, June 2, 2014 @ 6:30 PM
- NCLM Town Hall Day – Wednesday, June 4, 2014
- Downtown Development Association Mtg – Monday, June 9, 2014 @ 6:30 PM in room GS 223
- Council Mtg – Monday, June 16, 2014 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, June 18, 2014 @ 6 PM
- Planning Board Mtg – Monday, June 23, 2014 @ 6 PM
- Independence Day Holiday – Friday, July 4, 2014
- Council Mtg – Monday, July 7, 2014 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, July 16, 2014 @ 6 PM
- Council Mtg – Monday, July 21, 2014 @ 6:0 PM
- Fire Advisory Board Mtg – Thursday, July 24, 2014 @ 7 PM at Fire Station 1, 325 West Horne Street
- Planning Board Mtg – Monday, July 28, 2014 @ 6 PM
- Labor Day Holiday – Monday, September 1, 2014
- NCLM Annual Conference – October 12-14, 2014; Greensboro, NC
- Fall Back: 2014 Daylight Saving Time ends – Sunday, November 2, 2014, at 2 AM
- Veteran’s Day Holiday – Tuesday, November 11, 2014
- Thanksgiving Day Holiday – Thursday, November 27, 2014 & Friday, November 28, 2014
- Christmas Holiday – Wednesday, December 24, 2014; Thursday, December 25, 2014; & Friday, December 26, 2014

Date:
02-17-14

Action:
N/A

Info. Provided:
Calendar of Events