

Jody L. McLeod  
**MAYOR**

Bruce Thompson  
**TOWN ATTORNEY**

Steve Biggs  
**TOWN MANAGER**



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

Michael Grannis  
**MAYOR PRO TEM**

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## **TOWN COUNCIL MEETING**

**JUNE 16, 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. SCGGINS, TOWN CLERK  
BRUCE THOMPSON II, TOWN ATTORNEY**

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

**MONDAY, JUNE 16, 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 June 2, 2014, regular meeting; May 28, 2014, budget work session meeting; and May 19, 2014, work session meeting.
  - b. Certificate of sufficiency and resolution setting date of public hearing for annexation petition 2014-03-01.
  - c. Public notice for the following public hearings slated for the Monday, July 7, 2014, Clayton Town Council meeting:
    - Annexation petition request 2014-03-01 for 12 non-contiguous parcels located on Glen Laurel Road near Vinson Road;
    - Rezoning request RZ 2014-53 located at 225 E Second Street;
    - Rezoning request RZ 2014-41 located at 277 Guy Road;
    - Special use permit SUP 2014-40 located at 277 Guy Road (contingent upon approval of RZ 2014-41);
    - Special use permit SUP 2014-14 located at US 70 Business HWY and Rose Street.
  
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
  - a. Recognition of long-term service by Town of Clayton employee(s).
  - b. Introduction of new Town of Clayton employee(s).
  - c. Presentation of the Town of Clayton July 4, 2014, Celebration.
  
5. **ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**
  - a. Presentation of rezoning request RZ 2014-53 from O&I to R-6 located at 225 E Second Street.
  - b. Presentation of rezoning request RZ 2014-41 from B-3 to O&I located at 277 Guy Road.
  - c. Presentation of special use permit request SUP 2014-40 for a private K-12 school located at 277 Guy Road.
  - d. Presentation of two resolutions authorizing the county tax administrator to levy and collect property taxes for the Town of Clayton.
  - e. Presentation of capital project budget ordinance.
  - f. Presentation of six budget amendments to the fiscal year 2013-2014 budget.

6. **ITEMS CONTINGENT FOR THE REGULAR MEETING**
7. **ITEMS FOR DISCUSSION**
8. **OLD BUSINESS**
  - a. Adoption of the fiscal year 2014-2015 Town of Clayton budget.
  - b. Public hearing for the minor text amendments throughout Chapter 155. [NC GS 160A-364]
  - c. Public hearing for text amendments to Chapter 155, Section 403: Signs. [NC GS 160A-364]
9. **STAFF REPORTS**
  - a. **Town Manager**
    - Update on the request for urban deer hunting
    - Update on the Brownfield agreement in reference to the DuPont property
    - Downtown parking regulations
  - b. **Town Attorney**
  - c. **Town Clerk**
    - Calendar of Events
  - d. **Other Staff**
    - Sale of Town of Clayton property [NC GS 160A-266]
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: 6/16/14**

**TITLE: DRAFT MINUTES FROM JUNE 2, 2014, REGULAR MEETING; MAY 28, 2014, BUDGET WORK SESSION MEETING; AND MAY 19, 2014, WORK SESSION MEETING.**

**DESCRIPTION: Minutes (3 sets).**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**06-16-14**

**Approval.**

**DRAFT minutes for the  
Following Town Council  
Meetings: 6/2/2014,  
5/28/2014 & 5/19/2014.**

# **MINUTES CLAYTON TOWN JUNE 02, 2014**

The first regular meeting of the Clayton Town Council for the month of June was held on Monday, June 02, 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:** Steve Biggs, Town Manager; Katherine Ross, Town Attorney; Sherry Scoggins, Town Clerk; Nancy Medlin, Deputy Town Manager; David DeYoung, Planning Director; Catherine Whitley, Human Resources Director; Stacy Beard, Public Information Officer; Tommy Roy, Information Services Technician.

## **ITEM 1. CALL TO ORDER**

Mayor Jody McLeod called the meeting to order at 6:34 PM. Mayor McLeod gave the invocation.

## **ITEM 2. ADJUSTMENT OF THE AGENDA**

The following adjustment of the agenda was requested:

- Due to a public notice oversight, items 5b and 5c are moved to the June 16, 2014, Council agenda

## **ITEM 3. ACTION AGENDA**

Councilman Jason Thompson motioned to approve the action agenda as presented; Councilman Art Holder seconded the motion. The motion carried unanimously at 6:35 PM with the following action agenda items being approved:

- Item 3a. Resolution of support for Johnston County bike routes.
- Item 3b. Community event request for Rock the Block, proposed for June 21, 2014.
- Item 3c. Contract for fiscal year 2013-2014 audit.
- Item 3d. Memorandum of understanding between the Capital Area Metropolitan Planning Organization (CAMPO) and the Town of Clayton.

Item 3e. Resolution directing the clerk to investigate annexation petition request 2014-03-01 located on Glen Laurel Road and Vinson Road for 12 parcels.

Item 3f. Warranty acceptance for subject public water, sewer, and associated storm drainage utilities for Mitchiner Hills Subdivision, Phase 2.

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

Item 4a. Presentation on establishment of part-time pay and classification schedule.

Town Manager Steve Biggs stated some of the part-time employees are demonstrating long-term service. He stated this proposal is for a pay and classification schedule for the part-time personnel.

Human Resources Director Catherine Whitley stated there are currently seven departments with part-time positions. She stated when the new budget is adopted there will be nine departments with part-time positions (HR & Town Clerk).

Mayor Pro Tem Michael Grannis questioned what constitutes part-time.

Human Resources Director Whitley stated they work 20 hours or less.

Councilman Jason Thompson stated his thanks for the work on this item.

Councilman Jason Thompson motioned to approve the part-time pay and classification schedule as presented; Councilman Art Holder seconded the motion. Motion carried unanimously at 6:39 PM.

#### **ITEM 5. PUBLIC HEARINGS**

Item 5a. Public hearing to receive public comment on the proposed 2014-2015 fiscal year budget which may include proposed fee amendments to the Town's Comprehensive List of Fees and Charges for Town services. [NC GS 159-12(b)]

Mayor McLeod stated this has been noticed and he opened the floor to receive public comment. As no one came forward, Mayor McLeod closed the public comment on the FY 2014-2015 budget at 6:40 PM.

Town Manager Steve Biggs stated the budget as presented at the budget work session on May 28, 2014, will be used for preparation of the budget ordinance for

adoption at the next Council meeting. He stated there is a question of Council on the setting aside of \$1.2 million reserve funds for parkland. He clarified that item is currently not a part of the budget.

Councilman Butch Lawter stated he would like to see it in there.

Mayor Pro Tem Michael Grannis stated he would like to see it in there. He questioned if the Council needs to take action to incorporate it into the ordinance.

Town Manager Steve Biggs stated the Council will vote on the budget ordinance at its next meeting. He stated this evening he is seeking Council consensus on instruction for preparation of the budget ordinance.

Mayor Jody McLeod stated he would like to see it in the budget ordinance for Council consideration. He stated he thinks this is a solid investment for the Town of Clayton. He stated he understands the Town of Clayton has a good amount of parkland that he would like to see developed to its fullest extent. He stated if the Town of Clayton is looking at a Parks & Recreation bond in the next 24 months or so, then this piece of property is a wise investment. He stated the Town can take a holistic approach as to what to do with the park land.

Item 5b. Public hearing for the minor text amendments throughout Chapter 155. [NC GS 160A-364]

This item is slated for public hearing at the June 16, 2014, Council meeting.

Item 5c. Public hearing for text amendments to Chapter 155, Section 403: Signs. [NC GS 160A-364]

This item is slated for public hearing at the June 16, 2014, Council meeting.

## **ITEM 6. OLD BUSINESS**

Item 6a. Alternative sign plan request ASP 2014-282 for American Pride Car Wash Commercial Subdivision.

Planning Director David DeYoung provided a PowerPoint presentation and overview of ASP 2014-282; herewith attached and incorporated:

- First alternative sign plan to come before Council
- Existing sign is a 24 square foot digital multi-tenant sign
- Existing sign meets the current code
- Signage for the site was reviewed
- Proposal is to expand the sign face with four one-foot by four-foot static signs

- Recommended additional architectural features for the sign to be consistent with signs in the area and the applicant is amenable
- KS Bank sign that is directly across the street from this request will be larger than what is proposed for American Pride Car Wash
- Staff recommending approval with the minor modifications and the staff conditions

Councilman Bob Satterfield motioned to approve the alternative sign plan as presented; Councilman Butch Lawter seconded the motion. Motion carried unanimously at 6:49 PM.

## **ITEM 7. NEW BUSINESS**

Item 7a. Appointment to the Public Art Advisory Board (PAAB).

Mayor Jody McLeod requested the following appointments to the Public Art Advisory Board (PAAB)

- Sara J Perricone – term expires 12/31/2015
- Frank Dziepak – term expires 12/31/2014
- John McFadden – term expires 12/31/2014

Councilman Bob Satterfield motioned to approve as presented; Councilman Butch Lawter seconded the motion. Motion carried unanimously at 6:50 PM.

Item 7b. Appointment to the Recreation Advisory Committee (RAC).

Councilman Butch Lawter stated as of today there are two vacancies on the Recreation Advisory Committee. He requested to fill the vacancies with the following:

- Sally Schlindwein – term expires 12/31/2014
- Michael Hubbard – term expires 12/31/2016

Councilman Butch Lawter motioned to appoint both candidates. Councilman Bob Satterfield seconded the motion. Motion carried unanimously at 6:51 PM.

## **ITEM 8. STAFF REPORTS**

Item 8a. Town Manager

Town Manager Steve Biggs stated no additional report.

Item 8b. Town Attorney

Town Attorney Katherine Ross stated no additional report.

**Item 8c. Town Clerk**

Town Clerk Sherry Scoggins stated Town Hall Day is Wednesday, June 4, 2014.

Mayor Jody McLeod stated this weekend is MillStock and there will be a celebration of the public art piece from the Town of Clayton.

**Item 8d. Other Staff**

No other staff presented a report to the Council.

**ITEM 9. OTHER BUSINESS**

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

Mr. John McFadden stated he is a teacher with the Parks & Recreation program. He stated in 2008 the Town of Clayton took cost cutting measures including laying-off employees and cutting pay of teachers by \$5 an hour. He stated a number of positions are being added, and employees will receive a 1.5% raise. He stated he emailed twice to the Town administrators and received no response. He questioned if those who took a cut in pay will be restored.

Town Manager Steve Biggs requested to put together a list of persons and positions that were impacted. He stated the pay classification that was adopted this evening can be reviewed.

Mayor McLeod questioned if that is different from a contractual agreement.

Town Manager Biggs stated it is different.

Mayor Pro Tem Grannis questioned if Mr. McFadden emailed the Council.

Mr. McFadden stated he did not email the Council.

Mr. Woodrow “Woody” Mitchell stated he has been in Clayton for almost two years and he thinks the Town Council are wonderful leaders. He thanked the Council for the volunteer opportunities.

Mr. Kevin Thorne and Ms. Darlene Thorne of 817 Parkridge Drive of Glen Laurel Subdivision came before the Town Council.

Ms. Darlene Thorne requested clarification on the resolution directing the clerk to investigate annexation petition request 2014-03-01 located on Glen Laurel

Road and Vinson Road for 12 parcels.

Mr. Kevin Thorne stated he appreciates the enhancements and the parks.

Mayor McLeod stated the Council does all it can to promote our community within the region. He stated the Council learned through the process of the dog park how important it was and how it relocated people to the area for this amenity. He stated another positive for the dog park is it is a great way to meet people.

Mayor McLeod stated anytime a property owner or developer would like to be brought into the Town limits and receive the amenities – such as water and sewer, a petition must be submitted. He stated in North Carolina owners have to request to come into the municipality and this is a request to come into the Town of Clayton.

Ms. Thorne questioned if it is known how this will be developed.

Mayor McLeod stated not at this time, and it will be noticed.

Ms. Thorne stated she is concerned about it being on the corner.

Mayor Pro Tem Grannis stated it is not on the corner. He stated it is equal distance between Vinson Road and Powhatan Road and fronts Glen Laurel Road. He added it is behind Powhatan Elementary.

Item 9b. Council Comments.

Councilman Butch Lawter stated he is now a granddad and it is good.

Mayor Pro Tem Michael Grannis stated this evening the finance committee for the Universal Playground is meeting with the Johnston County Board of Commissioners. He stated they are providing a presentation.

## **ITEM 10. ADJOURNMENT**

Councilman Bob Satterfield motioned to adjourn. Councilman Jason Thompson seconded the motion. Motion to adjourn carried unanimously at 7:06 PM.

Duly adopted by the Clayton Town Council this [REDACTED] day of June 2014, while in regular session.

ATTEST:

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Jody L. McLeod  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk

**MINUTES  
BUDGET WORK SESSION - CLAYTON TOWN COUNCIL  
MAY 28, 2014**

The budget work session meeting of the Clayton Town Council was held on Wednesday, May 28, 2014, at 5:00 PM at the Clayton Law Enforcement Center, 315 East Second Street, Clayton.

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

**ALSO PRESENT:** Steve Biggs, Town Manager; Sherry Scoggins, Town Clerk; Nancy Medlin, Deputy Town Manager; David DeYoung, Planning Director; Lee Barbee, Fire Chief; Tim Simpson, Public Works & Utilities Director; Dale Medlin, Electric System Director; R.W. Bridges, Police Chief; Robert McKie, Finance Director; Catherine Whitley, Human Resources Director; Christie Starnes, Library Director; Larry Bailey, Parks & Recreation Director; Ann Game, Customer Service Supervisor; Scotty Henley, Executive Director of the Clayton Center; Stacy Beard, Public Information Officer; John McCullen, Town Engineer; Steve Blasko, Street & Property Maintenance Superintendent; Tommy Roy, Information Services Technician Johnny Stanley, Purchasing Agent; Pat Spaminato, VC3.

**CALL TO ORDER:**

Mayor McLeod called the meeting to order at 5:15 PM.

Town Manager Steve Biggs provided an overview of the budget process. He stated in the past the budget process was a bottom up process. He stated the budget process is now a collaborative development and includes substantive information. He stated this budget was hard because the Town is coming out of the recession and with the growing population there are more demands for Town services. He stated people feel better about the economy and the revenue stream is growing slowly. He stated the role of Town Manager and Deputy Town Manager is to package and present the budget. He stated beginning next year the budget season will begin earlier. He stated questions are welcomed during the presentation.

**PRESENTATION BY DEPUTY TOWN MANAGER NANCY MEDLIN:**

**Deputy Town Manager Nancy Medlin provided the following PowerPoint presentation on the FY 2014-2015 Budget Financial Analysis; herewith attached and incorporated into the record.**

**Based upon question by Council, Deputy Town Manager Medlin stated the Total Fund Balance includes all reserves. She stated some by statute are reserves such as Powell Bill money. She stated the Total Fund Balance will be higher than the Available Fund Balance. She stated the Available Fund Balance is what is left over after taking out all ear marked expenses.**

**Based upon question by Council, Finance Director Robert McKie stated the figures for the enterprise funds were recommended by Davenport and are industry standards.**

**Deputy Town Manager Medlin stated the Town of Clayton has 100% compliance in all of our Town of Clayton financial policy parameters.**

**Deputy Town Manager Medlin provided an overview on the general fund revenue analysis. She stated in FY 2008-2009 there was a sharp decline in the revenue received by the Town. She stated the Town is beginning to see the revenues increase.**

**Deputy Town Manager Medlin provided an overview of the revenue growth for real property and motor vehicle tax.**

**Town Manager Biggs stated the change in the motor vehicle tax has created some uncertainty. He stated the collection for vehicle tax was typically around 90%. He stated with the State collecting the motor vehicle tax that the collection rate will increase.**

**Councilman Satterfield questioned if January, February, and March of 2013 were compared to the January, February, and March of 2014.**

**Deputy Town Manager Medlin stated it was not.**

**Deputy Town Manager Medlin provided an overview of the changes to the utility franchise tax [HB 998].**

**Town Manager Biggs stated when costs go up, people will conserve and there may be less electricity consumed.**

**Deputy Town Manager Medlin provided an overview of the changes to the privilege license revenue [HB 1050].**

**Mayor Pro Tem Grannis stated he sent our legislative body correspondence on the privilege license proposal and he has heard from no one. He questioned**

ways the Town could pick up the shortfall of the revenue if the privilege license tax is abolished.

Town Manager Biggs stated a review of the growth of other revenue sources would be reviewed with the realization that expenditures are also rising. He stated this could mean reducing services in some way, increasing other fees and charges through taxes or permit fees. He stated this could be a stress on the Town next year.

Deputy Town Manager Medlin provided an overview on the Town's outstanding debt. She stated within four to five years the Town will have substantial debt capacity built into the general fund. She stated no increase in general fund debt is estimated for next year.

Based upon question by Council, Deputy Town Manager Medlin stated building debt service capacity to service GO bonds.

Town Manager Biggs stated if the Town Council finds it in the Town's best interest to pursue a large financing for major projects, would begin presenting the projects to the public in FY 2015-2016 with a possible GO bond sale in FY 2016-2017 and taking on the debt in FY 2017-2018.

Councilman Art Holder questioned why the numbers do not balance for the slide, "Outstanding Debt – General Fund Retirements and Increased Debt Capacity."

Town Manager Biggs stated when discussing retirement that is principal debt only and the right hand column [Increased Capacity] is principal and interest.

Mayor Pro Tem Michael Grannis stated when looking at financials like this, it would not hurt the Town's rating today and the chances of enhancing it are better than average.

Town Manager Biggs stated when the Town goes forward for a future GO bond, he expects the Town to have a better bond rating for the sale.

Deputy Town Manager Medlin stated the actions of the General Assembly are taken into consideration by the [bond] rating agencies.

#### **PRESENTATION BY TOWN MANAGER STEVE BIGGS:**

Town Manager Steve Biggs provided the following PowerPoint presentation, "Town of Clayton FY 14-15 Budget Summary & Presentation"; herewith attached and incorporated into the record.

Town Manager Steve Biggs stated he feels positive about the presentation by Deputy Town Manager Medlin on where the Town is financially. He stated all funds combined, there is \$200,000 growth.

Councilman Bob Satterfield questioned the seven percent increase for electricity.

Town Manager Steve Biggs stated the electric rate will not go up seven percent. He stated the cost of electricity will go up by seven percent based on the implementation of the sales tax. He clarified the sales tax is a State sales tax, not a Town sales tax.

Town Manager Biggs provided an overview of the following personnel and staffing items:

- Compensation
- Cost of Living Adjustments (COLA)
- Merit Program
- Health Insurance
- Market Analysis

Town Manager Biggs provided the following figures on the cost of benefits, merit pool, and insurance for the upcoming fiscal year:

- 1) Proposed FY 14-15 Compensation and Benefits Changes
  - a) COLA= 1.5% Fiscal Year Cost
    - i) General Fund= \$140,000
    - ii) Water/Sewer Fund= \$13,000
    - iii) Electric Fund= \$10,000
    - iv) Total= \$163,000
  - b) Merit Pool of 1.5% (Range 0% to 3%, with merit award beginning at 2%) Fiscal Year Cost
    - i) General Fund= \$85,000
    - ii) Water/Sewer Fund= \$7,800
    - iii) Electric Fund= \$5,500
    - iv) Total= 98,300
  - c) Insurance- Return to 100% Employer Paid Premiums for each Employee: Dual Plan Option
    - i) Display Tables
    - ii) Cost
      - (1) General Fund Cost= \$836,500
      - (2) Water/Sewer Fund Cost= \$105,000
      - (3) Electric Fund Cost= \$ 62,000
      - (4) Total= \$1,003,500

[The above information is the corrected figures.]

Town Manager Biggs provided the following “Health Insurance Renewal Benefits” handout and provided an overview of same; herewith attached and incorporated into the record. He stated employees would be assigned to either the High Plan or Low Plan based on their biometric evaluations. He stated the Town will pay 100% of employee premiums.

Mayor Pro Tem Grannis questioned if the total is the combination of the general and enterprise funds.

Town Manager Biggs stated yes. He added there is rounding up of the figures.

Town Manager Biggs stated the following departments are proposed for classification study:

- Fire Department
- Police Department
- Public Works Department
- Electric Department
- HR Director
  - Administrative support positions will be studied when the administrative support positions are studied.

Town Manager Biggs provided the following overview of staffing additions:

- Public Works: Property Maintenance
  - One Crew Leader Position
  - Two Property Maintenance workers
- Public Works: Street Department
  - One Street Maintenance Worker [defer to the spring]

Councilman Art Holder questioned if the revenues are exceeding the estimated expenditures would the positions be hired sooner.

Town Manager Steve Biggs stated the variables are if the revenues exceed the expenditures and getting the equipment acquired and in place.

- Public Works: Engineering
  - Project Manager [defer to January]

Councilman Art Holder questioned if the salary of \$34,000 is from January to July or for a whole year.

Town Manager Biggs stated it is for the January through July period.

Councilman Art Holder stated the next year will be more.

Town Manager Biggs stated in the affirmative.

- **Library**
  - Library Assistant, PT [defer to August]
  - Catalog Librarian, PT [defer to January]

Councilman Butch Lawter questioned for example how the position at the East Clayton Community Park would be in the structure.

Town Manager Biggs stated that was one of the problems. He stated that project had a very fragmented oversight. He stated the project would have been more effectively managed had there been a structure in place.

Councilman Lawter questioned if help would be available as it is needed.

Town Manager Biggs stated yes.

- **Community Development**
  - Development Coordinator [defer to April]
- **Administrative / Legislative**
  - Administrative Support to the Town Clerk's office
    - 24 hours per week on average
  - Administrative Support to the Human Resource's office
    - 16 hours per week on average

Mayor McLeod questioned what “on average” means.

Town Manager Biggs stated it is budgeted for 52 weeks and that not everyone works 52 weeks. He stated in the case of the Town Clerk, there may be a week with a Planning Board meeting and the person may work 28 hours that week and the following week would only work 20 hours.

Councilman Art Holder stated he is hearing that down the road those would become full-time positions.

Town Manager Steve Biggs stated the expectation is there is a need for full-time personnel. He stated the Town of Clayton has had the same number of HR staff since 1997. He stated he sees these positions needing to be full-time.

Town Manager Biggs provided an overview of goals and program summaries:

- **Area of Economic Development**
  - Facilitate better parking, sidewalks and connectivity in Downtown
  - Downtown Planning Study
- **Area of Staff Enhancement**
  - Recruit available staff in anticipation of turnover by creating a hiring process to attract quality employees and provide better service
  - Law enforcement over hire process
    - The goal is to attract and retain top candidates

Mayor McLeod questioned if that is a common practice for municipalities.

Chief Bridges stated it is a strategy to get the best people with a limited amount of funds.

Mayor McLeod stated he thinks that this is brilliant.

Town Manager Biggs stated he has heard talk, but he is not aware of it being practiced.

Town Manager Biggs continued with the overview for the area of service:

- Area of Services
  - Town of Clayton materials that are distributed with have a consistent look
  - Materials will reflect “Town of Clayton”
  - New entry way sign on US 70 Business
    - Corner of the Wal-Mart property and State Ag Farm
  - Message boards will be replaced due to age
  - Explore advantages and disadvantages of disaffiliating from the network of Johnston County Libraries
    - Noted the position expense
    - Developing in-house catalog system
    - Increase [book] collection

Councilman Art Holder stated the Town is still not at the level of purchasing books as it was in 2009.

Town Manager Biggs stated in total expenditures that is correct. He stated the Town of Clayton now pays significantly less on a per volume basis for books.

Councilman Holder stated the Town cut \$20,000 a year for the purchase of books.

Town Manager Biggs stated that is correct. He added \$6,000 is a good start back to where the Town of Clayton needs to be. He stated the Town needs to be able to manage, catalog, and store what is purchased.

Councilman Lawter questioned if there is a question about the Town of Clayton disaffiliating or is it a matter of when.

Town Manager Biggs stated there needs to be a transitional period.

Town Manager Biggs continued with the overview for the area of technology:

- Respond to public demand for more electronic services
  - E-books

- E-license

Town Manager Biggs continued with the overview for the area of utilities and infrastructure:

- Create a more reliable electric system
  - New electric substation site owned by the Town of Clayton
    - Substation project design
    - Redundancy that allows a second substation
    - Shifting the load from the leased site to the owned site would reduce costs

Mayor Pro Tem Grannis questioned the latest discussion between Duke and ElectriCities.

Town Manager Biggs stated the understanding is discussions between Duke and ElectriCities for the acquisition of the municipal production capacity is progressing. He stated it is still positive. He stated if this occurs, this will allow the Town of Clayton to become more competitive with its rates.

Councilman Butch Lawter questioned what happens if the lease fee is reduced.

Town Manager Biggs stated the amount is a variable number based on percentage of total load going through the Duke station that is attributable to the Town of Clayton. He stated the number has been fairly consistent. He stated the design concept is to take almost all so the new system can carry a larger load.

Town Manager Biggs stated he wanted to emphasize that what will be built would be the main station and the existing station would become the back-up station.

Town Manager Biggs stated there are stories in the newspaper that include discussions about the Town's electric system. He stated it is very expensive to run an electric system. He stated 18 years ago when he joined the Town of Clayton, he had experience in operating a water and sewer system and he was blown away by the cost associated with operating an electric system.

Town Manager Biggs continued with the overview for the area of utilities and infrastructure:

- Reconductoring and maintenance projects
- Walden underground phase III

Councilman Butch Lawter questioned if the trees in Walden are the reason for the utilities being underground.

Town Manager Biggs stated the utilities are already underground. He stated the utilities have been there so long that it is time for replacement.

Town Manager Biggs continued with the overview for the area of utilities and infrastructure:

- Utilize reclaimed water system for parks, schools, and so forth
  - Accelerating this item
  - Use Clayton Public Power electric assets to improve overall safety of the Town of Clayton
    - Street lighting project on HWY 42 East
      - Will do in phases and begin with the Front Street at HWY 42 East

Councilman Bob Satterfield questioned how the posts are placed because they do not appear straight.

Electric System Director Dale Medlin stated there are different factors such as soil conditions, weight on the pole and weather (such as wind).

Town Manager Biggs continued with the overview for the area of public safety:

- Improve response to emergencies by creating a medical responder program by the Clayton Fire Department
- Create internal opportunities for career development

Town Manager Biggs continued with the overview for the area of recreation:

- Capitalize on quality of local natural resources and open space by developing public recreation opportunities that are complementary
  - Greenway projects
    - CCC Pedestrian Connector
    - Sam's Branch below grade separation (tunnel)
    - Sam's Branch Phase II design

Mayor Pro Tem Grannis questioned if the \$70,000 for the Sam's Branch Tunnel subsidized by CAMPO or is that the Town's responsibility.

Town Manager Biggs stated \$70,000 is the total cost and the Town's share is \$14,000. He stated the Town's relation with CAMPO is very important.

Town Manager Biggs continued with the overview for the area of recreation:

- Respond to public demand for broader and more diverse recreational programming and new facilities
  - Adult athletic program expansions
  - Children environmental programs
  - Enhanced senior programming
- Define financial participation with respect to development of East Clayton Community Park

- Universal playground design services

Mayor Pro Tem Grannis stated the finance committee of the Universal Playground group has received an additional \$7,500 from two local 501(c) (3). He stated next Monday they will go before the Johnston County Commissioners to request \$64,000.

Town Manager Biggs provided an overview of new initiatives:

- Planning Department – Comprehensive Plan Update
  - Vital to keep up to date as it is a criteria for grant applications
- Staff and building assignment changes
  - Began with the review of the Customer Service Department being more of a receivables than a service department
    - No private offices for customers to speak with a customer service representative
  - Budget includes funding for architectural services and it will be brought before the Council for review
  - Capture the old copy room and server room for inspections and place inspections and engineering together
    - Inspections is supervised by engineering
  - Move code enforcement out of the police department to the planning department
  - GIS would expand in the next two to three years
    - GIS would eventually re-locate to the inspections department
  - Space vacated by GIS would be used for the Planning Coordinator position

Councilman Holder stated for this change, to review what is needed within the next five to ten years.

Town Manager Biggs stated this will allow for opportunity of growth in the inspection department.

Town Manager Biggs provided an overview of new initiatives:

- Finance Department has the least amount of public interaction
  - Move Finance Department to the 3<sup>rd</sup> floor of the CA side
- Relocate the Deputy Town Manager from current office to the former Finance Department
- IT would relocate to the former Finance Department office
- Customer Service Office and Deputy Town Manager Office would be redesigned to become Customer Service
- Estimated cost for the re-design is \$134,000

Councilman Butch Lawter stated in looking ahead, the Town of Clayton will run out of space. He questioned if the Town Annex would be considered.

Town Manager Biggs stated the Town Annex will be the focus of an intensive future program design. He stated the building needs significant work and has an emergency repair in progress because of water damage.

Town Manager Biggs provided an overview of new initiatives:

- Property maintenance and streets operation enhancements
  - Capital outlay substantial investment with new trucks and trailer, mowers, sprayers, and blowers for the greenway trails
- Water/Sewer Revenue Bond Program
  - Separate presentation forthcoming this year
- The Clayton Center
  - Split the budgetary organization of the Conference Center from the Performing Arts Program
  - Improved branding, marketing, and cost accounting
- Expanded Façade program
  - Aesthetics enhancements on the Thoroughfare Overlay District (US 70 Business)
  - Planning Department is the lead

Councilman Satterfield questioned the amount of funding for the expanded façade program.

Planning Director DeYoung stated it would be similar to the Downtown Façade program.

Town Manager Biggs provided an overview of Major Expenditures:

- Purchase of park property in southeast area of Clayton
  - 67 acres
  - Subject to survey
  - Rate of \$18,000 per acre
  - Fund balance appropriation
    - Not currently shown in the budget
  - In close proximity of the Town's Forest Hills Cemetery
  - Similar design concept used at East Clayton Community Park

Based on question by Council, Town Manager Biggs stated he believes 70 to 80 percent of the property is usable.

Mayor McLeod questioned if this would have a zip line.

Town Manager Biggs stated he has not gotten that far – yet.

Councilman Lawter questioned where the greenway is for Cobblestone.

Town Manager Biggs stated it is far from the proposed site. He stated the greenway is closer to the former site approved as Ridgewood Hills Subdivision. He stated it is undeveloped and has potential. He stated staff will need to know if this is an item the Council wishes to fund.

Mayor Pro Tem Grannis stated he would like to know the fund balance percentage if this is taken out of the fund balance.

Town Manager Biggs stated that has been taken into account and the answer is 24 percent.

Councilman Satterfield stated the Town has land and it needs to be developed.

Mayor McLeod stated they are not making any more land. He stated his preference is banking it while it is available at \$18,000 an acre rather than 15 years from now at a different price. He added the proximity of this site to the by-pass is hard to pass up.

Town Manager Biggs stated this is a policy level decision for the budget process.

Mayor Pro Tem Grannis questioned if there is a date for the final design of the river property.

Town Manager Biggs stated the program design is completed but the technical design or engineering design is not yet proposed.

Councilman Satterfield requested clarification on which park property is included for purchase.

Town Manager Biggs stated it is for the DuPont property and for the Little Creek Church property.

Councilman Holder stated the Town of Clayton will receive criticism and praise to develop both parks.

Town Manager Biggs stated the \$1.2 million is the maximum request amount or else the Town drops below its established threshold.

Town Manager Biggs provided an overview of major expenditures:

- Rescue 1 Replacement vehicle
  - Existing vehicle is a 1997 model and has over 4,000 hours of use
  - Only rolling stock in FY 15-16

Councilman Holder questioned when this would be voted on by the Council.

Town Manager Biggs stated it will be voted on the night the budget is approved.

Town Manager Biggs provided an overview of major expenditures:

- Water Sewer Operations
  - Develop in-house crew who have the capability to perform medium sized water and sewer line maintenance

Councilman Holder questioned how the funding for the expenditures would be handled.

Town Manager Biggs stated a maintenance and repair program has not been factored into the budget.

Council stated they are in favor of developing an in-house crew for medium sized water and sewer line maintenance.

Town Manager Biggs provided an overview of major expenditures:

- Phone System Upgrade
  - No longer supported by Cisco
  - New servers and software

Councilman Lawter stated the only Council item for instruction is the parkland acquisition.

Town Manager Biggs stated this is a summary presentation. He stated each member does his own review and brings questions to him. He stated the questions are compiled, answered, and distributed to all members.

Councilman Holder stated his take is this is a transition point for the Town. He stated he heard nothing that the Town does not need. He questioned if the Town is ready to make these expenditures or will the Town need to wait. He stated he thinks this is a good budget and he thinks it sets the Town up for the future.

Town Manager Biggs stated sometime in the past 24 months, the Town moved into the big leagues. He stated the Town has been growing for a long time. He stated there is a higher expectation for performance.

Mayor Pro Tem Grannis stated his thanks to the team. He stated the team makes the Council's job easier because the team trimmed the fat before the budget was presented to the Council. He stated it also tells him that the team is taking responsibility for the money that belongs to the taxpayers. He stated he is very grateful.

Mayor McLeod expressed his appreciation for the work that went into the budget preparation by staff.

**ADJOURNMENT**

Mayor Pro Tem Michael Grannis motioned to adjourn; Councilman Bob Satterfield seconded the motion. Motion carried unanimously at 7:19 PM.

Duly adopted by the Town Council this \_\_\_\_\_ day of June 2014 while in regular session.

ATTEST

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Jody L. McLeod,  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk

**MINUTES  
CLAYTON TOWN COUNCIL  
MAY 19, 2014**

The second regular meeting of the Clayton Town Council for the month of May was held on Monday, May 19, 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:** Steve Biggs, Town Manager; Jeffrey Bandini, Town Attorney; Nancy Medlin, Deputy Town Manager; David DeYoung, Planning Director; Stacy Beard, Public Information Officer; Stephanie Lanzolla, Admin. Support Specialist; Tommy Roy, Information Services Technician

**ITEM 1. CALL TO ORDER**

Mayor Jody McLeod called the meeting to order at 6:31PM. Mayor Jody McLeod gave the invocation.

**ITEM 2. ADJUSTMENT OF THE AGENDA**

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

**ITEM 3. ACTION AGENDA**

Mayor Pro Michael Grannis motioned to approve the action agenda as presented; Councilman Jason Thompson seconded the motion. The motion carried unanimously with the following action agenda items approved at 6:32 PM:

- Item 3a. Draft minutes from the May 5, 2014, regular meeting.
- Item 3b. Public notice for public hearings slated for the Monday, June 2, 2014, Town Council meeting:
  - Public comment on the proposed FY 14-15 budget [NC GS 159-12(b)]
  - Public hearing for the minor text amendments throughout Chapter 155; proposed revisions available for viewing in the Planning Department, Town Clerk's office, and on the Town of

Clayton website: [www.townofclaytonnc.org](http://www.townofclaytonnc.org) [NC GS 160A-364]

- Public hearing for text amendments to Chapter 155, Section 403, Signs; proposed revisions available for viewing in the Planning Department, Town Clerk's office, and on the Town of Clayton website: [www.townofclaytonnc.org](http://www.townofclaytonnc.org) [NC GS 160A-364]

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

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

No introductions of new Town of Clayton employees were made.

Item 4b. Presentation of resolution requesting support for Johnston County bike routes.

Ms. Donna Taylor-Bailey, Executive Director of the Johnston County Visitors Bureau, stated she is requesting support for the Johnston County Bike Routes resolution. She stated this has been in the works for the past year.

Councilman Butch Lawter questioned why only one business was listed for the Town of Clayton.

Ms. Taylor-Bailey stated this is a work in progress and the points of interests and attractions will be highlighted.

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

Item 4c. Presentation of community event request for Rock the Block, proposed for June 21, 2014.

Planning Director David DeYoung provided a PowerPoint presentation and overview of this item; PowerPoint herewith attached:

- Event is slated for Saturday, June 21, 2014
- Request is the use of Town Square from 2 PM to 8 PM
- First time event sponsored by Crossroads Church
- Anticipated attendance is 400 to 500 people
- Event will include live bands, guest speakers, demonstrations, and food
- Site setup will include two stages and tents
- Applicant requests the temporary closure of the Town Square parking lot and Fayetteville Street between Main and Second Streets between 8 AM through 11 PM
- Special events committee reviewed the request and recommends approval

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

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

Item 5a. Presentation of contract for fiscal year 2013-2014 audit.

Finance Director Robert McKie stated the proposed contract for fiscal year 2013-2014 audit includes the same rates as last fiscal year.

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

Item 5b. Presentation of alternative sign plan request ASP 2014-282 for American Pride Car Wash Commercial Subdivision.

Planning Director David DeYoung provided a PowerPoint presentation and overview of this item; PowerPoint presentation herewith attached:

- First alternative sign plan request before the Town Council
- Request is 16 feet larger than what is permitted in the Thoroughfare Overlay District (TOD) which is a maximum of 24 square feet
- Current sign is a 24 square foot electronic sign used by four separate businesses
- Current sign does meet the Town Code of Ordinances
- Proposal is to expand to allow four one foot by four foot static signs adjacent to the electronic sign
- Brick will surround the sign to match the surrounding area
- Staff supports the brick around the sign
- Staff spoke with the applicant about incorporating features such as a decorative column on either side of the sign and a stone cap on the top
  - Applicant is amenable to the recommendations
- Staff recommends approval with the noted modifications and the six conditions listed within the staff report

Councilman Bob Satterfield stated he has spoken with the applicant of this request. He stated the applicant is looking at a metal top painted the color of stone as the stone may be too heavy. He stated the width of each static sign will remain as requested but the height of each sign may be reduced.

Planning Director DeYoung stated staff is amenable to the applicant's proposal.

Based on question by Council, Planning Director DeYoung stated most multi-tenant sites have multi-tenant signs. He stated this site is an exception.

Based on question by Council, Planning Director DeYoung stated the electronic sign will remain as it is.

Item 5c. Presentation of minor corrections throughout Chapter 155 of the Town of Clayton Code of Ordinances.

Planning Director David DeYoung provided a PowerPoint presentation and overview of this item; PowerPoint presentation herewith attached:

- Review of the spreadsheet noting the corrections throughout Chapter 155 of the Town of Clayton Code of Ordinances; herewith attached

This item has been noticed for public hearing at the June 2, 2014, Clayton Town Council meeting.

Item 5d. Presentation of text amendments to the Town Code of Ordinances: Chapter 155 Section 403, Signs.

Planning Director David DeYoung provided a PowerPoint presentation and overview of this item; PowerPoint presentation herewith attached:

- Reviewed signs for residential and non-residential
- Explained minor modifications to the various signs in the overlay district
- Explained minor modifications to home occupation signs include alternative sign plan as an option
- Added additional information for sign colors
- Provided criteria for residential identification signage
- Provided criteria for non-residential identification signage
- Provided an overview of the temporary signage

Mayor Pro Tem Michael Grannis stated the discussion of the electronic signs started with 24 hours before a sign could change. He stated there were numerous discussions and the outcome was 20 minutes per change. He stated he is recommending another look at how frequently the sign will change. He stated he would like the 20 minutes reduced to a single figure such as five or six minutes.

Councilman Art Holder stated he agrees that the 20 minutes is too long.

Mayor McLeod stated his recommendation to have this as an item on the next work session as other business in order to give time for consideration.

Councilman Bob Satterfield stated he would like the Planning Department research for the recommendation of 20 minutes.

Councilman Butch Lawter stated his concern was not about the time for the sign change but in treating sign owners differently.

Planning Director DeYoung stated the previous ordinance for electronic signs only allowed for time and temperature. He stated the neighboring municipalities were researched to come up with the proposed number.

This item has been noticed for public hearing at the June 2, 2014, Clayton Town Council meeting.

Item 5d. Presentation of memorandum of understanding between the Capital Area Metropolitan Planning Organization (CAMPO) and the Town of Clayton.

Planning Director David DeYoung provided an overview of the CAMPO memorandum of understanding.

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

Item 5e. Presentation of resolution directing the clerk to investigate annexation petition request 2014-03-01 located on Glen Laurel Road and Vinson Road for 12 parcels.

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

Item 5f. Presentation of warranty acceptance for subject public water, sewer, and associated storm drainage utilities for Mitchiner Hills Subdivision, Phase 2.

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

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

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

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

Item 7a. Discussion of inquiring to sell Town of Clayton property.

Town Manager Steve Biggs stated the inquiry is for the former water tank site located at the corner of Horne and O'Neil Streets. He stated the lot is presently used as open space.

Councilman Bob Satterfield questioned if there can be a minimum bid.

Town Manager Biggs stated the Town has a right to set a minimum bid and a right to reject bids. He stated the proposed approach is the upset bid process.

Councilman Bob Satterfield stated he is amenable to finding out the value and the possible sale of it.

Mayor McLeod stated he would like to take the funding from the sale of Town property and put it towards the purchase of space for parking.

Councilman Jason Thompson questioned if there is any cost to the Town for the sale of the lot.

Town Manager Biggs stated there are some pipes on the property and there are no known hazards.

Mayor Pro Tem Michael Grannis questioned if it could be used for parking.

Town Manager Biggs stated a parking assessment could be made.

Mayor Pro Tem Grannis stated he would like to know how many parking spaces are available before making a decision to sell the lot.

Mayor McLeod stated he sees neighborhood kids playing in the lot and that helps to keep them out of the street.

It was the consensus of Council to receive information on the value of the property and the number of parking spaces for future utilization.

Item 7b. Discussion of urban deer hunting.

Town Manager Steve Biggs stated the Town received a request from Mr. Jay Hall for the Town to consider an urban archery season within our municipality. He stated there are about three dozen municipalities in North Carolina that have an urban archery season. He stated this is not so much about enabling sportsmanship as it is addressing the public nuisance of the deer. He stated if the Council wishes to consider this item, a representative from the NC Wildlife could make a presentation on what is attached with urban archery season.

Mayor Pro Tem Michael Grannis stated he would welcome a presentation.

Town Manager Biggs stated someone from NC Wildlife will be invited.

## **ITEM 8. OLD BUSINESS**

Item 8a. Status report on Brownfield agreement in reference to the DuPont Property.

Town Manager Steve Biggs stated the Town has a draft agreement and it has been submitted to the consultant. He stated the Town is working toward a closing date on the property by the end of June.

## **ITEM 9. STAFF REPORTS**

Item 9a. Town Manager

Town Manager Steve Biggs stated this is not an item of request. He stated going into the budget process there will be a fund balance allocation request attached to the budget presentation. He stated the end of year revenue and expenditure balances are not yet final.

Councilman Bob Satterfield questioned the development cost for the East Clayton Community Park.

Town Manager Biggs stated the Town spent a little over \$2 million. He stated the Town is rapidly retiring its debt because the shortest financing term is selected.

Councilman Satterfield questioned figures on debt that the Town will retire over the next four years.

Town Manager Biggs stated that can be distributed at the upcoming budget work session on Wednesday, May 28, 2014, at 5 PM.

Mayor Pro Tem Michael Grannis questioned the percentages set by Council.

Town Manager Biggs stated the minimum is 20% and the goal is 31%.

Mayor Pro Tem Grannis stated he is pleased that fund balance can be used in responsible situations while staying above the agreed upon percentage.

Town Manager Biggs stated the FY 14-15 budget documents will be distributed Wednesday, May 21, 2014.

Item 9b. Town Attorney

Town Attorney Jeffrey Bandini stated no additional report.

Item 9c. Town Clerk

Administrative Support Specialist Stephanie Lanzolla stated the Calendar of Events is current.

Item 9d. Other Staff

Planning Director David DeYoung stated due to the forecast of severe weather on Thursday, May 15, 2014, the Town Square concert was postponed to Thursday, May 29, 2014. He stated the activities and the layout are the same. He stated the request is for the temporary closure of Fayetteville Street between Main and Second Streets from 5:00 PM to 10:00 PM.

Mayor Pro Tem Michael Grannis motioned to suspend the rules in order to take action. Councilman Bob Satterfield seconded the motion. Motion carried unanimously at 7:37 PM.

Councilman Jason Thompson motioned to approve the request as presented. Councilman Butch Lawter seconded the motion. Motion carried unanimously at 7:37 PM.

## **ITEM 10 OTHER BUSINESS**

Item 10a. Informal Discussion & Public Comment.

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

Item 10b. Council Comments.

Mayor Jody McLeod stated there was an NCLM Board of Directors meeting last Wednesday. He stated a bill passed the House that will impact the amount a municipality can charge for privilege licenses. He stated in the bill the maximum amount that a municipality may charge is \$100. He stated if that passes, that will be a substantial amount of money from Clayton and all municipalities across North Carolina.

Town Manager Steve Biggs stated this is a cut on business taxes at the municipal level.

Mayor McLeod stated it was brought to his attention that for the last two Saturdays Horne Square has been filled with white vans. He stated this is causing a concern for the vendors of the Farmers Market not having a space to unload and set up.

Town Manager Biggs stated the businesses are aware of the events that occur on the weekends. He stated a proposed parking regulations recommendation can be brought to the Council for consideration.

Mayor McLeod stated he would like something to come back to the Town Council.

## **ITEM 11. ADJOURNMENT**

With there being no further business brought before the Council, Councilman Art Holder motioned to adjourn. Councilman Bob Satterfield seconded the motion. Motion carried unanimously at 7:43 PM.

Duly adopted by the Clayton Town Council this 16th day of June 2014, while in regular session.

ATTEST:

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Jody L. McLeod,  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk

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

**Agenda Item: 3b**

**Meeting Date: 6/16/14**

**TITLE: CERTIFICATE OF SUFFICIENCY AND RESOLUTION SETTING DATE OF PUBLIC HEARING FOR ANNEXATION PETITION 2014-03-01.**

**DESCRIPTION: The owners, CGC Properties LLC & Charles B Gordon & Powhatan Rd Limited Partnership, submitted a non-contiguous citizen initiated annexation petition request for 12 parcels with a total acreage of 31.76 +/-.**

**This is for Council review and instruction.**

**This item is slated for public hearing on Monday, July 7, 2014.**

**RELATED GOAL: Legislative.**

**ITEM SUMMARY:**

| <u>Date:</u> | <u>Action:</u> | <u>Info. Provided:</u>                                |
|--------------|----------------|---|
| 05-19-14     | Presentation.  | Resolution & Maps (2).                                |
| 06-02-14     | Approval.      | Resolution & Maps (2).                                |
| 06-16-14     | Public notice. | Certificate of sufficiency,<br>Resolution & Maps (2). |

**ANNEXATION PETITION 2014-03-01  
Glen Laurel Road and Vinson Road  
Multiple Parcels (total of 12)  
Owners: CGC Properties LLC & Charles B. Gordon & Powhatan Rd Limited Partnership  
Non-Contiguous; 31.76 +/- acres**

## **CERTIFICATE OF SUFFICIENCY**

To the Town Council of the Town of Clayton, North Carolina:

I, Sherry L. Scoggins, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Clayton, this 6th day of June 2014.

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

**ANNEXATION PETITION 2014-03-01**

**Glen Laurel Road and Vinson Road**

**Multiple Parcels (total of 12)**

**Owners: CGC Properties LLC & Charles B. Gordon & Powhatan Rd Limited Partnership**

**Non-Contiguous; 31.76 +/- acres**

**TOWN OF CLAYTON  
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO G. S.160A-58.2**

**WHEREAS**, a petition requesting annexation of the non-contiguous area described herein has been received; and

**WHEREAS**, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

**WHEREAS**, certification by the Town Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at Town Hall at 6:30 PM on Monday, July 7, 2014.

Section 2. The area proposed for annexation is described as the following 31.76 acres consisting of the following 12 non-contiguous parcels at Glen Laurel Road and Vinson Road:

| Tag #     | Owner Name   | Acreage (Assessed)       | Deed Book | Page Number |
|-----------|--|--------------------------|-----------|-------------|
| 05I04012  | CGC Properties LLC                                 | 0.37                     | 3119      | 725         |
| 05I04012A | CGC Properties LLC                                 | 1.35                     | 3119      | 725         |
| 05I04012B | CGC Properties LLC                                 | 1.27                     | 3119      | 725         |
| 05I04012C | CGC Properties LLC                                 | 1.42                     | 3119      | 725         |
| 05E99007H | Charles B Gordon & Powhatan Rd Limited Partnership | Portion from 28.57 tract | 3544      | 488         |
| 05I04199R | Charles B Gordon & Powhatan Rd Limited Partnership | Portion from 18.87 tract | 3544      | 488         |
| 05I04012I | CGC Properties LLC                                 | 0.92                     | 3119      | 725         |
| 05I04012H | CGC Properties LLC                                 | 0.79                     | 3119      | 725         |
| 05I04012G | CGC Properties LLC                                 | 0.91                     | 3119      | 725         |

|           |                    |      |      |     |
|-----------|--------------------|------|------|-----|
| 05I04012F | CGC Properties LLC | 1.26 | 3119 | 725 |
| 05I04012E | CGC Properties LLC | 1.4  | 3119 | 725 |
| 05I04012D | CGC Properties LLC | 1.48 | 3119 | 725 |

**Section 3. Notice of the public hearing shall be published once in the Clayton News-Star, a newspaper having general circulation in the Town of Clayton, at least ten days prior to the date of the public hearing.**

**Duly adopted this 16th day of June 2014, while in regular session.**

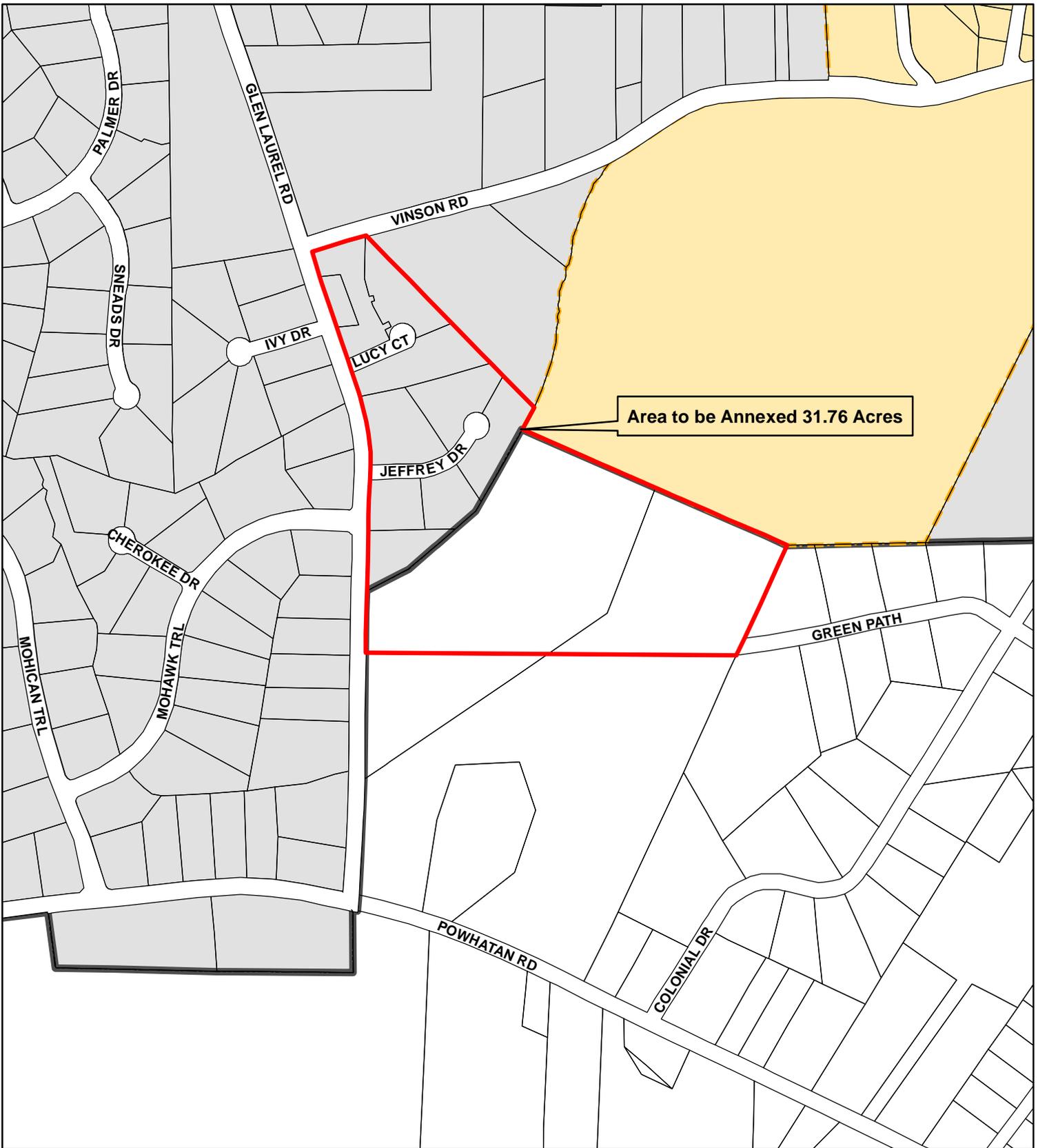
**ATTEST:**

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**Jody L. McLeod,  
Mayor**

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



Area to be Annexed 31.76 Acres

**Legend**

-  Clayton Town Limits
-  Clayton ETJ
-  Parcels
-  Area to be Annexed

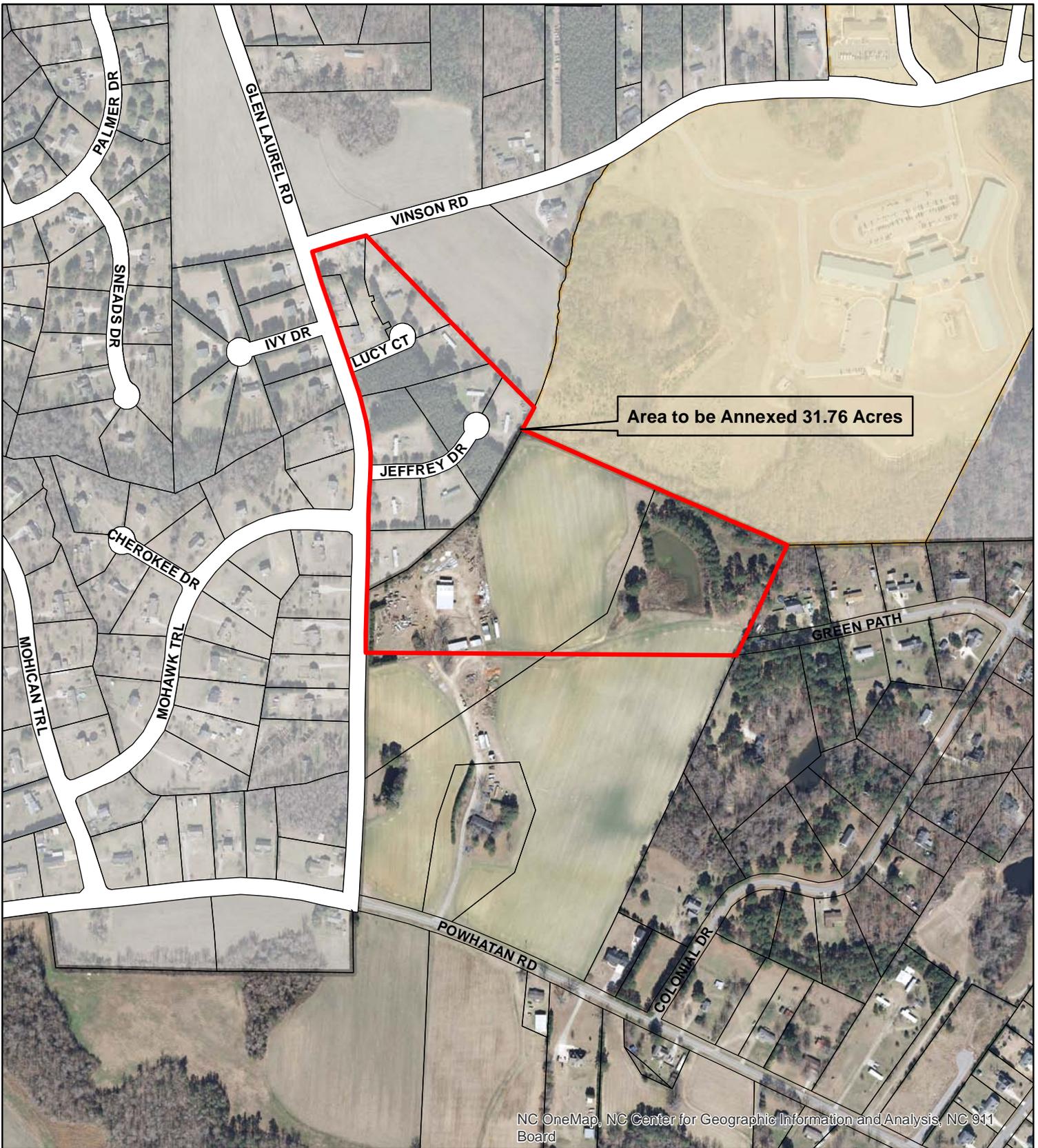
**Annexation Map**

Applicant(s): Charles B Gordon Jr, Eric B Gordon,  
 Faye G Batten, Ricky Crocker, & David Crisafulli  
 Property Owner(s): CGC Properties LLC & Charles B Gordon  
 Parcel Number(s) 05I04012, 05I04012A, 05I04012B, 05I04012C,  
 05I04012D, 05I04012E, 05I04012F, 05I04012G, 05I04012H,  
 05I04012I, Portions of 05I04199R & 05E99007H  
 File Number(s): Annex 2014-03-01



1 inch = 500 feet





NC OneMap, NC Center for Geographic Information and Analysis, NC 941 Board

**Legend**

-  Clayton Town Limits
-  Clayton ETJ
-  Parcels
-  Area to be Annexed

**Annexation Map**

Applicant(s): Charles B Gordon Jr, Eric B Gordon, Faye G Batten, Ricky Crocker, & David Crisafulli  
 Property Owner(s): CGC Properties LLC & Charles B Gordon  
 Parcel Number(s) 05I04012, 05I04012A, 05I04012B, 05I04012C, 05I04012D, 05I04012E, 05I04012F, 05I04012G, 05I04012H, 05I04012I, Portions of 05I04199R & 05E99007H  
 File Number(s): Annex 2014-03-01



1 inch = 500 feet

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

**Agenda Item: 3c**

**Meeting Date: 6/16/14**

**TITLE: PUBLIC NOTICE FOR THE FOLLOWING PUBLIC HEARINGS  
SLATED FOR THE MONDAY, JULY 7, 2014, CLAYTON TOWN  
COUNCIL MEETING:**

- ANNEXATION PETITION REQUEST 2014-03-01 FOR 12 NON-CONTIGUOUS PARCELS LOCATED ON GLEN LAUREL ROAD NEAR VINSON ROAD;
- REZONING REQUEST RZ 2014-53 LOCATED AT 225 E SECOND STREET;
- REZONING REQUEST RZ 2014-41 LOCATED AT 277 GUY ROAD;
- SPECIAL USE PERMIT SUP 2014-40 LOCATED AT 277 GUY ROAD (CONTINGENT UPON APPROVAL OF RZ 2014-41);
- SPECIAL USE PERMIT SUP 2014-14 LOCATED AT US 70 BUSINESS HWY AND ROSE STREET.

**DESCRIPTION: Public notice.**

**RELATED GOAL: Legislative.**

**ITEM SUMMARY:**

| <u>Date:</u> | <u>Action:</u> | <u>Info. Provided:</u> |
|--------------|----------------|------------------------|
| 06-16-14     | Approval.      | Public notice.         |



## PUBLIC NOTICE

Notice is hereby given that the Clayton Town Council of the Town of Clayton will hold the following hearings on **Monday, July 07, 2014, at 6:30 PM** in the Council Chambers of the Town Hall, 111 East Second Street:

- Public hearing on the question of annexing 31.76 acres consisting of the following 12 non-contiguous parcels on Glen Laurel Road near Vinson Road, requested by annexation petition 2014-03-01 filed pursuant to G.S. 160A-58:

| Tag #     | Owner Name   | Acreage (Assessed)       | Deed Book | Page Number |
|-----------|--|--------------------------|-----------|-------------|
| 05I04012  | CGC Properties LLC                                 | 0.37                     | 3119      | 725         |
| 05I04012A | CGC Properties LLC                                 | 1.35                     | 3119      | 725         |
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| 05E99007H | Charles B Gordon & Powhatan Rd Limited Partnership | portion from 28.57 tract | 3544      | 488         |
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| 05I04012H | CGC Properties LLC                                 | 0.79                     | 3119      | 725         |
| 05I04012G | CGC Properties LLC                                 | 0.91                     | 3119      | 725         |
| 05I04012F | CGC Properties LLC                                 | 1.26                     | 3119      | 725         |
| 05I04012E | CGC Properties LLC                                 | 1.4                      | 3119      | 725         |
| 05I04012D | CGC Properties LLC                                 | 1.48                     | 3119      | 725         |

- Public hearing to consider the following rezoning requests:
  - RZ 2014-53 for 225 E. Second Street, parcel number 166917-02-6291, within the town limits. The requested change is from O-I to R-6.
  - RZ 2014-41 for 277 Guy Road, parcel number 165806-48-0717, within the town limits. The requested change is from B-3 to O-I.

The Clayton Town Council reserves the right to approve the request as presented or any portion of the request without necessity of withdrawal or modification of the application or additional public hearing on the matter. Likewise, the Town Council may designate approval to the district requested or another district or districts without modification of the request or additional public hearing.

Persons wishing to submit a petition of protest intended to invoke the rules established by N.C. General Statute 160A-385 must submit said petition on forms provided by the Town Clerk not later than 5:00 PM on Tuesday, July 1, 2014.

- Evidentiary hearings to consider the following special use permit requests:
  - Special use application SUP 2014-40. This application requires a Special Use Permit for a private K-12 school at 277 Guy Road; parcel number 165806-48-0717.
  - Special use application SUP 2014-14. This application requires a Special Use Permit for development in a Special Use District; parcel numbers 66811-56-5798, 166811-56-6744, 166811-56-6791, 166811-56-7656, 166811-56-5665, 166811-56-5506, and 166811-56-6531. The request is to allow a use consisting of a restaurant, gas sales, convenience store, and outdoor dining.

During an evidentiary hearing, the Clayton Town Council must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath.

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: 6/16/14**

**TITLE: RECOGNITION OF LONG-TERM SERVICE BY TOWN OF CLAYTON  
EMPLOYEE(S).**

**DESCRIPTION: Fire Chief Lee Barbee would like to recognize employee(s)  
with long term service.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**06-16-14**

**Recognition.**

**Proclamation(s).**

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

Agenda Item: 4b

Meeting Date: 6/16/14

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

DESCRIPTION: Introduction(s).

RELATED GOAL: Administrative

**ITEM SUMMARY:**

| <u>Date:</u> | <u>Action:</u>   | <u>Info. Provided:</u> |
|--------------|------------------|------------------------|
| 06-16-14     | Introduction(s). | N/A.                   |

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

**Agenda Item: 4c**

**Meeting Date: 6/16/14**

**TITLE: PRESENTATION OF THE TOWN OF CLAYTON JULY 4, 2014,  
CELEBRATION.**

**DESCRIPTION: A member of the Town Parks & Recreation Department will  
provide an overview of the July 4<sup>th</sup> celebration.**

**RELATED GOAL: Cultural & Recreation**

**ITEM SUMMARY:**

| <u>Date:</u> | <u>Action:</u> | <u>Info. Provided:</u> |
|--------------|----------------|------------------------|
| 06-16-14     | Presentation.  | Flyer.                 |

# Clayton Annual July 4<sup>th</sup> Celebration

Municipal Park—325 McCullers Drive

Activities start at 4:00 pm      Fireworks at 9:15 pm



\* **Areas LARGEST Fireworks Show**

\* **Games and Rides**

\* **Corn-hole Tournament**

\* **FREE Basketball Skill Competition**

\* **FREE Ice-Cream & Watermelon**

\* **FREE Fire Truck Water Spray Down**

\* **FREE concert featuring: Coastline Band**



For a detailed schedule visit [townofclaytonnc.org](http://townofclaytonnc.org)

Sponsorships available

Call 919-553-1550 for more information

## ROLL OUT THE RED CARPET

Social dance for individuals with special needs 14 years and older in conjunction with Clayton Youth Council. Come dance the night away!

Friday, March 21

7:00pm-9:00pm

Clayton Community Center

715 Amelia Church Road

For information call 919-553-1550

## EASTER EGG HUNT

Easter Bunny Arrives by fire truck. Over 10,000 eggs will be hidden and special prizes will be awarded. Parking is limited. Carpooling is recommended.



Friday, April 18 (Good Friday)

10:30am Ages 5 & under

Clayton Community Park

1075 Amelia Church Road

For information call 919-553-1550

## CLAYTON ROAD RACE

Co-Sponsored by Access Physical Therapy and Wellness. Trophies are awarded to first three finishers in six age groups. Ribbons are awarded to all participants in the .1 mile Tot Trot. Registration forms are available at the Parks & Recreation office, Town Hall, and Hocutt-Ellington Library.

Saturday, May 11

Through the streets of Clayton  
(3.1 miles)

Race begins at 9:00am

\$20 (by May 4) \$25 (on race day)

\$5 Tot Trot (.1 mile) (6 & under)

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

**Agenda Item: 5a**

**Meeting Date: 6/16/14**

**TITLE: PRESENTATION OF REZONING REQUEST RZ 2014-53 FROM O&I TO R-6 LOCATED AT 225 E SECOND STREET.**

**DESCRIPTION: The property is located at 225 E Second Street and adjacent to the Town Annex. The request is to rezone from O&I (Office & Institutional) to R-6 (Residential).**

**This item is slated for public hearing on Monday, July 7, 2014.**

**RELATED GOAL: Administration**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**06-16-14**

**Presentation &  
Public notice.**

**Staff report, Planning  
Board Recommendation,  
& Maps (2).**



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

Town Council

## STAFF REPORT

**Application Number:** RZ 2014-53 (Rezoning)  
**Project Name:** Rezoning at 225 E. Second Street

**NC PIN(s):** 166917-02-6291  
**Town Limits/ETJ:** Town Limits  
**Overlay:** Downtown Overlay District  
**Applicant:** Town of Clayton  
**Owners:** Kevin Lee

**Neighborhood Meeting:** Scheduled  
**Public Noticing:** Property posted May 16th

---

**PROJECT LOCATION:** The property is located 225 E. Second Street, adjacent to the old Town Hall and near the intersection of Second Street and Barbour Street.

---

**REQUEST:** Staff is requesting approval to rezone 0.25 acre at 225 E. Second Street from Office & Institutional (O-I) to Residential-6 (R-6).

---

### SITE DATA:

**Acreage:** 0.25 acres  
**Present Zoning:** Office Institutional (O-I)  
**Proposed Zoning:** Residential-6 (R-6)  
**Existing Use:** Residential

---

### ADJACENT ZONING AND LAND USES:

**North:** Zoning: Central Business (B-1)  
Existing Use: Neighborhood Business/Commercial

**South:** Zoning: Residential-6 (R-6)  
Existing Use: Residential

**East:**           Zoning:           Office-Institutional (O-I)  
                  Existing Use:   Commercial (Old Town Hall)

**West:**          Zoning:           Residential-6 (R-6)  
                  Existing Use:   Residential

---

**STAFF ANALYSIS AND COMMENTARY:**

This is a staff-initiated rezoning of the property at 225 E. Second Street. This property is residential in nature, is used as a residential home, and has been for quite some time, with no known evidence of a business use in this location. Thus, the designation of O-I is inappropriate and does not reflect the current use.

Apart from simply reflecting the actual use of the site, the rezoning would assist the property owner in meeting setback requirements. The setbacks in the O-I zoning district are more restrictive than in the R-6 zoning district. Thus, this rezoning would grant the property owner the same site dimensions (such as setbacks and impervious coverage) as other residential uses on the same block.

The proposed R-6 zoning is consistent with every other residential lot on that block, which is bounded by Church, Second, Barbour, and Horne Street. The owner is aware of and supports the rezoning.

➤ **Compatibility with Surrounding Land Uses**

No use changes are permitted. The proposed rezoning is consistent with other residential lots on the block.

➤ **Consistency with the Strategic Growth Plan**

The proposed rezoning is consistent with the Strategic Growth Plan.

The proposed zoning is consistent with the Strategic Growth Plan’s “Proposed Land Use Map” which designates this property as “residential-infill.”

➤ **Consistency with the Unified Development Code**

The proposed rezoning is consistent with and meets the applicable requirements of the Unified Development Code (UDC).

---

**CONSIDERATIONS:**

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

**STAFF RECOMMENDATION:**

Staff is recommending approval of the rezoning.

---

**PLANNING BOARD RECOMMENDATION:**

The Planning Board voted unanimously to recommend approval of the subject rezoning at their May 27, 2014 meeting.

**ATTACHMENTS: 1)** Zoning Map, **2)** Proposed Land Use Map

TOWN OF CLAYTON, NC

PLANNING BOARD RECOMMENDATION FORM

Application Name & Number:

RZ 2014-53, 225 East Second Street Rezoning from O-I to R-6

On May 27, 2014 the Planning Board heard the above-referenced request and made the following vote:

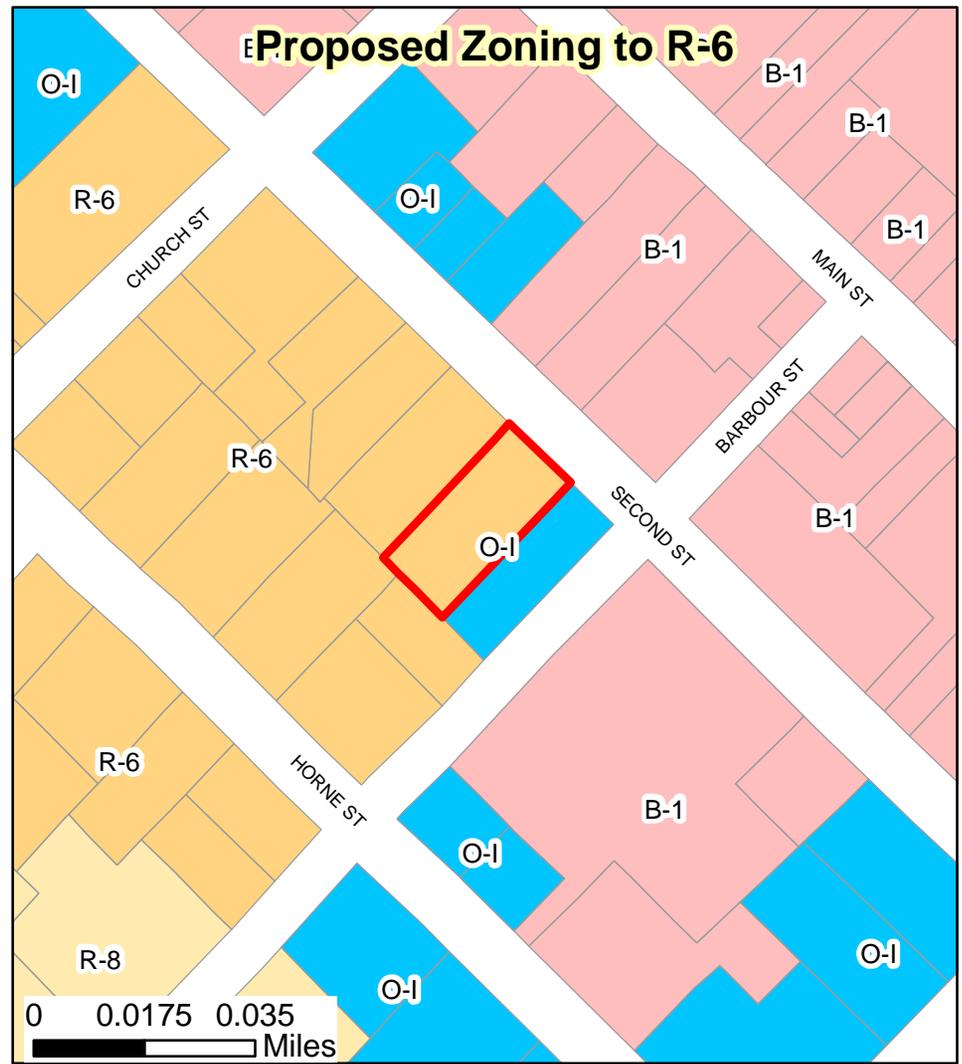
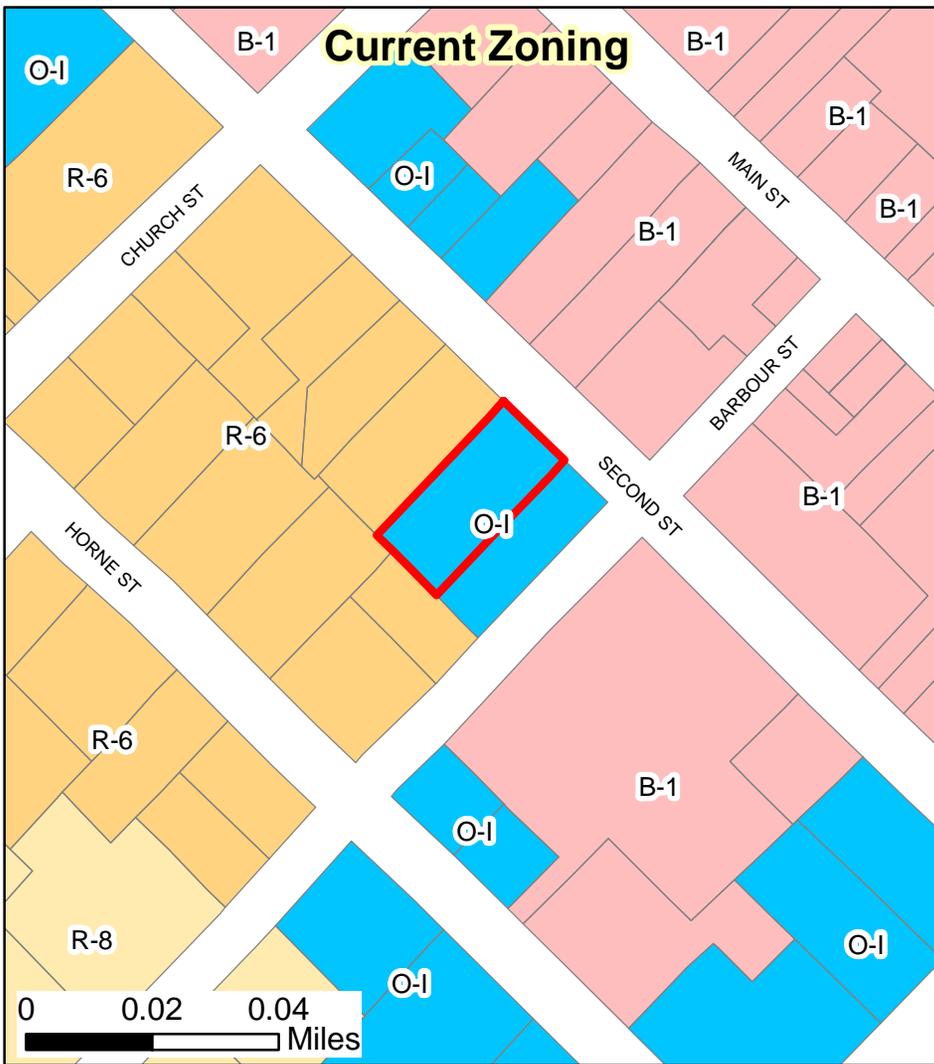
Recommendation of approval of the request.

Recommendation of denial of the request.

Recommendation made this 27<sup>th</sup> day of May, 2014 while in regular session.

Signed:

  
\_\_\_\_\_  
Frank Price, Planning Board Chair

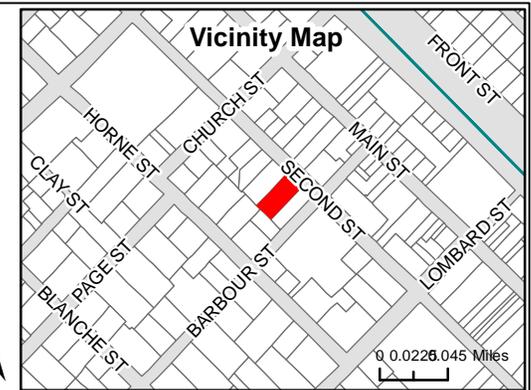


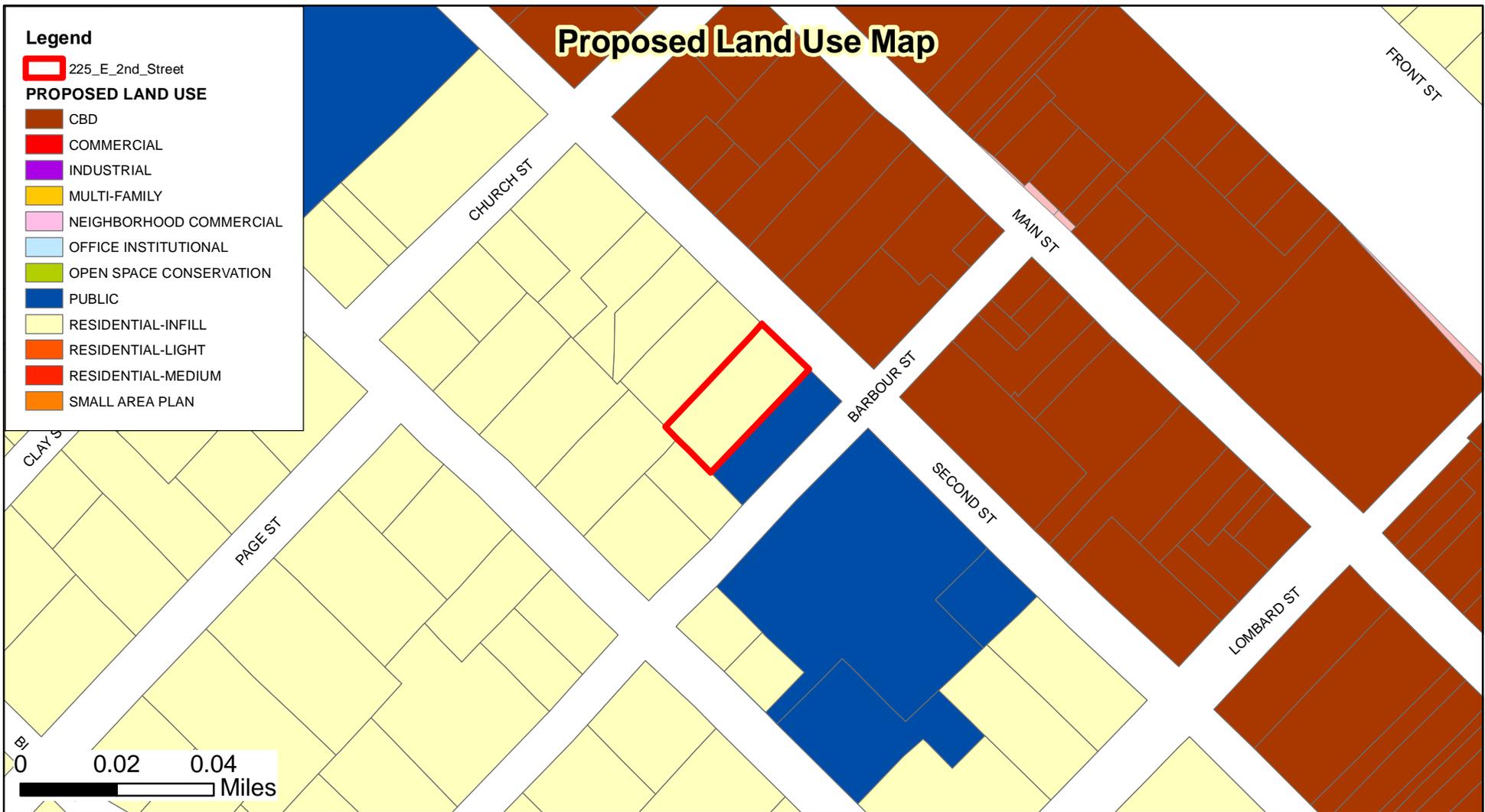
## Rezoning at 225 E. 2nd Street from O-I to R-6

Applicant: Town of Clayton  
 Property Owner: Kevin Lee  
 Parcel ID Number: 166917-02-6291  
 File Number: RZ 2014-53

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

5/15/14



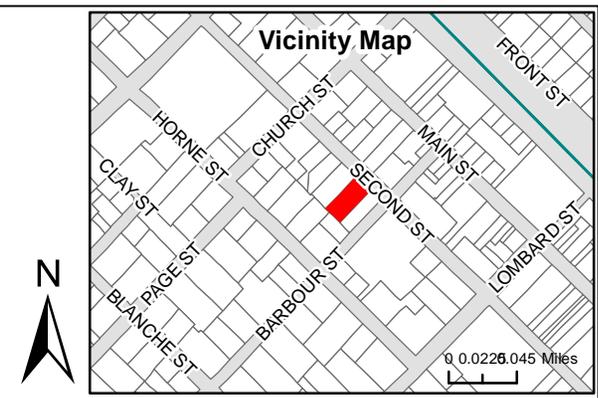


### Proposed Land Use Map (Source: Strategic Growth Plan) Rezoning at 225 E. 2nd Street from O-I to R-6

Applicant: Town of Clayton  
 Property Owner: Kevin Lee  
 Parcel ID Number: 166917-02-6291  
 File Number: RZ 2014-53

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

5/15/14



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

**Agenda Item: 5b**

**Meeting Date: 6/16/14**

**TITLE: PRESENTATION OF REZONING REQUEST RZ 2014-41 FROM B-3 TO O&I AT 277 GUY ROAD.**

**DESCRIPTION:** The request is located at 277 Guy Road, the site of Crossroads Church (XRC). The applicant is requesting approval to rezone 3.93 acres from B-3 (Highway Business) to O&I (Office & Institutional).

This item is slated for public hearing on Monday, July 7, 2014.

**RELATED GOAL:** Administration

**ITEM SUMMARY:**

| <u>Date:</u> | <u>Action:</u>                | <u>Info. Provided:</u>  |
|--------------|-------------------------------|---|
| 06-16-14     | Presentation & Public notice. | Application, Staff Report, Neighborhood Meeting Information, Planning Board Recommendation, & Maps (2). |



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

## REZONING APPLICATION

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

*Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$500.00 for a rezoning to a Standard District. A rezoning to a Planned Development District requires a fee of \$1,000.00 +\$5.00 per acre. All fees are due when the application is submitted.*

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

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

### SITE INFORMATION:

Name of Project: Crossroads Church Acreage of Property: 3.955  
Parcel ID Number: 05G020140 Tax ID: 165806-48-0717  
Deed Book: 4068 Deed Page(s): 460  
Address: 277 Guy Rd. Clayton  
Location: Guy Rd.

Existing Use: Church Proposed Use: Church  
Existing Zoning District: B-3  
Requested Zoning District: O-I  
Is project within a Planned Development:  Yes  No  
Planned Development District (if applicable): \_\_\_\_\_  
Is project within an Overlay District:  Yes  No  
Overlay District (if applicable): \_\_\_\_\_

### FOR OFFICE USE ONLY

File Number: 2014-041 Date Received: 4/1/14 Amount Paid: \$500.00

**OWNER INFORMATION:**

Name: Crossroads Church of Clayton  
Mailing Address: PO Box 1677 Clayton NC 27528  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**APPLICANT INFORMATION:**

Applicant: True Line Surveying.  
Mailing Address: 205 W. Main St. Clayton  
Phone Number: 919.359.0427 Fax: 919.359.0428  
Contact Person: Curk Lano  
Email Address: Curk@truelinesurveying.com

**REQUIRED PLANS AND SUPPLEMENTAL INFORMATION**

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

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

**JUSTIFICATION STATEMENT**

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

Purpose of request is to allow a school to be located on the premises of a church.

## APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

THE PROPOSED USE IS CONSISTANT WITH DEVELOPMENT IN THE TOWN

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

CURRENT ZONING ALLOWS FOR A SCHOOL ONLY BY SPECIAL USE.  
THEREFORE WE HAVE TO REQUEST THE ZONING CHANGE

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

THE PROPOSED USE DOES NOT NECESSARILY IMPROVE THE BALANCE  
OF USES IN THE TOWN NOR HARMS IT. IT DOES OFFER AN  
ALTERNATIVE SCHOOL CHOICE.

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

THE CURRENT DESIGN AND FACILITIES AT THE CHURCH ARE CAPABLE  
OF HANDLING THE PROPOSED ADDITION OF THE SCHOOL AND THEIR  
NEEDS

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

THIS SPECIFIC USE REQUEST IS ALLOWED WITHIN THE REQUESTED ZONING DISTRICT

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

THERE WILL BE NO ADVERSE EFFECT ON ADJOINING PROPERTY OWNERS.

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

THIS IS CORRECT. NO ONE IS GAINING ANY ADVANTAGE FOR THE PROPOSED USE

**APPLICANT AFFIDAVIT**

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

Curt T. Lane  
Print Name

[Signature]  
Signature of Applicant

3/31/14  
Date



Town of Clayton  
Planning Department

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

**OWNER'S CONSENT FORM**

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: Crossroads Church (XRC) Address or PIN #: 277 Guy Rd Clayton 27520

**AGENT/APPLICANT INFORMATION:**

True Line Surveying  
(Name - type, print clearly)

205 W. Main St  
(Address)  
Clayton NC 27520  
(City, State, Zip)

I hereby give CONSENT to the above referenced agent/applicant to act on my behalf, to submit applications and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the following processes (list applicable requests):

TRC  
Planning Board

Town Council  
Council Workshops

Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

**OWNER AUTHORIZATION:**

Michael Tabon  
(Name - type, print clearly)

[Signature]  
(Owner's Signature)

228 George Winton Dr  
(Address)

Clayton NC 27520  
(City, State, Zip)

STATE OF North Carolina  
COUNTY OF Johnston

Sworn and subscribed before me Molly L. Hermy, a Notary Public for the above State and County, this the 20 day of March, 2014.



Molly L. Hermy  
Notary Public

My Commission Expires: 11/5/14



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

*Town Council*

## STAFF REPORT

**Application Number:** RZ 2014-41 (Rezoning)  
**Project Name:** 277 Guy Road – Crossroads Church (XRC Church)

**NC PIN(s):** 165806-48-0717  
**Town Limits/ETJ:** Town Limits  
**Overlay:** None  
**Applicant:** True Line Surveying  
**Owners:** Crossroads Church of Clayton

**Neighborhood Meeting:** Held May 13, 2014  
**Public Noticing:** Property posted May 16th

---

**PROJECT LOCATION:** The property is located 277 Guy Road, at the site of the Crossroads Church (aka XRC).

---

**REQUEST:** The applicant is requesting approval to rezone 3.93 acres at 277 Guy Road from Highway Business (B-3) to Office-Institutional (O-I).

---

### SITE DATA:

**Acreage:** 3.93 acres  
**Present Zoning:** Highway Business (B-3)  
**Proposed Zoning:** Office Institutional (O-I)  
**Existing Use:** Church

---

### ADJACENT ZONING AND LAND USES:

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

**South:** Zoning: Highway Business (B-3), Residential Estate (R-E)  
Existing Use: Commercial, Residential

**East:** Zoning: Highway Business (B-3)

Existing Use: Commercial

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

---

**STAFF ANALYSIS AND COMMENTARY:**

The purpose of the proposed rezoning from B-3 to O-I is to allow a school to operate at this site. The site is currently the home of Crossroads Church. Churches are allowed in both the B-3 and O-I zoning districts, but schools are not permitted in the B-3 zoning district, hence this request to rezone the property.

This rezoning request is associated with SUP 2014-40, Special Use Permit to allow a school to operate at this location. In accordance with the Town’s Unified Development Code 155.711 (Q), an application for a special use permit may be reviewed concurrently with a rezoning application, which is being done in this case. A decision shall be rendered first for the rezoning and then subsequently for the special use permit. However, it should be noted that the rezoning to O-I allows any use permitted in the O-I zoning district to locate at this site (pursuant to UDC requirements).

It is staff’s interpretation that the O-I district is a more appropriate zoning designation for a church. That fact, along with the fact that O-I zoning exists just across the street from this site, has led staff to support this rezoning request.

The building setbacks and minimum lot size would change with this rezoning (see highlighted areas below):

| Zoning District | Lot Standards          |                      |                      | Minimum Setbacks (ft.) |                                      |             |                             | Building Standards <sup>(3)</sup>         |                   |                    |
|-----------------|------------------------|----------------------|----------------------|------------------------|--------------------------------------|-------------|-----------------------------|---|-------------------|--------------------|
|                 | Min. Lot Area (sq.ft.) | Min. Lot Width (ft.) | Public Water & Sewer | Street / Front (Max.)  | Side Interior (abutting residential) | Side Street | Rear (abutting residential) | Max. Building Height (ft.) <sup>(1)</sup> | Building Coverage | Impervious Surface |
| <b>O-I</b>      | 6,000                  | 60                   | Required             | 30                     | 10 (30)                              | 20          | 20 (30)                     | 60  | 50%               | 75%                |
| <b>B-3</b>      | 8,000                  | 60                   | Required             | 25                     | 15 (30)                              | 30          | 30 (30)                     | 60  | 50%               | 75%                |

The existing building exceeds the minimum setbacks for either zoning district and so this rezoning would not render the existing building or site “nonconforming.”

- **Consistency with the Strategic Growth Plan**  
Consistent with Objective 2.1: Balanced Growth – Old & New.

The proposed zoning is consistent with the Strategic Growth Plan’s “Proposed Land Use Map” which designates this property as “office-institutional.”

- **Consistency with the Unified Development Code**  
The proposed rezoning is consistent with and meets the applicable requirements of the Unified Development Code (UDC).
-

**CONSIDERATIONS:**

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

**STAFF RECOMMENDATION:**

Staff is recommending approval of the rezoning.

---

**PLANNING BOARD RECOMMENDATION:**

The Planning Board voted unanimously to recommend approval of the subject rezoning at their May 27, 2014 meeting.

**ATTACHMENTS:** 1) Zoning Map, 2) Proposed Land Use Map, 3) Application Materials, 4) Neighborhood Meeting Materials

# NEIGHBORHOOD MEETING INFORMATION

## **Purpose:**

The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, answer questions, respond to concerns, and solicit comments.

## **Meeting Date:**

The meeting must be held at least ten (10) calendar days prior to the Planning Board meeting.

## **Meeting Time & Location:**

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request.

## **Meeting Notice Mailing requirements:**

1. The applicant must contact all adjacent property owners via first class mailing (see sample letter).
2. The mailing must include all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property.
3. **\*\*The notice must be mailed at least ten (10) calendar days but not more than twenty-five (25) days prior to the date of the neighborhood meeting.\*\***

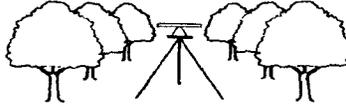
## **Information provided to Planning Department:**

Alert the Planning Department when the date, location, and time are determined. Planning staff may attend the neighborhood meeting to answer process/code questions.

Return the following items to the Planning Department at least ten (10) calendar days prior to the Planning Board or Board of Adjustment meeting (as applicable) in electronic or hard copy format:

- Neighborhood Meeting Summary Form, signed
- Copy of the letter mailed
- Mailing list
- Attendance roster

# TRUE LINE SURVEYING, P.C.



Kathleen and Katharina Motz  
5 Chestnut Dr.  
Clayton, NC 27520

May 1, 2013

Dear Clayton Area Property Owner:

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

Meeting Date: May 13, 2014

Location: True Line Surveying, 205 W. Main Street Clayton

Time: 7:00 PM

Type of Application: Rezoning

General Description: The purpose of this request is to allow a small school the use of the facilities of XRC Church to hold their classes.

If you have any question prior to or after this meeting, you may contact Mike Grindstaff at 919-359-0427.

Sincerely,

Curk T. Lane  
True Line Surveying



# NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: \_\_\_\_\_

Location/Date: \_\_\_\_\_

|    | NAME       | ADDRESS                           |
|----|------------|-----------------------------------|
| 1  | Ben Eledah | 1635 Snowmass Way Durham NC 27713 |
| 2  |            |                                   |
| 3  |            |                                   |
| 4  |            |                                   |
| 5  |            |                                   |
| 6  |            |                                   |
| 7  |            |                                   |
| 8  |            |                                   |
| 9  |            |                                   |
| 10 |            |                                   |
| 11 |            |                                   |
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| 14 |            |                                   |
| 15 |            |                                   |
| 16 |            |                                   |
| 17 |            |                                   |
| 18 |            |                                   |
| 19 |            |                                   |
| 20 |            |                                   |

# NEIGHBORHOOD MEETING SUMMARY FORM

## FILL OUT THE FOLLOWING:

Date of Mailing: 5/1/14

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached):

Printed Name: Molly Herring Signature: Molly Herring

Date of Meeting: 5/13/14 Time of Meeting: 7:00 PM

Location of Meeting: TRUE LINE SURVEYING OFFICE

**Meeting Summary/Minutes:** provide a summary of the discussion held at the meeting, including issues raised and any changes made by the applicant as a result of the meeting.

1 PERSON SHOWED FOR THE MEETING. 3 REPRESENTATIVES FROM THE SCHOOL WERE IN ATTENDANCE.

NO ISSUES WERE BROUGHT UP AND ONLY A HANDFUL OF QUESTIONS WERE ASKED.

MEETING ADJOURNED AT 7:30 PM

See attached sheet for additional meeting minutes.

*Please write clearly (or submit a typed summary), and use additional sheets if necessary.*

Questions asked during the neighborhood meeting for the Lifespring Academy school at the XRC Church on Guy Road. The meeting was at the True Line Surveying office on May 13, 2014

Ben Eledah was the only neighbor to attend the meeting. After looking at the site plan he had a few questions about traffic flow and traffic patterns and if any of the new traffic caused by the school will cause any delay on Guy Road. We told him it would not.

He asked what a Class C buffer was and once that was explained, he asked if it would be affected with the school coming in, like if it will be removed or anything because of the school. We assured him it would not be affected by anything the school does.

He asked about any potential noise from the children in the school and we told him it there would be no more noise than any regular church service.

**TOWN OF CLAYTON, NC**

**PLANNING BOARD RECOMMENDATION FORM**

**Application Name & Number:**

**RZ 2014-41, 277 Guy Road Rezoning from B-3 to O-I**

On May 27, 2014 the Planning Board heard the above-referenced request and made the following vote:

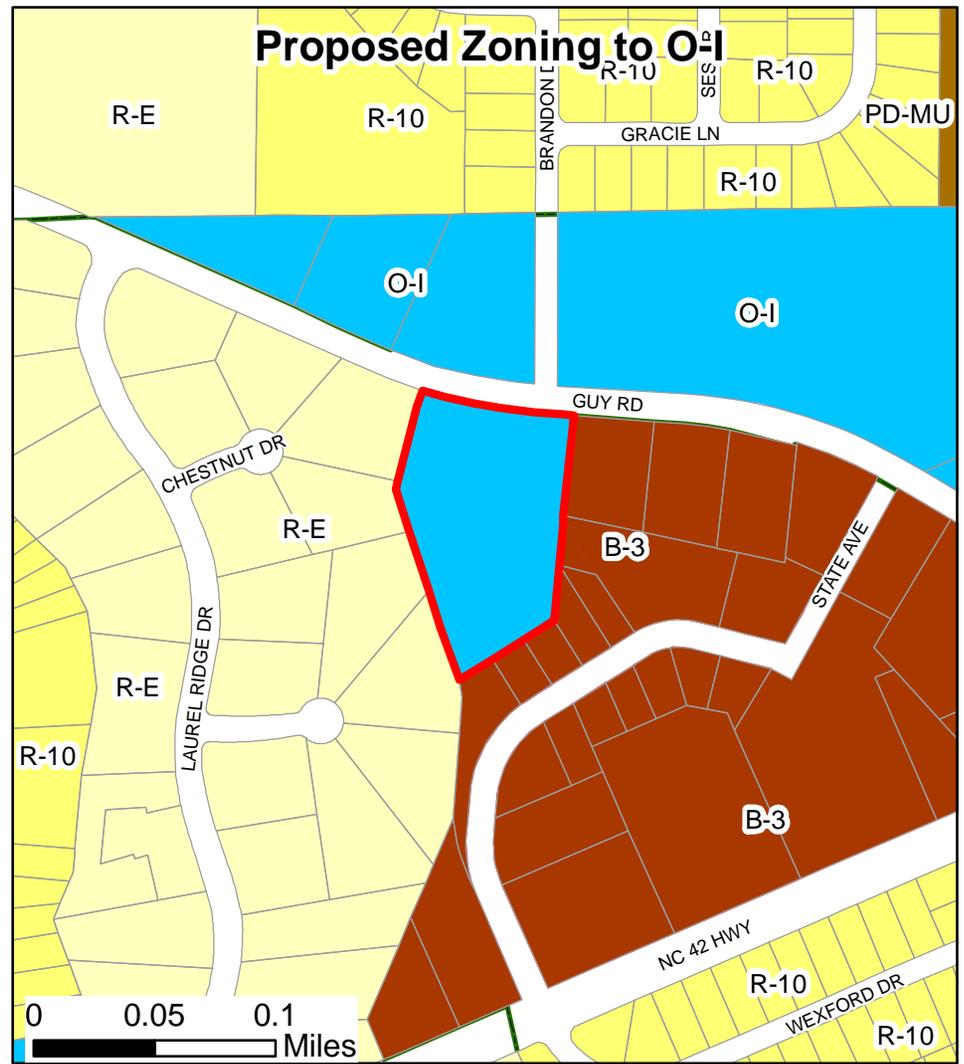
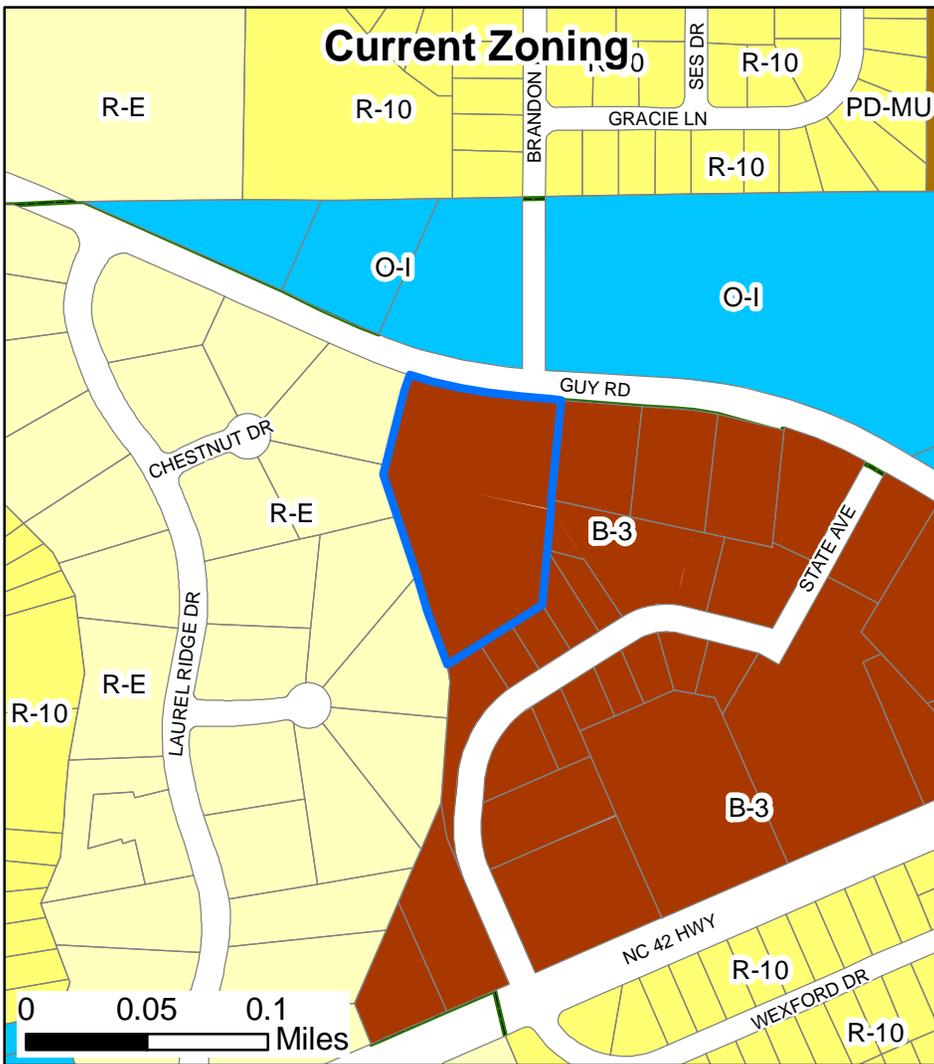
Recommendation of approval of the request.

Recommendation of denial of the request.

Recommendation made this 27<sup>th</sup> day of May, 2014 while in regular session.

Signed:

  
\_\_\_\_\_  
Frank Price, Planning Board Chair

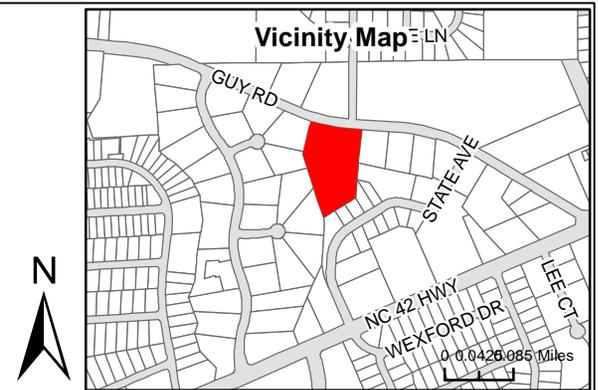


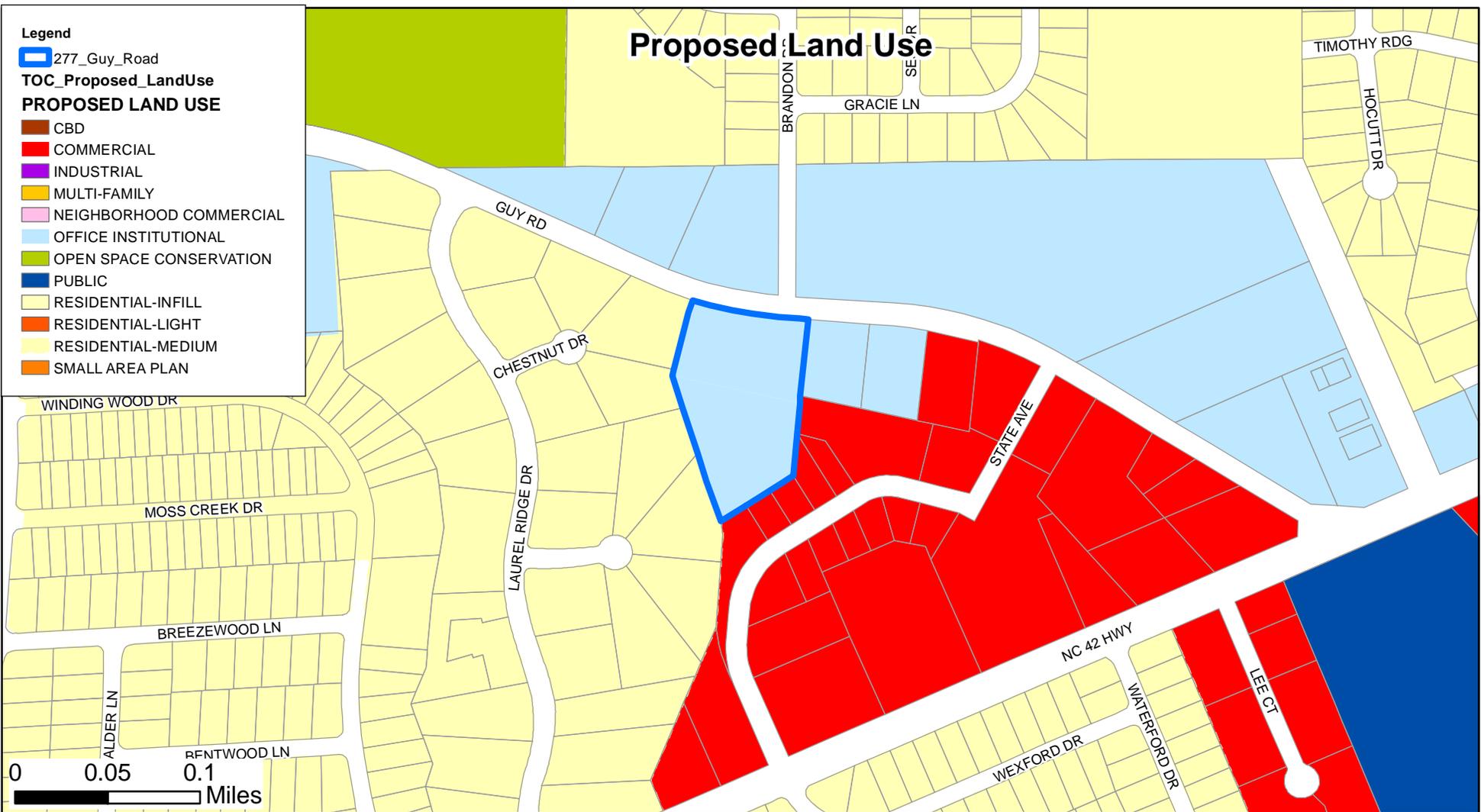
## Rezoning at 277 Guy Road - B-3 to O-I

Applicant: True Line Surveying  
 Property Owner: Crossroads Church of Clayton  
 Parcel ID Number: 165806-48-0717  
 File Number: RZ 2014-41

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

5/15/14



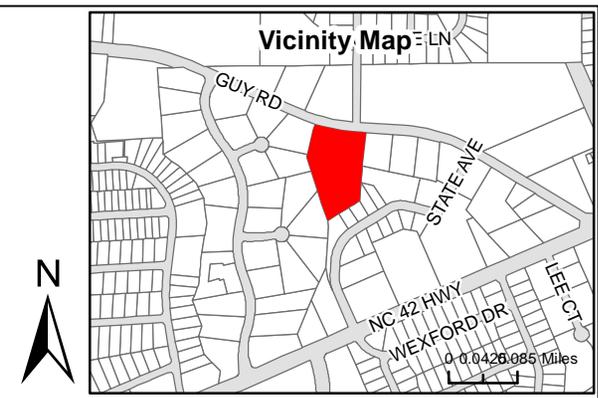


**Proposed Land Use Map (Source: Strategic Growth Plan)  
Rezoning at 277 Guy Road - B-3 to O-I**

Applicant: True Line Surveying  
 Property Owner: Crossroads Church of Clayton  
 Parcel ID Number: 165806-48-0717  
 File Number: RZ 2014-41

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

5/15/14



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

**Agenda Item: 5c**

**Meeting Date: 6/16/14**

**TITLE: PRESENTATION OF SPECIAL USE PERMIT REQUEST SUP 2014-40  
FOR A PRIVATE K-12 SCHOOL LOCATED AT 277 GUY ROAD.**

**DESCRIPTION: The request is located at 277 Guy Road, the site of  
Crossroads Church (XRC). The applicant is requesting  
special use permit approval for a K-12 private school, using  
the existing XRC facilities.**

**This item is slated for evidentiary hearing on July 7, 2014;  
contingent upon the decision for rezoning request RZ 2014-  
41.**

**RELATED GOAL: Administration**

**ITEM SUMMARY:**

| <u>Date:</u> | <u>Action:</u>                   | <u>Info. Provided:</u>  |
|--------------|----------------------------------|---|
| 06-16-14     | Presentation &<br>Public notice. | Application, Staff Report,<br>Neighborhood Meeting<br>Information, Shared Use<br>Agreement, Site Plan,<br>& Aerial Map. |



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

## SPECIAL USE PERMIT APPLICATION

*Pursuant to Article 7, Section 155.711 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Special Use. Special Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.*

*Special Use Permit applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$400.00. All fees are due when the application is submitted.*

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

### SITE INFORMATION:

Name of Project: LifeSpring Academy at Crossroads Church      Acreage of Property: 3.995  
 Parcel ID Number: 165806-48-0717      Tax ID: 05G02014Q TAG ✓  
 Deed Book: 3288      Deed Page(s): 503  
 Address: 277 Guy Road, Clayton, NC 27520  
 Location: 277 Guy Road, Clayton NC 27520

Existing Use: Church      Proposed Use: Church/School  
 Existing Zoning District: B-3  
 Requested Zoning District: O-I Crossroads Church/XRC has submitted a rezoning application  
 Is project within a Planned Development:       Yes       No  
 Planned Development District (if applicable): Planning Jurisdiction of The town of Clayton  
 Is project within an Overlay District:       Yes       No  
 Overlay District (if applicable): \_\_\_\_\_

### FOR OFFICE USE ONLY

File Number: 2014-40      Date Received: 4-1-14      Amount Paid: \$400<sup>00</sup>

**OWNER INFORMATION:**

**Name:** NC District Council Assemblies of God  
**Mailing Address:** P.O. Box 459 Selma, NC 27576  
**Phone Number:** 919-965-0225 **Fax:** 919-965-0335  
**Email Address:** rrogers@ncag.org

**APPLICANT INFORMATION:**

**Applicant:** LifeSpring Academy  
**Mailing Address:** 63-104 Anna Drive, Clayton, NC 27520  
**Phone Number:** 919-279-2952 **Fax:** 919-359-9959  
**Contact Person:** Bobbi Roe  
**Email Address:** bobbi@lifespringacademy.com

**REQUIRED PLANS AND SUPPLEMENTAL INFORMATION**

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

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

**JUSTIFICATION STATEMENT**

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

LifeSpring Academy, which is currently located at 63 Anna Drive, Suite 104, Clayton, NC, is requesting approval for a Special Use Permit with the Town of Clayton in order that our Academy may occupy the facility of XRC located at 277 Guy Road. LifeSpring Academy is a K-12 School and we anticipate 150 students to be enrolled for the 2014-2015 school year.

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Town of Clayton

Planning Department

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

# OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: LifeSpring Academy / Special Use Permit Address or PIN #: 277 Guy Road, Clayton

### AGENT/APPLICANT INFORMATION:

LIFE Spring Academy  
(Name - type, print clearly)

63 Anna Drive  
(Address)

Clayton, NC 27520  
(City, State, Zip)

I hereby give CONSENT to the above referenced agent/applicant to act on my behalf, to submit applications and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the following processes (list applicable requests):

special use permit

Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

### OWNER AUTHORIZATION:

Michael Tabor - Prisor  
(Name - type, print clearly)

278 George W. H. Dr  
(Address)

[Signature]  
(Owner's Signature)

Clayton NC 27520  
(City, State, Zip)

STATE OF North Carolina  
COUNTY OF Johnston

Sworn and subscribed before me Susan C. Byrd, a Notary Public for the above State and County, this 27 day of March, 2014.



Susan C. Byrd  
Notary Public

My Commission Expires: March 13, 2016

**REQUIRED FINDINGS OF FACT**

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

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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**APPLICANT AFFIDAVIT**

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

Bobbi Roe, Dawn Parker, Jill Gallegos  
*Print Name*

*Bobbi Roe Dawn Parker*  
*Signature of Applicant*

4/1/2014  
*Date*

**1) The applicant will not materially endanger the public health or safety if located where proposed and ultimately developed according to the plans as submitted:**

The Community Development Special Use Permit Application concerning the usage of Crossroads Church/XRC, 277 Guy Road, Clayton NC 27520, LifeSpring Academy will not project neither now or in the future any material endangerment to public health and safety. Crossroads Church/XRC is currently zoned B-3 and has applied for a rezoning permit of O-I Office and Institutional and as such currently meets all requirements regarding public health and safety per their site plan and current status as an active community church in the Town of Clayton. LifeSpring Academy will not change the current site plan, and as a result the risk assessment for public health and safety will remain unchanged-no negative impact to the community of Clayton. Furthermore, LifeSpring Academy will in accordance with North Carolina's Department of Non-Public Education's (DNPE) G.S. 115C-547-562, meet fire, safety and sanitation standards established by state and local authorities. (See attached DNPE's Private Grade K-12 School requirements) The proposed site currently meets all asbestos regulations (see Asbestos Regulatory Requirements for Schools); as a result, LifeSpring Academy will follow all requirements to ensure the building continues to meet all asbestos regulations. As a registered conventional nonpublic school, all guidelines for storage of combustible school supplies, maintenance and cleaning supplies will be met and all equipment will be stored in a safe and orderly manner. (See fire inspection checklist) We believe that the above will prove beyond a doubt the commitment of LifeSpring Academy to maintain and adhere to the public health and safety of all residents, citizens and children of the Town of Clayton. Furthermore, LifeSpring will follow all City, County, State and Federal regulations and recommendations.

**2) The applicant meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations:**

LifeSpring Academy will meet specifications and adhere to all regulations required by the Town of Clayton Planning Department.

- LifeSpring Academy is currently located off Highway 42 at 63 Anna Drive, Clayton, NC and has been operating as a private school for 3 years following all Johnston County specifications for operating a private school.
- The neighborhood meeting is scheduled for May 13, 2014, at 7:00 p.m. at Clayton Crossroads/XRC, 277 Guy Road, Clayton NC.
- LifeSpring will attend all workdays and planning board meetings: TRC - April 16, 2014, Planning Board - May 27, 2014, Work session – June 16, 2014, and Public meetings/hearings- July 7<sup>th</sup>.
- LifeSpring will present the planning board with the letter of notification of adjoining property owners of the neighborhood meeting, roster of attendees, and minutes from the neighborhood meeting 10 days prior to May 27<sup>th</sup>.
- Site Plans are attached to designate carpool procedures; including one-way directions.
- Site Plans indicate pick-up/drop-off point and sidewalk connections to the school from pick-up/drop-off point with traffic cones.

- Available Parking spaces are verified on attached Site Plans.
- Property Survey is attached.
- Wastewater allocations are being researched for Crossroads Church/ XRC by Mr. Tim Simpson from the Town of Clayton Operations Center. LifeSpring Academy has provided data for one year's current water usage. (See attached document)
- Food preparation will not take place at LifeSpring Academy.
- LifeSpring Academy currently implements staggered dismissal for Elementary and Middle/High School levels. Elementary dismisses at 3:30 and Middle/High School dismisses at 3:45.

Current enrollment for the upcoming school year of 2014-2015

| <b>Classrooms</b>                       | <b>Student Enrollment</b> |
|---|---------------------------|
| Kindergarten-1st Grade                  | 12                        |
| 1 <sup>st</sup> -2nd Grade              | 12                        |
| 3 <sup>rd</sup> -5th Grade              | 14                        |
| 3 <sup>rd</sup> -5th Grade              | 14                        |
| 6 <sup>th</sup> -8 <sup>th</sup> Grade  | 15                        |
| 6 <sup>th</sup> -8 <sup>th</sup> Grade  | 15                        |
| 9 <sup>th</sup> -12 <sup>th</sup> Grade | 15                        |
| 9 <sup>th</sup> -12 <sup>th</sup> Grade | 15                        |

LifeSpring Academy will comply with all specifications and regulations of the Town of Clayton and all applicable agencies including the G.S. 115c-547-562 guidelines regarding Private and Proprietary Schools. LifeSpring Academy will, in accordance with G.S. 115C-547-562, meet fire, safety, and sanitation standards established by state and local authorities. Moreover, there will be no structural changes made to the building. In addition, LifeSpring Academy will adhere to the Fire Marshall and Health Department Inspections and Regulations. All inspections will be requested and conducted upon approval of site, 277 Guy Road, Clayton, NC. All building inspections must be attached to the Notice of Intent to open and operate a private school. This notice is required 30-60 days before the school begins initial operation and upon a physical relocation of the school. A copy of the Fire Inspection Preparation List, Sanitation Inspection Preparation List, Sanitation Inspection Guidelines, and Asbestos Regulatory Inspection checklist are attached. Crossroads Church/XRC and its building are currently adhering to such regulations and they will be maintained by the Academy. (See attached Fire Inspection Preparation List, Sanitation Inspection Preparation List, Sanitation Inspection Guidelines, and Asbestos Regulatory Checklist).

Crossroads Church/XRC's site plans have been included to show compliance regarding all permitted aspects of the existing building and surrounding driveways, parking, buffers and footprint of the existing building. Crossroad's Church/XRC and its building are currently adhering to such regulations and they will be maintained by LifeSpring Academy.

Fire Escape Plans will be posted in each classroom. A monthly fire drill is required. Each drill is documented and kept on file in the school office.

LifeSpring Academy will meet the following guidelines as applicable and required to operate a Private School within the State of North Carolina. LifeSpring Academy does:

1. Report its name, address, and names of its Chief Administrator and Owners to the Division of Non-Public Education (DNPE). The change of physical address will be submitted 30-60 days before the school begins for the 2014-2015 school year.
2. Meet fire, safety, and sanitation standards established by state and local authorities. All classrooms through grade 2: students must be housed on the ground floor prior to initial school occupancy. Local building inspectors must inspect the building(s) and issue to the school a Certificate of Occupancy for school usage. Thereafter, he/she will need to inspect again only when structural changes are made to the building(s). In addition, before initially beginning classes and annually thereafter, have the Fire Marshall and Health Department inspect the school facility: allow up to possibly a month or more for the inspections to be completed. Keep original inspector - completed forms on file at the school.
3. Follow certain requirements to ensure that the school building meets the applicable asbestos regulations.
4. Operate for a school term of at least nine calendar months on a regular schedule excluding reasonable holidays and vacations.
5. Keep accurate student attendance records on file at its office.
6. Maintain current and accurate disease immunization records on file at its office for each pupil enrolled. All pupils must be properly immunized with the required vaccine minimum dosage before entering Kindergarten and Grade 1.
7. Administer to all students in Grades 3,6, and 9, each school year, a Nationally Standardized Achievement Test in the subject areas of English grammar, reading, spelling and math. Keep test results on file at the school for at least one calendar year for annual review by DNPE representative.
8. Administer to all Grade 11 students, each school year, a Nationally Standardized Test that measures competencies in the verbal and quantitative areas. Keep test results on file at the school for at least one calendar year for annual review by DNPE representative. Establish a minimum score on the test for high school graduation.
9. Issue Driving Eligibility Certificates to all students aged 15-17 that are making progress towards graduation, that exhibit exemplary behavior and request Eligibility Certificates in order to obtain their North Carolina Learner's Permit/Driver's License.
10. Provide industrial quality eye protective devices, free of charge, to students and teachers participating in shop or laboratory classes involving hazardous material as mandated by G>SD. 115C-166 and 168; and require the students and teachers to wear the devices at all times when participating in such a program along with visitors to such shops and laboratories while such programs are in progress.
11. Notify DNPE upon termination of the school.

We believe that the above will prove beyond a doubt the commitment of LifeSpring Academy to commit to complying with all specifications and regulations of the Town of Clayton and all other applicable agencies.

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

LifeSpring Academy strongly agrees with the value of protecting any and all adjacent property values. Currently, Crossroads Church/XRC adheres to protecting adjacent property values and the improvement and benefit of the community and people of Clayton is of the utmost importance to not only XRC, but also to us at LifeSpring Academy. LifeSpring will not negatively impact property values due to the simple fact that there will be no proposed structural changes to the exterior of the premises or land surrounding XRC. Furthermore, studies show (Crossland, Steve, 2005) that there is a clear correlation between better schools and higher real estate prices. LifeSpring Academy focuses on Educational Excellence, professional, certified staff and Godly values – all of which will correlate positively upon surrounding and adjacent property values. (Further studies: Ohio State University, 2006 Jaurin, Donald and Kettering Board of Education, Jim Brown.) Furthermore, LifeSpring Academy's proposed location is currently within an area where a public school is located. We feel that the location of the Academy will protect adjacent property values due to the fact that the current use area is similar to that of LifeSpring Academy.

A neighborhood meeting has been scheduled for May 13, 2014 at 7:00 p.m. to inform adjacent property owners of LifeSpring's intention to open its doors at Crossroads Church/XRC in August 2014.

LifeSpring Academy's carpool procedures will operate as follows to ensure the safety of our students and the certainty of protecting adjacent property and neighbors: parents will enter the facility using the driveway off Guy Road; turning right into the parking area to wrap around the exterior of the parking area. The west end of the parking lot will be staged for drop-off and pick-up with the placement of traffic cones to prevent cars from entering that area during student arrival and dismissal. A one-way sign will be placed at the entrance during drop-off and pick-up times. Cones will also be placed at the east end of the parking area to keep cars from entering the area during carpool procedures. (See attached site plan with queuing systems designated)

The stacking ability afforded by the property allows for approximately 40 cars to stack around the exterior of the parking lot. (See attached site plans) We feel that the use of Crossroads Church/XRC, which is currently an active church with a capacity of 365 plus, as a K-12 private school will not impact traffic or traffic flow on Guy Road. Traffic will easily flow and carpool will be maintained through the current driveway accommodations allowed at Crossroads Church/XRC.

We believe that the above will prove beyond a doubt the commitment of LifeSpring Academy to protect all adjacent and surrounding property values.

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

LifeSpring Academy, at Crossroads Church/XRC located off Guy Road, is a community-driven endeavor and will conform to plans and development standards of the Town of Clayton. LifeSpring Academy will strive to project a positive impact on the local economy by currently staffing 10 classroom teachers and 15 specialized teachers and volunteers. LifeSpring Academy supports the Town of Clayton's community-driven planning process relying on the input of members of the community, LifeSpring board of directors, staff, parents, and students to help guide our decisions, goals and efforts to positively impact the Town of Clayton. We feel community is important and look forward to positively impacting the community by the use of volunteer opportunities, educational

excellence, and professional job-opportunities, along with community outreach. LifeSpring is committed to partnering with the community of Clayton as it strives to be the *Premiere Community for Active Families*. We look forward to promoting this goal by offering opportunities for educational alternatives within the community of Clayton. LifeSpring operates as a traditional K-12 private school as well as provides enrichment and educational opportunities for the many homeschooling families in and around the Clayton area. In this aspect, LifeSpring will truly impact all families in a positive way to help them through the journey of educating their children. As such, LifeSpring is committed to providing an educationally excellent *K-12 Christian Academy*, as well as, *LifeSpring Solutions*, which will provide support, resources and supplemental activities to enhance core classes for middle/high school homeschool students along with *LifeSpring's Enrichment* which offers Academy and homeschool students a creative way to enrich students in conjunction with their personal interest(s).

We feel that LifeSpring will promote the positive, active quality of life that the Town of Clayton is dedicated to. LifeSpring Academy will firmly support the Town of Clayton's goal to beautify Clayton as identified by the Town Council in 2006. The maintenance of the appearance of the natural and structural appearance in the area of 277 Guy Road will not be negatively impacted, on the contrary, any improvements necessary and on an as needed basis will be made to maintain landscaping, condition of the building, screening and/or elimination of all exterior storage and adherence to any proposed fencing standard. Furthermore, LifeSpring will follow all City, County, State and Federal regulations and recommendations. We believe that the above will prove beyond a doubt the commitment of LifeSpring Academy to conform to all plans and development standards of the Town of Clayton.



**Adjacent Property Owners**  
**To XRC Church, 277 Guy Road, Clayton, NC 27520**

**PIN #165806-48-2803**

Guy Burleson Real Estate, LLC  
PO Box 1370  
Garner, NC 27629

**PIN #165806-48-4617**

Homes by Thadd, Inc.  
8305 Six Forks Road  
Suite 203  
Raleigh, NC 27615

**PIN #165806-48-2662 and PIN # 165806-48-1449**

Chris Calavito  
2881 Jack Road  
Clayton, NC 27520

**PIN #165806-48-0484 and PIN #165806-48-0410**

Herman and Sue Mitchner  
427 Barbour Street  
Clayton, NC 27520

**PIN #165806-38-9334**

Vagner Manoel Vieira  
4317 Dyer Court  
Raleigh, NC 27604-4798

**PIN #165806-38-7378**

Jerry Lee and Tammy Samuelson  
6 Morning Dove Court  
Clayton, NC 27520

**PIN #165806-38-6574**

Ricky and Sherry Smith  
4 Morning Dove Court  
Clayton, NC 27520

**PIN #165806-38-6726**

Manuel & Martha Montano  
3 Chestnut Drive  
Clayton, NC 27520

**PIN #165806-38-6955**

Kathleen and Katharina H. Motz  
5 Chesnut Drive  
Clayton, NC 27520



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

Town Council

## STAFF REPORT

**Application Number:** SUP 2014-40 (Special Use Permit)  
**Project Name:** LifeSpring Academy at Crossroads Church (XRC)

**NC PIN:** 165806-48-0717  
**Town Limits/ETJ:** Town Limits  
**Overlay:** None  
**Applicant:** Bobbi Roe, LifeSpring Academy  
**Owner:** Crossroads Church of Clayton

**Neighborhood Meeting:** Held May 13, 2014  
**Public Noticing:** Property posted May 16, 2014

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**PROJECT LOCATION:** The project is located at 277 Guy Road, at the Crossroads Church (XRC) site.

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**REQUEST:** The applicant is requesting special use permit approval for a K-12 private school, using the existing Crossroads Church facilities.

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### SITE DATA:

**Acreage:** 3.93 acres  
**Present Zoning:** B-3 (Highway Business)  
**Proposed Zoning:** O-I (Office Institutional) – see RZ 2014-41  
**Existing Use:** Church

### DEVELOPMENT DATA:

**Proposed Uses:** Church and Private School  
**Buildings:** No new construction is proposed. The school will utilize one existing primary building, 14,695 square feet (existing church)  
**Required Parking:** 25 (1 space per employee, 1 visitor space for every 50 students, and 5.5 spaces for every 10<sup>th</sup>-12<sup>th</sup> grade student)  
**Proposed Parking:** 77 existing spaces, including 30 gravel spaces (existing spaces for church)  
**Fire Protection:** Town of Clayton Fire Department.

Water/Sewer Provider: Town of Clayton  
Electric Provider: Duke Energy

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**ADJACENT ZONING AND LAND USES:**

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

**South:** Zoning: Highway Business (B-3), Residential Estate (R-E)  
Existing Use: Commercial, Residential

**East:** Zoning: Highway Business (B-3)  
Existing Use: Commercial

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

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**STAFF ANALYSIS AND COMMENTARY:**

The applicant is requesting approval of a Special Use Permit to allow a Private School, grades K – 12, with a student enrollment of 150 students and approximately 17 staff members.

LifeSpring Academy is proposing to locate at the Crossroads Church (XRC) facilities. Church functions would continue as they have been, and the school would coexist with the church with no expansions or additional buildings proposed at this time. Each use utilizes different hours and the lease agreement will specify the separation of uses so as not to overload the existing building or parking lot.

The applicant concurrently submitted a site plan, which is included as an attachment for reference. The site plan depicts a proposed traffic flow for drop-off and pick-up queuing, and proposes a location for a new dumpster enclosure. The site plan meets the criteria for a “minor” site plan (per Section 155.707(B)(1) of the UDC) and so is reviewed by staff and approved by the Planning Director. Approval of the site plan is subject to approval of the Special Use Permit by the Town Council.

Currently the facility is adequately sized to serve the proposed enrollment of 150 students. There is more than enough parking; only 25 spaces are required and the church has 77 spaces available (47 paved and 30 gravel).

This approval is subject to approval of the concurrent rezoning request (RZ 2014-41) to rezone the property from B-3 to O-I, because schools are not permitted in the B-3 zoning district. Churches are permitted in both districts.

No food preparation for school meals will take place on the site. There is an existing fenced-in playground which will be utilized for the younger children. The only site improvement is building an enclosure for the existing dumpster on site. At the time of original approvals for the church, no dumpster was proposed. Now there is one,

so an enclosure will be required and shall be consistent with the requirements of the UDC. The dumpster has been located to meet the 50-foot setback requirement from residential zoning.

➤ **Consistency with the Strategic Growth Plan**

The proposed development is consistent with the Strategic Growth Plan, Objective 2.1: Balanced Development: Old & New.

The Proposed Land Use Map identifies this property as “Office – Institutional.” A school is considered institutional and so is consistent with the Proposed Land Use Map.

➤ **Consistency with the Unified Development Code**

The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC).

➤ **Landscaping and Buffering**

No additional landscaping or buffering is required.

➤ **Recreation and Open Space**

N/A.

➤ **Environmental**

No environmental impacts are expected as a result of this request.

➤ **Signs**

No signage requests have been submitted to the Town at this time. Any signage shall comply with the UDC.

➤ **Site Design**

The applicant has shown the proposed traffic configuration on the site plan, showing the proposed circulation pattern. The school will use the existing church facilities.

➤ **Access/Streets/Traffic**

The site will be accessed from the existing driveway off Guy Road.

Staff conducted a cursory review of traffic impacts. With 150 students, the use may slightly exceed the 100 trips at peak hour threshold that typically requires a Traffic Impact Analysis. The Planning Director has waived this requirement to produce a Traffic Impact Analysis at this time, because the school has shown mitigation of potential impacts via the queuing pattern for pick-up and drop-off. Should the school grow, a new analysis will be completed and if needed, a traffic impact analysis could be completed at that time.

The school’s release times differ from the public school system and so traffic will not conflict with Clayton Middle, which is located approximately 0.2 miles down Guy Road.

The applicant has indicated that there are no buses; all students will be brought in by car.

The applicant has shown the proposed traffic configuration on the site plan, including the proposed circulation pattern for student drop-off and pick-up. With this circulation pattern, traffic is not expected to back up onto Guy Road.

- **Waivers/Deviations/Variances from Code Requirements**  
None.
- 

## **FINDINGS**

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

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## **CONSIDERATIONS**

- Approval of this Special Use Permit is subject to approval of the rezoning of the site from B-3 to O-I (RZ 2014-41).
  - The Town Council approves Special Use Permits.
- 

## **RECOMMENDATION:**

Staff is recommending approval of the Special Use Permit to allow a school at 277 Guy Road with the following conditions:

1. The development of the site is limited to the uses approved by the Town Council. Modification of the Special Use Permit shall be subject to Section 155.711 of the Unified Development Code.
  2. If more than 150 students are proposed, a Traffic Impact Analysis shall be submitted to the Planning Department and evaluated for consistency with Section 155.708 of the Unified Development Code.
  3. If vehicle pick-up or drop-off traffic impedes the free-flowing traffic on Guy Road, a dedicated right turn lane shall be installed.
  4. A shared use agreement shall be created between the school and the church and shall be submitted to the Planning Department.
- 

## **PLANNING BOARD RECOMMENDATION:**

The Planning Board voted unanimously to recommend approval of the subject Special Use Permit at their May 27, 2014 meeting.

**ATTACHMENTS:** 1) Exhibit A, 2) Map, 3) Application, 4) Neighborhood Meeting Materials, 5) Site Plan

**REQUIRED FINDINGS OF FACT**

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

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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**APPLICANT AFFIDAVIT**

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

Bobbi Roe, Dawn Parker, Jill Gallegos  
Print Name

*Bobbi Roe Dawn Parker*  
Signature of Applicant

4/1/2014  
Date

**1) The applicant will not materially endanger the public health or safety if located where proposed and ultimately developed according to the plans as submitted:**

The Community Development Special Use Permit Application concerning the usage of Crossroads Church/XRC, 277 Guy Road, Clayton NC 27520, LifeSpring Academy will not project neither now or in the future any material endangerment to public health and safety. Crossroads Church/XRC is currently zoned B-3 and has applied for a rezoning permit of O-I Office and Institutional and as such currently meets all requirements regarding public health and safety per their site plan and current status as an active community church in the Town of Clayton. LifeSpring Academy will not change the current site plan, and as a result the risk assessment for public health and safety will remain unchanged-no negative impact to the community of Clayton. Furthermore, LifeSpring Academy will in accordance with North Carolina's Department of Non-Public Education's (DNPE) G.S. 115C-547-562, meet fire, safety and sanitation standards established by state and local authorities. (See attached DNPE's Private Grade K-12 School requirements) The proposed site currently meets all asbestos regulations (see Asbestos Regulatory Requirements for Schools); as a result, LifeSpring Academy will follow all requirements to ensure the building continues to meet all asbestos regulations. As a registered conventional nonpublic school, all guidelines for storage of combustible school supplies, maintenance and cleaning supplies will be met and all equipment will be stored in a safe and orderly manner. (See fire inspection checklist) We believe that the above will prove beyond a doubt the commitment of LifeSpring Academy to maintain and adhere to the public health and safety of all residents, citizens and children of the Town of Clayton. Furthermore, LifeSpring will follow all City, County, State and Federal regulations and recommendations.

**2) The applicant meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations:**

LifeSpring Academy will meet specifications and adhere to all regulations required by the Town of Clayton Planning Department.

- LifeSpring Academy is currently located off Highway 42 at 63 Anna Drive, Clayton, NC and has been operating as a private school for 3 years following all Johnston County specifications for operating a private school.
- The neighborhood meeting is scheduled for May 13, 2014, at 7:00 p.m. at Clayton Crossroads/XRC, 277 Guy Road, Clayton NC.
- LifeSpring will attend all workdays and planning board meetings: TRC - April 16, 2014, Planning Board - May 27, 2014, Work session – June 16, 2014, and Public meetings/hearings- July 7<sup>th</sup>.
- LifeSpring will present the planning board with the letter of notification of adjoining property owners of the neighborhood meeting, roster of attendees, and minutes from the neighborhood meeting 10 days prior to May 27<sup>th</sup>.
- Site Plans are attached to designate carpool procedures; including one-way directions.
- Site Plans indicate pick-up/drop-off point and sidewalk connections to the school from pick-up/drop-off point with traffic cones.

- Available Parking spaces are verified on attached Site Plans.
- Property Survey is attached.
- Wastewater allocations are being researched for Crossroads Church/ XRC by Mr. Tim Simpson from the Town of Clayton Operations Center. LifeSpring Academy has provided data for one year's current water usage. (See attached document)
- Food preparation will not take place at LifeSpring Academy.
- LifeSpring Academy currently implements staggered dismissal for Elementary and Middle/High School levels. Elementary dismisses at 3:30 and Middle/High School dismisses at 3:45.

Current enrollment for the upcoming school year of 2014-2015

| <b>Classrooms</b>                       | <b>Student Enrollment</b> |
|---|---------------------------|
| Kindergarten-1st Grade                  | 12                        |
| 1 <sup>st</sup> -2nd Grade              | 12                        |
| 3 <sup>rd</sup> -5th Grade              | 14                        |
| 3 <sup>rd</sup> -5th Grade              | 14                        |
| 6 <sup>th</sup> -8 <sup>th</sup> Grade  | 15                        |
| 6 <sup>th</sup> -8 <sup>th</sup> Grade  | 15                        |
| 9 <sup>th</sup> -12 <sup>th</sup> Grade | 15                        |
| 9 <sup>th</sup> -12 <sup>th</sup> Grade | 15                        |

LifeSpring Academy will comply with all specifications and regulations of the Town of Clayton and all applicable agencies including the G.S. 115c-547-562 guidelines regarding Private and Proprietary Schools. LifeSpring Academy will, in accordance with G.S. 115C-547-562, meet fire, safety, and sanitation standards established by state and local authorities. Moreover, there will be no structural changes made to the building. In addition, LifeSpring Academy will adhere to the Fire Marshall and Health Department Inspections and Regulations. All inspections will be requested and conducted upon approval of site, 277 Guy Road, Clayton, NC. All building inspections must be attached to the Notice of Intent to open and operate a private school. This notice is required 30-60 days before the school begins initial operation and upon a physical relocation of the school. A copy of the Fire Inspection Preparation List, Sanitation Inspection Preparation List, Sanitation Inspection Guidelines, and Asbestos Regulatory Inspection checklist are attached. Crossroads Church/XRC and its building are currently adhering to such regulations and they will be maintained by the Academy. (See attached Fire Inspection Preparation List, Sanitation Inspection Preparation List, Sanitation Inspection Guidelines, and Asbestos Regulatory Checklist).

Crossroads Church/XRC's site plans have been included to show compliance regarding all permitted aspects of the existing building and surrounding driveways, parking, buffers and footprint of the existing building. Crossroad's Church/XRC and its building are currently adhering to such regulations and they will be maintained by LifeSpring Academy.

Fire Escape Plans will be posted in each classroom. A monthly fire drill is required. Each drill is documented and kept on file in the school office.

LifeSpring Academy will meet the following guidelines as applicable and required to operate a Private School within the State of North Carolina. LifeSpring Academy does:

1. Report its name, address, and names of its Chief Administrator and Owners to the Division of Non-Public Education (DNPE). The change of physical address will be submitted 30-60 days before the school begins for the 2014-2015 school year.
2. Meet fire, safety, and sanitation standards established by state and local authorities. All classrooms through grade 2: students must be housed on the ground floor prior to initial school occupancy. Local building inspectors must inspect the building(s) and issue to the school a Certificate of Occupancy for school usage. Thereafter, he/she will need to inspect again only when structural changes are made to the building(s). In addition, before initially beginning classes and annually thereafter, have the Fire Marshall and Health Department inspect the school facility: allow up to possibly a month or more for the inspections to be completed. Keep original inspector - completed forms on file at the school.
3. Follow certain requirements to ensure that the school building meets the applicable asbestos regulations.
4. Operate for a school term of at least nine calendar months on a regular schedule excluding reasonable holidays and vacations.
5. Keep accurate student attendance records on file at its office.
6. Maintain current and accurate disease immunization records on file at its office for each pupil enrolled. All pupils must be properly immunized with the required vaccine minimum dosage before entering Kindergarten and Grade 1.
7. Administer to all students in Grades 3,6, and 9, each school year, a Nationally Standardized Achievement Test in the subject areas of English grammar, reading, spelling and math. Keep test results on file at the school for at least one calendar year for annual review by DNPE representative.
8. Administer to all Grade 11 students, each school year, a Nationally Standardized Test that measures competencies in the verbal and quantitative areas. Keep test results on file at the school for at least one calendar year for annual review by DNPE representative. Establish a minimum score on the test for high school graduation.
9. Issue Driving Eligibility Certificates to all students aged 15-17 that are making progress towards graduation, that exhibit exemplary behavior and request Eligibility Certificates in order to obtain their North Carolina Learner's Permit/Driver's License.
10. Provide industrial quality eye protective devices, free of charge, to students and teachers participating in shop or laboratory classes involving hazardous material as mandated by G>SD. 115C-166 and 168; and require the students and teachers to wear the devices at all times when participating in such a program along with visitors to such shops and laboratories while such programs are in progress.
11. Notify DNPE upon termination of the school.

We believe that the above will prove beyond a doubt the commitment of LifeSpring Academy to commit to complying with all specifications and regulations of the Town of Clayton and all other applicable agencies.

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

LifeSpring Academy strongly agrees with the value of protecting any and all adjacent property values. Currently, Crossroads Church/XRC adheres to protecting adjacent property values and the improvement and benefit of the community and people of Clayton is of the utmost importance to not only XRC, but also to us at LifeSpring Academy. LifeSpring will not negatively impact property values due to the simple fact that there will be no proposed structural changes to the exterior of the premises or land surrounding XRC. Furthermore, studies show (Crossland, Steve, 2005) that there is a clear correlation between better schools and higher real estate prices. LifeSpring Academy focuses on Educational Excellence, professional, certified staff and Godly values – all of which will correlate positively upon surrounding and adjacent property values. (Further studies: Ohio State University, 2006 Jaurin, Donald and Kettering Board of Education, Jim Brown.) Furthermore, LifeSpring Academy's proposed location is currently within an area where a public school is located. We feel that the location of the Academy will protect adjacent property values due to the fact that the current use area is similar to that of LifeSpring Academy.

A neighborhood meeting has been scheduled for May 13, 2014 at 7:00 p.m. to inform adjacent property owners of LifeSpring's intention to open its doors at Crossroads Church/XRC in August 2014.

LifeSpring Academy's carpool procedures will operate as follows to ensure the safety of our students and the certainty of protecting adjacent property and neighbors: parents will enter the facility using the driveway off Guy Road; turning right into the parking area to wrap around the exterior of the parking area. The west end of the parking lot will be staged for drop-off and pick-up with the placement of traffic cones to prevent cars from entering that area during student arrival and dismissal. A one-way sign will be placed at the entrance during drop-off and pick-up times. Cones will also be placed at the east end of the parking area to keep cars from entering the area during carpool procedures. (See attached site plan with queuing systems designated)

The stacking ability afforded by the property allows for approximately 40 cars to stack around the exterior of the parking lot. (See attached site plans) We feel that the use of Crossroads Church/XRC, which is currently an active church with a capacity of 365 plus, as a K-12 private school will not impact traffic or traffic flow on Guy Road. Traffic will easily flow and carpool will be maintained through the current driveway accommodations allowed at Crossroads Church/XRC.

We believe that the above will prove beyond a doubt the commitment of LifeSpring Academy to protect all adjacent and surrounding property values.

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

LifeSpring Academy, at Crossroads Church/XRC located off Guy Road, is a community-driven endeavor and will conform to plans and development standards of the Town of Clayton. LifeSpring Academy will strive to project a positive impact on the local economy by currently staffing 10 classroom teachers and 15 specialized teachers and volunteers. LifeSpring Academy supports the Town of Clayton's community-driven planning process relying on the input of members of the community, LifeSpring board of directors, staff, parents, and students to help guide our decisions, goals and efforts to positively impact the Town of Clayton. We feel community is important and look forward to positively impacting the community by the use of volunteer opportunities, educational

excellence, and professional job-opportunities, along with community outreach. LifeSpring is committed to partnering with the community of Clayton as it strives to be the *Premiere Community for Active Families*. We look forward to promoting this goal by offering opportunities for educational alternatives within the community of Clayton. LifeSpring operates as a traditional K-12 private school as well as provides enrichment and educational opportunities for the many homeschooling families in and around the Clayton area. In this aspect, LifeSpring will truly impact all families in a positive way to help them through the journey of educating their children. As such, LifeSpring is committed to providing an educationally excellent *K-12 Christian Academy*, as well as, *LifeSpring Solutions*, which will provide support, resources and supplemental activities to enhance core classes for middle/high school homeschool students along with *LifeSpring's Enrichment* which offers Academy and homeschool students a creative way to enrich students in conjunction with their personal interest(s).

We feel that LifeSpring will promote the positive, active quality of life that the Town of Clayton is dedicated to. LifeSpring Academy will firmly support the Town of Clayton's goal to beautify Clayton as identified by the Town Council in 2006. The maintenance of the appearance of the natural and structural appearance in the area of 277 Guy Road will not be negatively impacted, on the contrary, any improvements necessary and on an as needed basis will be made to maintain landscaping, condition of the building, screening and/or elimination of all exterior storage and adherence to any proposed fencing standard. Furthermore, LifeSpring will follow all City, County, State and Federal regulations and recommendations. We believe that the above will prove beyond a doubt the commitment of LifeSpring Academy to conform to all plans and development standards of the Town of Clayton.

# NEIGHBORHOOD MEETING INFORMATION

## **Purpose:**

The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, answer questions, respond to concerns, and solicit comments.

## **Meeting Date:**

The meeting must be held at least ten (10) calendar days prior to the Planning Board meeting.

## **Meeting Time & Location:**

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request.

## **Meeting Notice Mailing requirements:**

1. The applicant must contact all adjacent property owners via first class mailing (see sample letter).
2. The mailing must include all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property.
3. **\*\*The notice must be mailed at least ten (10) calendar days but not more than twenty-five (25) days prior to the date of the neighborhood meeting.\*\***

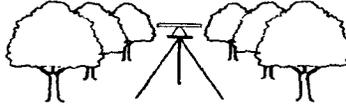
## **Information provided to Planning Department:**

Alert the Planning Department when the date, location, and time are determined. Planning staff may attend the neighborhood meeting to answer process/code questions.

Return the following items to the Planning Department at least ten (10) calendar days prior to the Planning Board or Board of Adjustment meeting (as applicable) in electronic or hard copy format:

- Neighborhood Meeting Summary Form, signed
- Copy of the letter mailed
- Mailing list
- Attendance roster

# TRUE LINE SURVEYING, P.C.



Kathleen and Katharina Motz  
5 Chestnut Dr.  
Clayton, NC 27520

May 1, 2013

Dear Clayton Area Property Owner:

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

Meeting Date: May 13, 2014

Location: True Line Surveying, 205 W. Main Street Clayton

Time: 7:00 PM

Type of Application: Rezoning

General Description: The purpose of this request is to allow a small school the use of the facilities of XRC Church to hold their classes.

If you have any question prior to or after this meeting, you may contact Mike Grindstaff at 919-359-0427.

Sincerely,

Curk T. Lane  
True Line Surveying



# NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: \_\_\_\_\_

Location/Date: \_\_\_\_\_

|    | NAME       | ADDRESS                           |
|----|------------|-----------------------------------|
| 1  | Ben Eledah | 1635 Snowmass Way Durham NC 27713 |
| 2  |            |                                   |
| 3  |            |                                   |
| 4  |            |                                   |
| 5  |            |                                   |
| 6  |            |                                   |
| 7  |            |                                   |
| 8  |            |                                   |
| 9  |            |                                   |
| 10 |            |                                   |
| 11 |            |                                   |
| 12 |            |                                   |
| 13 |            |                                   |
| 14 |            |                                   |
| 15 |            |                                   |
| 16 |            |                                   |
| 17 |            |                                   |
| 18 |            |                                   |
| 19 |            |                                   |
| 20 |            |                                   |

# NEIGHBORHOOD MEETING SUMMARY FORM

## FILL OUT THE FOLLOWING:

Date of Mailing: 5/1/14

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached):

Printed Name: Molly Herring Signature: Molly Herring

Date of Meeting: 5/13/14 Time of Meeting: 7.00 PM

Location of Meeting: TRUE LINE SURVEYING OFFICE

**Meeting Summary/Minutes:** provide a summary of the discussion held at the meeting, including issues raised and any changes made by the applicant as a result of the meeting.

1 PERSON SHOWED FOR THE MEETING. 3 REPRESENTATIVES FROM THE SCHOOL WERE IN ATTENDANCE.

NO ISSUES WERE BROUGHT UP AND ONLY A HANDFUL OF QUESTIONS WERE ASKED.

MEETING ADJOURNED AT 7.30 PM

See attached sheet for additional meeting minutes.

*Please write clearly (or submit a typed summary), and use additional sheets if necessary.*

Questions asked during the neighborhood meeting for the Lifespring Academy school at the XRC Church on Guy Road. The meeting was at the True Line Surveying office on May 13, 2014

Ben Eledah was the only neighbor to attend the meeting. After looking at the site plan he had a few questions about traffic flow and traffic patterns and if any of the new traffic caused by the school will cause any delay on Guy Road. We told him it would not.

He asked what a Class C buffer was and once that was explained, he asked if it would be affected with the school coming in, like if it will be removed or anything because of the school. We assured him it would not be affected by anything the school does.

He asked about any potential noise from the children in the school and we told him it there would be no more noise than any regular church service.



PO Box 482, Clayton, NC 27520  
(919) 359-9959 info@lifespringacademy.com

May 20, 2014

Shared Use Agreement  
Property Located at 277 Guy Road, Clayton, NC

XRC Church and LifeSpring Academy will use the property independently of each other. Both organizations will operate in such a way that the uses will not overlap to the point that parking needs are exceeded.

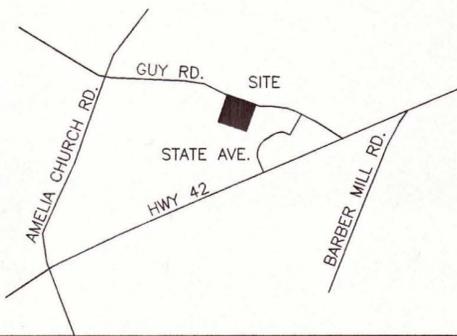
LifeSpring Academy will use the facility Monday-Friday from 7am – 6pm. XRC Church will use the facility other days/times not to coincide with the school's use.

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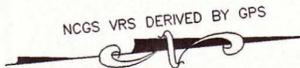
Michael Tabor, Pastor  
XRC Church

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Dawn Parker, Administrator  
LifeSpring Academy



VICINITY MAP (NOT TO SCALE)



NOTE: LANDSCAPING IN TERMINAL ISLANDS SHALL HAVE 1 TREE PLANTED WITH A MINIMUM 2.5" CALIPER SHRUB - HOLLY, BOXWOODS, SWEETSPIRE & SPIREA; PLANTED ON 3' CENTER WITH A MINIMUM HEIGHT OF 12 INCHES

NOTE: THIS SITE PLAN SUPPORTS A SPECIAL USE PERMIT REQUEST TO ALLOW A SCHOOL ON THIS SITE, AND ALL FEATURES ON THE SITE PLAN HAVE BEEN PREVIOUSLY APPROVED AND ARE EXISTING. THE ONLY MODIFICATION TO THE PREVIOUSLY APPROVED SITE PLAN IS THE PLACEMENT OF THE DUMPSTER ENCLOSURE.

NOTES:

- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
- 2) AREAS COMPUTED BY COORDINATE METHOD.
- 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- 4) NO. 5 REBAR IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
- 5) EXISTING ZONING: B-3
- 6) PROPOSED ZONING DISTRICT: O-1
- 7) PROPOSED USE: CHURCH / SCHOOL
- 8) POWER SUPPLIED BY DUKE ENERGY
- 9) TAX PARCEL NO. 05G020140
- 10) SITE IS LOCATED WITHIN PLANNING JURISDICTION OF THE TOWN OF CLAYTON
- 11) CURRENT OWNER OF TRACT: N.C. DISTRICT COUNCIL ASSEMBLIES OF GOD  
P.O. BOX 459  
SELMA, N.C. 27576
- 12) SITE TO BE SERVED BY DUMPSTER
- 13) SITE IS CURRENTLY SERVED BY PUBLIC WATER SEWER

SITE DATA

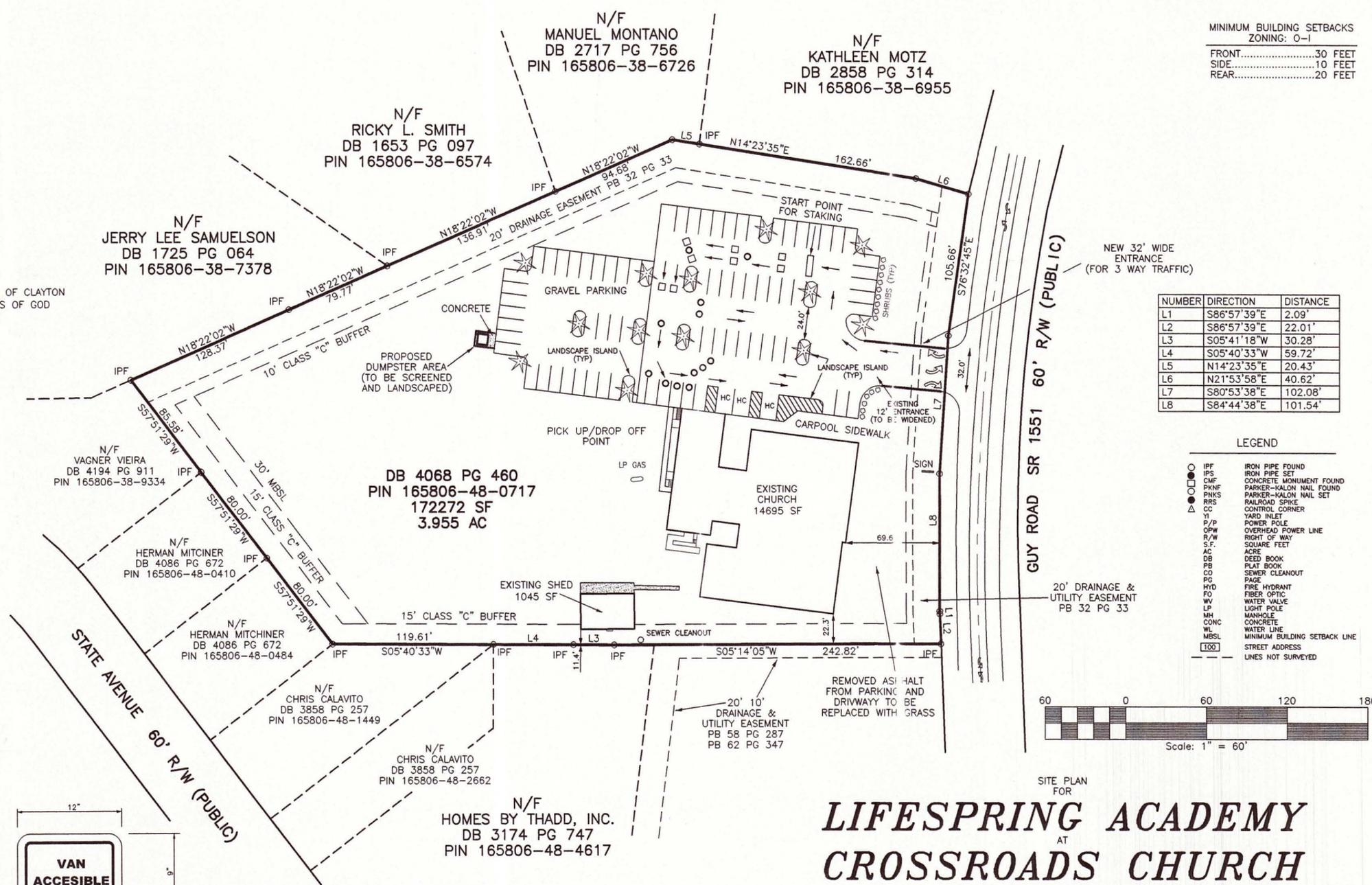
|                        |           |          |
|------------------------|-----------|----------|
| AREA IN SITE           | 172272 SF | 3.955 AC |
| EXISTING BUILDING AREA | 14695 SF  |          |
| EXISTING SHED          | 1045 SF   |          |
| TOTAL                  | 15740 SF  |          |

PARKING:  
CHURCH AND SCHOOL WILL OPERATE INDEPENDENTLY FROM ONE ANOTHER TO AVOID PARKING CONFLICT

CHURCH PARKING:  
NO. OF SEATS IN LARGEST ASSEMBLY AREA 220 SEATS  
PARKING REQUIRED: 1 SPACE PER 3 SEATS, OR 1 SPACE PER 200 SF OF THE PRINCIPAL PLACE OF WORSHIP 200 / 3  
PARKING SPACE REQUIRED.....74  
PARKING SPACES PROVIDED (PAVED).....47  
PARKING SPACES PROVIDED (GRAVEL).....70  
TOTAL PARKING SPACES PROVIDED.....77

SCHOOL PARKING:  
PARKING REQUIRED 1 SPACE PER EMPLOYEE.....17  
1 VISITOR SPACE FOR EVERY 50.....3  
5.5 SPACES FOR EVERY 10TH-12TH GRADER.....5  
PROVIDED.....77  
HANDICAP SPACES PROVIDED.....3

|                           |          |               |
|---------------------------|----------|---------------|
| VEHICULAR USE AREA        | 33410 SF | 20.0% OF SITE |
| LANDSCAPED AREA           | 34454 SF |               |
| DISTURBED/IMPERVIOUS AREA | 49150 SF | 28.5% OF SITE |



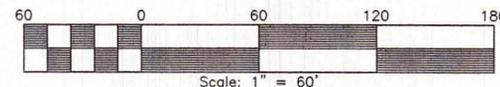
MINIMUM BUILDING SETBACKS ZONING: O-1

|            |         |
|------------|---------|
| FRONT..... | 30 FEET |
| SIDE.....  | 10 FEET |
| REAR.....  | 20 FEET |

| NUMBER | DIRECTION   | DISTANCE |
|--------|-------------|----------|
| L1     | S86°57'39"E | 2.09'    |
| L2     | S86°57'39"E | 22.01'   |
| L3     | S05°41'18"W | 30.28'   |
| L4     | S05°40'33"W | 59.72'   |
| L5     | N14°23'35"E | 20.43'   |
| L6     | N21°53'58"E | 40.62'   |
| L7     | S80°53'38"E | 102.08'  |
| L8     | S84°44'38"E | 101.54'  |

LEGEND

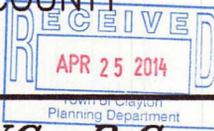
- IPF IRON PIPE FOUND
- IPS IRON PIPE SET
- CMF CONCRETE MONUMENT FOUND
- PKNF PARKER-KALON NAIL FOUND
- PKNS PARKER-KALON NAIL SET
- RRS RAILROAD SPIKE
- CS CONTROL CORNER
- YI YARD INLET
- P/P POWER POLE
- OPW OVERHEAD POWER LINE
- R/W RIGHT OF WAY
- S.F. SQUARE FEET
- AC ACRE
- DB DEED BOOK
- FB FB
- CO SEWER CLEANOUT
- PG PAGE
- HYD FIRE HYDRANT
- FO FIBER OPTIC
- WP WATER VALVE
- LP LIGHT POLE
- MH MANHOLE
- CONC CONCRETE
- WL WATER LINE
- MBSL MINIMUM BUILDING SETBACK LINE
- STREET ADDRESS
- LINES NOT SURVEYED



SITE PLAN FOR

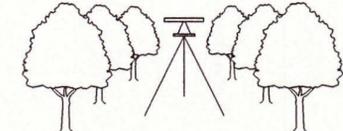
# LIFESPRING ACADEMY AT CROSSROADS CHURCH XRC

CLAYTON TOWNSHIP, JOHNSTON COUNTY  
NORTH CAROLINA  
APRIL 24, 2014

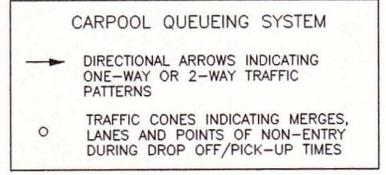


## TRUE LINE SURVEYING, P.C.

|               |                |
|---------------|----------------|
| SURVEYED BY:  |                |
| DRAWN BY:     | MIKE           |
| CHECKED BY:   |                |
| DRAWING NAME: | LIFESPRINGSITE |
| SURVEY DATE:  | 6-23-11        |
| JOB NO.       | 894.001        |



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



| CLASSROOMS             | STUDENT ENROLLMENT |
|------------------------|--------------------|
| KINDERGARTEN-1ST GRADE | 12                 |
| 1ST-2ND GRADE          | 12                 |
| 3RD-5TH GRADE          | 14                 |
| 3RD-5TH GRADE          | 14                 |
| 6TH-8TH GRADE          | 15                 |
| 6TH-8TH GRADE          | 15                 |
| 9TH-12TH GRADE         | 15                 |
| 9TH-12TH GRADE         | 15                 |



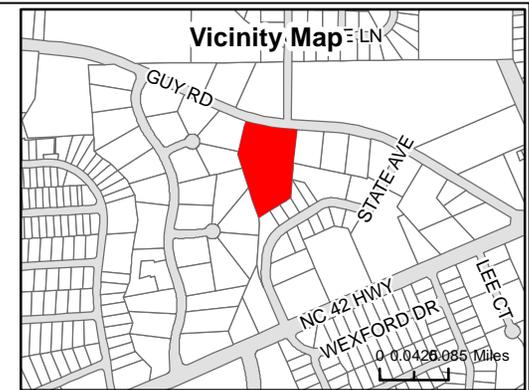
**Aerial Map**

**LifeSpring Academy Special Use Permit**

Applicant: LifeSpring Academy  
 Property Owner: Crossroads Church of Clayton  
 Parcel ID Number: 165806-48-0717  
 File Number: SUP 2014-40

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

5/21/14



**Vicinity Map**

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

**Agenda Item: 5d**

**Meeting Date: 6/16/14**

**TITLE: PRESENTATION OF TWO RESOLUTIONS AUTHORIZING THE COUNTY TAX ADMINISTRATOR TO LEVY AND COLLECT PROPERTY TAXES FOR THE TOWN OF CLAYTON.**

**DESCRIPTION: As Clayton is located in both Johnston and Wake County, a resolution for each county tax department is attached.**

**RELATED GOAL: Financial**

**ITEM SUMMARY:**

| <u>Date:</u> | <u>Action:</u> | <u>Info. Provided:</u> |
|--------------|----------------|------------------------|
| 06-16-14     | Presentation.  | Resolutions (2).       |



**TOWN OF CLAYTON  
RESOLUTION AUTHORIZING THE JOHNSTON COUNTY TAX ADMINISTRATOR  
TO LEVY AND COLLECT PROPERTY TAXES FOR THE TOWN OF CLAYTON**

**BE IT RESOLVED** by the Town Council of the Town of Clayton, North Carolina, as follows:

The Johnston County Tax Administrator is hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the Office of the Johnston County Tax Administrator in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Clayton, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with the law.

Duly adopted this 16th day of June 2014, while in regular session.

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

Attest:

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



**TOWN OF CLAYTON  
RESOLUTION AUTHORIZING THE WAKE COUNTY REVENUE ADMINISTRATOR TO  
LEVY AND COLLECT PROPERTY TAXES FOR THE  
TOWN OF CLAYTON**

**BE IT RESOLVED** by the Town Council of the Town of Clayton, North Carolina, as follows:

The Wake County Revenue Administrator is hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the Office of the Wake County Revenue Administrator in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Clayton, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with the law.

Duly adopted this 16th day of June 2014, while in regular session.

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

Attest:

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

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

**Agenda Item: 5e**

**Meeting Date: 6/16/14**

**TITLE: PRESENTATION OF CAPITAL PROJECT BUDGET ORDINANCE.**

**DESCRIPTION:** Capital project budget ordinances are necessary when a project spans more than one fiscal year. The projects listed in the requested capital project budget ordinance include:

- Pedestrian Connector
- Sam's Branch Crossing
- Sam's Branch Phase II

**RELATED GOAL:** Financial

**ITEM SUMMARY:**

Date:

Action:

Info. Provided:

06-16-14

Presentation.

Ordinance.

**TOWN OF CLAYTON  
CAMPO LAPP PROJECTS  
CAPITAL PROJECT BUDGET ORDINANCE**

**BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON** that the following ordinance shall be established to enhance the walkable community program and to achieve the Town’s mission – “The Premier Community for Active Families”:

Revenues

| <u>Line Item</u> | <u>Description</u>    | <u>Amount</u> |
|------------------|-----------------------|---------------|
| 612-45 65        | NCDOT TIP Project     | \$1,902,800   |
| 612-49 80        | Due from General Fund | 491,700       |
|                  | Total                 | \$2,394,500   |

Expenditures

| <u>Line Item</u> | <u>Description</u> | <u>Amount</u> |
|------------------|--------------------|---------------|
| 612-58 01        | Construction       | \$2,183,500   |
| 612-58 24        | Design             | 211,000       |
|                  | Total              | \$2,394,500   |

The following LAPP projects comprise the above amount:

1. Pedestrian Connector (Design – \$16,000; Construction – \$1,038,500)
2. Sam’s Branch Crossing (Design – \$70,000; Construction – \$445,000)
3. Sam’s Branch Phase II (Design – \$125,000; Construction – \$700,000)

Duly adopted this 16th day of June 2014, while in regular session.

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

Attest:

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

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

**Agenda Item: 5f**

**Meeting Date: 6/16/14**

**TITLE: PRESENTATION OF SIX BUDGET AMENDMENTS TO THE FISCAL YEAR 2013-2014 BUDGET.**

**DESCRIPTION:** A budget amendment ordinance for the following accounts is attached so that the Town of Clayton is in compliance with NC GS 159-15:

- 100 – General Fund
- 300 – Water and Sewer Fund
- 500 – Water and Sewer Capital Reserve Fund
- 606 – 2009A GO Bond Streets Project
- 609 – 2012 GO Bond East Clayton Park Project
- 636 – Elevated Water Storage Tank Project

**RELATED GOAL:** Financial

**ITEM SUMMARY:**

| <u>Date:</u> | <u>Action:</u> | <u>Info. Provided:</u> |
|--------------|----------------|------------------------|
| 06-16-14     | Presentation.  | Ordinances (6).        |

## Town of Clayton Amendment to the FY 13-14 Budget

**BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON** that the following amendments shall be made to the FY 13-14 Budget:

**Fund: General Fund**

| Line Item           | Previous<br>Appropriation                                   | Adjustment | Revised<br>Appropriation |
|---------------------|---|------------|--------------------------|
| <b>Expenditures</b> |   |            |                          |
| 100-59 30           | Transfer to 2012 GO Bond East Clayton Community Park<br>\$0 | +11,766    | \$11,766                 |
| 100-40-01-59 02     | Misc. Contingency<br>\$1,116,131                            | -218,031   | \$898,100                |
| 100-40-02-01-59 98  | Support Services – W/S Fund<br>(\$49,331)                   | +31,206    | (\$18,125)               |
| 100-41-02-56 20     | Tax Collection Service<br>\$157,700                         | +18,000    | \$175,700                |
| 100-41-05-56 11     | Contract Services<br>\$41,000                               | +22,000    | \$63,000                 |
| 100-42-17-54 02     | Rural Center Reuse & Renovate Grant<br>\$0                  | +152,804   | \$152,804                |
| 100-55-02-20-59 98  | Support Services – W/S Fund<br>(\$57,553)                   | +6,547     | (\$51,006)               |
| 100-55-02-20-59 99  | Support Services – Electric Fund<br>(\$49,331)              | +4,875     | (\$44,456)               |
| 100-55-55-58 10     | Sidewalk Repair and Improvements<br>\$20,000                | +50,000    | \$70,000                 |
| 100-55-55-58 12     | Street Repair and Improvements<br>\$165,535                 | +1,626,465 | \$1,792,000              |
| 100-60-95-58 00     | Capital Projects<br>\$0                                     | +355,518   | \$355,518                |
| <b>Revenues</b>     |   |            |                          |
| 100-40-00-40 05     | Ad Valorem Vehicle Taxes<br>\$565,316                       | +40,000    | \$605,316                |
| 100-42-17-45 71     | NC Rural Center Grant<br>\$0                                | +152,804   | \$152,804                |
| 100-55-02-45 65     | NCDOT Tip Project<br>\$0                                    | +1,174,840 | \$1,174,840              |
| 100-55-02-48 60     | Reimbursable Projects<br>\$13,000                           | +495,750   | \$508,750                |

|                 |                           |          |             |
|-----------------|---------------------------|----------|-------------|
| 100-55-20-43 32 | Building Permits          |          |             |
|                 | \$400,000                 | +425,000 | \$825,000   |
| 100-40-00-48 99 | Fund Balance Appropriated |          |             |
|                 | \$1,263,753               | -227,244 | \$1,036,509 |

Amendment necessary to reflect the appropriation of funds for:

- a. Fund balance appropriation to cover additional capital outlay costs incurred at East Clayton Community Park (Lighting Project: \$355,518);
- b. Unbudgeted capital outlay costs and reimbursements for NCDOT TIP Project (East Front Street: \$1,792,000);
- c. Unbudgeted EDIG proceeds from the Building Reuse & Restoration Program and subsequent pass through to Carolina CPL Holdings, LLC (Dunkin Donuts: \$152,804);
- d. Realignment of revenue and expenditure budgets for yearend closeout.

This budget amendment is required for compliance with G.S. 159-15.

Duly adopted this 16th day of June 2014, while in regular session.

---

Jody L. McLeod  
Mayor

Attest:

---

Sherry L. Scoggins, MMC  
Town Clerk

**Town of Clayton  
Amendment to the FY 13-14 Budget**

**BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON** that the following amendments shall be made to the FY 13-14 Budget:

**Fund: Water and Sewer Fund**

| Line Item        | Previous<br>Appropriation                 | Adjustment | Revised<br>Appropriation |
|------------------|---|------------|--------------------------|
| Expenditures     |   |            |                          |
| 300-56-00-54 40  | Programs Water Capacity Allocation<br>\$0 | +620,750   | \$620,750                |
| 300-56-90-57 044 | Debt Service USDA Revenue Bond<br>\$0     | +126,254   | \$126,254                |
| Revenues         |   |            |                          |
| 300-56-00-49 85  | Due from Capital Projects Fund<br>\$0     | +747,004   | \$747,004                |

Explanation: Amendment necessary to authorize the transfer of funds received from Grifols for water capacity fees to purchase additional water capacity from Johnston County and to cover an unscheduled debt service payment to return excess financing proceeds to the USDA. This amendment is required for compliance with G.S. 159-15.

Duly adopted this 16th day of June 2014, while in regular session.

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

Attest:

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

**Town of Clayton  
Amendment to the FY 13-14 Budget**

**BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON** that the following amendments shall be made to the FY 13-14 Budget:

**Fund: Water and Sewer Capital Reserve Fund**

| Line Item    | Previous<br>Appropriation           | Adjustment | Revised<br>Appropriation |
|--------------|-------------------------------------|------------|--------------------------|
| Expenditures |                                     |            |                          |
| 500-59 21    | Transfer to Water/Sewer Fund<br>\$0 | +620,750   | \$620,750                |
| Revenues     |                                     |            |                          |
| 500-48 99    | Fund Balance Appropriated<br>\$0    | +620,750   | \$620,750                |

Explanation: Amendment necessary to authorize the transfer of funds received from Grifols for water capacity fees to purchase additional water capacity from Johnston County. This amendment is required for compliance with G.S. 159-15.

Duly adopted this 16th day of June 2014, while in regular session.

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

Attest:

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

**Town of Clayton  
Amendment to the FY 13-14 Budget**

**BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON** that the following amendments shall be made to the FY 13-14 Budget:

**Fund: 2009A GO Bond Streets Project**

| Line Item    | Previous<br>Appropriation             | Adjustment | Revised<br>Appropriation |
|--------------|---------------------------------------|------------|--------------------------|
| Expenditures |                                       |            |                          |
| 606-58 13    | System Maintenance<br>\$85,000        | +108,142   | \$193,142                |
| 606-58 14    | Speed Mitigation Projects<br>\$89,983 | -2,208     | \$87,775                 |
| Revenues     |                                       |            |                          |
| 606-49 80    | Due from General Fund<br>\$1,312,170  | +105,934   | \$1,418,104              |

Explanation: Amendment to the capital project budget ordinance to realign budgeted funds to cover higher than budgeted appropriations for certain capital outlay items to complete and closeout the project. This amendment is required for compliance with G.S. 159-13.2.

Duly adopted this 16th day of June 2014, while in regular session.

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

Attest:

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

**Town of Clayton  
Amendment to the FY 13-14 Budget**

**BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON** that the following amendments shall be made to the FY 13-14 Budget:

**Fund: 2012 GO Bond East Clayton Park Project**

| Line Item    | Previous<br>Appropriation          | Adjustment | Revised<br>Appropriation |
|--------------|------------------------------------|------------|--------------------------|
| Expenditures |                                    |            |                          |
| 609-58 01    | Construction<br>\$2,002,900        | +11,766    | \$2,014,666              |
| Revenues     |                                    |            |                          |
| 609-49 80    | Due from General Fund<br>\$140,200 | +11,766    | \$151,966                |

Explanation: Amendment to the capital project budget ordinance to realign budgeted funds for the local contribution to cover a higher than budgeted appropriation for certain capital outlay items to complete the project. This amendment is required for compliance with G.S. 159-13.2.

Duly adopted this 16th day of June 2014 while in regular session.

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

Attest:

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

**Town of Clayton  
Amendment to the FY 13-14 Budget**

**BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON** that the following amendments shall be made to the FY 13-14 Budget:

**Fund:   Elevated Water Storage Tank Project**

| Line Item    | Previous<br>Appropriation           | Adjustment | Revised<br>Appropriation |
|--------------|-------------------------------------|------------|--------------------------|
| Expenditures |                                     |            |                          |
| 636-56 00    | Professional Services<br>\$276,400  | +2,328     | \$278,728                |
| 636-58 99    | Contingency<br>\$265,000            | -128,582   | \$136,418                |
| 636-59 21    | Transfer to Water/Sewer Fund<br>\$0 | +126,254   | \$126,254                |

Explanation: Amendment to the capital project budget ordinance to authorize the transfer of funds received from the USDA in the form of a Revenue Bond to make an unscheduled debt service payment to return excess financing proceeds. This amendment is required for compliance with G.S. 159-13.2.

Duly adopted this 16th day of June 2014, while in regular session.

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

Attest:

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

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

Agenda Item: 8a

Meeting Date: 6/16/2014

**TITLE: ADOPTION OF THE FISCAL YEAR 2014-2015 TOWN OF CLAYTON BUDGET. [NC GS 159-12(b)]**

**DESCRIPTION: Fiscal year 2014-2015 budget ordinance and fiscal year 2014-2015 ordinance establishing rates and fees – attached.**

**RELATED GOAL: Legislative**

**ITEM SUMMARY:**

| <u>Date:</u> | <u>Action:</u>  | <u>Info. Provided:</u>     |
|--------------|-----------------|----------------------------|
| 05-19-14     | Approval.       | Public notice.             |
| 06-02-14     | Public hearing. | Proposed FY 14-15 budget.  |
| 06-16-14     | Approval.       | Budget ordinance and fees. |

**Town of Clayton  
Fiscal Year 2014 - 2015  
Budget Ordinance**

**BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA** that the following shall be the Fiscal Year 2014 - 2015 Budget:

**Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the town government and its activities for the fiscal year beginning July 1, 2014 and ending June 30, 2015 in accordance with the chart of accounts heretofore established for this town:**

|  |                     |
|--|---------------------|
| <b>General Government</b>              | <b>\$1,190,845</b>  |
| <b>Financial Services</b>              | <b>1,161,076</b>    |
| <b>Community Development Services</b>  | <b>695,593</b>      |
| <b>Law Enforcement</b>                 | <b>4,087,551</b>    |
| <b>Fire Protection</b>                 | <b>2,715,233</b>    |
| <b>Public Works</b>                    | <b>4,950,772</b>    |
| <b>Parks &amp; Recreation Services</b> | <b>2,562,688</b>    |
| <b>Cultural &amp; Performing Arts</b>  | <b>579,779</b>      |
| <b>Library Operations</b>              | <b>439,983</b>      |
| <b>Debt Service</b>                    | <b>1,889,262</b>    |
|  | <hr/>               |
| <b>Total =</b>                         | <b>\$20,272,782</b> |

**Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2014 and ending June 30, 2015:**

**REVENUES PENDING**

|                                  |                     |
|----------------------------------|---------------------|
| <b>Ad Valorem Taxes</b>          | <b>\$8,780,266</b>  |
| <b>State Shared Revenues</b>     | <b>4,186,500</b>    |
| <b>Intergovernmental</b>         | <b>2,072,238</b>    |
| <b>Permits &amp; Fees</b>        | <b>946,708</b>      |
| <b>Sales &amp; Services</b>      | <b>1,762,435</b>    |
| <b>Grants &amp; Donations</b>    | <b>463,911</b>      |
| <b>Other Financing Sources</b>   | <b>0</b>            |
| <b>Miscellaneous</b>             | <b>301,570</b>      |
| <b>Fund Balance/Cap. Reserve</b> | <b>1,759,154</b>    |
|                                  | <hr/>               |
| <b>Total =</b>                   | <b>\$20,272,782</b> |

**Section 3. The following amounts were hereby appropriated in the Water and Sewer Fund for the operation of the water and sewer utilities for the fiscal year beginning July 1, 2014 and ending June 30, 2015 in accordance with the chart of accounts heretofore approved for the Town:**

|                                   |                    |
|-----------------------------------|--------------------|
| <b>Non-Departmental</b>           | <b>\$ 104,151</b>  |
| <b>Operations</b>                 | <b>2,967,591</b>   |
| <b>Preventive Maintenance</b>     | <b>791,932</b>     |
| <b>Wastewater Treatment Plant</b> | <b>2,124,712</b>   |
| <b>Debt Service</b>               | <b>1,323,262</b>   |
| <b>Capital Outlay</b>             | <b>420,780</b>     |
| <b>Inter-Departmental</b>         | <b>1,302,221</b>   |
|                                   | <hr/>              |
| <b>Total =</b>                    | <b>\$9,034,649</b> |

**Section 4. It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 2014 and ending June 30, 2015:**

**REVENUES PENDING**

|                                  |                    |
|----------------------------------|--------------------|
| <b>Permits &amp; Fees</b>        | <b>\$ 604,534</b>  |
| <b>Sales &amp; Services</b>      | <b>8,373,013</b>   |
| <b>Grants &amp; Donations</b>    | <b>0</b>           |
| <b>Other Financing Sources</b>   | <b>2</b>           |
| <b>Miscellaneous</b>             | <b>57,100</b>      |
| <b>Fund Balance/Cap. Reserve</b> | <b>0</b>           |
|                                  | <hr/>              |
| <b>Total =</b>                   | <b>\$9,034,649</b> |

**Section 5. The following amounts are hereby appropriated in the Electric Fund for the operation of the electric utility for the fiscal year beginning July 1, 2014 and ending June 30, 2015 in accordance with the chart of accounts heretofore approved for the Town:**

|                           |                     |
|---------------------------|---------------------|
| <b>Non-departmental</b>   | <b>\$ -4,743</b>    |
| <b>Administration</b>     | <b>279,792</b>      |
| <b>Operations</b>         | <b>10,876,125</b>   |
| <b>Debt Service</b>       | <b>220,836</b>      |
| <b>Capital Outlay</b>     | <b>958,936</b>      |
| <b>Inter-departmental</b> | <b>1,014,939</b>    |
|                           | <hr/>               |
| <b>Total =</b>            | <b>\$13,345,885</b> |

**Section 6. It is estimated that the following revenues will be available in the Electric Fund for the fiscal year beginning July 1, 2014 and ending June 30, 2015:**

**REVENUES PENDING**

|                                  |                     |
|----------------------------------|---------------------|
| <b>Permits &amp; Fees</b>        | <b>\$ 290,900</b>   |
| <b>Sales &amp; Services</b>      | <b>12,141,000</b>   |
| <b>Grants &amp; Donations</b>    | <b>0</b>            |
| <b>Other Financing Sources</b>   | <b>828,936</b>      |
| <b>Miscellaneous</b>             | <b>73,556</b>       |
| <b>Fund Balance/Cap. Reserve</b> | <b>11,493</b>       |
|                                  | <hr/>               |
| <b>Total =</b>                   | <b>\$13,345,885</b> |

**Section 7. There is hereby levied a tax at the rate of fifty-two and one-half cents (\$0.525) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2014 for the purpose of raising the revenue listed as “Ad Valorem Taxes” in the General Fund in Section 2 of this ordinance. This rate is based on estimated real property valuation for the purposes of taxation of \$1,531,464,202 and an estimated rate of collection of 99.7%. The estimated rate of collection is based on the fiscal year 2012-2013 collection rate of 99.7%. The estimated vehicle property valuation for the purpose of taxation is \$129,523,810.**

**Section 8. The Budget Officer is hereby authorized to transfer appropriations with the exception of amounts in line item for Council Contingency as contained herein under the following conditions:**

- a. The Budget Officer may transfer amounts between line item expenditures within a department without limitation and without a report being required. These changes should not result in increases in recurring obligations such as salaries.**
- b. The Budget Officer may transfer amounts up to \$1,000 between departments, including contingency appropriations, within the same fund. He must make an official report on such transfers at the next regular meeting of the Town Council.**
- c. The Budget Officer may not transfer any amounts between funds except as approved by the Town Council in the Budget Ordinance, as amended.**
- d. No expenditure or transfer shall be made from line item for Council Contingency without express, prior approval by the Town Council.**

**Copies of this Budget Ordinance shall be furnished to the Clerk, the Council, the Budget Officer, and Finance Officer to be kept on file by them for their direction in the disbursement of funds.**

**Duly adopted this 16th day of June 2014 while in regular session.**

---

**Jody L. McLeod  
Mayor**

**Attest:**

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

**Town of Clayton  
Ordinance Establishing Rates and Fees**

**Be it hereby adopted by the Town Council for the Town of Clayton, North Carolina that the following fees are established as noted herein:**

- 1. Water and Sewer Rates- Water rates shall be revised to increase the commodity charge by \$0.17 per 1,000 of usage for all categories.**
- 2. Fees for Certified Copies of Documents: In accordance with NC GS 161-10 (9)**
- 3. Fee for new water meter: \$125**
- 4. Fee for new electric meter: \$75**
- 5. All other rates, fees, and charges for FY 14-15 shall remain as indicated in the Town of Clayton Comprehensive List of Fees and Charges for FY 13-14 unless the subject of other action.**

**Duly adopted this 16th day of June 2014 while in regular session.**

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

**Attest:**

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

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

Agenda Item: 8b

Meeting Date: 6/16/14

**TITLE: PUBLIC HEARING FOR THE MINOR TEXT AMENDMENTS  
THROUGHOUT CHAPTER 155. [NC GS 160A-364]**

**DESCRIPTION: Attached.**

This request is slated for public hearing at the June 2 16,  
2014, Council meeting.

**RELATED GOAL: Administration.**

**ITEM SUMMARY:**

| <u>Date:</u>        | <u>Action:</u>             | <u>Info. Provided:</u>  |
|---------------------|----------------------------|-------------------------|
| 05-19-14            | Presentation.              | Spreadsheet.            |
| <del>06-02-14</del> | <del>Public Hearing.</del> | <del>Spreadsheet.</del> |
| 06-16-14            | Public Hearing.            | Spreadsheet.            |

## TOWN OF CLAYTON

### Text Amendment Ordinance for revisions throughout Chapter 155

**Being hereby adopted by the Town Council for the Town of Clayton, North Carolina to amend the following located within Chapter 155:**

| Section                       | Current  | Proposed   | Reason   |
|-------------------------------|--|--|--|
| 155.203(G)<br>Table 2-2       | R-E Zoning District requires min. 40,000 square foot lots without well and septic.   | Add new line to R-E in the Table which allows the minimum lot area with public water and a septic system shall be 30,000 square feet. See Attachment "A".  | Allows a lot adjustment if soils are appropriate without modifying density allowances. |
| 155.204(A)(5)(b)6             | One on-premises sign not exceeding six feet in height and 24 square feet.  | <u>Other than a Development Identification Sign described in Section 155.403, freestanding</u> <del>one-on-premises</del> signs <u>may</u> not exceed <del>ing</del> six feet in height and 24 square feet <u>per sign face</u> .  | Corrected to reflect sign code.  |
| 155.204(C)(9)(b)<br>Table 2-8 | <b>Key:</b> C- Conditional Use permitted if approved by the Planning Board.  | <b>Key:</b> C- Conditional Use permitted if approved by the <del>Planning</del> Board <u>of Adjustment</u> .   | Corrected Board reference.   |
| 155.301(C)(4)                 | For developments of 40 or more dwelling units, a divided ingress-egress driveway with a landscaped median for all entrances from public streets shall be provided for all developments.  | For developments of 40 or more dwelling units, a divided ingress-egress driveway with a landscaped median <u>is required at the main entrance to the community.</u> <del>for all entrances from public streets shall be provided for all developments.</del>   | Burdensome requirement of more than one project entrance is proposed.                  |
| 155.309(D)                    | <i>Temporary outdoor display of merchandise.</i> Permanent outdoor display of merchandise may be approved as a part of a major site plan (see §155.405).   | <i>Temporary outdoor display of merchandise.</i> Permanent outdoor display of merchandise may be approved as a part of a major site plan (see §155. <del>311</del> <u>405</u> ).   | Correct reference changed by code updates  |
| 155.309(D)(3)                 | The requirements of this section do not supersede the permanent outdoor storage or display requirements of §155.405.   | The requirements of this section do not supersede the permanent outdoor storage or display requirements of §155. <del>311</del> <u>405</u> .   | Correct reference changed by code updates  |
| 155.310(N)(5)(b)8.            | Applicants should submit the information required by subsections (a) through (g) above for multiple designs that would be consistent with the prevailing design aesthetic in various Town, to be determined at the pre-application conference. | Applicants should submit the information required by subsections ( <del>1a</del> ) through ( <del>7g</del> ) above for <u>each design, if multiple designs are proposed.</u> <del>that would be consistent with the prevailing design aesthetic in various Town, to be determined at the pre-application conference.</del> | Section needed clarification.  |
| 155.310 (N)(7)(d)             | A stamped or sealed structural analysis of the proposed tower prepared by a registered   | A stamped or sealed structural analysis of the proposed tower prepared by a registered   | Clayton has land area in both Wake and   |

| Section                       | Current   | Proposed  | Reason  |
|-------------------------------|---|---|---|
|                               | professional engineer licensed by the State of North Carolina indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended) for Johnston County, North Carolina.  | professional engineer licensed by the State of North Carolina indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended) for <a href="#">either Johnston or Wake County</a> , North Carolina, <a href="#">as appropriate</a> .   | Johnston County.  |
| 155.310(N)(7)(n)              | List of adjacent property owners and keyed to the map. The list must be from the most current ownership information supplied by the Town Tax Department, together with two sets of mailing labels for such property owners.   | List of adjacent property owners and keyed to the map. The list must be from the most current ownership information supplied by the <del>Town</del> <a href="#">appropriate County</a> Tax Department, together with two sets of mailing labels for such property owners.   | Clayton has land area in both Wake and Johnston County. |
| 155.310(O)(1)(c)              | A stamped or sealed structural analysis of the proposed tower prepared by a registered professional engineer licensed by the State of North Carolina indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended) for Johnston County, North Carolina.   | A stamped or sealed structural analysis of the proposed tower prepared by a registered professional engineer licensed by the State of North Carolina indicating the proposed and future loading capacity of the tower is compliant with EIA/TIA-222-G (as amended) for <a href="#">either Johnston or Wake County</a> , North Carolina <a href="#">as appropriate</a> . | Clayton has land area in both Wake and Johnston County. |
| 155.310(O)(1)(h)              | List of property owners within 1,000 feet in residential zoning districts and 500 feet in all other zoning districts and keyed to the map. The list must be from the most current ownership information supplied by the Town Tax Department, together with two sets of mailing labels for such property owners.   | List of property owners within 1,000 feet in residential zoning districts and 500 feet in all other zoning districts and keyed to the map. The list must be from the most current ownership information supplied by the <del>Town</del> <a href="#">appropriate County</a> Tax Department, together with two sets of mailing labels for such property owners.           | Clayton has land area in both Wake and Johnston County. |
| 155.401(C)(3)(b)<br>Table 4-3 | Note 5 missing.   | <a href="#">Notes:</a><br><a href="#">5. Handicap parking spaces are required to have a minimum five foot wide access aisle for loading and unloading. Access aisle may be shared between two spaces.</a>   | Note 5 missing.   |
| 155.402 (D)(1)(b)             | One canopy tree, one understory tree, and two shrubs shall be planted for each 1,000 square feet of landscape area required. Trees need to be evenly planted throughout the landscaped area, but may be staggered or clustered as necessary to maximize visual and screening objectives, and to meet the needs of the particular species of plants for root | One canopy tree, one understory tree, and two shrubs shall be planted for each 1,000 square feet of landscape area required. Trees need to be evenly planted throughout the landscaped area, but may be staggered or clustered as necessary to maximize visual and screening objectives, and to meet the needs of the particular species of plants for root             | Move size requirements to 155.402(H)(1)(a)3.            |

| Section                     | Current  | Proposed  | Reason   |
|-----------------------------|--|---|--|
|                             | space, water, light, and air circulation. At the time of planting all canopy trees shall be at least six feet in height, all understory trees shall be at least four feet in height, and all shrubs shall be at least one foot in height.  | space, water, light, and air circulation. <del>At the time of planting all canopy trees shall be at least six feet in height, all understory trees shall be at least four feet in height, and all shrubs shall be at least one foot in height.</del>  |  |
| 155.402(E)(3)<br>Figure 4-1 | Class C Buffer requires one wall or berm.  | Update Class C Buffer to require “ <a href="#">a wall, opaque fence, hedge, berm or combination thereof with a minimum height of six feet at installation.</a> ”  | Added for flexibility in design.   |
| 155.402(E)(7)(c)3.          | Fences shall be constructed of high quality materials, such as treated wood, black vinyl coated chain link and wrought iron. Vinyl coated chain link fencing is subject to the requirements set forth in §155.402(F)(6) below.   | Fences <del>shall be constructed of high quality materials, such as treated wood, black vinyl coated chain link and wrought iron.</del> Vinyl coated chain link fencing <del>is</del> <u>are</u> subject to the requirements set forth in §155.402( <del>G</del> <u>F</u> )(6) below.   | Eliminating redundancy and correcting reference  |
| 155.402(G)(6)(b)1.          | <i>Residential Uses</i><br><br>Black vinyl coated chain link fencing is permitted for individual lots from the front façade of the house in the side and/or rear. It may not be used along a side street, forward of the front façade or between the house and the side property line. | <i>Residential Uses</i><br><br>Black vinyl coated chain link fencing is permitted for individual lots from the front façade of the house in the side and/or rear. It may not be used <del>along a side street,</del> forward of the front façade. <u>It may be used along a side street</u> or between the house and the side property line <u>if screened from view by landscape materials maintained at the same height as the fence or higher. Shrubs shall be at least 30 inches in height at planting.</u> | Screening allows the use and accomplishes the intent of the section.                       |
| 155.402(H)(1)(a).           | 155.402(H)(1)(a)3. is missing.   | <u>3. Except as otherwise indicated, selected trees shall be a minimum of two and one-half caliper inches at the time of planting. Canopy trees shall be at least eight feet in height and understory trees shall be at least six feet in height at planting. Shrubs shall be at least 30 inches in height at planting.</u>   | Adding section 3 to provide a better location for minimum size requirements for plantings. |
| 155.700(A)(1)               | The Town Council is established and composed pursuant to Chapter 30 of the Town's Code of Ordinance's.   | The Town Council is established and composed pursuant <u>to the Town Charter and</u> Chapter 30 of the Town's Code of Ordinances.   | Correcting establishment references.   |

| Section    | Current  | Proposed   | Reason  |
|------------|--|--|---|
| 155.713(D) | Following completion of the technical review period, the Planning Board shall review and take final action on Alternative Sign Plans and billboards provided that all requirements of this Chapter, and all other applicable electrical and North Carolina Building Code requirements. | Following completion of the technical review period, the <del>Planning Board</del> <a href="#">Town Council</a> shall review and take final action on Alternative Sign Plans and billboards provided that all requirements of this Chapter, and all other applicable electrical and North Carolina Building Code requirements. | Incorrect Board reference.                              |
| 155.802    | <b>Lot of Record</b><br>A lot which is part of a subdivision recorded in the Office of the Register of Deeds of Johnston County, or a lot described by metes and bounds, the description of which has been so recorded.  | <b>Lot of Record</b><br>A lot which is part of a subdivision recorded in the Office of the Register of Deeds of Johnston County <a href="#">or Wake County, as appropriate</a> , or a lot described by metes and bounds, the description of which has been so recorded.  | Clayton has land area in both Wake and Johnston County. |

## Attachment A

| Conventional Subdivision Standards |   |                        |                            |                         |                      |                      |                            |                                 |                        |                    |                    |                    |                    |                                  |                      |
|------------------------------------|---|------------------------|----------------------------|-------------------------|----------------------|----------------------|----------------------------|---------------------------------|------------------------|--------------------|--------------------|--------------------|--------------------|----------------------------------|----------------------|
| Zoning District                    | Unit Type   | Lot Standards          |                            |                         |                      |                      |                            | Density (dwelling units / acre) | Minimum Setbacks (ft.) |                    |                    |                    | Building Standards |                                  |                      |
|                                    |   | Min. Site Area (Acres) | Min. Parcel Size (sq. ft.) | Min. Lot Area (sq. ft.) | Min. Lot Width (ft.) | Max Lot Coverage (%) | Max Impervious Surface (%) |                                 | Front                  | Side Interior      | Side Street        | Rear               | Max. Height (ft.)  | Min. Dwelling Unit Size (sq. ft) | Accessory Structures |
| R-E                                | Single Family with water and sewer  | --                     | --                         | 20,000                  | 80                   | 35                   | 50                         | 2                               | 35                     | 15                 | 25                 | 30                 | 35                 | 1,400                            | See §155.308         |
|                                    | Single Family with well and septic  | --                     | --                         | 40,000                  | 100                  | 35                   | 50                         | 1                               | 35                     | 15                 | 25                 | 30                 | 35                 | 1,400                            |                      |
|                                    | <a href="#">Single Family with public water and septic</a>  |                        |                            | <a href="#">30,000</a>  | <a href="#">80</a>   | <a href="#">35</a>   | <a href="#">50</a>         | <a href="#">1</a>               | <a href="#">35</a>     | <a href="#">15</a> | <a href="#">25</a> | <a href="#">30</a> | <a href="#">35</a> | <a href="#">1,400</a>            |                      |
| <b>Notes</b>                       |   |                        |                            |                         |                      |                      |                            |                                 |                        |                    |                    |                    |                    |                                  |                      |
| 1                                  | Minimum dwelling unit size = total heated square footage  |                        |                            |                         |                      |                      |                            |                                 |                        |                    |                    |                    |                    |                                  |                      |
| 2                                  | Manufactured homes and manufactured home parks shall meet the minimum requirements set forth in UDC §155.301 (F) and (G)  |                        |                            |                         |                      |                      |                            |                                 |                        |                    |                    |                    |                    |                                  |                      |
| 3                                  | In no instance shall the area of a residential lot be less than the size determined to be adequate by the County Health Department after soil and ground water table investigations have been made. |                        |                            |                         |                      |                      |                            |                                 |                        |                    |                    |                    |                    |                                  |                      |
| 4                                  | A minimum of 1,245 square feet of Recreation and Open Space is required per unit for Single Family, Zero Lot Line and Alley Loaded units.   |                        |                            |                         |                      |                      |                            |                                 |                        |                    |                    |                    |                    |                                  |                      |
| 5                                  | Public water and sewer is required in the R-10, R-8 and R-6 Zoning Districts. Within Town limits, connection to public water and sewer is also required for lots contiguous to existing service.    |                        |                            |                         |                      |                      |                            |                                 |                        |                    |                    |                    |                    |                                  |                      |
| 6                                  | Lots using a zero side interior setback for one lot line are required to double the side interior setback requirement established for a single family unit for the opposite lot line.               |                        |                            |                         |                      |                      |                            |                                 |                        |                    |                    |                    |                    |                                  |                      |
| 7                                  | In the R-10 and R-8 Zoning Districts, townhouse parcels, apartment parcels, and upper story residential shall not exceed a density of 10 dwelling units per acre.                                   |                        |                            |                         |                      |                      |                            |                                 |                        |                    |                    |                    |                    |                                  |                      |
| 8                                  | In the R-6 Zoning District, townhouse parcels, apartment parcels, and upper story residential shall not exceed a density of 12 dwelling units per acre.   |                        |                            |                         |                      |                      |                            |                                 |                        |                    |                    |                    |                    |                                  |                      |

Duly adopted by the Clayton Town Council this 16th day of June 2014, while in regular session.

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Jody L. McLeod,  
Mayor

ATTEST:

APPROVED AS TO FORM:

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Sherry L. Scoggins, MMC  
Town Clerk

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Katherine E. Ross  
Town Attorney

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

### **Motion:**

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

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

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

### **MOTION:**

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

**TOWN OF CLAYTON**  
**CONSISTENCY AND REASONABLENESS STATEMENT**

**Ordinance Amendment(s)**

**THE TOWN COUNCIL OF THE TOWN OF CLAYTON HEREBY STATES** that text amendments to Chapter 155, for multiple sections throughout the chapter, are consistent with the Town of Clayton Strategic Growth Plan and based upon information presented at the public hearing and by the applicant, and based upon the recommendations and detailed information developed by staff and/or the Planning Board contained in the staff report, and considering the criteria of Section 155.703 (H), ~~Section 155.704(J) and/or Section 155.705(J)~~ of the Unified Development Code of the Town of Clayton, the text amendments are reasonable and in the public interest.

Duly approved by the Clayton Town Council this 16th day of June 2014, while in regular session.

ATTEST:

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Jody L. McLeod  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk

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

Agenda Item: 8c

Meeting Date: 6/16/2014

**TITLE: PUBLIC HEARING FOR TEXT AMENDMENTS TO CHAPTER 155,  
SECTION 403: SIGNS. [NC GS 160A-364]**

**DESCRIPTION: Attached.**

This request is slated for public hearing at the June 2 16,  
2014, Council meeting.

**RELATED GOAL: Administration.**

**ITEM SUMMARY:**

| <u>Date:</u>        | <u>Action:</u>             | <u>Info. Provided:</u>          |
|---------------------|----------------------------|---------------------------------|
| 05-19-14            | Presentation.              | Proposed ordinance.             |
| <del>06-02-14</del> | <del>Public Hearing.</del> | <del>Ordinance amendment.</del> |
| 06-16-14            | Public Hearing.            | Ordinance amendment.            |

## ARTICLE 4: GENERAL DEVELOPMENT STANDARDS

### § 155.403 SIGNS

#### (A) PURPOSE AND INTENT

Signs are herein regulated in the interest of promoting traffic safety, safeguarding the public health, facilitating police and fire protection, preventing adverse community appearance, overcrowding of the land, and protecting the character of the area in which they are located. This Section is intended to establish requirements for the concentration, placement, height, bulk, and area of signs, while preserving community scenic, economic, and aesthetic values.

#### (B) PERMIT REQUIRED

Except as exempted in this Section and in accordance with §155.713, no sign may be erected, located, or altered in any manner until a sign permit, and building permit if necessary, has been secured from the Planning Department.

#### (C) SIGN DEFINITIONS

A sign is described as any visual device or representation designed or used for the purpose of communicating a message or identifying a product, service, person, organization, business or event, with the use of words or characters, visible from outside the premises on which such device is located.

##### (1) **Awning/Marquee/Canopy Sign**

A sign which is attached flat to an awning, marquee, or canopy.

##### (2) **Billboard**

A structure for the permanent display of off-premises advertising.

##### (3) **Cabinet Sign**

A sign in which a removable sign face (usually with translucent sign graphics) is enclosed on all edges by a cabinet.

##### (4) **Changeable Copy Sign – Manual**

A sign or portion thereof designed to accommodate frequent message changes composed of letters, characters, or illustrations and that can be changed or rearranged manually, without altering the face or surface of the sign.

##### (5) **Deteriorated Sign**

Any sign which, together with its supports, braces, anchors, and other structural elements, is not maintained in accordance with the provisions of the North Carolina State Building Code, or where elements of the display area or panel are visibly cracked, broken, or discolored, or where the support structures or frame members are visibly corroded, bent, broken, torn, or dented, or where the message can no longer be read under normal viewing conditions.

**(6) Development Identification Sign – Non-residential**

A sign that identifies a non-residential development with multiple buildings. The sign may contain the name of the development, names of the tenants, or a combination of these components.

**(7) Development Identification Sign - Residential**

A sign that identifies a residential development such as a single family subdivision or multi-family development.

**(6)(8) Drive-thru Menu Board**

A sign displaying the bill of fare for a drive-thru restaurant.

**(7)(9) Easel/Sandwich Board Sign**

An upright “A”-frame or “H”-frame structure used for displaying promotional information to the public.

**(8)(10) Electronic Sign: Changeable Copy Sign**

A sign or portion thereof that displays non-pictorial, text information in which alphanumeric characters or symbols are defined by a small number of matrix elements using different combinations of light emitting diodes (LED’s), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects.

**(9)(11) Electronic Sign: Electronic Graphic or Video Display**

A sign or portion thereof that displays either static or moving pictorial images or graphics or with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other electronic illumination devices within the display area. Electronic graphic or video display signs include computer programmable, microprocessor controlled electronic or digital displays, not including electronic changeable copy signs. Electronic graphic or video display signs include projected images or messages with these characteristics onto buildings or other objects.

**(10)(12) Freestanding Sign**

A sign supported by a structure that is not itself part of a building.

**(11)(13) Hanging Sign**

A sign that is hanging from an awning, marquee or canopy.

**(12)(14) Historic Sign**

A sign that is 50 years or older; particularly unique in character, design, or history; or part of the historic character of a business or building.

~~(13)~~(15) **Inflatable Sign**

Signs that are inflated using air pressure.

~~(14)~~(16) **Monument Sign**

A freestanding sign where the base of the sign is on the ground and is supported primarily by an internal structural framework or solid structural features other than support posts.

~~(15)~~(17) **Obsolete Sign**

A sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for a period of at least 60 days or, in the alternative, any sign whose content pertains to a time, event or purpose which has elapsed or expired.

~~(16)~~(18) **Off-Premises Sign**

A sign which conveys information about a business, product, service, or other activity not sold or offered on the premises on which the sign is located.

~~(17)~~(19) **On-Premises Sign**

A sign which conveys information about a business, product, service, or other activity offered or sold at the premises on which the sign is located.

~~(18)~~(20) **Pole Sign**

A sign mounted on a freestanding pole attached to the ground by a support structure having a ratio of greater than four to one sign width to narrowest width of support structure.

~~(19)~~(21) **Portable Sign**

A sign that is not directly attached to the ground and is designed to be easily transportable.

~~(20)~~(22) **Post Sign**

A freestanding sign permanently affixed to the ground by support posts and does not have a solid base.

~~(21)~~(23) **Post and Arm Sign**

A sign supported by an upright post with a horizontal arm, from which a sign is suspended.

~~(22)~~ **~~Project/Development Identification Sign~~**

~~A sign intended to identify larger developments such as a subdivision, office park, or industrial park where certain parcels are not visible from the primary entrance of the development. Project/development identification signs do not carry a commercial message.~~

~~(23)~~(24) **Projecting Sign**

A sign fastened directly to and extending out from a building face or wall, so that the sign face is perpendicular to or at an angle to the building face or wall.

~~(24)~~(25) **Roof Sign**

A sign that is mounted to a roof with an angle less than 75 degrees or a sign displayed above the highest point of the roofline on a pitched roof or the parapet wall on a flat roof.

~~(25)~~(26) **Temporary Signs**

A sign that is not intended or designed for permanent display.

~~(26)~~(27) **Wall/Fascia Sign**

A sign adhered to, attached to or mounted away from but parallel to the building wall.

~~(27)~~(28) **Windblown Sign**

Any sign composed of a banner, flag, pennant, or other objects, mounted and fastened in such a manner as to move upon being subjected to pressure by air pressure, wind, or breeze.

~~(28)~~(29) **Window Sign**

A sign attached to the inside or outside of a window, or displayed behind a window.

(D) **EXEMPTIONS**

The following signs shall not be subject to regulation hereunder:

- (1) Signs erected by, on behalf of, or pursuant to the authorization of a governmental body.
- (2) Flags, pennants, or insignia of any governmental or nonprofit organization, when not displayed in connection with a commercial promotion or as an advertising device.
- (3) Miscellaneous information signs. The following types of miscellaneous information signs shall be exempt from sign permit requirements:
  - (a) Informational signs appearing on gasoline pumps, such as the names of grades of fuel and prices and conditions relating to prices (i.e. full or self-service).
  - (b) Signs appearing on vending boxes.
  - (c) Signs appearing on or adjacent to entry doors such as PUSH, PULL, OPEN, and/or CLOSED.
  - (d) Signs appearing on display windows or doors denoting hours of operation, credit cards accepted, and similar information.
  - (e) Information pertaining to the operating instructions of vending machines and automatic teller machines, including bank logos on the face of ATM machines.
  - (f) Signs providing directions or guiding traffic on private property that do not exceed four square feet in size or four feet in height each and do not contain a business name, logo, or an advertising message. If business names, logos or an advertising

message is included, then the signs square footage will be counted against the total allowable site signage.

- (4) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used for or strategically parked to be used as a sign.
- (5) Signs not exceeding four square feet in size that are customarily associated with residential use and that are not of a commercial nature, such as signs giving names of occupants, signs on mailboxes and paper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
- (6) "Yard sale" signs displayed at the location of the yard sale, not exceeding four square feet in area, and not used in connection with any continuous commercial activity. Yard sale signs shall not be located in the public right-of-way.
- (7) Signs containing the message that the real estate on which the sign is located is for sale, lease, or rent, together with information identifying the owner or agent are exempt but must meet the standards of the table 4-8 below. Such sign may have a maximum of two sides and shall be removed within 15 days after sale, lease, or rental. Only one sign on each street frontage may be erected, but on lots having a street frontage in excess of 400 feet, a second sign not exceeding nine square feet in size may be erected.

**TABLE 4-8: REAL ESTATE SIGN STANDARDS**

| Nonresidential or Mixed Use Property |                                  |                |
|--------------------------------------|----------------------------------|----------------|
| Acreage                              | Maximum sign <u>face area</u>    | Maximum Height |
| Less than two acres                  | 16 square feet <u>per side</u>   | Six feet       |
| Greater than two acres               | 32 square feet <u>per side</u>   | Six feet       |
| Residential Property                 |                                  |                |
| Acreage                              | Maximum sign <u>face area</u>    | Maximum Height |
| Less than one acre                   | Six square feet <u>per side</u>  | Six feet       |
| One - Five acres                     | Nine square feet <u>per side</u> | Six feet       |
| Five – 20 acres                      | 16 square feet <u>per side</u>   | Six feet       |
| Greater than 20 acres                | 32 square feet <u>per side</u>   | Six feet       |

- (8) Displays, including lighting and inflatables, erected in connection with the observance of holidays that do not bear an advertising message. Such displays shall be removed within ten days following the holiday.
- (9) Sign face plate changes, unless the sign was approved as part of a common signage plan, master sign plan or alternative sign plan.
- (10) Historic signs, provided the Technical Review Committee (TRC) determines the sign meets the following criteria:
  - (a) The sign is 50 years or older;
  - (b) The sign is particularly unique in character, design, or history; or
  - (c) The sign is a part of the historic character of a building, business, or district.

(E) **SIGNS PROHIBITED**

The following signs are expressly prohibited within all zoning districts:

- (1) Portable signs, including any signs painted on or displayed on vehicles or trailers parked or located for the primary purpose of displaying that sign, except easel/sandwich board signs located on the ground as regulated in (G)(7) of this Section.
- (2) Roof signs.
- (3) Squared or rectangular cabinet signs attached to a building wall, except that portion that is a federally or state registered trademark.
- (4) Inflatable signs, with the exception of those erected in connection with the observance of holidays and do not bear an advertising message as described in D(8) of this Section.
- (5) Any sign or device set into motion by mechanical, electrical, or other means, except barber poles and those regulated in (G)(10) of this Section.
- (6) Any sign or device displaying flashing or intermittent lights, lights of changing degrees or intensity, or animation. This includes electronic video display signs. However, electronic changeable copy signs, as regulated in (G)(10) are permitted.
- (7) Any sign which is a copy or imitation of an official sign, or which purports to have official status.
- (8) Off-premises signs, except billboards.
- (9) Unless approved as part of a temporary sign permit, temporary product/promotional advertisement signs that are hung on, attached to or placed over a permanent fixture including but not limited to a light pole, tree, fence or bollard, whether on or off-premises.
- (10) Pole signs.
- (11) Windblown signs, except those exempted in (D)(2) of this Section and those allowed as part of a temporary sign permit in accordance with §155.713 (F).

(F) **GENERAL SIGN REGULATIONS**

(1) **Signs Located in Overlay Districts**

Signs located within an Overlay District are subject to the provisions of this Section, except that regulations within § 155.204 (Overlay Districts) shall supersede and may be either more or less restrictive than the regulations for signs contained in this Section ~~-,~~ unless permitted as an Alternative Sign Plan per (K) of this Section.

(2) **Signs Located as Part of a Home Occupation**

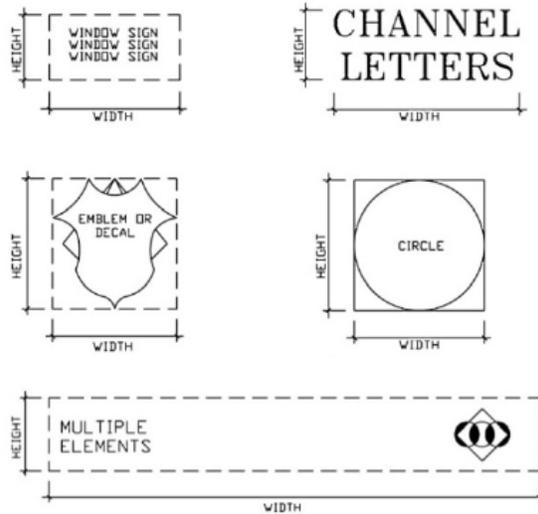
Signs erected in connection with a home occupation pursuant to § 155.308(C)(2) are subject to the provisions of this Section, except that regulations within § 155.308(C)(2) shall supersede and may be either more or less restrictive than the regulations for signs

contained in this Section—, unless permitted as an Alternative Sign Plan per (K) of this Section.

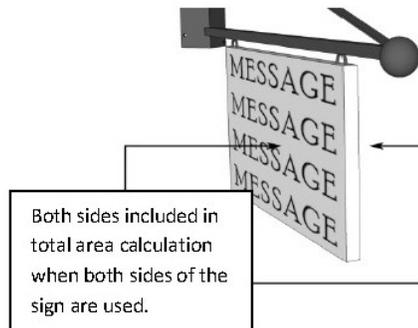
(3) **Computation of Sign Measurements**

(a) **Computation of Sign Area**

1. The area of a sign is measured by finding the area of the minimum imaginary rectangle or square which fully encloses all sign words, copy, or message, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed. Sign area does not include any supporting framework or bracing, unless it is part of the message or sign face.



2. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, unless otherwise specified.



3. The sign area of free-form or sculptural (non-planar) signs is calculated as fifty percent of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.

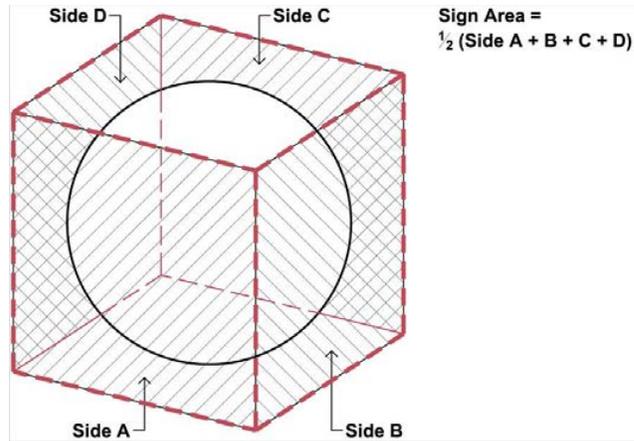


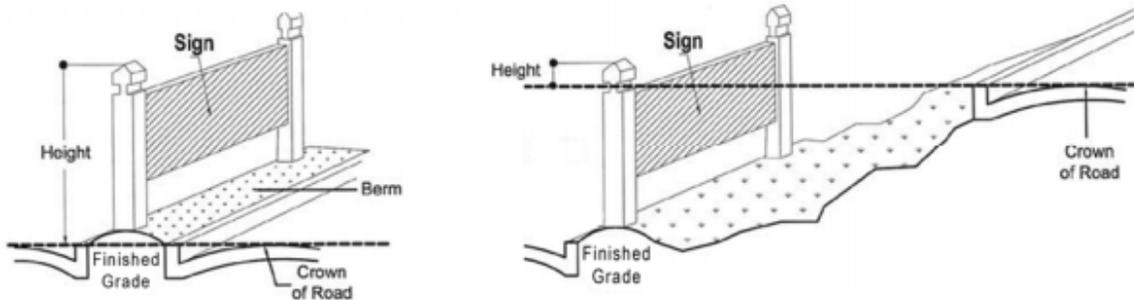
Illustration of sign area for sculptural non-planar signs.

(b) **Computation of Sign Height**

Sign height is measured as described below. The height of a sign shall include the highest point of the sign, including the supporting structure and any decorative elements.

1. *Freestanding Signs*

The vertical distance from the average grade of the ground immediately surrounding the sign to the highest point of the sign, or from the level of the crown of the nearest abutting public street, alley or highway (other than a structurally elevated roadway) to the highest point of the sign, whichever measurement permits the greater elevation of the sign.



2. *Signs Attached to Buildings*

The vertical distance from the base of the building to which the sign is attached, to the highest point of the sign.

(4) **Construction Standards**

- (a) All signs shall comply with the appropriate provisions of the North Carolina Building Code, the National Electric Code, and this Section.
- (b) Signs shall be located in such a way that they maintain sufficient horizontal and vertical clearance of all overhead electrical conductors in accordance with National

Electric Code specifications, provided that no sign, except governmental signs, shall be installed closer than ten feet horizontally or vertically from any conductor or public utility guy wire.

- (c) In no way shall a sign hinder or obstruct the visibility of the right-of-way, as defined by § 155.400(L), either at intersections or points of ingress or egress from parking lots.

(G) **SPECIFIC SIGN REGULATIONS**

Requirements for sign area, dimensions, placement, illumination, and other standards as necessary are described below. All signs must be located on-premises unless otherwise indicated.

(1) **Total Allowable Sign Face Area**

The total square footage of allowable sign face area permitted on any site shall be calculated by multiplying the amount of linear street frontage (in feet) by 1.25. The total sign face area for any site shall not exceed this calculation.

$$\text{Total allowable sign face area (in square feet)} = \text{Linear street frontage (feet)} \times 1.25$$

On lots with frontage on more than one street, the longest street frontage may be used to calculate the total allowable sign face area.

(2) **Sign Color**

The Pantone Matching System (PMS) colors, ~~and/or~~ vinyl manufacturer and numbers, or comparable industry standard of color identification shall be clearly indicated for each proposed sign when applying for a sign permit.

(3) **Wall/Fascia Signs**

**(a) Size (max)**

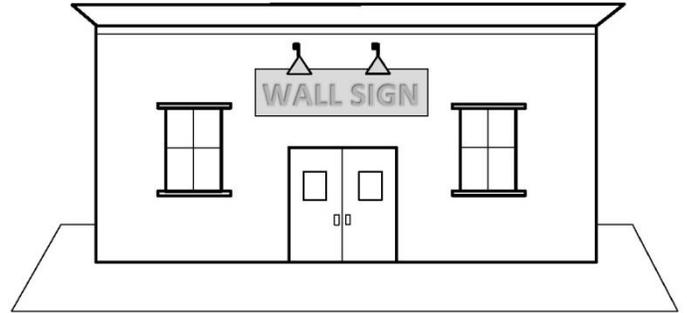
25 percent of the surface area of each wall area exclusive of windows/doors.

**(b) Number**

No limit.

**(b)(c) Positioning**

1. No portion of a wall/fascia sign may extend above the roof line of a building without a parapet wall.
2. No portion of a wall/fascia sign may extend above parapet walls.
3. No portion of wall/fascia sign may extend above the lower eave line of a building with a pitched roof with an angle less than 75 degrees.



**(c)(d) Projection (max)**

12 inches from wall. (See Section (G)(6), Projecting Wall Signs)

**(d)(e) Clearance (min)**

If the sign projects more than six inches from the wall it is attached to, the sign shall maintain a clearance of 8 feet from the ground below.

**(e)(f) Construction**

1. All wall signs shall be fastened directly to the supporting wall.
2. Flush-mounted channel letters are encouraged over raceway-mounted channel letters.

**(f)(g) Illumination**

1. May be illuminated internally or externally.
2. Illumination is prohibited 12am – 6am when sign is located within 50 feet of a residential district.
3. Internally illuminated wall signs are prohibited in residential zoning districts.

**(g)(h) Location**

1. Allowed in residential districts as part of a permitted non-residential use.  
—Allowed in all non-residential and mixed use districts.
- 2.

(4) **Window/Door Signs**

**(a) Area (max)**

25 percent of the area of the surface of each window/door area. The window/door area is counted as a continuous surface until divided by a solid architectural or structural element with a width greater than 12 inches.

**(b) Positioning**

Attached to the inside or outside of a window or door, or displayed behind a window.

**(c) Illumination**

1. May be illuminated internally or externally.
2. Illuminated signs shall have no movement, including but not limited to flashing, blinking, or animation.
3. Illuminated window signs are prohibited in residential zoning districts.

~~**(d) Construction**~~

~~Shall be constructed in accordance with the North Carolina Building Code and the National Electric Code.~~

~~**(e)(d) Location**~~

- ~~1. Allowed in residential districts as part of a permitted non-residential use.~~
- ~~1.2. Allowed in all non-residential and mixed use districts.~~



(5) **Freestanding Signs (Monument Sign, Post Sign, Post and Arm Sign)**

**(a) Size (max) Per Sign Face**

1. Monument Signs: A total of 0.25 square feet per linear foot of street frontage along the street on which the sign is oriented.
2. Post Signs: A total of 0.20 square feet per linear foot of street frontage along the street on which the sign is oriented.
3. Post and Arm Sign: Six square feet.

**(b) Height (max)**

Eight feet.

**(c) Minimum Frontage**

1. Monument and Post Signs: 100 linear feet
2. Post and Arms Signs: 50 linear feet.

**(d) Number (max) Per Site**

1. 0 to 599 linear feet = 1 sign.
2. 600 to 1499 linear feet = 2 signs (min. 300 linear feet on two frontages = 2 signs).
3. 1500+ linear feet = 3 signs (min. 300 linear feet on three frontages = 3 signs).

**(e) Setback and Separation (min)**

1. Five feet from the public right-of-way.
2. 15 feet from any interior side lot line.
3. 50 feet between signs.

**(f) Construction**

~~Shall be constructed in accordance with the North Carolina Building Code and the National Electric Code. Materials shall be consistent with the primary building construction.~~

**(g) Illumination**

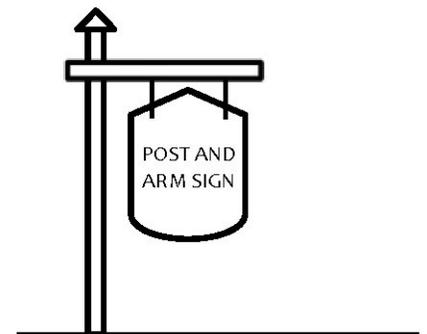
1. May be illuminated internally or externally.
2. Internal Illumination is prohibited in residential districts.
3. Illumination is prohibited 12am – 6am when sign is located within 50 feet of a residential zoning district.

**(h) Location**

Allowed in all non-residential and mixed use districts.

**(i) Landscaping**

A planting bed area equal to at least one-half of the sign face area (for two-sided signs, use only one sign face area for the calculation) shall be planted around the entire base of any freestanding sign, using shrubs, flowers, or ground cover.



(6) **Projecting Signs and Hanging Signs**

(a) **Size (max) Per Sign Face**

1. Projecting signs: 10 square feet.
2. Hanging signs: Six square feet.

(b) **Number (max) Per Site**

One per business unit. A corner business unit may have one per street frontage.

(c) **Positioning and Clearance**

1. Minimum eight feet from the ground level.
2. Maximum 15' from ground level.
3. Minimum three feet from curb line.
4. May not extend above roof eaves or parapet walls.

(d) **Projection (max)**

1. Projecting sign: Three feet from the building wall or one-half the width of the sidewalk.
2. Hanging Sign: N/A

(e) **Construction**

1. Projecting Signs: Signs shall be fastened directly to a building wall and shall intersect the building wall at right angles. When a building corner is at the intersection of two streets, one projecting sign at a 45 degree angle is allowed.
2. Hanging Signs: Shall be fastened directly and securely to the awning / marquee / canopy.

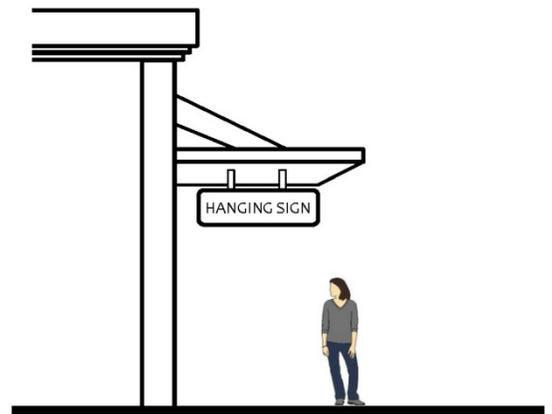
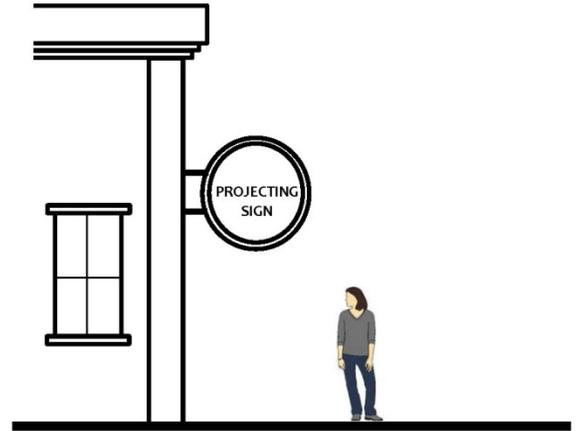
~~All signs shall be constructed in accordance with the North Carolina Building Code and the National Electric Code.~~

(f) **Illumination**

1. May be illuminated internally or externally.
2. Internal illumination is prohibited in residential districts.
3. Illumination is prohibited 12am – 6am when sign is located within 50 feet of a residential district.

(g) **Location**

1. Allowed in residential districts as part of a permitted non-residential use.
- ~~1-2.~~ Allowed in all non-residential and mixed use districts.



(7) **Awning , Marquee, or Canopy Signs**

**(a) Size (max)**

75 percent of the surface area of the awning, marquee, or canopy to which it is attached.

**(b) Number (max) Per Site**

One permitted on each side or face of awning, marquee, or canopy.

**(c) Clearance**

Minimum eight feet from the ground level.

**(d) Construction**

Shall be fastened directly and securely to the awning/marquee/canopy.

**(e) Illumination**

1. May be illuminated internally or externally.
2. Illumination is prohibited 12am – 6am when sign is located within 50 feet of a residential zoning district.
3. Illumination is prohibited in residential zoning districts.

**(f) Location**

1. Allowed in residential districts as part of a permitted non-residential use.
- ~~1.2.~~ Allowed in all non-residential and mixed use districts.

**(8) Easel/Sandwich Boards**

**(a) Size (max) Per Sign Face**

12 square feet.

**(b) Number (max) Per Site.**

One per business unit.

**(c) Positioning**

1. Sign must be located within 20 feet of the business entrance.
2. No easel/sandwich board sign shall be placed on any public sidewalk so as to leave less than 4 feet of clearance for pedestrians.
3. Prohibited within the public right-of-way.
4. No easel/sandwich board sign shall remain on any public sidewalk adjacent to any premises at any time when the premises are closed to the public.

**(d) Height (max.)**

Four feet.

**(e) Width (max.)**

Three feet.

**(f) Construction**

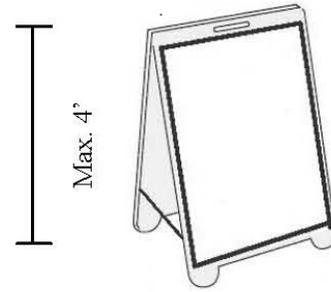
All A-frame/sandwich board signs shall be adequately weighted or anchored to prevent accidental movement of the sign and obstruction of any public street.

**(g) Illumination**

Illumination is prohibited.

**(h) Location**

1. Allowed in residential districts as part of a permitted non-residential use.
- ~~1.2.~~ Allowed in all non-residential and mixed use districts.



**(9) Drive-Thru Menu Boards**

**(a) Number (max)**

Two per drive-thru lane.

**(b) Height (max)**

Eight feet.

**(c) Construction**

Sign materials shall be consistent with the primary building construction or other signs on the site.

**(d) Illumination**

May be illuminated internally or externally.

**(e) Other**

Menu boards are only permitted as an accessory to a drive-thru business.

**(10) Changeable Copy Sign - Manual**

**(a) Location**

Manual changeable copy signs may be used as a part of a permitted freestanding sign for public, institutional and not-for-profit uses only, unless expressly prohibited elsewhere in the Town's code.

**(b) Number (max) Per Site**

One per business development site.

**(c) Size (max) Per Sign Face**

The changeable copy area shall be limited to 40 percent of the total sign, including structure.

**(d) Construction**

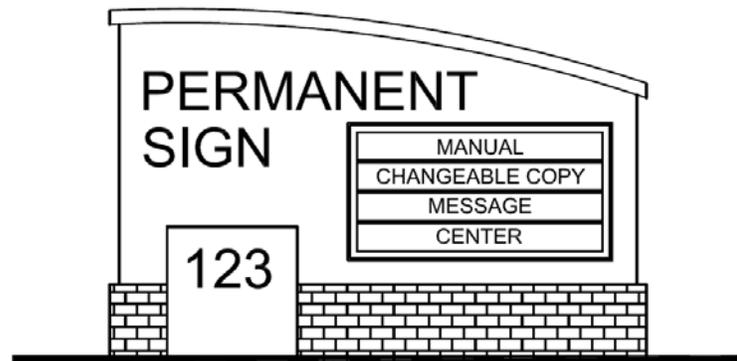
1. Sign structure shall be constructed of high quality materials.
2. Materials shall be consistent with the primary building construction~~must match principal structure.~~

**(e) Illumination**

Internal Illumination is prohibited.

**(f) Landscaping**

A planting bed area equal to at least one-half of the sign face area (for two-sided signs, use only one sign face area for the calculation) shall be planted around the entire base of any freestanding sign, using shrubs, flowers, or ground cover.



**(11) Electronic Changeable Copy Sign**

~~(11)~~

**(a) Location**

Electronic changeable copy signs may be a part of any permitted freestanding sign.

**(b) Number (max) Per Site**

One per business development site.

**(c) Size**

Sign face may be any part of the total allowable sign face area for a freestanding sign.

**(d) Illumination**

Electronic signs shall be equipped with dimming technology that automatically adjusts the display's brightness based on ambient light conditions at all times of day and night, and be set at a level no higher than .3 foot candles above ambient light conditions as to not cause glare, distraction, reduced visibility or safety concerns from adjacent roadways.

**(e) Permitted Colors**

1. Signs associated with associated with uses other than gas station pricing: background must be black. Electronic display is limited to text/logo which may be one of the following: white or red.
2. Signs associated with gas station pricing: background must be black. Pricing may be -white, red, and green.

**(f) Copy/Text**

~~1-~~ Copy/text may consist of alphanumeric symbols only, except that pictorial imagery associated with the logo may be permitted.

**(g) Construction**

1. Sign structure shall be constructed of high quality materials.
2. Materials ~~must match principal structures~~ shall be consistent with the primary building construction.

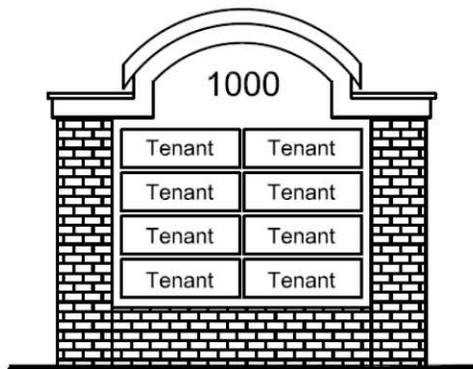
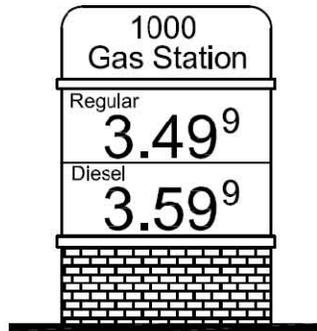
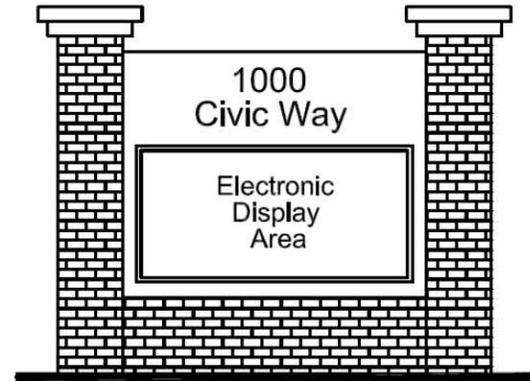
**(h) Other**

1. Electronic changeable copy signs must be physically attached to the primary sign.
2. Must be static. No portion of the sign may flash, scroll, twirl, change color or in any manner imitate movement.
3. Copy may change once every 20 minutes.
4. A sign strictly displaying time and temperature may change on no less than a five second interval.

**(i) Landscaping**

A planting bed area equal to at least one-half of the sign face area (for two-sided signs, use only one sign face area for the calculation) shall be planted around the entire base of any

freestanding sign, using shrubs, flowers, or ground cover.



(12) Billboards

(a) Size (max) Per Sign Face.

1. 200 square feet per sign face.
2. Maximum sign face height of 15 feet.
3. Maximum sign face width of 20 feet.
4. Maximum one advertising face per side.

**(b) Spacing between billboards (min)**

2,000 feet.

**(c) Setback (min)**

50 feet from right-of-way.

**(d) Height (max) of structure**

25 feet.

**(e) Clearance (min)**

Eight feet above the ground at the base of the sign or highway grade level, whichever is higher.

~~(f) Construction~~

~~Shall be constructed in accordance with the North Carolina Building Code and the National Electric Code.~~

~~(g)(f) Illumination~~

1. May be externally illuminated.
2. Internal illumination is prohibited.

~~(h)(g) Location~~

1. Prohibited within Town limits.
2. Limited to locations on U.S. 70 Bus. HWY.
3. All billboards shall be primarily oriented toward the east-bound or west-bound lanes of U.S. 70 Business.
4. Billboards must be located off-premises.

~~(i)(h) Annexation~~

Billboards located on property that is annexed into Town limits shall be removed within the timeframe established within a Developers Agreement or Annexation Agreement.

**(13) Development Identification Signs – Residential**

**(a) Size (max) per sign face**

~~1-~~ 24 square feet.

**(a) Number (max) per site**

Two per each major project/development entrance, or one in the median of an entrance driveway.

**(b) Height (max)**

1. Six feet for freestanding signs.

~~1-2.~~ If sign is attached to an entrance feature, sign face may not exceed the height of the structure to which it is attached. Entrance features shall comply with the provisions of this Chapter.

**(c) Setbacks (min)**

Five feet from the public right-of-way or property line and may not encroach into safe sight triangles.

**(d) Construction**

1. Sign may take the form of a freestanding sign or wall style sign.

2. Freestanding signs shall be a monument style sign or post and arm style sign.

~~1-3.~~ Sign may be attached to a decorative wall or fence, or to a building wall.

~~(a)~~**(e) Illumination**

May be illuminated externally or backlit.

~~(b)~~**(f) Location**

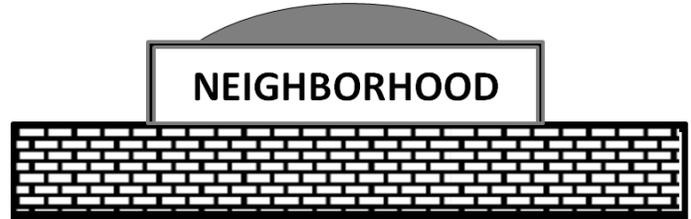
1. Shall be located on property contiguous to the development identified.

2. Shall be located on private property or within the median of the entrance driveway.

~~1-3.~~ May be located on one or both sides of major entrances to the development, or one sign may be located in the median of the entrance driveway with a sign easement and permission from NCDOT or the Town as applicable.

**(g) Landscaping**

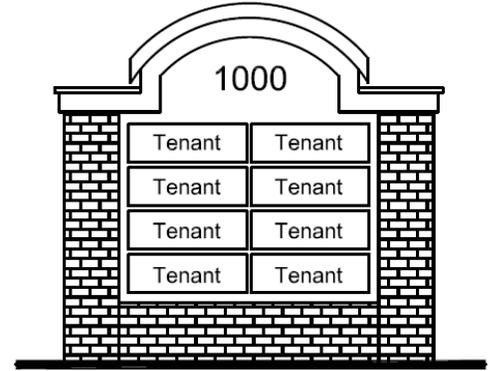
A planting bed area equal to at least one-half of the sign face area (for two-sided signs, use only one sign face area for the calculation) shall be planted around the entire base of any freestanding sign, using shrubs, flowers, or ground cover.



**(14) Development Identification Signs – Non-residential (Sites with Multiple Buildings)**

A Non-residential Development Identification Sign may be used in association with a parcel with multiple buildings, or a grouping of parcels such as a medical park, business park or a shopping center with outparcels. A building with multiple tenants is not eligible for a Development Identification Sign.

Non-residential Development Identification Signs are approved via a Master Sign Plan (or Alternative Sign Plan). Applications shall clearly identify what businesses, buildings, or parcels are included.



In addition to a Development Identification Sign, parcels within the development and subject to the Master Sign Plan (or Alternative Sign Plan) may have one monument style freestanding sign with a maximum of 24 square feet of sign face (per side of a two-sided sign) and a maximum of six feet in height. All other sign specifications shall be in accordance with Section 155.403(G)(5) above.

**(c)(a) Size (max)**

- ~~1.~~ 64 square feet.

**(a) Number (max) per roadway frontage**

- ~~1.~~ One sign along roadway at main entrance to the development.

**(b) Height (max)**

- 1. Eight feet.
- ~~1-2.~~ If sign is attached to an approved entrance feature, sign face may not exceed 8 feet in height. Entrance features shall comply with the provisions of this Chapter.

**(c) Setbacks (min)**

- ~~1.~~ Five feet from the public right-of-way or property line and may not encroach into safe sight triangles.

**(d) Construction**

- 1. Shall be a freestanding monument style sign, or attached to an entry feature.
- ~~1-~~ 2. Materials shall be consistent with primary building construction.

**(e) Illumination**

May be illuminated internally or externally.

**(f) Location**

- 1. Shall be located on property contiguous to the development identified.
- 2. Shall be located on private property or within the median of the entrance driveway.
- ~~1-3.~~ May be located at the main entrance to the development, or within the median of the entrance driveway with a sign easement and permission from NCDOT or the Town as applicable.

**(g) Landscaping**

A planting bed area equal to at least one-half of the sign face area (for two-sided signs, use only one sign face area for the calculation) shall be planted around the entire base of any freestanding sign, using shrubs, flowers, or ground cover.

~~(13)~~(15) **Temporary Signs**

The signs described below may be erected on a temporary basis only after a permit has been issued by the Planning Director. No sign shall be placed in a public right-of-way, nor attached to a utility pole or other utility-related structure.

(a) **On-Premises Construction Sign**

1. Residential

One sign, not to exceed 20 square feet in size, may be erected in a residential zoning district.

~~1.2. Non-Residential, and~~

Up to two on-premises construction project signs may be erected in a business, industrial, or office and institutional zoning district, so long as the total sign face area does not exceed 32 square feet. If a sign is two-sided with faces positioned back to back, only one side of the sign face shall be included in this calculation.

~~sum of the areas of one face of these signs does not exceed 32 square feet.~~

2.3. Construction signs shall not be erected prior to site plan or plat approval or the issuance of a building permit, and shall be removed within 15 days after final inspection and approval of the project.

(b) **Political Signs**

The placement of political signs shall be in accordance with North Carolina General Statutes § 136-32, Regulation of Signs.

(c) **Special Event Signs** (fair, carnival, festival, grand opening, sale, or similar non-permanent activity)

1. Limited to two feather signs, not exceeding 16 square feet each, or one banner style sign, not exceeding 32 square feet.
2. Signs may be erected, placed, or located for maximum of ~~seven~~10 consecutive days.
3. Limited to four times per calendar year (~~40~~28 days in total).
4. Such signs shall be removed by the applicant by the permit expiration date.
5. The Planning Director shall have the authority to extend the timeframe up to a maximum of 60 days for new businesses or businesses undergoing exterior renovation.

(d) **Yard Sale Signs**

1. Prohibited within public rights-of-way.
2. Such signs may not exceed four square feet in size.
3. Signs shall not be erected more than seven days before the sale date and shall be removed within 48 hours of the sale date.

(e) **Gas Balloons**

1. May be erected, placed, or located in connection with a special event, such as a fair, carnival, grand opening, sale, or similar non-permanent activity.
2. Balloons may be used for maximum of ~~seven~~10 consecutive days.
3. Limited to four times per calendar year (~~28~~40 days in total).
4. Balloons shall be removed by the applicant within seven days after the event has taken place.

(H) **REMOVAL OF OBSOLETE OR DETERIORATED SIGNS**

(1) **Obsolete Signs**

(a) **Removal**

Obsolete signs shall be removed by the owner of the premises on which the sign is situated within 15 days of receipt of notification by the enforcement officer.

(2) **Deteriorated Signs**

(a) **Removal/Compliance**

Deteriorated signs shall be removed or brought into compliance with all codes and ordinances within 15 days of notification by the enforcement officer.

(I) **MAINTENANCE**

- (1) All signs shall be maintained in a state of good repair. The Planning Director or designee is authorized to inspect each sign periodically to determine that it meets the requirements set forth in this subchapter. Whenever a sign has been built or is being maintained in violation of this subchapter, such sign shall be made to conform to all regulations herein, or shall be removed at the expense of the owner within 15 days after written verification thereof by the Planning Director.
- (2) To ensure that signs are erected and maintained in a safe and attractive manner, the following maintenance requirements shall apply to all signs visible from any street right-of-way or public area:

- (a) A sign shall have no more than five percent of its surface area covered with peeling paint, chipped corners, rust, mud, broken parts and pieces, or other unsightly conditions for a period of more than 15 successive days.
- (b) A sign shall not stand with bent or broken sign facing, broken supports, loose appendages or struts, or leaning more than 15 percent from vertical for a period greater than 15 successive days.
- (c) A sign shall not have weeds, trees, vines, or other vegetation growing upon it, that obscures the view of the sign from the street or right-of-way from which it is to be viewed, for a period greater than ten successive days.

(J) **MASTER SIGN PLAN**

A Master Sign Plan (MSP) is required for development which includes multiple uses or tenants, planned developments, ~~or~~ residential developments where more than one sign is proposed, ~~and~~ Commercial Non-residential Development Identification Signs. The purpose of the MSP is to provide a unified record of signs and promote coordinated signage. A MSP is required prior to the erection of any permanent signs and all signs within the development shall comply with the MSP. Applicants wishing to deviate from the requirements listed below may submit an Alternative Sign Plan pursuant to § 155.403(K).

(1) **Application**

The MSP shall be submitted to the Planning Department for review following the process requirements of § 155.713 with the decision made by the Planning Director. For new development, the MSP shall be submitted concurrently with the initial development site plan, master plan, or subdivision application.

(2) **MSP Elements**

The MSP shall include, at a minimum, criteria and specifications for the following:

- (a) Location.
- (b) Allocation of permitted sign area among tenants and any other proposed signs. Total allowable sign face area for the project is determined using the total sign face area allowance calculation defined in (G)(1) of this Section.
- (c) Sketches of generic sign design and appearance for each sign type.
- (d) Construction materials.
- (e) Color palette, provided in- Pantone Matching System (PMS) colors, vinyl manufacturer and numbers, or comparable industry standard of color identification. Permitted colors for each sign component shall be specified, including but not limited to sign face backgrounds, font, and sign structure.

(f) Illumination, including type, where illumination is permitted, and lighting fixture style.

(e)(g) Map/site plan showing what buildings and parcels are included within the MSP.

(3) **Approval Criteria**

Prior to approval of a MSP, the following review criteria shall be satisfied:

- (a) The proposed sign design, size, color, and placement are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, and any adjoining signage on the site.
- (b) Similar sign types are constructed of similar materials.
- (c) The MSP provides for signs that meet size limitations, location requirements, material standards and other applicable requirements of this Section.
- (d) One standard Pantone Matching System (PMS) color, and/or vinyl manufacturer and number, or comparable industry standard of color identification shall be permitted for wall signs, with the exception of wall signs on outparcels. Black may be used as an accent to the permitted color. If the exterior of the sign includes trim, the material and color must be identified for consistency. Federal and state registered trademarks may be employed in addition to the specified color, but may not exceed 12 square feet in copy area.
- (e) Future tenants will be provided adequate opportunities to construct, erect, or maintain a sign for identification.
- (f) Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.
- (g) The MSP improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement.
- (h) Sign design, scale, and placement are oriented to pedestrian traffic.
- (i) Components of the MSP are consistent with the Town of Clayton General Design Guidelines.

(4) **Conditions of Approval**

The Planning Director may impose Conditions of Approval to carry out the intent of the MSP while still permitting each sign user opportunities for effective identification and communication. These conditions may include, but are not limited to, reductions in the allowable number of signs, total sign face area, location of signs, and types of signs allowed.

(5) **Amendments**

A MSP may be amended by filing a new master plan and updated application with the Planning Director. The amended MSP shall include a schedule that requires bringing all signs not conforming to the proposed plan into conformance.

(K) **ALTERNATIVE SIGN PLAN**

The purpose and intent of an Alternative Sign Plan (ASP) is to allow for creativity of sign design, providing an opportunity to demonstrate the intent of this Section can be exceeded, in whole or in part, through an ASP. Any sign application, including a Master Sign Plan, may submit an ASP as an alternative. The ASP need not comply with the requirements of this Section, however in no case shall an ASP allow a prohibited sign. The ASP shall be prepared in accordance with the design principles set forth below.

(1) **Application**

The ASP shall be submitted to the Planning Department for review following the process requirements of § 155.713, with the decision made by Town Council. For new development, the ASP shall be submitted concurrently with the initial development site plan or subdivision.

(2) **ASP Elements**

The ASP shall include, at a minimum, criteria and specifications for the following:

- (a) Justification statement which details project information, modifications being requested, specific code references and proposed alternatives.
- (b) ASPs submitted in lieu of MSPs shall include all information required for an MSP.
- (c) ASPs submitted for a permanent sign shall include all information required for a permanent sign application.

(3) **Approval Criteria**

To qualify for consideration, an ASP shall demonstrate compliance with the following review criteria:

- (a) Components of the ASP shall be consistent with the Town of Clayton General Design Guidelines.
- (b) The proposed sign design, size, color, and placement are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, and any adjoining signage on the site.
- (c) Innovative use of materials and design techniques in response to unique characteristics of the specific site.
- (d) Placement of sign incorporates or preserves existing native vegetation.

- (e) Sign design, scale, and placement are oriented to pedestrian traffic.
- (f) Integrates architectural features in a manner compatible with the surroundings in which the development is located.
- (g) Includes pedestrian facilities, including but not limited to sidewalks, walkways, street furniture, landscaping, and lighting.
- (h) Consistent with approved neighborhood plans, studies, or area plans.
- (i) Future tenants will be provided adequate opportunities to construct, erect, or maintain a sign for identification.
- (j) Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.
- (k) The ASP improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement.

(4) **Conditions of Approval**

The Town Council may impose Conditions of Approval to carry out the intent of the ASP while still permitting each sign user opportunities for effective identification and communication. These conditions may include, but are not limited to, reductions in the allowable number of signs, total sign face area, location of signs, and types of signs allowed.

(5) **Amendment**

An ASP may be amended by filing a new ASP and updated application with the Planning Director. The amended ASP shall include a schedule that requires bringing all signs not conforming to the proposed plan into conformance.

**TOWN OF CLAYTON**  
**ORDINANCE AMENDMENT TO CHAPTER 155, SECTION 403: SIGNS**

**BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend Chapter 155, Section 403 to read as follows:**

**ARTICLE 4: GENERAL DEVELOPMENT STANDARDS**

**§ 155.403 SIGNS**

(A) **PURPOSE AND INTENT**

Signs are herein regulated in the interest of promoting traffic safety, safeguarding the public health, facilitating police and fire protection, preventing adverse community appearance, overcrowding of the land, and protecting the character of the area in which they are located. This Section is intended to establish requirements for the concentration, placement, height, bulk, and area of signs, while preserving community scenic, economic, and aesthetic values.

(B) **PERMIT REQUIRED**

Except as exempted in this Section and in accordance with §155.713, no sign may be erected, located, or altered in any manner until a sign permit, and building permit if necessary, has been secured from the Planning Department.

(C) **SIGN DEFINITIONS**

A sign is described as any visual device or representation designed or used for the purpose of communicating a message or identifying a product, service, person, organization, business or event, with the use of words or characters, visible from outside the premises on which such device is located.

(1) **Awning/Marquee/Canopy Sign**

A sign which is attached flat to an awning, marquee, or canopy.

(2) **Billboard**

A structure for the permanent display of off-premises advertising.

(3) **Cabinet Sign**

A sign in which a removable sign face (usually with translucent sign graphics) is enclosed on all edges by a cabinet.

(4) **Changeable Copy Sign – Manual**

A sign or portion thereof designed to accommodate frequent message changes composed of letters, characters, or illustrations and that can be changed or rearranged manually, without altering the face or surface of the sign.

(5) **Deteriorated Sign**

Any sign which, together with its supports, braces, anchors, and other structural elements, is not maintained in accordance with the provisions of the North Carolina State Building Code, or where elements of the display area or panel are visibly cracked, broken, or discolored, or where the support structures or frame members are visibly corroded, bent, broken, torn, or dented, or where the message can no longer be read under normal viewing conditions.

(6) **Development Identification Sign – Non-residential**

A sign that identifies a non-residential development with multiple buildings. The sign may contain the name of the development, names of the tenants, or a combination of these components.

(7) **Development Identification Sign - Residential**

A sign that identifies a residential development such as a single family subdivision or multi-family development.

(8) **Drive-thru Menu Board**

A sign displaying the bill of fare for a drive-thru restaurant.

(9) **Easel/Sandwich Board Sign**

An upright “A”-frame or “H”-frame structure used for displaying promotional information to the public.

(10) **Electronic Sign: Changeable Copy Sign**

A sign or portion thereof that displays non-pictorial, text information in which alphanumeric characters or symbols are defined by a small number of matrix elements using different combinations of light emitting diodes (LED’s), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects.

(11) **Electronic Sign: Electronic Graphic or Video Display**

A sign or portion thereof that displays either static or moving pictorial images or graphics or with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other electronic illumination devices within the display area. Electronic graphic or video display signs include computer programmable, microprocessor controlled electronic or digital displays, not including electronic changeable copy signs. Electronic graphic or video display signs include projected images or messages with these characteristics onto buildings or other objects.

(12) **Freestanding Sign**

A sign supported by a structure that is not itself part of a building.

(13) **Hanging Sign**

A sign that is hanging from an awning, marquee or canopy.

(14) **Historic Sign**

A sign that is 50 years or older; particularly unique in character, design, or history; or part of the historic character of a business or building.

(15) **Inflatable Sign**

Signs that are inflated using air pressure.

(16) **Monument Sign**

A freestanding sign where the base of the sign is on the ground and is supported primarily by an internal structural framework or solid structural features other than support posts.

(17) **Obsolete Sign**

A sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for a period of at least 60 days or, in the alternative, any sign whose content pertains to a time, event or purpose which has elapsed or expired.

(18) **Off-Premises Sign**

A sign which conveys information about a business, product, service, or other activity not sold or offered on the premises on which the sign is located.

(19) **On-Premises Sign**

A sign which conveys information about a business, product, service, or other activity offered or sold at the premises on which the sign is located.

(20) **Pole Sign**

A sign mounted on a freestanding pole attached to the ground by a support structure having a ratio of greater than four to one sign width to narrowest width of support structure.

(21) **Portable Sign**

A sign that is not directly attached to the ground and is designed to be easily transportable.

(22) **Post Sign**

A freestanding sign permanently affixed to the ground by support posts and does not have a solid base.

(23) **Post and Arm Sign**

A sign supported by an upright post with a horizontal arm, from which a sign is suspended.

(24) **Projecting Sign**

A sign fastened directly to and extending out from a building face or wall, so that the sign face is perpendicular to or at an angle to the building face or wall.

(25) **Roof Sign**

A sign that is mounted to a roof with an angle less than 75 degrees or a sign displayed above the highest point of the roofline on a pitched roof or the parapet wall on a flat roof.

(26) **Temporary Signs**

A sign that is not intended or designed for permanent display.

(27) **Wall/Fascia Sign**

A sign adhered to, attached to or mounted away from but parallel to the building wall.

(28) **Windblown Sign**

Any sign composed of a banner, flag, pennant, or other objects, mounted and fastened in such a manner as to move upon being subjected to pressure by air pressure, wind, or breeze.

(29) **Window Sign**

A sign attached to the inside or outside of a window, or displayed behind a window.

(D) **EXEMPTIONS**

The following signs shall not be subject to regulation hereunder:

- (1) Signs erected by, on behalf of, or pursuant to the authorization of a governmental body.
- (2) Flags, pennants, or insignia of any governmental or nonprofit organization, when not displayed in connection with a commercial promotion or as an advertising device.
- (3) Miscellaneous information signs. The following types of miscellaneous information signs shall be exempt from sign permit requirements:
  - (a) Informational signs appearing on gasoline pumps, such as the names of grades of fuel and prices and conditions relating to prices (i.e. full or self-service).
  - (b) Signs appearing on vending boxes.
  - (c) Signs appearing on or adjacent to entry doors such as PUSH, PULL, OPEN, and/or CLOSED.
  - (d) Signs appearing on display windows or doors denoting hours of operation, credit cards accepted, and similar information.
  - (e) Information pertaining to the operating instructions of vending machines and automatic teller machines, including bank logos on the face of ATM machines.
  - (f) Signs providing directions or guiding traffic on private property that do not exceed four square feet in size or four feet in height each and do not contain a business name, logo, or an advertising message. If business names, logos or an advertising

message is included, then the signs square footage will be counted against the total allowable site signage.

- (4) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used for or strategically parked to be used as a sign.
- (5) Signs not exceeding four square feet in size that are customarily associated with residential use and that are not of a commercial nature, such as signs giving names of occupants, signs on mailboxes and paper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
- (6) "Yard sale" signs displayed at the location of the yard sale, not exceeding four square feet in area, and not used in connection with any continuous commercial activity. Yard sale signs shall not be located in the public right-of-way.
- (7) Signs containing the message that the real estate on which the sign is located is for sale, lease, or rent, together with information identifying the owner or agent are exempt but must meet the standards of the table 4-8 below. Such sign may have a maximum of two sides and shall be removed within 15 days after sale, lease, or rental. Only one sign on each street frontage may be erected, but on lots having a street frontage in excess of 400 feet, a second sign not exceeding nine square feet in size may be erected.

**TABLE 4-8: REAL ESTATE SIGN STANDARDS**

| Nonresidential or Mixed Use Property |                           |                |
|--------------------------------------|---------------------------|----------------|
| Acreage                              | Maximum sign face area    | Maximum Height |
| Less than two acres                  | 16 square feet per side   | Six feet       |
| Greater than two acres               | 32 square feet per side   | Six feet       |
| Residential Property                 |                           |                |
| Acreage                              | Maximum sign face area    | Maximum Height |
| Less than one acre                   | Six square feet per side  | Six feet       |
| One - Five acres                     | Nine square feet per side | Six feet       |
| Five – 20 acres                      | 16 square feet per side   | Six feet       |
| Greater than 20 acres                | 32 square feet per side   | Six feet       |

- (8) Displays, including lighting and inflatables, erected in connection with the observance of holidays that do not bear an advertising message. Such displays shall be removed within ten days following the holiday.
- (9) Sign face plate changes, unless the sign was approved as part of a common signage plan, master sign plan or alternative sign plan.
- (10) Historic signs, provided the Technical Review Committee (TRC) determines the sign meets the following criteria:
  - (a) The sign is 50 years or older;
  - (b) The sign is particularly unique in character, design, or history; or
  - (c) The sign is a part of the historic character of a building, business, or district.

(E) **SIGNS PROHIBITED**

The following signs are expressly prohibited within all zoning districts:

- (1) Portable signs, including any signs painted on or displayed on vehicles or trailers parked or located for the primary purpose of displaying that sign, except easel/sandwich board signs located on the ground as regulated in (G)(7) of this Section.
- (2) Roof signs.
- (3) Squared or rectangular cabinet signs attached to a building wall, except that portion that is a federally or state registered trademark.
- (4) Inflatable signs, with the exception of those erected in connection with the observance of holidays and do not bear an advertising message as described in D(8) of this Section.
- (5) Any sign or device set into motion by mechanical, electrical, or other means, except barber poles and those regulated in (G)(10) of this Section.
- (6) Any sign or device displaying flashing or intermittent lights, lights of changing degrees or intensity, or animation. This includes electronic video display signs. However, electronic changeable copy signs, as regulated in (G)(10) are permitted.
- (7) Any sign which is a copy or imitation of an official sign, or which purports to have official status.
- (8) Off-premises signs, except billboards.
- (9) Unless approved as part of a temporary sign permit, temporary product/promotional advertisement signs that are hung on, attached to or placed over a permanent fixture including but not limited to a light pole, tree, fence or bollard, whether on or off-premises.
- (10) Pole signs.
- (11) Windblown signs, except those exempted in (D)(2) of this Section and those allowed as part of a temporary sign permit in accordance with §155.713 (F).

(F) **GENERAL SIGN REGULATIONS**

(1) **Signs Located in Overlay Districts**

Signs located within an Overlay District are subject to the provisions of this Section, except that regulations within § 155.204 (Overlay Districts) shall supersede and may be either more or less restrictive than the regulations for signs contained in this Section, unless permitted as an Alternative Sign Plan per (K) of this Section.

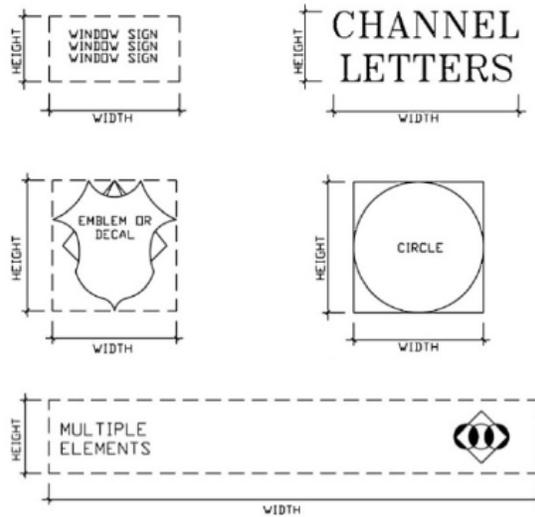
(2) **Signs Located as Part of a Home Occupation**

Signs erected in connection with a home occupation pursuant to § 155.308(C)(2) are subject to the provisions of this Section, except that regulations within § 155.308(C)(2) shall supersede and may be either more or less restrictive than the regulations for signs contained in this Section, unless permitted as an Alternative Sign Plan per (K) of this Section.

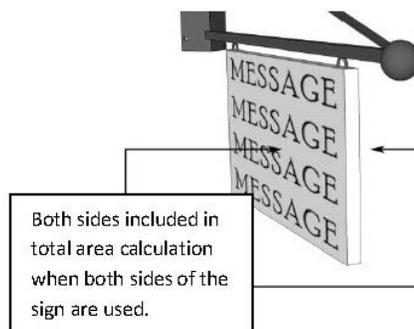
### (3) Computation of Sign Measurements

#### (a) Computation of Sign Area

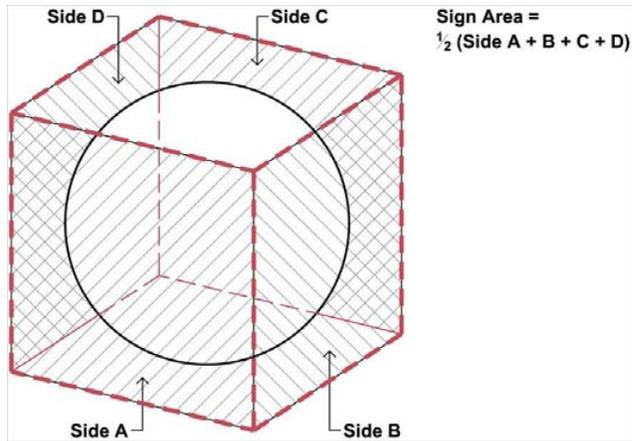
1. The area of a sign is measured by finding the area of the minimum imaginary rectangle or square which fully encloses all sign words, copy, or message, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed. Sign area does not include any supporting framework or bracing, unless it is part of the message or sign face.



2. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, unless otherwise specified.



3. The sign area of free-form or sculptural (non-planar) signs is calculated as fifty percent of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.



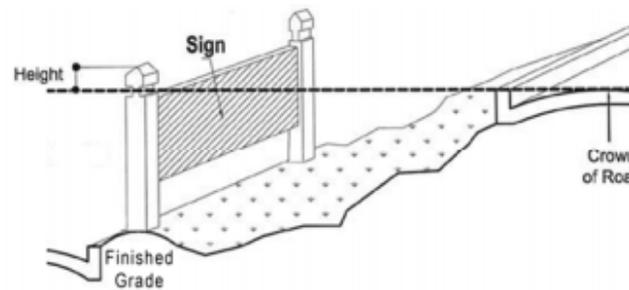
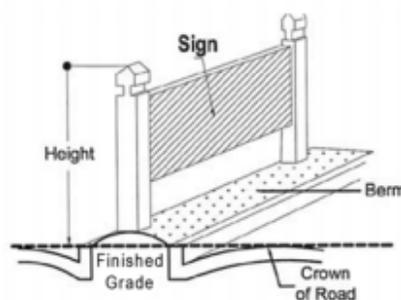
*Illustration of sign area for sculptural non-planar signs.*

(b) **Computation of Sign Height**

Sign height is measured as described below. The height of a sign shall include the highest point of the sign, including the supporting structure and any decorative elements.

1. *Freestanding Signs*

The vertical distance from the average grade of the ground immediately surrounding the sign to the highest point of the sign, or from the level of the crown of the nearest abutting public street, alley or highway (other than a structurally elevated roadway) to the highest point of the sign, whichever measurement permits the greater elevation of the sign.



2. *Signs Attached to Buildings*

The vertical distance from the base of the building to which the sign is attached, to the highest point of the sign.

(4) **Construction Standards**

- (a) All signs shall comply with the appropriate provisions of the North Carolina Building Code, the National Electric Code, and this Section.
- (b) Signs shall be located in such a way that they maintain sufficient horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electric Code specifications, provided that no sign, except governmental signs, shall be

installed closer than ten feet horizontally or vertically from any conductor or public utility guy wire.

- (c) In no way shall a sign hinder or obstruct the visibility of the right-of-way, as defined by § 155.400(L), either at intersections or points of ingress or egress from parking lots.

(G) **SPECIFIC SIGN REGULATIONS**

Requirements for sign area, dimensions, placement, illumination, and other standards as necessary are described below. All signs must be located on-premises unless otherwise indicated.

(1) **Total Allowable Sign Face Area**

The total square footage of allowable sign face area permitted on any site shall be calculated by multiplying the amount of linear street frontage (in feet) by 1.25. The total sign face area for any site shall not exceed this calculation.

$$\text{Total allowable sign face area (in square feet)} = \text{Linear street frontage (feet)} \times 1.25$$

On lots with frontage on more than one street, the longest street frontage may be used to calculate the total allowable sign face area.

(2) **Sign Color**

The Pantone Matching System (PMS) colors, vinyl manufacturer and numbers, or comparable industry standard of color identification shall be clearly indicated for each proposed sign when applying for a sign permit.

### (3) Wall/Fascia Signs

#### (a) Size (max)

25 percent of the surface area of each wall area exclusive of windows/doors.

#### (b) Number

No limit.

#### (c) Positioning

1. No portion of a wall/fascia sign may extend above the roof line of a building without a parapet wall.
2. No portion of a wall/fascia sign may extend above parapet walls.
3. No portion of wall/fascia sign may extend above the lower eave line of a building with a pitched roof with an angle less than 75 degrees.

#### (d) Projection (max)

12 inches from wall. (See Section (G)(6), Projecting Wall Signs)

#### (e) Clearance (min)

If the sign projects more than six inches from the wall it is attached to, the sign shall maintain a clearance of 8 feet from the ground below.

#### (f) Construction

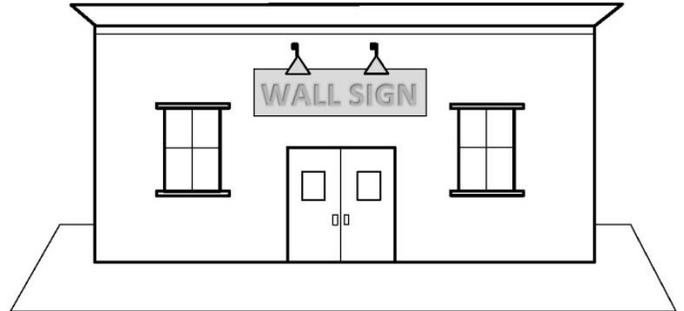
1. All wall signs shall be fastened directly to the supporting wall.
2. Flush-mounted channel letters are encouraged over raceway-mounted channel letters.

#### (g) Illumination

1. May be illuminated internally or externally.
2. Illumination is prohibited 12am – 6am when sign is located within 50 feet of a residential district.
3. Internally illuminated wall signs are prohibited in residential zoning districts.

#### (h) Location

1. Allowed in residential districts as part of a permitted non-residential use.
2. Allowed in all non-residential and mixed use districts.



#### (4) Window/Door Signs

##### (a) Area (max)

25 percent of the area of the surface of each window/door area. The window/door area is counted as a continuous surface until divided by a solid architectural or structural element with a width greater than 12 inches.

##### (b) Positioning

Attached to the inside or outside of a window or door, or displayed behind a window.

##### (c) Illumination

1. May be illuminated internally or externally.
2. Illuminated signs shall have no movement, including but not limited to flashing, blinking, or animation.
3. Illuminated window signs are prohibited in residential zoning districts.

##### (d) Location

1. Allowed in residential districts as part of a permitted non-residential use.
2. Allowed in all non-residential and mixed use districts.



(5) **Freestanding Signs (Monument Sign, Post Sign, Post and Arm Sign)**

**(a) Size (max) Per Sign Face**

1. Monument Signs: A total of 0.25 square feet per linear foot of street frontage along the street on which the sign is oriented.
2. Post Signs: A total of 0.20 square feet per linear foot of street frontage along the street on which the sign is oriented.
3. Post and Arm Sign: Six square feet.

**(b) Height (max)**

Eight feet.

**(c) Minimum Frontage**

1. Monument and Post Signs: 100 linear feet
2. Post and Arms Signs: 50 linear feet.

**(d) Number (max) Per Site**

1. 0 to 599 linear feet = 1 sign.
2. 600 to 1499 linear feet = 2 signs (min. 300 linear feet on two frontages = 2 signs).
3. 1500+ linear feet = 3 signs (min. 300 linear feet on three frontages = 3 signs).

**(e) Setback and Separation (min)**

1. Five feet from the public right-of-way.
2. 15 feet from any interior side lot line.
3. 50 feet between signs.

**(f) Construction**

Materials shall be consistent with the primary building construction.

**(g) Illumination**

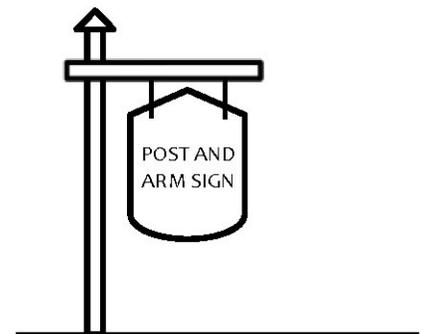
1. May be illuminated internally or externally.
2. Internal Illumination is prohibited in residential districts.
3. Illumination is prohibited 12am – 6am when sign is located within 50 feet of a residential zoning district.

**(h) Location**

Allowed in all non-residential and mixed use districts.

**(i) Landscaping**

A planting bed area equal to at least one-half of the sign face area (for two-sided signs, use only one sign face area for the calculation) shall be planted around the entire base of any freestanding sign, using shrubs, flowers, or ground cover.



(6) **Projecting Signs and Hanging Signs**

**(a) Size (max) Per Sign Face**

1. Projecting signs: 10 square feet.
2. Hanging signs: Six square feet.

**(b) Number (max) Per Site**

One per business unit. A corner business unit may have one per street frontage.

**(c) Positioning and Clearance**

1. Minimum eight feet from the ground level.
2. Maximum 15' from ground level.
3. Minimum three feet from curb line.
4. May not extend above roof eaves or parapet walls.

**(d) Projection (max)**

1. Projecting sign: Three feet from the building wall or one-half the width of the sidewalk.
2. Hanging Sign: N/A

**(e) Construction**

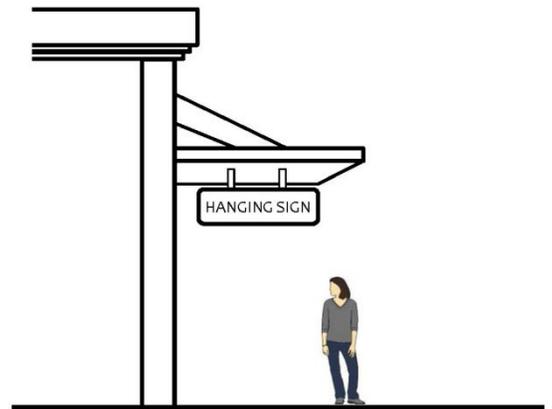
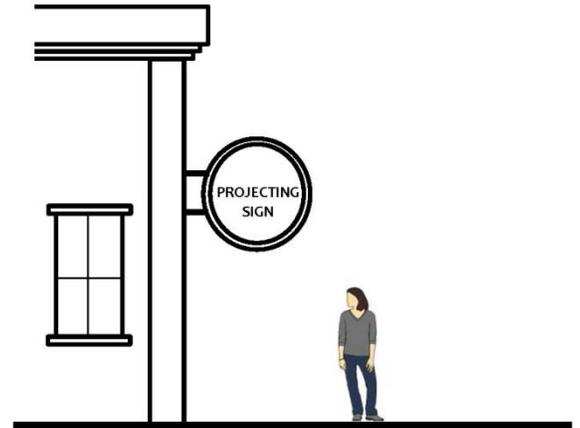
1. Projecting Signs: Signs shall be fastened directly to a building wall and shall intersect the building wall at right angles. When a building corner is at the intersection of two streets, one projecting sign at a 45 degree angle is allowed.
2. Hanging Signs: Shall be fastened directly and securely to the awning / marquee / canopy.

**(f) Illumination**

1. May be illuminated internally or externally.
2. Internal Illumination is prohibited in residential districts.
3. Illumination is prohibited 12am – 6am when sign is located within 50 feet of a residential district.

**(g) Location**

1. Allowed in residential districts as part of a permitted non-residential use.
2. Allowed in all non-residential and mixed use districts.



(7) **Awning , Marquee, or Canopy Signs**

**(a) Size (max)**

75 percent of the surface area of the awning, marquee, or canopy to which it is attached.

**(b) Number (max) Per Site**

One permitted on each side or face of awning, marquee, or canopy.

**(c) Clearance**

Minimum eight feet from the ground level.

**(d) Construction**

Shall be fastened directly and securely to the awning/marquee/canopy.

**(e) Illumination**

1. May be illuminated internally or externally.
2. Illumination is prohibited 12am – 6am when sign is located within 50 feet of a residential zoning district.
3. Illumination is prohibited in residential zoning districts.

**(f) Location**

1. Allowed in residential districts as part of a permitted non-residential use.
2. Allowed in all non-residential and mixed use districts.

(8) **Easel/Sandwich Boards**

(a) **Size (max) Per Sign Face**

12 square feet.

(b) **Number (max) Per Site.**

One per business unit.

(c) **Positioning**

1. Sign must be located within 20 feet of the business entrance.
2. No easel/sandwich board sign shall be placed on any public sidewalk so as to leave less than 4 feet of clearance for pedestrians.
3. Prohibited within the public right-of-way.
4. No easel/sandwich board sign shall remain on any public sidewalk adjacent to any premises at any time when the premises are closed to the public.

(d) **Height (max.)**

Four feet.

(e) **Width (max.)**

Three feet.

(f) **Construction**

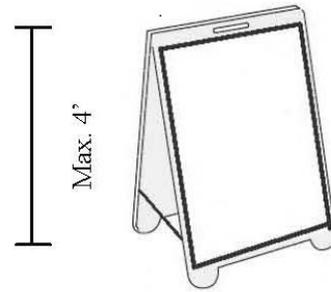
All A-frame/sandwich board signs shall be adequately weighted or anchored to prevent accidental movement of the sign and obstruction of any public street.

(g) **Illumination**

Illumination is prohibited.

(h) **Location**

1. Allowed in residential districts as part of a permitted non-residential use.
2. Allowed in all non-residential and mixed use districts.



(9) **Drive-Thru Menu Boards**

(a) **Number (max)**

Two per drive-thru lane.

(b) **Height (max)**

Eight feet.

(c) **Construction**

Sign materials shall be consistent with the primary building construction or other signs on the site.

(d) **Illumination**

May be illuminated internally or externally.

(e) **Other**

Menu boards are only permitted as an accessory to a drive-thru business.

(10) **Changeable Copy Sign - Manual**

(a) **Location**

Manual changeable copy signs may be used as a part of a permitted freestanding sign for public, institutional and not-for-profit uses only, unless expressly prohibited elsewhere in the Town's code.

(b) **Number (max) Per Site**

One per business development site.

(c) **Size (max) Per Sign Face**

The changeable copy area shall be limited to 40 percent of the total sign, including structure.

(d) **Construction**

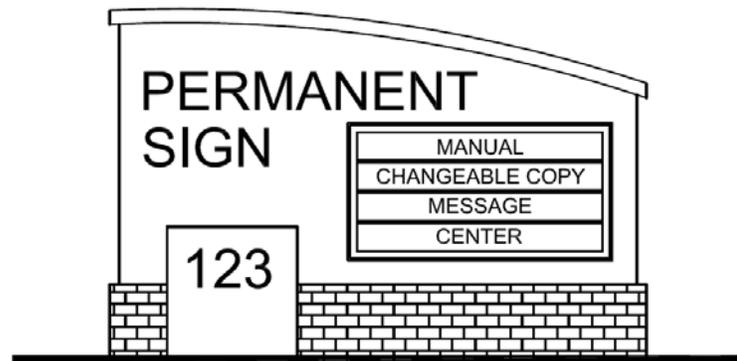
1. Sign structure shall be constructed of high quality materials.
2. Materials shall be consistent with the primary building construction.

(e) **Illumination**

Internal Illumination is prohibited.

(f) **Landscaping**

A planting bed area equal to at least one-half of the sign face area (for two-sided signs, use only one sign face area for the calculation) shall be planted around the entire base of any freestanding sign, using shrubs, flowers, or ground cover.



(11) **Electronic Changeable Copy Sign**

(a) **Location**

Electronic changeable copy signs may be a part of any permitted freestanding sign.

(b) **Number (max) Per Site**

One per business development site.

(c) **Size**

Sign face may be any part of the total allowable sign face area for a freestanding sign.

(d) **Illumination**

Electronic signs shall be equipped with dimming technology that automatically adjusts the display's brightness based on ambient light conditions at all times of day and night, and be set at a level no higher than .3 foot candles above ambient light conditions as to not cause glare, distraction, reduced visibility or safety concerns from adjacent roadways.

(e) **Permitted Colors**

1. Signs associated with associated with uses other than gas station pricing: background must be black. Electronic display is limited to text/logo which may be one of the following: white or red.
2. Signs associated with gas station pricing: background must be black. Pricing may be white, red, and green.

(f) **Copy/Text**

Copy/text may consist of alphanumeric symbols only, except that pictorial imagery associated with the logo may be permitted.

(g) **Construction**

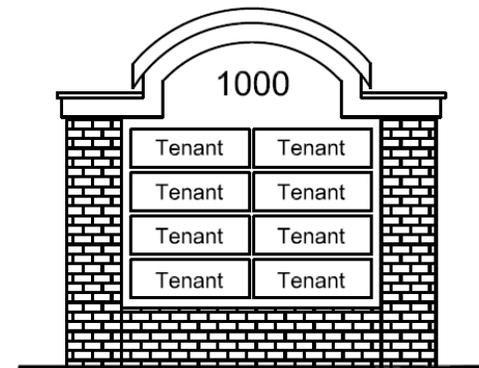
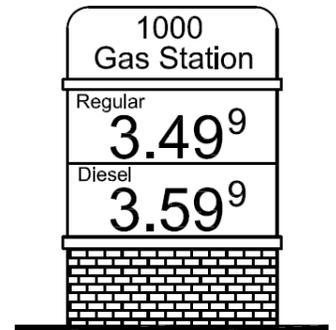
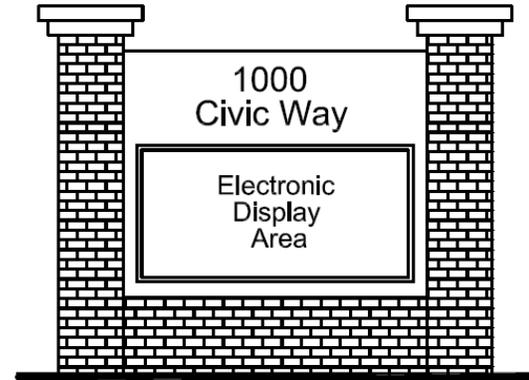
1. Sign structure shall be constructed of high quality materials.
2. Materials shall be consistent with the primary building construction.

(h) **Other**

1. Electronic changeable copy signs must be physically attached to the primary sign.
2. Must be static. No portion of the sign may flash, scroll, twirl, change color or in any manner imitate movement.
3. Copy may change once every 20 minutes.
4. A sign strictly displaying time and temperature may change on no less than a five second interval.

(i) **Landscaping**

A planting bed area equal to at least one-half of the sign face area (for two-sided signs, use only one sign face area for the calculation) shall be planted around the entire base of any freestanding sign, using shrubs, flowers, or ground cover.



## (12) Billboards

### (a) Size (max) Per Sign Face

1. 200 square feet per sign face.
2. Maximum sign face height of 15 feet.
3. Maximum sign face width of 20 feet.
4. Maximum one advertising face per side.

### (b) Spacing between billboards (min)

2,000 feet.

### (c) Setback (min)

50 feet from right-of-way.

### (d) Height (max) of structure

25 feet.

### (e) Clearance (min)

Eight feet above the ground at the base of the sign or highway grade level, whichever is higher.

### (f) Illumination

1. May be externally illuminated.
2. Internal illumination is prohibited.

### (g) Location

1. Prohibited within Town limits.
2. Limited to locations on U.S. 70 Bus. HWY.
3. All billboards shall be primarily oriented toward the east-bound or west-bound lanes of U.S. 70 Business.
4. Billboards must be located off-premises.

### (h) Annexation

Billboards located on property that is annexed into Town limits shall be removed within the timeframe established within a Developers Agreement or Annexation Agreement.

### (13) Development Identification Signs – Residential

#### (a) Size (max) per sign face

24 square feet.

#### (a) Number (max) per site

Two per each major project/development entrance, or one in the median of an entrance driveway.

#### (b) Height (max)

1. Six feet for freestanding signs.
2. If sign is attached to an entrance feature, sign face may not exceed the height of the structure to which it is attached. Entrance features shall comply with the provisions of this Chapter.

#### (c) Setbacks (min)

Five feet from the public right-of-way or property line and may not encroach into safe sight triangles.

#### (d) Construction

1. Sign may take the form of a freestanding sign or wall style sign.
2. Freestanding signs shall be a monument style sign or post and arm style sign.
3. Sign may be attached to a decorative wall or fence, or to a building wall.

#### (e) Illumination

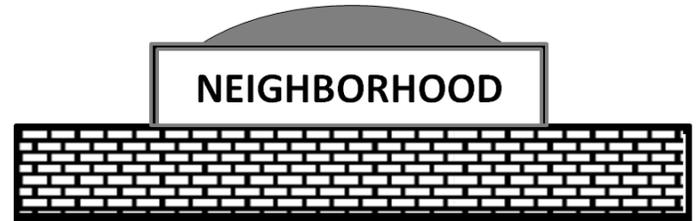
May be illuminated externally or backlit.

#### (f) Location

1. Shall be located on property contiguous to the development identified.
2. Shall be located on private property or within the median of the entrance driveway.
3. May be located on one or both sides of major entrances to the development, or one sign may be located in the median of the entrance driveway with a sign easement and permission from NCDOT or the Town as applicable.

#### (g) Landscaping

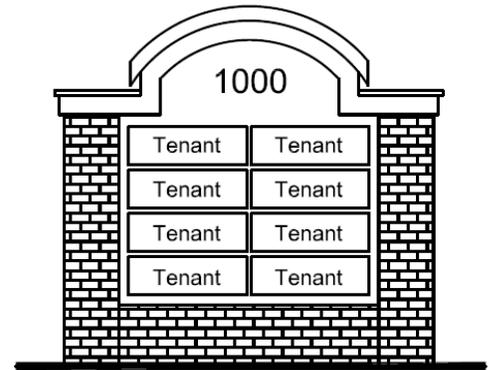
A planting bed area equal to at least one-half of the sign face area (for two-sided signs, use only one sign face area for the calculation) shall be planted around the entire base of any freestanding sign, using shrubs, flowers, or ground cover.



**(14) Development Identification Signs – Non-residential (Sites with Multiple Buildings)**

A Non-residential Development Identification Sign may be used in association with a parcel with multiple buildings, or a grouping of parcels such as a medical park, business park or a shopping center with outparcels. A building with multiple tenants is not eligible for a Development Identification Sign.

Non-residential Development Identification Signs are approved via a Master Sign Plan (or Alternative Sign Plan). Applications shall clearly identify what businesses, buildings, or parcels are included.



In addition to a Development Identification Sign, parcels within the development and subject to the Master Sign Plan (or Alternative Sign Plan) may have one monument style freestanding sign with a maximum of 24 square feet of sign face (per side of a two-sided sign) and a maximum of six feet in height. All other sign specifications shall be in accordance with Section 155.403(G)(5) above.

**(a) Size (max)**

64 square feet.

**(a) Number (max) per roadway frontage**

One sign along roadway at main entrance to the development.

**(b) Height (max)**

1. Eight feet.
2. If sign is attached to an approved entrance feature, sign face may not exceed 8 feet in height. Entrance features shall comply with the provisions of this Chapter.

**(c) Setbacks (min)**

Five feet from the public right-of-way or property line and may not encroach into safe sight triangles.

**(d) Construction**

1. Shall be a freestanding monument style sign, or attached to an entry feature.
2. Materials shall be consistent with primary building construction.

**(e) Illumination**

May be illuminated internally or externally.

**(f) Location**

1. Shall be located on property contiguous to the development identified.
2. Shall be located on private property or within the median of the entrance driveway.
3. May be located at the main entrance to the development, or within the median of the entrance driveway with a sign easement and permission from NCDOT or the Town as applicable.

**(g) Landscaping**

A planting bed area equal to at least one-half of the sign face area (for two-sided signs, use only one sign face area for the calculation) shall be planted around the entire base of any freestanding sign, using shrubs, flowers, or ground cover.

**(15) Temporary Signs**

The signs described below may be erected on a temporary basis only after a permit has been issued by the Planning Director. No sign shall be placed in a public right-of-way, nor attached to a utility pole or other utility-related structure.

(a) **On-Premises Construction Sign**

1. Residential

One sign, not to exceed 20 square feet in size, may be erected in a residential zoning district.

2. Non-Residential

Up to two on-premises construction project signs may be erected in a business, industrial, or office and institutional zoning district, so long as the total sign face area does not exceed 32 square feet. If a sign is two-sided with faces positioned back to back, only one side of the sign face shall be included in this calculation.

3. Construction signs shall not be erected prior to site plan or plat approval or the issuance of a building permit, and shall be removed within 15 days after final inspection and approval of the project.

(b) **Political Signs**

The placement of political signs shall be in accordance with North Carolina General Statutes § 136-32, Regulation of Signs.

(c) **Special Event Signs** (fair, carnival, festival, grand opening, sale, or similar non-permanent activity)

1. Limited to two feather signs, not exceeding 16 square feet each, or one banner style sign, not exceeding 32 square feet.

2. Signs may be erected, placed, or located for maximum of 10 consecutive days.

3. Limited to four times per calendar year (40 days in total).

4. Such signs shall be removed by the applicant by the permit expiration date.

5. The Planning Director shall have the authority to extend the timeframe up to a maximum of 60 days for new businesses or businesses undergoing exterior renovation.

(d) **Yard Sale Signs**

1. Prohibited within public rights-of-way.

2. Such signs may not exceed four square feet in size.

3. Signs shall not be erected more than seven days before the sale date and shall be removed within 48 hours of the sale date.

(e) **Gas Balloons**

1. May be erected, placed, or located in connection with a special event, such as a fair, carnival, grand opening, sale, or similar non-permanent activity.
2. Balloons may be used for maximum of 10 consecutive days.
3. Limited to four times per calendar year (40 days in total).
4. Balloons shall be removed by the applicant within seven days after the event has taken place.

(H) **REMOVAL OF OBSOLETE OR DETERIORATED SIGNS**

(1) **Obsolete Signs**

(a) **Removal**

Obsolete signs shall be removed by the owner of the premises on which the sign is situated within 15 days of receipt of notification by the enforcement officer.

(2) **Deteriorated Signs**

(a) **Removal/Compliance**

Deteriorated signs shall be removed or brought into compliance with all codes and ordinances within 15 days of notification by the enforcement officer.

(I) **MAINTENANCE**

- (1) All signs shall be maintained in a state of good repair. The Planning Director or designee is authorized to inspect each sign periodically to determine that it meets the requirements set forth in this subchapter. Whenever a sign has been built or is being maintained in violation of this subchapter, such sign shall be made to conform to all regulations herein, or shall be removed at the expense of the owner within 15 days after written verification thereof by the Planning Director.
- (2) To ensure that signs are erected and maintained in a safe and attractive manner, the following maintenance requirements shall apply to all signs visible from any street right-of-way or public area:
  - (a) A sign shall have no more than five percent of its surface area covered with peeling paint, chipped corners, rust, mud, broken parts and pieces, or other unsightly conditions for a period of more than 15 successive days.

- (b) A sign shall not stand with bent or broken sign facing, broken supports, loose appendages or struts, or leaning more than 15 percent from vertical for a period greater than 15 successive days.
- (c) A sign shall not have weeds, trees, vines, or other vegetation growing upon it, that obscures the view of the sign from the street or right-of-way from which it is to be viewed, for a period greater than ten successive days.

(J) **MASTER SIGN PLAN**

A Master Sign Plan (MSP) is required for development which includes multiple uses or tenants, planned developments, residential developments where more than one sign is proposed, and Non-residential Development Identification Signs. The purpose of the MSP is to provide a unified record of signs and promote coordinated signage. A MSP is required prior to the erection of any permanent signs and all signs within the development shall comply with the MSP. Applicants wishing to deviate from the requirements listed below may submit an Alternative Sign Plan pursuant to § 155.403(K).

(1) **Application**

The MSP shall be submitted to the Planning Department for review following the process requirements of § 155.713 with the decision made by the Planning Director. For new development, the MSP shall be submitted concurrently with the initial development site plan, master plan, or subdivision application.

(2) **MSP Elements**

The MSP shall include, at a minimum, criteria and specifications for the following:

- (a) Location.
- (b) Allocation of permitted sign area among tenants and any other proposed signs. Total allowable sign face area for the project is determined using the total sign face area allowance calculation defined in (G)(1) of this Section.
- (c) Sketches of generic sign design and appearance for each sign type.
- (d) Construction materials.
- (e) Color palette, provided in Pantone Matching System (PMS) colors, vinyl manufacturer and numbers, or comparable industry standard of color identification. Permitted colors for each sign component shall be specified, including but not limited to sign face backgrounds, font, and sign structure.
- (f) Illumination, including type, where illumination is permitted, and lighting fixture style.
- (g) Map/site plan showing what buildings and parcels are included within the MSP.

(3) **Approval Criteria**

Prior to approval of a MSP, the following review criteria shall be satisfied:

- (a) The proposed sign design, size, color, and placement are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, and any adjoining signage on the site.
- (b) Similar sign types are constructed of similar materials.
- (c) The MSP provides for signs that meet size limitations, location requirements, material standards and other applicable requirements of this Section.
- (d) One standard Pantone Matching System (PMS) color, vinyl manufacturer and number, or comparable industry standard of color identification shall be permitted for wall signs, with the exception of wall signs on outparcels. Black may be used as an accent to the permitted color. If the exterior of the sign includes trim, the material and color must be identified for consistency. Federal and state registered trademarks may be employed in addition to the specified color, but may not exceed 12 square feet in copy area.
- (e) Future tenants will be provided adequate opportunities to construct, erect, or maintain a sign for identification.
- (f) Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.
- (g) The MSP improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement.
- (h) Sign design, scale, and placement are oriented to pedestrian traffic.
- (i) Components of the MSP are consistent with the Town of Clayton General Design Guidelines.

(4) **Conditions of Approval**

The Planning Director may impose Conditions of Approval to carry out the intent of the MSP while still permitting each sign user opportunities for effective identification and communication. These conditions may include, but are not limited to, reductions in the allowable number of signs, total sign face area, location of signs, and types of signs allowed.

(5) **Amendments**

A MSP may be amended by filing a new master plan and updated application with the Planning Director. The amended MSP shall include a schedule that requires bringing all signs not conforming to the proposed plan into conformance.

(K) **ALTERNATIVE SIGN PLAN**

The purpose and intent of an Alternative Sign Plan (ASP) is to allow for creativity of sign design, providing an opportunity to demonstrate the intent of this Section can be exceeded, in whole or in part, through an ASP. Any sign application, including a Master Sign Plan, may submit an ASP as an alternative. The ASP need not comply with the requirements of this Section, however in no case shall an ASP allow a prohibited sign. The ASP shall be prepared in accordance with the design principles set forth below.

(1) **Application**

The ASP shall be submitted to the Planning Department for review following the process requirements of § 155.713, with the decision made by Town Council. For new development, the ASP shall be submitted concurrently with the initial development site plan or subdivision.

(2) **ASP Elements**

The ASP shall include, at a minimum, criteria and specifications for the following:

- (a) Justification statement which details project information, modifications being requested, specific code references and proposed alternatives.
- (b) ASPs submitted in lieu of MSPs shall include all information required for an MSP.
- (c) ASPs submitted for a permanent sign shall include all information required for a permanent sign application.

(3) **Approval Criteria**

To qualify for consideration, an ASP shall demonstrate compliance with the following review criteria:

- (a) Components of the ASP shall be consistent with the Town of Clayton General Design Guidelines.
- (b) The proposed sign design, size, color, and placement are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, and any adjoining signage on the site.
- (c) Innovative use of materials and design techniques in response to unique characteristics of the specific site.
- (d) Placement of sign incorporates or preserves existing native vegetation.
- (e) Sign design, scale, and placement are oriented to pedestrian traffic.
- (f) Integrates architectural features in a manner compatible with the surroundings in which the development is located.
- (g) Includes pedestrian facilities, including but not limited to sidewalks, walkways, street furniture, landscaping, and lighting.

- (h) Consistent with approved neighborhood plans, studies, or area plans.
- (i) Future tenants will be provided adequate opportunities to construct, erect, or maintain a sign for identification.
- (j) Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.
- (k) The ASP improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement.

**(4) Conditions of Approval**

The Town Council may impose Conditions of Approval to carry out the intent of the ASP while still permitting each sign user opportunities for effective identification and communication. These conditions may include, but are not limited to, reductions in the allowable number of signs, total sign face area, location of signs, and types of signs allowed.

**(5) Amendment**

An ASP may be amended by filing a new ASP and updated application with the Planning Director. The amended ASP shall include a schedule that requires bringing all signs not conforming to the proposed plan into conformance.

**Duly adopted by the Clayton Town Council this 16th day of June 2014 while in regular session.**

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**Jody L. McLeod,  
Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

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

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**Katherine E. Ross  
Town Attorney**

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

### **Motion:**

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

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

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

### **MOTION:**

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

**TOWN OF CLAYTON**  
**CONSISTENCY AND REASONABLENESS STATEMENT**

**Ordinance Amendment(s)**

**THE TOWN COUNCIL OF THE TOWN OF CLAYTON HEREBY STATES** that text amendments to Chapter 155, Section 403, are consistent with the Town of Clayton Strategic Growth Plan and based upon information presented at the public hearing and by the applicant, and based upon the recommendations and detailed information developed by staff and/or the Planning Board contained in the staff report, and considering the criteria of Section 155.703 (H), ~~Section 155.704(J) and/or Section 155.705(J)~~ of the Unified Development Code of the Town of Clayton, the text amendments are reasonable and in the public interest.

Duly approved by the Clayton Town Council this 16th day of June 2014, while in regular session.

ATTEST:

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Jody L. McLeod  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk

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

Agenda Item: 9a

Meeting Date: 6/16/2014

TITLE: TOWN MANAGER.

DESCRIPTION: Provide an update on the following items:

- Update on the request for urban deer hunting;
- Update on the Brownfield agreement in reference to the DuPont property
- Downtown parking regulations

RELATED GOAL: Administration.

ITEM SUMMARY:

| <u>Date:</u> | <u>Action:</u> | <u>Info. Provided:</u> |
|--------------|----------------|------------------------|
| 06-16-14     | Update.        |                        |

TOWN OF CLAYTON  
TOWN COUNCIL  
AGENDA COVER SHEET

Agenda Item: 9c

Meeting Date: 06/16/14

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events

- Council Mtg – Monday, June 16, 2014 @ 6:30 PM
- Downtown Development Association Mtg – TUESDAY, June 17, 2014 @ 6:30 PM in room GS 223
- ~~Board of Adjustment Mtg – Wednesday, June 18, 2014 @ 6 PM - Cancelled~~
- Town Square Concert Series – Brickhouse Band – Thursday, June 19, 2014 from 6 PM to 9 PM at Town Square
- Rock the Block – Saturday, June 21, 2014, from 2 PM until 9 PM at the Town Square
- 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
- Town Square Concert Series – Steve Owens & Summertime – Thursday, July 17, 2014 from 6 PM to 9 PM at Town Square
- 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
- Council Mtg – August 4, 2014 @ 6:30 PM
- National Night Out – Tuesday, August 5, 2014, from 5:30 PM to 8:30 PM at Town Square
- Council Mtg – August 18, 2014 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, August 20, 2014 @ 6:00 PM
- Town Square Concert Series – Mostly Crue – Thursday, August 21, 2014 from 6 PM to 9 PM at Town Square
- Planning Board Mtg – Monday, August 25, 2014 @ 6:00 PM
- Labor Day Holiday – Monday, September 1, 2014
- Council Mtg – **TUESDAY**, September 2, 2014 @ 6:30 PM
- Zaxby's Movie Night – Saturday, September 13, 2014 from 6 PM to 10 PM at Town Square
- Council Mtg- Monday, September 15, 2014 @ 6:30 PM
- Clayton Harvest & Music Festival – September 17 – 21, 2014, Downtown Clayton
- Board of Adjustment Mtg –Wednesday, September 17, 2014 @ 6:00 PM
- Town Square Concert Series – Nantucket – Thursday, September 18, 2014 from 6 PM to 9 PM at Town Square

- Clayton Harvest & Music Festival: temporary closure of Main Street from O’Neil Street to Second Street for the vendors and car show – Saturday, September 20, 2014, 5:00 AM to 6:00 PM
- Planning Board Mtg – Monday, September 22, 2014 @ 6:00 PM
- Council Mtg – Monday, October 6, 2104 @ 6:30 PM
- NCLM Annual Conference – October 12-14, 2014; Greensboro, NC
- Board of Adjustment Mtg – Wednesday, October 15 2014 @ 6:00 PM
- Council Mtg – Monday, October 20, 2014 @ 6:30 PM
- Planning Board Mtg – Monday, October 27, 2014 @ 6:00 PM
- Fall Back: 2014 Daylight Saving Time ends – Sunday, November 2, 2014, at 2 AM
- Council Mtg – Monday, November 3, 2014 @ 6:30 PM
- Veteran’s Day Holiday – Tuesday, November 11, 2014
- Council Mtg – Monday, November 17, 2014 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, November 19, 2014 @ 6:00 PM
- Planning Board Mtg – Monday, November 24, 2014
- Thanksgiving Day Holiday – Thursday, November 27, 2014 & Friday, November 28, 2014
- Council Mtg – Monday, December 1, 2014 @ 6:30 PM
- Council Mtg – Monday, December 15, 2014 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, December 17, 2104 @ 6:00 PM
- Christmas Holiday – Wednesday, December 24, 2014; Thursday, December 25, 2014; & Friday, December 26, 2014

Date:  
06-16-14

Action:  
N/A

Info. Provided:  
Calendar of Events

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

Agenda Item: 9d

Meeting Date: 5/19/14

TITLE: OTHER STAFF.

DESCRIPTION: The Town of Clayton received an inquiry on the sale of a Town owned parcel located at Horne Street and O'Neil Street – the former water tank site.

In accordance with NC GS 160A-266, Council may sell real property by:

- Advertisement for sealed bids
- Negotiated offer, advertisement, and upset bid
- Public auction

NC GS 160A-266 does not permit the private negotiation and sale of real property.

This is for Council review and instruction.

At its May 19, 2014, Council meeting, the Town Council requested staff research possible uses of this Town property.

RELATED GOAL: Administration.

ITEM SUMMARY:

| <u>Date:</u> | <u>Action:</u> | <u>Info. Provided:</u>  |
|--------------|----------------|---|
| 05-19-14     | Presentation.  | Letter, Warranty Deed<br>For the parcel, GIS Map,<br>Jo Co Appraisal Card,<br>& NC GS 160A-266. |
| 06-16-14     | Update.        |   |