

AGENDA
THE WORK SESSION MEETING OF THE CLAYTON TOWN COUNCIL

MONDAY, OCTOBER 20, 2014
6:30 PM

THE CLAYTON CENTER
COUNCIL CHAMBERS

1. **CALL TO ORDER**
Pledge of Allegiance & Invocation – Mayor Jody L. McLeod
2. **ADJUSTMENT OF THE AGENDA**
3. **ACTION AGENDA**
 - a. Draft minutes from the October 6, 2014 meeting.
 - b. Draft minutes from September 15, 2014 Closed Session.
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
 - a. Introduction of new Town of Clayton employee(s).
 - b. Presentation by Mr. Tim Tunis, CFO for ElectriCities, recognizing Clayton Public Power with an Excellence in Financial Stability Award.
5. **PUBLIC HEARINGS**
 - a. Evidentiary Hearing on SUP2014-85, to review an application submitted by RNC Entertainment for an Internet Sweepstakes Operation.
6. **ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**
 - a. Presentation of resolution of the 2015 Holiday Schedule.
 - b. Presentation of resolution of the 2015 Town Council meeting schedule.
 - c. Schedule public hearing on November 3, 2014 for RZ2014-116 located at 443 E. Second Street.
 - d. Adopt Resolution instructing the Town Clerk to review sufficiency of Petition for Annexation of property on Powhatan and Glen Laurel Roads.
7. **ITEMS CONTINGENT FOR THE REGULAR MEETING**
 - a. Review and approval of budget amendments.
 - I. Use of certain funds restricted to designated uses.
 - II. Carryover fiscal year funding for Electric Meter Conversion Project.
 - b. Adoption of Resolution Supporting Geographic Information Systems (GIS) Awareness Day.
 - c. Warranty and dedication acceptances:
 - I. Cobblestone Phase 11
 - II. LionsGate Phases 3A & 3G
8. **ITEMS FOR DISCUSSION**
9. **OLD BUSINESS**

- a. No old business.

10. STAFF REPORTS

- a. Town Manager
 - Quarterly Financial Report.
 - Report on parking issue: Blanche Street
- b. Town Attorney
- c. Town Clerk
 - Calendar of Events
- d. Other Staff

11. OTHER BUSINESS

- a. Informal Discussion & Public Comment.
- b. Council Comments.

12. ADJOURNMENT

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

Agenda Item: 3a

Meeting Date: 10/20/14

**TITLE: DRAFT MINUTES FROM: October 6, 2014 Regular Session and
September 15, 2014 Closed Session.**

DESCRIPTION: Minutes.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
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10-20-14

Approval.

DRAFT

Transcript Minutes of the
October 6, 2014 Town of Clayton
Town Council Meeting

MAYOR MCLEOD: -- this Regular Meeting of
the Clayton Town Council to order. I'll ask you to
stand for the Pledge of Allegiance and remain
standing for the invocation.

(Pledge of Allegiance recited.)

MAYOR MCLEOD: Let us pray. Most
Gracious and Heavenly Father, we give you thanks
for the many blessings of this day and we ask now
that You be with us as we proceed with the business
for the Town of Clayton. For it's in Your great
name we pray, amen.

AUDIENCE: Amen.

MAYOR MCLEOD: Are there any adjustments
of the agenda?

TOWN MANAGER BIGGS: I have none.

MAYOR MCLEOD: All right. No
adjustments, then we'll move on to the consent
agenda. Any discussion?

MALE SPEAKER: Move to approve.

MAYOR PRO TEM GRANNIS: Mr. Mayor?

MAYOR MCLEOD: Mr. Grannis?

MAYOR PRO TEM GRANNIS: I had one
question with respect to the -- or two questions
actually, with respect to the Interlocal Agreement
with Johnston County and the Town of Clayton with

respect to utility services for Grifols. In the agreement, in Article 3, there's a paragraph that says "the County will invoice the Town monthly for base charges, any applicable surcharge and capital surcharge. The Town will pay the County the invoiced amounts within 20 days from the day the Town receives the invoice." Typically, is -- is that normal, or would it be 30 days?

TOWN MANAGER BIGGS: 20 days would be fine. Some of our turnarounds are now 15 days, so that would not create a cash flow problem foreseeable (inaudible).

MAYOR PRO TEM GRANNIS: Okay. And then the --

TOWN ATTORNEY ROSS: Mr. Grannis, just you -- as a procedural point, I would recommend we take this off the Consent Agenda if we're going to have discussion regarding it. We may, at the end, decide we don't need to do that, but it -- just as a procedural point, you may want to take it off the Consent Agenda -- off the Consent Agenda and do it separate.

MAYOR MCLEOD: Okay. So we'll remove Item 3e from the Consent Agenda, and I'll entertain a motion to approve the Consent Agenda as

presented.

COUNCILMAN SATTERFIELD: So moved.

COUNCILMAN HOLDER: Second.

MAYOR MCLEOD: We have a motion and a second for approval. Any other discussion? All in favor say aye?

(Voice vote.)

MAYOR MCLEOD: Opposed, like sign.

Motion carries. Now, we'll revert back to Mayor Pro Tem Grannis's inquiry on the Interlocal Agreement, Item 3e.

MAYOR PRO TEM GRANNIS: So I understand that 20 days, I'm good with that. The next paragraph; "charges shall be reviewed at least annually by the County and adjusted if required with 60 days written notice. It is the County's intent to adjust charges only on an annual basis, however, changes in GTI's wastewater quality or characteristics which result in process upsets the County or the County's wastewater treatment plant or require higher energy, chemical or labor costs and/or noncompliance with the NPDES permit limits shall be justification for more frequent adjustments and charges." How is that determined, and do we have any input?

TOWN MANAGER BIGGS: It would be determined, Mr. Grannis, by what's called at-works [ph] analysis and they would -- what they would do is they would look at the nature of the flow that they would see. There are certain primers that have been worked into the agreement and that will also be recruited with Grifols or GTI's industrial user permit, and those limits would be set with certain assumptions about the cost of treatment. And so really what we're doing is we're looking to analyze the cost of the electricity. We would be analyzing the nature of their wastewater and if it were higher concentration than what those limits have set, then the assumption would be there that that leads to higher costs and there would be some allowances that would be made for the additional cost for treatment of the higher concentration of wastewater above the primer (inaudible) provided.

MAYOR PRO TEM GRANNIS: And I would assume that we would have some input regarding that before we get the notification of increase.

TOWN MANAGER BIGGS: Well, based on our relationship with Johnston County, I'm sure there would be back and forth dialogue, but in any event,

the way -- this is the agreement when we and the County (inaudible) separate agreement that has been previously adopted between Grifols, and the language that we have in our agreement with Grifols is equivalent to the language that we have in our agreement -- or proposed agreement with Johnston County. So, as the County can enforce certain additional surcharges on us, we can also enforce them on Grifols.

MAYOR PRO TEM GRANNIS: Okay. I'm good.

With that I would recommend approval.

COUNCILMAN SATTERFIELD: Second.

MAYOR MCLEOD: I have a motion and a second for approval of Item 3e, the Interlocal Agreement with Johnston County and the Town of Clayton. Is there any other discussion? All in favor of the motion, say aye.

(Voice vote.)

MAYOR MCLEOD: Opposed, like sign?

Motion carries.

PUBLIC INFORMATION OFFICER BEARD: Mayor McLeod, who made the second?

MAYOR MCLEOD: Mr. Satterfield. Next up under old business is an amendment to the cemetery ordinance.

TOWN MANAGER BIGGS: All right. This is the item that we discussed in our work session. It's included under the old business part of the agenda (inaudible) consent agenda because we did have a modification between the version that was submitted to the Council's work session and the version before you for approval this evening. The primary purpose of this amendment is to change the nature of the (inaudible) relationship in transferring cemetery plots from (inaudible) a D instrument to a licensed allowed -- a licensed agreement. And so when someone purchases a plot in our cemetery going forward, what they would be purchasing is a permission to use the cemetery for its intended purpose for grave sites, internments.

And so that is that meat and potatoes of what is proposed before you, but while we were doing an amendment we did put in one additional provision. What we found is that from time to time there are funeral home tents that are left on-site for an extended period of time, so we have added into the amendment that (inaudible) tents must be removed within five days after closing the graves.

MAYOR MCLEOD: Mr. Satterfield?

COUNCILMAN SATTERFIELD: I had a talk with the gentleman today -- yesterday actually, about the possible transferring a lot to someone else. And, at this point, they'll just have permission from the Town to use that lot. How do they turn around and transfer that -- that to somebody else?

TOWN MANAGER BIGGS: Well, in the past when it was a deed we would be involved in that transaction as well and so what we would do in the future, and we can refer to the attorney for more details, but in simple terms there would be a relicensing that -- the two parties would come before us and there would be a relicensing showing the transfer from the original purchaser to the (inaudible) provided.

COUNCILMAN SATTERFIELD: Is there a form that we could use to make that easier for people to do that?

TOWN MANAGER BIGGS: We -- we have a licensing form. I don't -- I do not think that we have a different form that we can use for resale or relicensing of a plot, but that's something that I can check.

COUNCILMAN SATTERFIELD: Thank you.

MAYOR MCLEOD: All right. Anyone else?

TOWN ATTORNEY ROSS: Here, I will just --

I will just point out that the -- on the issue of transfer. The amended text provides for a -- to transfer a use license. The original purchaser must (inaudible) a transfer of cemetery plot form. So there is a form --

COUNCILMAN SATTERFIELD: Okay.

TOWN ATTORNEY ROSS: -- that encompasses the transfer once that's provided to the Town. As I understand, how it's written, and I think this is how it will be operationalized, that then the Public Works and Utilities Director, the designee, essentially issues a new license to the person that is doing the transfer -- that (inaudible). So they want to know for transfer of a license that you intend to; it's not just someone walking in and saying I get it.

COUNCILMAN SATTERFIELD: Okay.

TOWN ATTORNEY ROSS: So there's a process.

COUNCILMAN SATTERFIELD: Okay. Good.

MAYOR MCLEOD: All right. Do we need a motion on this?

TOWN MANAGER BIGGS: One -- one -- yeah,

we need a motion and action, and just to point out that Councilman Thompson did find a typo, so in the final version we will correct the typo. There will not be any content changes in the version that we see and the (inaudible) version.

MAYOR MCLEOD: All right.

COUNCILMAN SATTERFIELD: Move to approve.

MAYOR PRO TEM GRANNIS: Second.

MAYOR MCLEOD: We have a motion and a second to approve the amendment to the cemetery ordinance. Is there any discussion? All in favor of that motion, let it be known by saying aye?

(Voice vote.)

MAYOR MCLEOD: Opposed, like sign?

Motion carries. Next up is the adoption of amended bylaws for the Library Board.

TOWN MANAGER BIGGS: Mr. Mayor and Councilmembers, I believe Nancy Medlin worked with Councilman Holder and Mrs. Starnes our library director on this particular item, and this is presented for your consideration this evening.

COUNCILMAN HOLDER: Move to approve.

COUNCILMAN SATTERFIELD: Second.

MAYOR MCLEOD: We have a motion and a second to approve the adoption of the amended

bylaws for the Library Board. Is there any other discussion? All in favor of that motion say aye.

(Voice vote.)

MAYOR MCLEOD: Opposed, like sign? And the motion carries. Next up under new business is the Clayton Fire Department General Mutual Aid Agreement update.

TOWN MANAGER BIGGS: Mr. Mayor, this is an item that I apologize for not including on the work session agenda, but it is a fairly routine item for us to have. (Inaudible) agreements for the various departments with us and to which we provide support. This allows us to pool resources and get a major (inaudible) and so it is time for that agreement to be updated in the next week and we present for you this evening.

COUNCILMAN SATTERFIELD: Move to approve.

COUNCILMAN THOMPSON: Second.

MAYOR MCLEOD: We have a motion and a second to approve the Clayton Fire Department General Mutual Aid Agreement. Is there any other discussion? All in favor of the motion say aye.

(Voice vote.)

MAYOR MCLEOD: Opposed, like sign?

Motion carries. And next up on the agenda is the

discussion of the appointment of the Town Clerk. I think we should appoint one.

MALE SPEAKER: I think (inaudible) --

MALE SPEAKER: Second (laughter). It's a great idea. I know she thinks it's a great idea.

MALE SPEAKER: What do you think, Stace?

PUBLIC INFORMATION OFFICER BEARD: Yes (laughter).

MAYOR MCLEOD: We are very excited that after a intense process that the Committee has found the perfect match for the Town of Clayton's Town Clerk position, and that candidate is with us this evening. Her name is Kimberly Moffett. She is currently the deputy clerk for the Town of Garner. She already has her certified municipal clerk's accreditation. I was looking for the right word. And we're very excited. She's amazing and she's smart and she's organized and she is really, really excited about coming back to Clayton. She had worked prior in Clayton with the Clayton Chamber of Commerce for a few years and so it's almost like a homecoming, but we're really excited to have you here and if you'd like to come up and say hello and say something for the record and who knows, if we don't get the minutes done before

you're actually in the seat, you may get to write your own minutes (laughter).

MALE SPEAKER: Short meeting though.

MS. MOFFETT: Thank you very much. I just wanted to thank everybody in the Town Council and the Town (inaudible). I'm excited about this opportunity and I thank you so much for it. I'm excited about being part of this great team and just excited to be in the community that I love and I'm just very excited and looking forward to it.

MAYOR MCLEOD: Well, we are too.

MS. MOFFETT: Thank you very much.

MAYOR MCLEOD: We are very excited, Kimberly. Thank you.

MS. MOFFETT: Thank you.

MALE SPEAKER: Thank you.

MAYOR MCLEOD: And when's your start date?

MS. MOFFETT: That would be October 20th.

MAYOR MCLEOD: Okay.

MS. MOFFETT: Uh-huh.

MAYOR MCLEOD: Awesome.

MAYOR PRO TEM GRANNIS: That will be baptism under fire.

MS. MOFFETT: That's correct (laughter).

MAYOR MCLEOD: We're looking forward to
it. Thank you for joining us this evening.

MS. MOFFETT: Thank you.

MAYOR MCLEOD: Yes. Mr. Grannis?

MAYOR PRO TEM GRANNIS: Kimberly, I
just -- I wasn't able to get here earlier to
welcome you. I was actually flying back from San
Francisco, but I'm very excited as well and I'll be
sure to keep your seat nice and warm for you, so
welcome to the team.

MS. MOFFETT: Thank you very much.

MAYOR MCLEOD: So I believe we need to
make a motion to set --

COUNCILMAN HOLDER: I'll make a motion to
approve the appointment of the Town Clerk.

MAYOR MCLEOD: All right.

COUNCILMAN SATTERFIELD: Second.

COUNCILMAN HOLDER: Kimberly Moffett.

MAYOR MCLEOD: All right. We have a
motion and a second for approval of Kimberly
Moffett as our new Town of Clayton Town Clerk. Is
there any other discussion? All in favor of the
motion say aye.

(Voice vote.)

MAYOR MCLEOD: Aye. I never get to do

that part, but I just thought I would for posterity. And opposed, like sign? Motion carries. Welcome. Okay. Next up is staff reports, beginning with the manager.

TOWN MANAGER BIGGS: No additional reports.

MAYOR MCLEOD: Town Attorney?

TOWN ATTORNEY ROSS: The only report I have is on the Red & White Building and (inaudible) court date (inaudible) November 10th. Likely it will be scheduled for Wednesday the 12th, but it's starting that session (inaudible).

MAYOR MCLEOD: Awesome. Town Clerk?

PUBLIC INFORMATION OFFICER BEARD: I just wanted to let you guys know how I've enjoyed sitting up here with you, but I'll be glad to pass the baton. I also wanted to let you know that tomorrow and the next day we will have more than 200 seniors from all across the State of North Carolina here for the State Final Senior Games in bocce and cornhole. They are very seriously competitive sports and we have folks coming from literally the mountains to the coast. And some of them come in busloads, but

our bocce courts have actually just been redone with new sort of irrigation and drainage underneath them, because usually it pours down rain and it's freezing cold for these events, but hopefully because we've made the expense of putting irrigation underneath the courts it won't rain of course. So hopefully it'll be good weather tomorrow, but if you guys ever want to stop by the next two days; I mean, they go from 9:00 until 6 o'clock at night.

We have wonderful volunteers from the community because it takes volunteers -- the bocce scoring is apparently very complicated. We have a large contingent from Caterpillar, one of our big corporate citizens that comes in and volunteers and helps out and the seniors just love it. They say they love playing and some of them arrived today and were out there practicing, but it's a great event and we're happy to host it here in -- and the Senior Games have said that we will continue to be the host for these two events for the finals because people do have such a great time here and we have a great facilities and great accommodations.

MALE SPEAKER: That's super, great.

MAYOR MCLEOD: And I'll also just give a brief shout out of appreciation to Stacey. She supported me and Stephanie in hosting this past Friday, a little over 150 third graders from River Dell Elementary School that thoroughly enjoyed their educational trip in Clayton and enjoyed the fire department and the library and coming to see the cultural arts center and coming to learn a little bit more about town government and how it works. So, Stacey, thanks. I think they were -- they were definitely educated when they left, but you -- my hair kind of stands up on my head sometimes anyway, but I think by the time they were done (laughter) -- but it was great and I think, you know, the parents actually learned probably just as much as -- as the kids.

PUBLIC INFORMATION OFFICER BEARD:

Absolutely.

MAYOR MCLEOD: So thank you for that, Stacey.

PUBLIC INFORMATION OFFICER BEARD: Oh, thank you.

MAYOR MCLEOD: Okay. Any other staff?

DOWNTOWN DEVELOPMENT DIRECTOR NAEGELEN:

Just real quick; I'm Bruce Naegelen, Downtown

Development Coordinator, and also a member of the Special Events Committee in the Town of Clayton. And we had a late (inaudible) application for the Clayton (inaudible) Homecoming Parade which is coming up on October 17th. The Committee approved and they are going to (inaudible) roads will be closed and (inaudible) the Committee to approve it. (Inaudible) PD has already approved it, which it has. It's October 17th. It's going to start about 4 o'clock. It comes up Fayetteville Street, goes down Main Street -- goes right on Main, right on 2nd, just right on Lombard, right on 2nd and then left back on Fayetteville back to the high school. And this is pretty much the same thing that's been for (inaudible).

MALE SPEAKER: Move to approve.

MAYOR MCLEOD: He doesn't have to have an approval.

MALE SPEAKER: Oh.

DOWNTOWN DEVELOPMENT DIRECTOR NAEGELEN:

This is just information.

MALE SPEAKER: Oh, okay. Okay.

MALE SPEAKER: (Inaudible).

DOWNTOWN DEVELOPMENT DIRECTOR NAEGELEN:

(Inaudible) for each of you if you're not doing

anything on October 14th. The VA is hosting a -- the Main Street Mingle. It's a (inaudible) networking opportunities for the businesses downtown. We're going to bring them up to the Arbors at East Village in the clubhouse (inaudible) party downtown and so if you -- if you'd care to see what it's like and be one of the (inaudible) most everybody's seen it already, but we'll give you an opportunity to see it if you haven't. Also, you can meet some of our businesses, and especially some of our newer folks (inaudible).

MAYOR MCLEOD: All right. Thank you, sir. I'll now open the floor for informal discussion or public comment. All right. No one wishing to speak, I'll turn it over to Council for their comments. Mr. Grannis?

MAYOR PRO TEM GRANNIS: As most of you know, we have yet to do a review for the Town Manager and we currently now have a new form and format and Steve is putting some finishing touches on that and once that's done, which I would assume (inaudible) if I'm not mistaken probably in the next two weeks maybe?

TOWN MANAGER BIGGS: About that.

MAYOR PRO TEM GRANNIS: Okay. And I'll

make -- be making distribution with a notation of our timeline to be getting -- giving it back. And because I'm so (inaudible) so I will continue to combine everything into one.

MAYOR MCLEOD: So this year, whoever is late in turning it in, you have to buy drinks for the rest of those who got it in time.

MALE SPEAKER: Won't be me.

MAYOR PRO TEM GRANNIS: Oh no, it's much greater than that.

MALE SPEAKER: It won't be me.

MAYOR PRO TEM GRANNIS: But it's a surprise.

MAYOR MCLEOD: It's a surprise. Anyone else? Jason?

COUNCILMAN THOMPSON: We've -- I've been working with the Triangle Agency (inaudible) and the various agencies that they do. There's a project they've done called Music for the Mind and you may have seen some stuff on buildings, on YouTube videos or whatever; people (inaudible) of assisted living facilities that'll get them with iPods and with the music that they like on it. And there are people right here in North Carolina, they've been doing a pilot project with it who have

not spoken in years and put the headphones and they just come alive and they start -- start to speak, start to sing. Because works a different part of your mind than the normal speech comes from. So I'm pushing real hard to try to get that (inaudible) Johnston County specifically to our assisted living facilities we have in Clayton. So I'll keep you updated on that, but I'm pushing on that. It is a -- it's a -- it's a worthwhile program. There's an awesome YouTube video. You can click up on it and see the -- the people just come alive when they hear the music from the era and that they grew up in and so they are working hard trying to get that brought out here.

MALE SPEAKER: That's great.

MAYOR MCLEOD: That's great. I'll be attending the League of Municipalities Conference starting Saturday afternoon and be back on Tuesday afternoon, and that's pretty much all I know right now. All right. If nothing else to come before us, I'll entertain a motion to adjourn.

COUNCILMAN SATTERFIELD: So moved.

COUNCILMAN HOLDER: Second.

Duly adopted by the Town Council this 15th day of September 2014
while in regular session.

Jody L. McLeod,
Mayor

ATTEST

Kimberly Moffett, CMC
Town Clerk

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

Agenda Item: 4a

Meeting Date: 10/20/14

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>
10-20-14	Introduction(s).	N/A.

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

Agenda Item: 4b

Meeting Date: 10/20/14

TITLE: Presentation by Mr. Tim Tunis, Chief Financial Officer for ElectriCities

DESCRIPTION: Town of Clayton/Clayton Public Power Award for Excellence in Financial Stability.

RELATED GOAL:

ITEM SUMMARY:

Date:

Action:

Info. Provided:

10-20-14

Presentation

Award

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

Agenda Item: 5a

Meeting Date: 10/20/14

TITLE: Evidentiary Hearing SUP2014-85

DESCRIPTION: Holding of an evidentiary hearing for the purpose of reviewing and deciding SUP 2014-85 submitted by RNC Entertainment for an Internet Sweepstakes Operation.

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
9-2-14	Tabled	Packet
10-20-14	Hearing	Packet



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

Town Council

STAFF REPORT

Application Number: SUP 2014-85 (Special Use Permit)
Project Name: RNC Entertainment - Internet Café at 12809 US 70 Bus Hwy W

NC PIN / Tax #: 165909-06-0707 / 05G02001B
Town Limits/ETJ: Town Limits
Overlay: Thoroughfare Overlay District
Applicant: Tony Ro
Owners: 813 Town Centre Boulevard Holdings LLC

Neighborhood Meeting: Held July 18, 2014
Public Noticing: Property Posted July 18, 2014

PROJECT LOCATION: The project is located at 12809 US 70 Bus Hwy W, in the Town Centre (Walmart) Shopping Center Plaza, in the old Blockbuster site and adjacent to Capital Bank.

REQUEST: The applicant is requesting approval of a Special Use Permit to allow Video Sweepstakes Operations business at 12809 US 70 Bus Hwy W, within the Town Centre (Walmart) Shopping Center.

SITE DATA:

Acreage: 1.82 acres
Present Zoning: B-3-S (Highway Business Special Use District)
Existing Use: Commercial (storefront is vacant)

DEVELOPMENT DATA:

Proposed Uses: Video Sweepstakes Operations
Buildings: One existing building. Business is in a storefront within a 10,858 SF multi-tenant building.
of Machines: 80
Square footage: 5,664 SF
Required Parking: 28 (1 space per 200 SF or 1 space per 3 seats, whichever is greater. In this case $5,664 \text{ SF} / 200 = 28$)

Proposed Parking: Utilizing existing parking. The site has 59 parking spaces available.
Access/Streets: Access is through an existing driveway off of Town Centre Blvd (internal circulation within the Town Centre Shopping Plaza). No site modifications are proposed.

ADJACENT ZONING AND LAND USES:

North: Zoning: Highway Business (B-3)
Existing Use: Funeral Home & Cemetery

South: Zoning: Highway Business Special Use District (B-3-S)
Existing Use: Commercial (Walmart)

East: Zoning: Highway Business Special Use District (B-3-S)
Existing Use: Commercial (Capital Bank)

West: Zoning: Highway Business Special Use District (B-3-S)
Existing Use: Commercial (Vacant)

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting approval of a Special Use Permit to allow a Video Sweepstakes Operations business at an outparcel within the Walmart Shopping Center. The outparcel has a small multi-tenant building and the proposed use will operate out of one of the vacant commercial spaces available. Usually a Conditional Use Permit is required to operate a Video Sweepstakes Operation, but because this site is in a Special Use District, the new use must receive a Special Use District to locate here. A separate Conditional Use Permit is not required.



Site of proposed Internet Cafe

Video Sweepstakes Operations are defined in the UDC (Section 155.305(GG)) as follows: “Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming materials, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet cafes, internet sweepstakes, and cybercafes. This does not include any lottery approved by the State of North Carolina.”

The code also sets the following restrictions:

- 1) Unaccompanied persons under the age of 18 are prohibited from entering the premises.
- 2) The hours of operation shall be limited to Sunday through Thursday 9 am to 1am and Friday and Saturday 9am to 2am.
- 3) A maximum of up to 100 machines may be permitted at each establishment.

The applicant has requested the following:

- 1) # of Machines: maximum of 80

Associated Plans

Site Plan # 02-27 was the initial site plan for the Blockbuster site.

The Walmart Plaza was originally approved under Special Use Permit # SUP 02-01.

State Law related to Internet Sweepstakes

The applicant has indicated they fully intend to operate within the confines of State laws and will comply with any state and local regulations that apply to internet sweepstakes, now or in the future. The issuance of a Special Use Permit is not evidence that the Town has determined the applicant is operating within the state law.

Parking Considerations

Based on current parking requirements, the subject site is conforming in terms of the number of required spaces.

Total Building = 10,800 square feet

Internet Café = 5,664 SF

- At a rate of 1 space per 200 SF, 28 spaces required

Remaining Building = 5,136 SF (mix of office and retail)

- At the rate of 1 space per 200 SF (conservative since office requires less parking than retail), 26 spaces required

Total parking required for building: 54 spaces

Total parking provided: 59 spaces

Consistency with the Unified Development Code

The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC), so long as the Special Use Permit is approved.

Compatibility with Surrounding Land Uses

The use is compatible with the surrounding uses in the shopping plaza (retail, service, restaurant, and other commercial businesses).

Landscaping and Buffering

No additional landscaping or buffering is required.

Signs

All signage will be required to comply with Town of Clayton UDC requirements.

Waivers/Deviations/Variations from Code Requirements

None.

CONSIDERATIONS:

- The Town Council approves Special Use Permits.

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 "Attachment 1" for the applicant's response.

CONDITIONS:

Staff recommends that if the Town Council reaches positive conclusions on the required findings of fact, the approval of the petition be subject to the following conditions:

1. The hours of operation shall be limited to Sunday through Thursday 9 am to 1am and Friday and Saturday 9am to 2am.
2. Unaccompanied persons under the age of 18 are prohibited from entering the premises.
3. Prior to the issuance of a Privilege License, the applicant shall provide a final floor plan identifying the number of seats provided in the facility for gaming. This facility is limited to a maximum of 80 seats/machines.
4. A maximum of 25% of the window and door areas may be covered with signage or other opaque materials.

PLANNING BOARD RECOMMENDATION:

Approval with the conditions in the staff report, which are the same conditions in this staff report. See Attachment 2 – Planning Board Recommendation Form.

ATTACHMENTS:

- 1) Findings of Fact, 2) Planning Board Recommendation Form 3) Aerial and Zoning Map, 4) Floor Plan, 5) Application Materials, 6) Neighborhood Meeting Materials

REQUIRED FINDINGS OF FACT

Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use 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 developed according to the plans as submitted and approved.

~~Our establishment will provide relaxing and comfortable lounge areas within the premises to where the customers have access to computers for entertainment purposes. We will provide non-alcoholic beverages and snakes to all of our customers. We will provide a wait staff in order to tend to all of our customers to ensure attentiveness and satisfaction. We plan to provide security assistance after hours as well to ensure safety if necessary. We will in no way shape or form endanger the public health and safety for the community with our system in place.~~

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.

~~We will definitely meet all requirments regarding the land use due to all activities regarding the business being held in doors and for entertainment purposes only. Very limited activities will be held outside of the establishment.~~

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.

~~Majority of the business will be conducted after the hours of 7pm which will not clash with the neighboring businesses. We will utilize minamal parking spaces, and will not affect our neighboring businesses. We are hoping to bring in more traffic to this area to help promote our neighboring businesses as well.~~

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.

~~We are in full compliance to the laws and regulations of the state of North Carolina regarding the type of gaming system which are allowed to be utilized by our customers.~~

TOWN OF CLAYTON, NC

PLANNING BOARD RECOMMENDATION FORM

Application Name & Number:

SUP 2014-85, RNC Entertainment Internet Sweepstakes - Special Use Permit

On July 28th, 2014 the Planning Board heard the above-referenced request and made the following vote:

- Recommendation of approval of the request. *with conditions as recommended by staff. Mr. Jim Lee voted in opposition - vote was 9-1*
- Recommendation of approval of the request with the following amendments to the conditions presented by staff at the meeting:

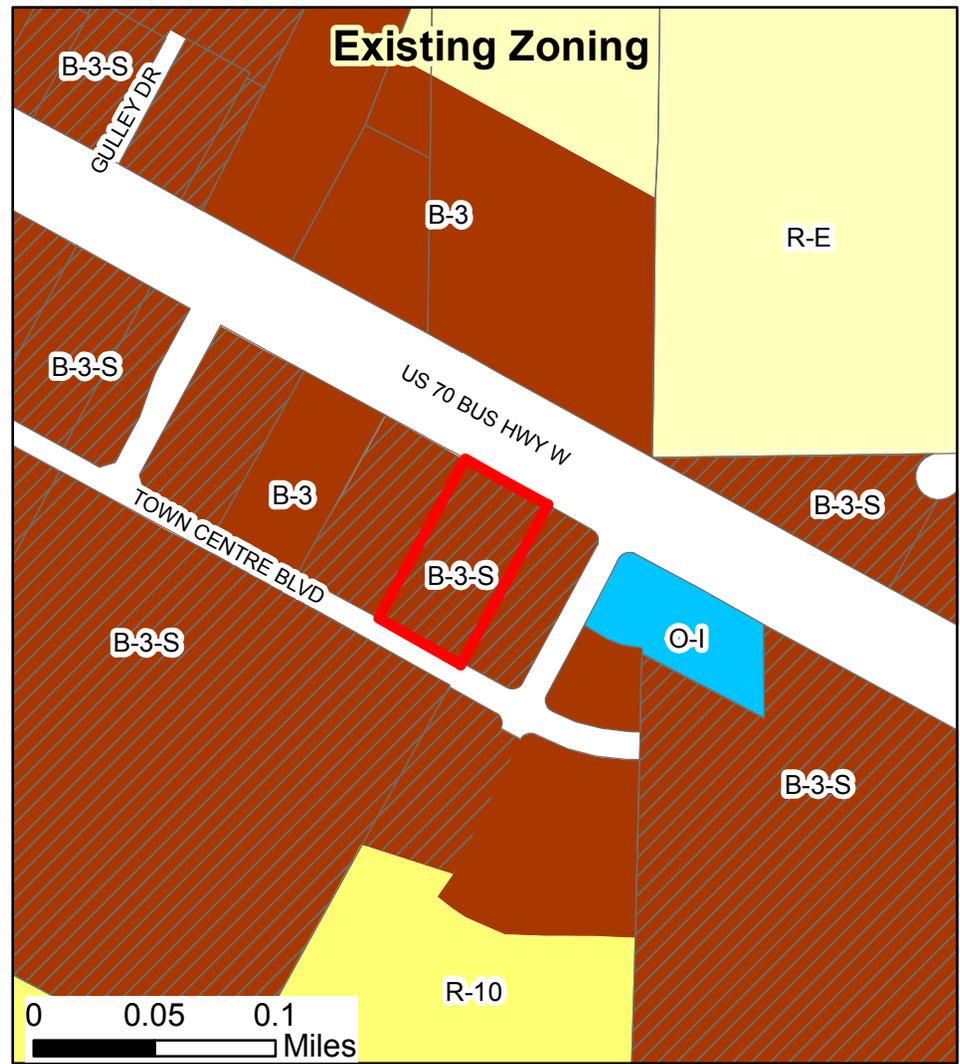
- Recommendation of denial of the request.

Recommendation made this 29th day of July, 2014 while in regular session.

Signed:



Frank Price, Planning Board Chair

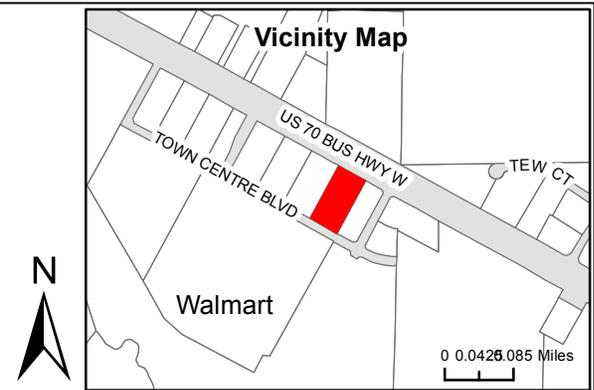


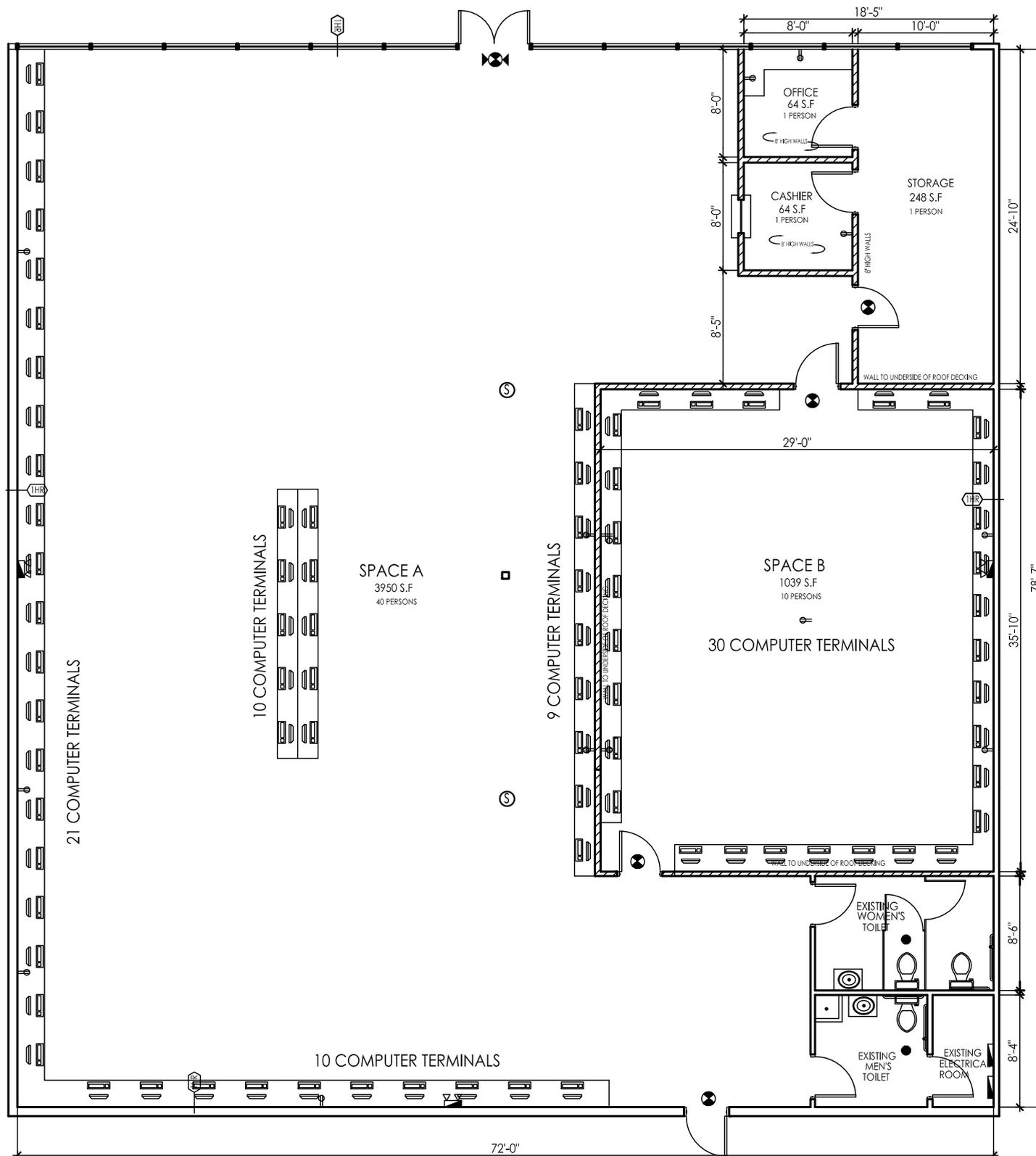
RNC Entertainment - Internet Cafe @ 12809 US 70 Bus Hwy W Special Use Permit

Applicant: Insook Kye
 Property Owners: Don. 813 Town Centre Boulevard Holdings LLC
 Parcel ID Number: 165909-06-0707
 File Number: SUP 2014-85

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

7/15/14





TOTAL AREA= 5664 S.F

TOTAL NUMBER OF COMPUTER TERMINALS= 80

FLOOR PLAN
SCALE: NTS

THE G.H. WILLIAMS
COLLABORATIVE, PA.

ARCHITECTURE
PLANNING
ECONOMIC
DEVELOPMENT
CONSTRUCTION
MANAGEMENT



4110 DUKE UNIVERSITY ROAD
P.O. BOX 105
DURHAM, NORTH CAROLINA 27702
TELEPHONE: 919-286-7100
FAC: 919-288-4822
E-MAIL: ghwilliams@ghwilliams.com
www.ghwilliams.com

SEAL



DATE 6/11/14 REVISIONS:

RETAIL CENTER
12809 TOWN CENTRE BLVD
CLAYTON, NC 27520
FLOOR PLAN



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 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 have the potential to create incompatibilities with adjacent uses.

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.

APPLICATION TYPE

- New Special Use Permit
 Major Modification to an approved SUP
Permit Modified: _____

SITE INFORMATION

Name of Project: RNC Entertainment Acreage of Property: _____
 Parcel ID Number: 165909-06-0707 Tax ID: 05G02001B
 Deed Book: 04344 Deed Page(s): 0376
 Address/Location: ~~12077 US Highway 70 Clayton NC 27520~~
 12809 US 70 Business Hwy W
 Existing Use: Formerly Blockbuster Proposed Use: Internet Cafe
 Is project within a Planned Development? No Yes
 Planned Development District (if applicable): _____
 Is project within an Overlay District: No Yes
 Overlay District (if applicable): Thoroughfare Overlay District

OFFICE USE ONLY

Date Received: <u>7/9/14</u>	Amount Paid: <u>\$400.00</u>	Permit Number: <u>2014-085</u>
------------------------------	------------------------------	--------------------------------

PROPERTY OWNER INFORMATION

Name: _____
 Mailing Address: _____
 Phone Number: _____ Fax: _____
 Email Address: _____

APPLICANT INFORMATION

Applicant: Tony Ro
 Mailing Address: 2814 Old Trawick Way Raleigh NC. 27604
 Phone Number: (252) 955-9329 Fax: (919) 878-6705
 Contact Person: Tony Ro
 Email Address: tony@ro-holdings.com

REQUIRED INFORMATION *(to be submitted with the application)*

The following items must accompany a Conditional Use Permit (CUP) application.

To be completed by the applicant:			To be completed by staff:		
	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>7/7/14</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
2. Review Fee (\$400)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
3. Completed application (9 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
4. Owner's Consent Form (9 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
5. Adjacent property owners list (9 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
6. Wastewater allocation request OR verification of wastewater allocation (9 copies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
7. Signed and sealed traffic impact analysis (2 copies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
8. If applicant is concurrently applying for site plan approval, a copy of the proposed site plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. Neighborhood meeting notice letter (9 copies) <i>See sample letter and meeting requirements included in this packet</i>	May be provided at time of submittal if meeting date is known – otherwise must be submitted by email or mail on date the letter is mailed out.				
10. Set of stamped, addressed envelopes using the adjacent property owners list	May be provided at time of submittal OR no later than 25 days prior to the Town Council meeting.				
11. Neighborhood meeting summary form (9 copies) <i>Form is included in this packet</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				

Note: More information may be requested by the Planning Department depending on the project

REQUIRED FINDINGS OF FACT

Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use 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 developed according to the plans as submitted and approved.

~~Our establishment will provide relaxing and comfortable lounge areas within the premises to where the customers have access to computers for entertainment purposes. We will provide non-alcoholic beverages and snakes to all of our customers. We will provide a wait staff in order to tend to all of our customers to ensure attentiveness and satisfaction. We plan to provide security assistance after hours as well to ensure safety if necessary. We will in no way shape or form endanger the public health and safety for the community with our system in place.~~

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.

~~We will definitely meet all requirments regarding the land use due to all activities regarding the business being held in doors and for entertainment purposes only. Very limited activities will be held outside of the establishment.~~

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.

~~Majority of the business will be conducted after the hours of 7pm which will not clash with the neighboring businesses. We will utilize minamal parking spaces, and will not affect our neighboring businesses. We are hoping to bring in more traffic to this area to help promote our neighboring businesses as well.~~

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.

~~We are in full compliance to the laws and regulations of the state of North Carolina regarding the type of gaming system which are allowed to be utilized by our customers.~~

EXPLANATION OF PROJECT

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

RNC Entertainment is providing an Internet Cafe which is in full compliance with the state of North Carolina. We will be utilizing a Blue Diamond gaming program which is PRE-REVEIL and approved by the government. Total of 80 computer systems will be implemented. We will provide multiple stations for the computers and also provide multiple lounge areas for the customers to relax and mingle. The atmosphere will be upscale with a modern feel to it. We will provide a wait staff to tend to the customer's needs and as well provide excellent service. We will provide non-alcoholic beverages and snacks. The business will be open 24 hours and will have security assistance after hours to ensure safety and protection for our customers (if necessary).

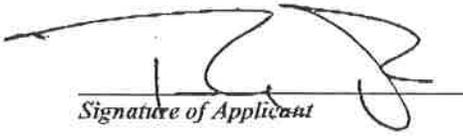
In conclusion, RNC Entertainment's goal is to welcome the community to an upscale and modern establishment which provides a variety of different computer games and programs for the customers to enjoy and spend their past time.

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.

Tony Ro

Print Name



Signature of Applicant

7/08/2014

Date

Date: 07/08/2014

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: Friday, July 18th

Location: 12809 US 70 Business Highway West (Former Blockbuster)
Clayton NC 27520

Time: 6pm

Type of Application: Special Use Permit

General Description: Request for a Special Use Permit to locate an Internet Café in the old Blockbuster store location at 12809 US 70 Business Highway West.

If you have any questions prior to or after this meeting, you may contact us at : 252-955-9329. Thank you.

Sincerely,



Tony Ro

cc: Clayton Planning Dept.

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: 07/08/2014

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

Printed Name: Tony Po

Signature: 

Date of Meeting: 07/18/2014

Time of Meeting: 6:00 PM

Location of Meeting: 12809-05 Highway 70 Clayton NC 27520

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.

No attendees.

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

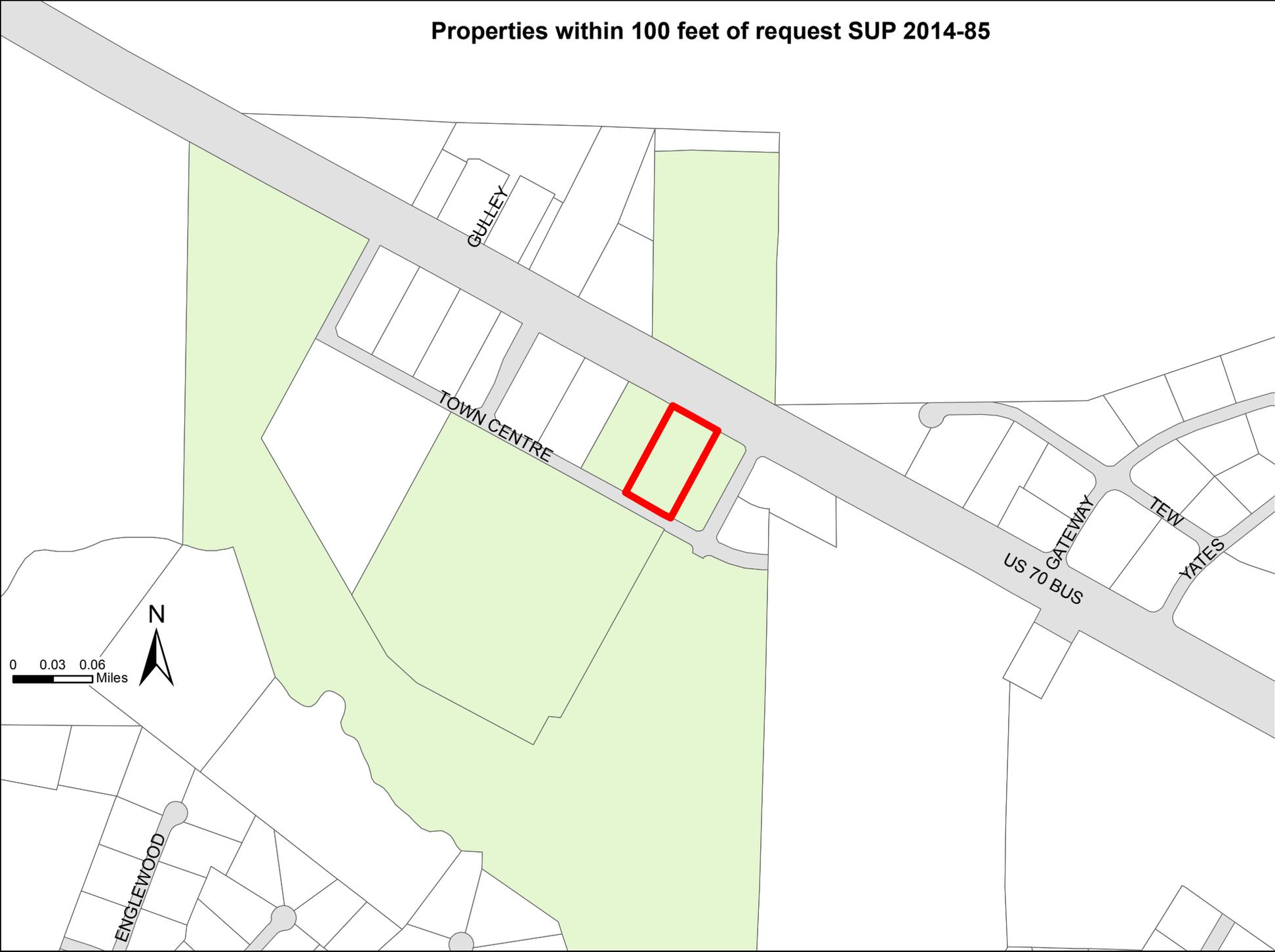
Applicant: MITO ENTERTAINMENT LLC / Tony Ro

Location/Date: 12809 US 70 Bus Hwy W. Clayton Nc. 27520

	NAME	ADDRESS
1		
2		
3		
4	No ATTENDANCE	
5	_____	
6	_____	
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

DATE: 07/18/2014

Properties within 100 feet of request SUP 2014-85



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

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

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

**Town of Clayton
Town Council Motion Sheet
Special Use Permit Application No. 2014-85**

The Town Council shall decide the matter of Special Use Permit Application Number 2014-85 by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

Based on the substantial and competent evidence and testimony presented to the Town Council on this matter, the Council finds and concludes that Special Use Permit Application **SUP 2014-85**:

Finding One of Four (check one):

Will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved. *(Applicant meets the criteria for approval).*

Will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved with the following additional stated conditions: *(Applicant meets the criteria for approval upon acceptance of the noted conditions.)*

Will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved for the following stated reasons: *(Applicant **fails** to meet the criteria for approval.)*

Finding Two of Four (check one):

Meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Clayton Code of Ordinances, Unified Development Ordinance or other applicable regulations. *(Applicant meets the criteria necessary for approval.)*

- Meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Clayton Code of Ordinances, Unified Development Ordinance or other applicable regulations with the following additional stated conditions: *(Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)*

- Fails to meet all required specifications or fails to conform to the standards and practices of sound land use planning and the Town of Clayton Code of Ordinances, Unified Development Ordinance or other applicable regulations in the following ways or for the following reasons: *(Applicant **fails** to meet the criteria necessary for approval.)*

Finding Three of Four (check one):

- Will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses. *(Applicant meets the criteria necessary for approval.)*
- Will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses upon compliance with the following stated conditions: *(Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)*

- Will substantially injure the value of adjoining or abutting property and/or will be detrimental to the use or development of adjacent properties or other neighborhood uses in the following ways or for the following reasons: *(Applicant **fails** to meet the criteria for approval.)*

Finding Four of Four (check one):

Would not adversely affect the general plans for the development of the Town of Clayton nor violate the character or existing standards for development of the adjacent properties. *(Applicant meets the criteria necessary for approval.)*

Would not adversely affect the general plans for the development of the Town of Clayton nor violate the character or existing standards for development of the adjacent properties upon compliance with the following stated conditions: *(Applicant meets the criteria necessary for approval upon acceptance of the noted conditions.)*

Would adversely affect the general plans for the development of the Town of Clayton or violates the character or standards for the development of the adjacent properties in the following ways or for the following stated reasons: *(Applicant **fails** to meet the criteria necessary for approval.)*

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

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

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

**TOWN OF CLAYTON
SPECIAL USE PERMIT 2014-85
GRANTED**

On the date listed below, the Town Council for the Town of Clayton met and held an evidentiary hearing to consider the following application:

Applicant: Tony Ro

Owner/Owners:	Tax ID Number	NC PIN
813 TOWN CENTER BLVD HOLDINGS	05G02001B	165909-06-0707

Property Location: 12809 US 70 Bus Hwy W, Clayton NC

Proposed Use of Property: Video Sweepstakes Operation

Meeting Date: September 2, 2014

Having heard all the evidence and argument presented at the hearing, the Town Council finds that the application is complete, that the application complies with all of the applicable requirements of the Clayton Zoning Ordinance for the development proposed, and that, therefore, the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance and the following conditions:

(1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Planning Department office.

(2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

If this permit authorizes development on a tract of land larger than one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town the attached acknowledgment of the issuance of this permit so that the Town may have it recorded in the Johnston County Register of Deeds office.

As set forth in Section 155.711 of the Unified Development Ordinance, the Town Council imposed the following additional conditions of the Special Use Permit:

1. The hours of operation shall be limited to Sunday through Thursday 9 am to 1am and Friday and Saturday 9am to 2am.
2. Unaccompanied persons under the age of 18 are prohibited from entering the premises.
3. Prior to the issuance of a Privilege License, the applicant shall provide a final floor plan identifying the number of seats provided in the facility for gaming. This facility is limited to a maximum of 80 seats/machines.
4. A maximum of 25% of the window and door areas may be covered with signage or other opaque materials.

IN WITNESS WHEREOF, the Town has caused this Special Use Permit to be issued in its name, and the undersigned, including all of the known property owners of the property above described, do hereby accept this Special Use Permit, together with all of its conditions, as binding on them and their successors in interest.

TOWN OF CLAYTON

BY: _____
Jody L. McLeod,
Mayor

ATTEST:

_____(SEAL)
Nancy Medlin, Deputy Town Clerk

.....
NORTH CAROLINA
JOHNSTON COUNTY

I, _____, a Notary Public, do hereby certify that Nancy Medlin personally appeared before me this day and acknowledged that she is Deputy Town Clerk of the Town of Clayton and that by authority duly given and as the act of the Town, the foregoing instrument was signed in its name by Jody L. McLeod, Mayor of the Town of Clayton.

Witness my hand and notarial seal this the ____ day of _____, 2014.

Notary Public

Commission expires

County of Commission

I, _____, applicant for the above Special Use Permit, does hereby acknowledge receipt of this Special Use Permit issued by the Clayton Town Council. I hereby acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

Applicant's Signature

.....
NORTH CAROLINA

_____ COUNTY

I, _____, a Notary Public in and for said County and State, do hereby certify that _____ (registered agent on behalf of Sheetz, Inc.) personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the ____ day of _____, 2014.

Notary Public

Commission expires

County of Commission

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

Agenda Item: 6a

Meeting Date: 10/20/14

TITLE: Town of Clayton 2015 Holiday Schedule

DESCRIPTION: Schedule consistent with State of North Carolina Holiday Schedule.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-20-14	Review	Schedule

**TOWN OF CLAYTON
RESOLUTION - 2015 HOLIDAY SCHEDULE**

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

WHEREAS, the below 2015 Holiday Schedule was retrieved from the State of North Carolina website <http://www.osp.state.nc.us/holsched.htm>..:

2015 Holiday Schedule		
Holiday	Observance Date	Day of Week
New Year's Day	January 1, 2015	Thursday
Martin Luther King Jr.'s Birthday	January 19, 2015	Monday
Good Friday	April 3, 2015	Friday
Memorial Day	May 25, 2015	Monday
Independence Day	July 3, 2015	Friday
Labor Day	September 7, 2015	Monday
Veteran's Day	November 11, 2015	Wednesday
Thanksgiving	November 26 & 27, 2015	Thursday & Friday
Christmas	December 23, 24 & 25, 2015	Wednesday, Thursday, & Friday

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Clayton hereby adopts the 2015 Holiday Schedule as presented.

Duly adopted this ____ day of ____ 2014, while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Kimberly Moffett, CMC
Town Clerk

**TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 6b

Meeting Date: 10/20/14

TITLE: Town of Clayton 2015 Meeting Schedule

DESCRIPTION: Standard meeting schedule with adjustments for known conflicts with holidays and events.

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-20-14	Review	Schedule

**TOWN OF CLAYTON
RESOLUTION – 2015 COUNCIL SCHEDULE**

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

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

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

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

TOWN OF CLAYTON 2015 CALENDAR TOWN COUNCIL MEETINGS
January 5, 2015 & January 20, 2015 <i>(Tuesday)</i>
February 2, 2015 & February 16, 2015
March 2, 2015 & March 16, 2015
April 6, 2015 & April 20, 2015
May 4, 2015 & May 18, 2015
June 1, 2015 & June 15, 2015
July 6, 2015 & July 20, 2015
August 3, 2015 & August 17, 2015
September 8, 2015 <i>(Tuesday)</i> & September 21, 2015
October 5, 2015 & October 19, 2015 <i>--NCLM Annual Conference October 11-13, 2015; Winston Salem, NC--</i>
November 2, 2015 & November 16, 2015
December 7, 2015 & December 21, 2015

NOW THEREFORE, BE IT RESOLVED that the Town Council of Clayton hereby adopts the 2015 Clayton Town Council Schedule as presented.

Duly adopted this _____ of _____ 2014 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly Moffett, CMC
Town Clerk

Town of Clayton Town Council – 2015 Meetings

January 5, 2015
January 20, 2015 *Tuesday*

November 2, 2015
November 16, 2015

February 2, 2015
February 16, 2015

December 7, 2015
December 21, 2015

March 2, 2015
March 16, 2015

April 6, 2015
April 20, 2015

May 4, 2015
May 18, 2015

*- NCLM Town Hall Day: Hosted in
Raleigh – Date TBA –*

June 1, 2015
June 15, 2015

July 6, 2015
July 20, 2015

August 3, 2015
August 17, 2015

September 8, 2015 *Tuesday*
September 21, 2015

October 5, 2015
*-NCLM Annual Conference:
Hosted in Winston-Salem,
October 11-13, 2015-*
October 19, 2015

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

Agenda Item: 6c

Meeting Date: 10/20/14

TITLE: Rezoning Case RZ2014-116

DESCRIPTION: Rezoning application for property at 443 E. Second Street.

RELATED GOAL:

ITEM SUMMARY:

Date:

Action:

Info. Provided:

10-20-14

Staff Presentation

Application Packet



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 2014-116 (Rezoning)
Project Name: Rezoning of 0.13 acres at 443 E Second Street to B-1

NC PIN / Tag #: 166917-11-5431 / 05011047
Town Limits/ETJ: Town Limits
Overlay: Downtown Overlay District
Applicant: Battle Moore Robertson
Owner: Battle Moore Robertson

Neighborhood Meeting: Held September 4, 2014
Public Noticing: Property posted September 12th
Adjacent Property Notice Letters will be mailed prior to the Council Hearing in accordance with §155.702(D)

Planning Board Meeting: September 22, 2014

PROJECT LOCATION: The property is located at the southwest corner of the intersection of E Second Street and Hardee Street.

REQUEST: The applicant is requesting approval to rezone 0.13 acres at 443 E Second Street from Neighborhood Business (B-2) to Central Business (B-1).

SITE DATA:

Acreage: 0.13 acre
Present Zoning: Neighborhood Business (B-2)
Proposed Zoning: Central Business (B-1)
Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

North: Zoning: Central Business (B-1)
Existing Use: Commercial (Lipscomb's Daycare, Lewis Tire & Auto)

South: Zoning: Neighborhood Business (B-2)
Existing Use: Commercial (Compare Foods grocery store / shopping center)

East: Zoning: Office & Institutional (O-I)
Existing Use: Morning Glory Inn Bed & Breakfast

West: Zoning: Neighborhood Business (B-2)
Existing Use: Commercial (Laundromat)

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting approval for rezoning of the subject property from Neighborhood Business (B-2) to Central Business (B-1). The site is currently vacant and includes one parcel totaling 0.13 acres. The site is approximately 54 feet wide and 106 feet deep.

The primary reason for this rezoning has to do with required building setbacks. The building setback and dimensional requirements for each are shown below. Dimensions are for setbacks adjacent to non-residential zoning districts/uses:

Zoning District	Setbacks (min)				Building Standards (max)		
	Street/Front	Side Interior	Side Street	Rear	Bldg Height	Building Coverage	Impervious Surface
B-1	0*	0	0	0	50	100%	100%
B-2	20	10	10	20	35	50%	75%

*Maximum street/front setback is 10 feet in the B-1 zoning district

The B-2 building setbacks would not permit the building to be brought up closer to the street (which would be consistent with existing buildings to the west), nor would it permit the building to be constructed to connect to the existing building to the west. Thus, the current zoning district is prohibiting the site from being developed in a way that is consistent with immediately adjacent properties. The B-1 district does permit a greater building height.

Staff supports consistency in building construction and placement, and as such is in support of this request.

Further, on an infill lot this small it could be difficult to fit both a commercial building and parking lot on the site. The B-1 zoning parking requirements are quite flexible and account for the fact that there is ample street parking, providing greater flexibility in site design and construction.

Compatibility with Surrounding Land Uses

The permitted uses in both the B-2 and B-1 zoning districts are provided as an attachment. Generally, uses permitted in the B-1 and B-2 district are quite similar and staff does not feel the differences in permitted uses would reduce compatibility with surrounding properties.

Though the other commercial properties on the south side of E Second Street on this block are zoned B-2, properties immediately across the street are zoned B-1. Further, at least two buildings (Clayton Glass and the

laundromat) are non-conforming structures due to the required building setbacks in the B-2 zoning district (these buildings were likely built prior to the assignment of the B-2 zoning district).

As noted above, the rezoning would allow the site to be developed in a way that is more consistent with the construction of lots immediately adjacent to the west, bringing the building closer to the sidewalk and allowing the possibility of a connection to the building to the west. Staff feels the B-1 zoning would allow a development that is more appropriate for this site.

Consistency with the Strategic Growth Plan

The request is consistent with the following Objectives of the Strategic Growth Plan:

- 1.4 More Investment Dollars Downtown by Private Sector
- 2.1: Balanced Development: Old & New
- 3.6 Encourage Redevelopment of Deteriorated Areas (encouragement of in-fill development)

The requested rezoning is *not* consistent with the Strategic Growth Plan “Proposed Land Use Map,” which identifies the property as Residential-Medium (see attached map). However, staff feels the application of this residential Proposed Land Use Category is not appropriate for properties on this block fronting E Second Street, as all properties are commercial in use and staff would argue should continue to be as Clayton’s downtown continues to develop. It is for this reason that despite the inconsistency with the Proposed Land Use Map, staff would support the rezoning.

Consistency with the Downtown Master Plan

The Downtown Master Plan encourages construction of commercial buildings to be placed closer to the street. Because the B-1 zoning district supports a reduced front building setback, staff feels the rezoning would place the lot in closer compliance with the goals of the Downtown Master Plan.

CONSIDERATIONS:

- The applicant is requesting a rezoning from B-2 to B-1.
- Rezoning is decided by the Town Council. The Planning Board shall make a written recommendation to the Town Council.
- 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: Approval (see attached)

ATTACHMENTS: 1) Planning Board recommendation, 2) Zoning Map, 3) Aerial Map, 4) Proposed Land Use Map, 5) List of uses allowed in the B-1 and B-2 zoning district, 6) Application, 7) Neighborhood Meeting Materials

TOWN OF CLAYTON, NC

PLANNING BOARD WRITTEN RECOMMENDATION
TO THE TOWN COUNCIL
Zoning Amendment to the Official Zoning Map

Application Name & Number:
RZ 2014-116, 443 E Second Street Rezoning

On September 22, 2014 the Planning Board heard the above-referenced request and made the following vote:

Choose one:

Recommendation of approval of the rezoning. Vote Count: 9 IN FAVOR 0 OPPOSED

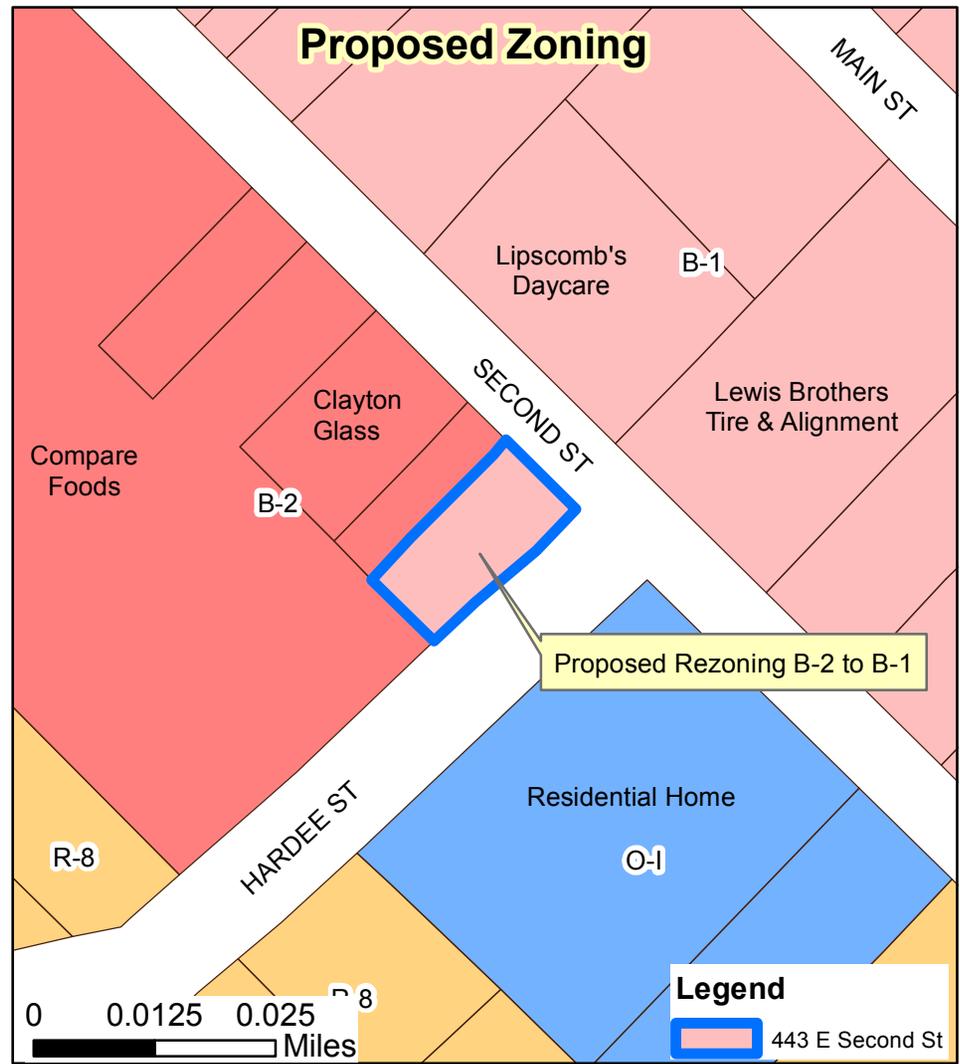
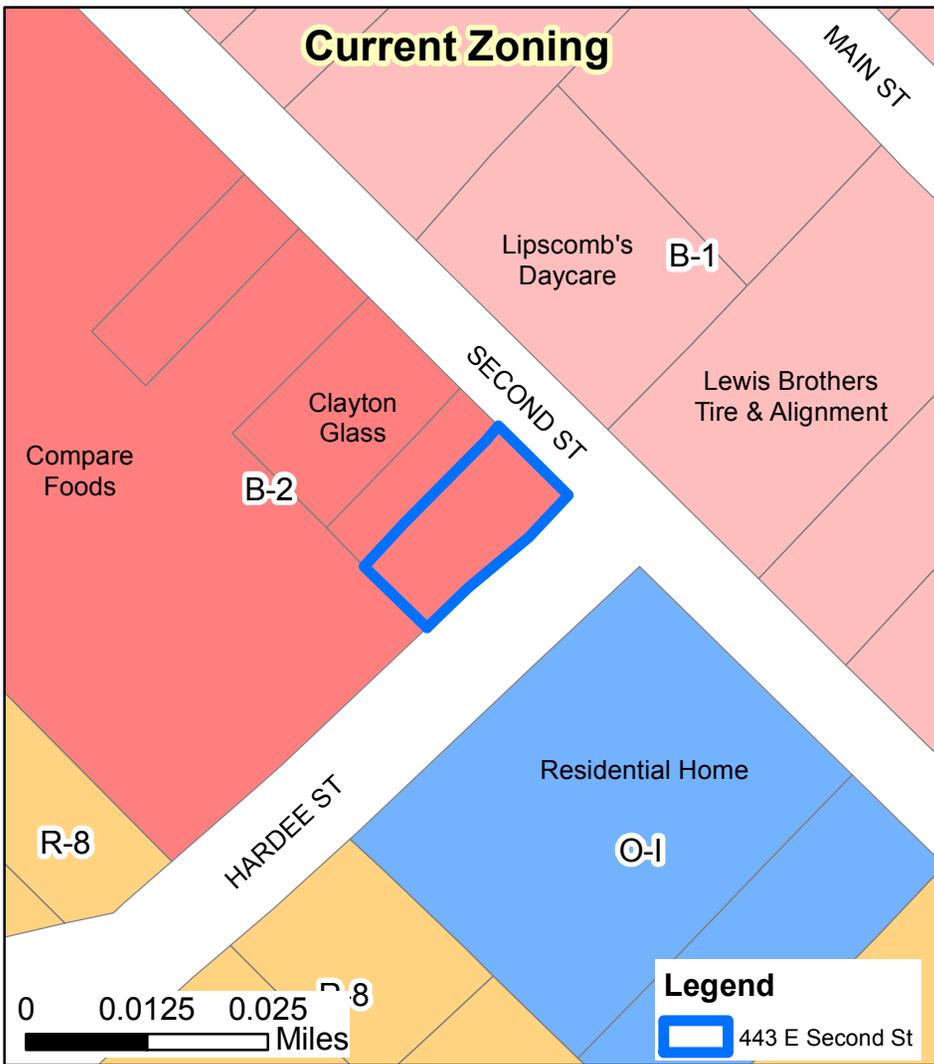
Recommendation of denial of the rezoning. Vote Count: _____

Recommendation made this 22nd day of September, 2014 while in regular session.

Signed:



Frank Price, Planning Board Chair

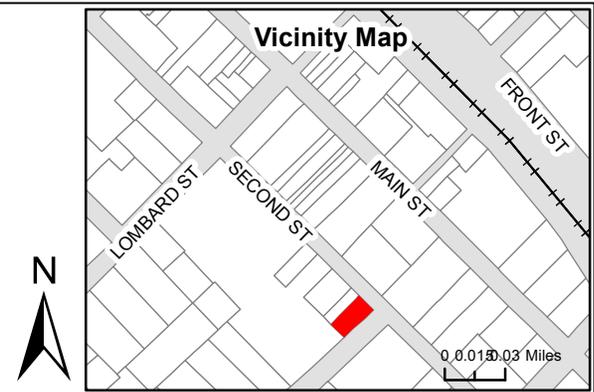


443 E Second St - Rezoning from B-2 to B-1

Applicant: Battle M. Robertson
 Property Owner: Battle M. Robertson
 Parcel ID Number: 166917-11-5431
 Tag #: 05011047
 Address: 443 E Second St
 File Number: RZ 2014-116

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

9/12/14





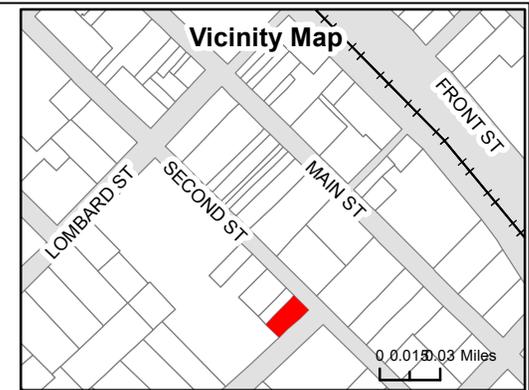
443 E Second St - Rezoning from B-2 to B-1

Applicant: Battle M. Robertson
 Property Owner: Battle M. Robertson
 Parcel ID Number: 166917-11-5431
 Tag #: 05011047
 Address: 443 E Second St
 File Number: RZ 2014-116

Produced by: TOC Planning

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9/12/14



Proposed Land Use - Per the 2008 Strategic Growth Plan

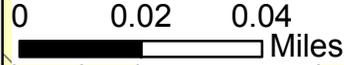
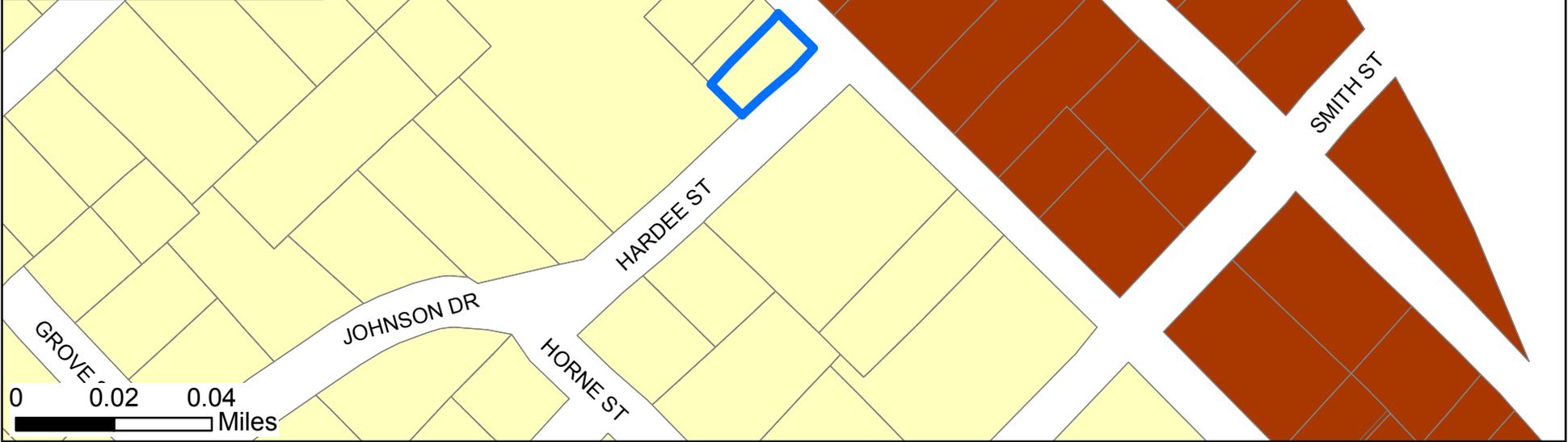
Legend

443 E Second St

TOC Proposed LandUse

PROPOSED LAND USE

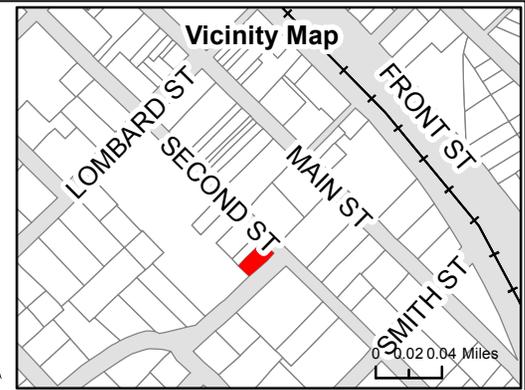
- CBD
- COMMERCIAL
- INDUSTRIAL
- MULTI-FAMILY
- NEIGHBORHOOD COMMERCIAL
- OFFICE INSTITUTIONAL
- OPEN SPACE CONSERVATION
- PUBLIC
- RESIDENTIAL-INFILL
- RESIDENTIAL-LIGHT
- RESIDENTIAL-MEDIUM
- SMALL AREA PLAN



Proposed Land Use Map (Source: 2008 Strategic Growth Plan) Rezoning at 443 E Second Street - B-2 to B-1

Applicant: Battle M. Robertson
 Property Owner: Battle M. Robertson
 Parcel ID Number: 166917-11-5431
 Tag #: 05011047
 Address: 443 E Second St
 File Number: RZ 2014-116

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



§155.202(B)(2), Table 2-1 Use Regulations Table.
 Uses permitted in the B-1 and B-2 zoning district, as of 9-16-14.

USE TYPE	ZONING	
	B-1	B-2
RESIDENTIAL USES		
Adult Care Home (2-6 Adults)		
Adult Care Home (7-12 Adults)	S	S
Adult Care Home (13+ Adults)	S	S
Alley Loaded House		
Apartments	S	S
Boarding House		P
Child Care Home		
Manufactured Home		
Manufactured Home Park		
Nursing Home (Congregate Living Facility)		S
Two family House		
Townhouse	S	S
Security/Caretaker Quarters		
Single Family House		
Upper-story Residence	P	P
Zero Lot Line House		
PUBLIC AND CIVIC USES		
Assembly, Not For Profit		
Cemetery		
Church or Place of Worship		C
College or University		
Day Care (Supervision for 3-8)		
Day Care (Supervision for 9+)	P	C
Government Service	P	P
Hospital or Medical Center		
School (Elementary or Secondary)		
School (Technical, Trade or Business)	P	
RECREATIONAL USES		
Entertainment, Indoor	C	C
Entertainment, Outdoor		
Fitness Center	C	C
Golf Course		
Gun Range	S	S
Park, Active	S	S
Park, Passive	C	C
Stable, Private		
AGRICULTURAL USES		
Agriculture, Livestock		
Agriculture, Sales and Service		

COMMERCIAL USES		
Adult Oriented Business		
Bed and Breakfast	P	P
Car Wash/Auto Detailing	C	P
Contractor Office	C	
Contractor Storage Yard		
Convenience Store with Gas Sales	C	C
Creative Studio	P	P
Financial Institution	P	P
Funeral Home	P	P
Hotel/Motel	S	
Kennel		C
Laundry Services	C	
Lounge, Cocktail	S	
Microbrewery	P	
Newspaper Publisher		
Office, General	P	P
Office, Medical	P	P
Outdoor Seating/Sidewalk Cafe	P	C
Pawn Shop		
Radio or Television Studio		
Restaurant, Drive-Through	C	C
Restaurant, General	P	P
Retail Sales, General	P	
Retail Sales, Neighborhood	P	P
Self-storage Facility		C
Service, General	P	
Service, Neighborhood	P	P
Tattoo Parlor		
Towing Service and Storage		
Vehicle Repair or Service		
Vehicle Sales and Rental		
Veterinary Clinic	C	C
Video Sweepstakes Operations	C	C
INDUSTRIAL USES		
Building Supplies, Wholesale		
Crematorium		
Gas and Fuel, Wholesale		
Laboratory, Research		
Manufacturing, Limited		
Manufacturing, General		
Manufacturing, Heavy		
Research and Development		
Warehouse, Freight Movement		

UTILITIES		
Recycling Center		
Renewable Energy Facility		
Telecommunication Facility	S	S
Utility, Minor	P	P
Utility, Major		
Waste Service		

Key:
A blank cell in the use table indicates that a use is not permitted in the respective district.
P – Permitted
C – Conditional Use permitted in the zoning district only if approved by the Planning Board (PB) (§ 155.710)
S – Special Use permitted in the zoning district only if approved by the Town Council (TC)) (§ 155.711)



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.

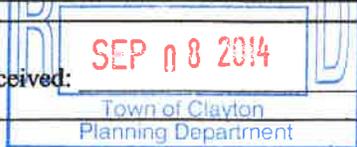
Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Rezoning Petitions.

SITE INFORMATION:

Name of Project: _____ Acreage of Property: _____
 Parcel ID Number: 05011047 Tax ID: 3839313
 Deed Book: _____ Deed Page(s): _____
 Address: ~~NOT YET ASSIGNED~~ 443 E. Second St.
 Location: NORTH SIDE OF HARDEE ST AT JUNCTION OF
E SECOND ST ADJACENT TO DRY CLEANERS
 Existing Use: Vacant Proposed Use: Commercial
 Existing Zoning District: B-2
 Requested Zoning District: B-1
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): _____
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): _____

FOR OFFICE USE ONLY

File Number: <u>2014-116</u>	Date Received: <u>SEP 08 2014</u>	Amount Paid: <u>\$500⁰⁰</u>
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OWNER INFORMATION:

Name: BATTLE MOORE ROBERTSON

Mailing Address: 2801 GLENWOOD GARDEN LN. SITE 107

Phone Number: _____ Fax: N/A

Email Address: N/A

APPLICANT INFORMATION:

Applicant: SAME AS ABOVE

Mailing Address: _____

Phone Number: _____ Fax: _____

Contact Person: _____

Email Address: _____

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:

- N/A 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.
- N/A 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.
- N/A 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.

CHANGE ZONING FROM B-2 TO B-1 WHERE THE VACANT LOT MAY BE USED AS COMMERCIAL IN THE FUTURE.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

The owner DART as HIS Agent has any awareness of any present or future adopted plans for this property or any adjacent property.

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

THE SUBJECT LOT IS ZONED B-2 WHICH HAS A MIN. OF 6000 S.F. SIZE. THIS LOT HAS 5400 S.F. AND WITH THE SET BACKS OF B-2, IT IS NOT SUITABLE FOR ANY KIND OF COMMERCIAL USE.

B-1 ZONING HAS NOT ^{MIN} SET BACKS OR SIZE REQUIREMENTS.

THE OWNER ALSO OWNS THE ADJOINING BLD. (THE DRY CLEANING WHICH IS ALSO ZONED B-1)

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

ANY COMMERCIAL BUILDING CONSTRUCTED IN THE FUTURE WOULD BE A SMALL OFFICE BLD OR SMALL RETAIL BUSINESS.

THIS WOULD BE A GOOD FIT FOR THE AREA AND THE TOWN.

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.

ANY COMMERCIAL USE WOULD NOT PLACE A STRESS ON SCHOOLS, ROADS OR RECREATIONAL FACILITIES.

ALL PUBLIC SERVICES SUCH AS WATER, ELE. SERVICES SEWER AND DRAINWATER FACILITIES ARE IN THE FRONT OF PROPERTY AS WELL AS ALONG HARDEE ST.

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

THIS IS NOT "SPOT ZONING" THE ADJACENT PROPERTY IS ZONED B-1 AS WELL AS 4 OTHER WITHIN 150 FEET +/-

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.

LETTERS TO LAND OWNERS WILL BE MAILED ON OR ABOUT AUGUST 25TH FOR A MEETING TO GET THEIR OPINIONS & INPUT.

MRS. EMILY BEDDINGFIELD (PLANNER) POINTED OUT TO THOSE WHO SHOULD RECEIVE A NOTICE TO ATTEND THE MEETING.

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.

NONE IS KNOWN. THE CHANGE WILL FIT IN NICELY WITH THE GENERAL AREA

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.

* BATTLE M ROBERTSON
Print Name

* Battle M Robertson
Signature of Applicant

* 8-14-17
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: VACANT LOT 2ND ST Address or PIN #: 65011047

AGENT/APPLICANT INFORMATION:

CHARLES L WILLIAMS
(Name - type, print clearly)

39 WHETSTONE CT
(Address)
FOUR OAKS NC 27524
(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):

CHANGE ZONING FROM B-2 TO B-1

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:

BATTLE M ROBERTSON
(Name - type, print clearly)

2801 CLEWOOD GARDENS LANE UNIT 107
(Address)

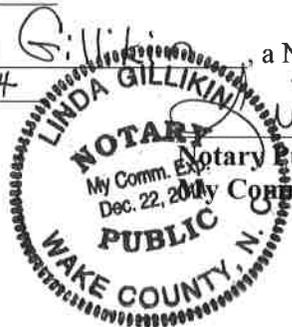
Battle M Robertson
(Owner's Signature)

RALEIGH NC 27608
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Wake

Sworn and subscribed before me Linda Gillikin, a Notary Public for the above State and County, this the 27th day of August, 2014

SEAL

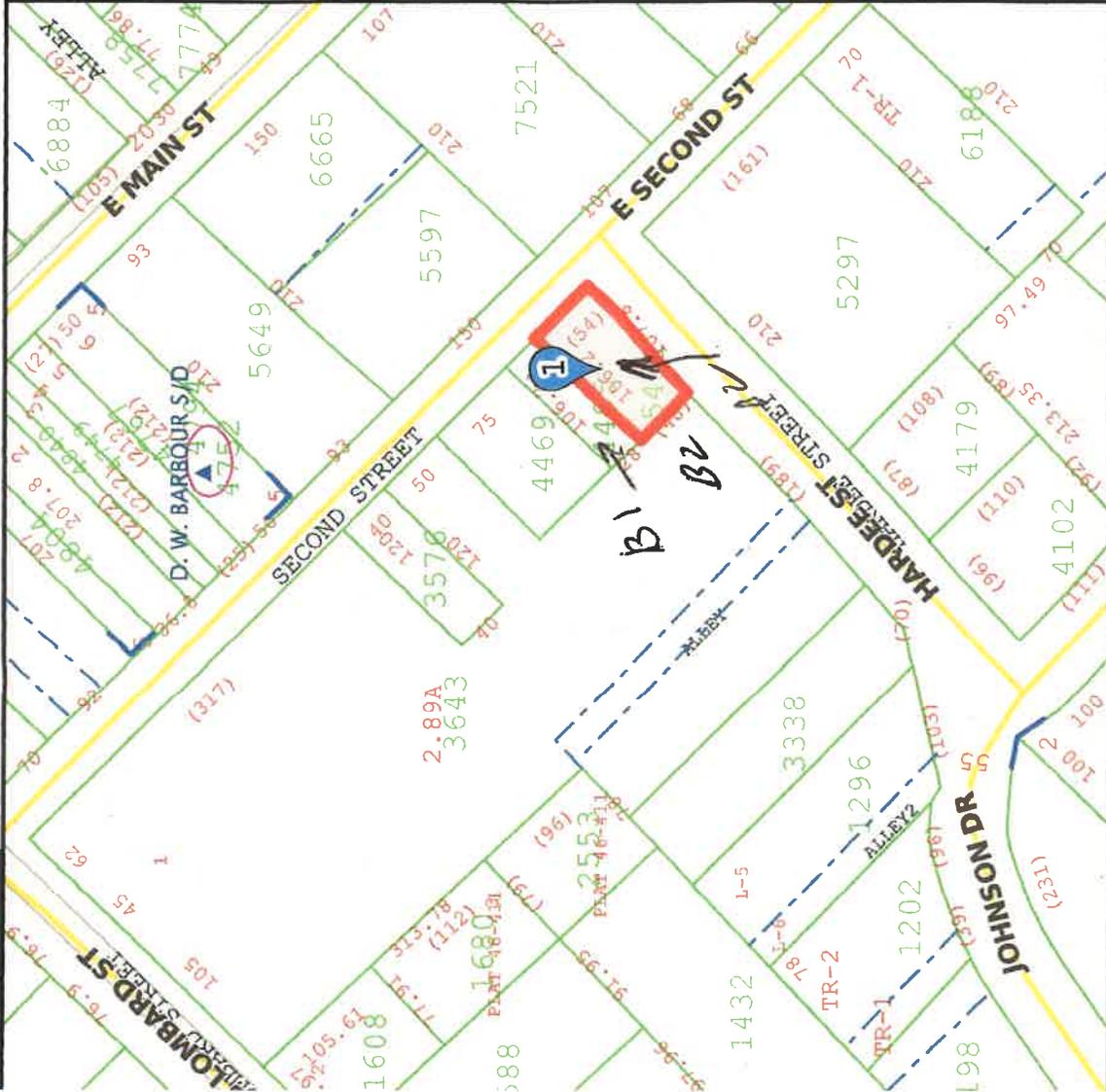


Linda Gillikin
Notary Public
Commission Expires: 12-22-2014



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.



Result 1

id: 05011047
 Tag: 05011047
 Tax Unique Id: 3839313
 NCPin: 166917-11-5431
 Mapsheet No: 166917
 Owner Name 1: ROBERTSON, BATTLE MOORE
 Owner Name 2:
 Mail Address 1: 2801 GLENWOOD GARDEN LN
 Mail Address 2: STE 107
 Mail Address 3: RALEIGH, NC 27608-1237
 Site Address 1:
 Site Address 2:

Book:
 Page:
 Market Value: 37840
 Assessed Acreage: 1
 Calc. Acreage: 0.125
 Sales Price: 0
 Sale Date:

Scale: 1:1510 - 1 in. = 125.85 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)



NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: BATTLE "BATT" MOORE ROBERTSON

Location/Date: Jones CAFE MAIN ST CLAYTON

	NAME	ADDRESS
1	AVA C SPENCE	4579 C BARBER MILL RD CLAYTON NC 27520
2	MRS. CRUMPLER -	AVA'S FINANCE ADVISOR
3	JOYCE L. CANADY	315 CRESCENT DR CLAYTON NC 27520
4	PAM BUMGARDEN -	JOYCE'S DAUGHTER
5	MICHELLE SEALEY	1001 CORPORATE PARKWAY RALEIGH, NC 27610
6	STEPHEN W SLOGGINS'	FINANCE OFFICER
7		
8		
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19		
20		

MEETING AS OF SEPTEMBER 4TH, 2014 AT JONES CAFÉ , MAIN STREET
CLAYTON, N.C

RE: REZONING OF THE BATTLE "BATT" ROBERTSON LOT FROM B-2 TO
TO B-1 AT THE CORNER OF EAST SECOND STREET AND HARDEE STREET.

AT 7 P.M. I MET WITH 3 PROPERTY OWNERS WHICH RECEIVED THEIR
LETTERS CONCERNING THE RE-ZONING OF THE SUBJECT LOT.

I INTRODUCED MYSELF AND EXPLAINED IN GERNERAL AND DETAIL WHY
THE MEETING WAS CALLED AND THE REASON THEREOF.

MRS. AVA SPENCE, OWNER OF THE ADJACENT SHOPPING CENTER OPEN
THE DISSCUSION ABOUT THE PARKING IF A BUILDING WAS
CONSTRUCTED ON THE LOT. SHE EXPRESSED CONCERNS SHE DID NOT
WANT PEOPLE PARKING ON HER PROPERTY. IT WAS EXPLAINED TO HER
THERE WERE NO PLANS AT THE PRESENT OR NEAR FUTURE TO DO
ANYTHING WITH THE LOT AND WHEN SOMETHING WAS DONE, THE
PLANNING/ZONING DEPARTMENT WOULD REQUIRE SO MANY PAKING
SPACES, MOST LIKELY FROM SECOND STREET, BEFORE A BUILDING
PERMIT WAS GRANTED. SHE WAS SATISFIED AND HAD NO FURTHER
QUESTIONS.

MRS. JOYCE CANADY SAID IT WOULD BE A GREAT THING FOR THE
TOWN OF CLAYTON AND WOULD HELP THE DOWNTOWN GROW.

AN AGENT FOR STEPHEN SCOGGINS SAID SHE HAD NO QUESTIONS AND WOULD RECOMMEND TO MR. SCOGGINS TO SUPPORT THE R-ZONNING.

ONE OWNER, JOHN ROBERTSON CALLED TO GET INFORMATION CONCERNING HIS LETTER AND SAID HE WOULD NOT ATTEND BUT WOULD SUPPORT THE RE-ZONING.

THE MEETING WAS ADJOINED AT 8 P.M. WITH MY APPRECIATION FOR THEIR ATTENDANCE.

CHARLES L. WILLIAMS, AGENT FOR

Charles L. Williams
BATT M. ROBERTSON



**Preferred
Solutions**

PO Box 646, Clayton, NC 27528
Ph. 625-9206 or 585-2419

Charles L. Williams, Consultant
Estates, Large or Small ■ Debt Problems
Real Estate ■ Personal Property

LEWIS BROTHERS TIRE & ALIGNMENT

451 E. MAIN STREET

CLAYTON, N.C. 27520

PARCEL NO.05011023

AUGUST 22, 2014

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 PROPSAL ADJACENT TO, OR IN CLOSE PROXIMITY TO, PROPERTY SHOWN IN YOUR OWNERSHIP BY THE JOHNSTON COUNTY TAX RECORDS. PER TOWN OF CLAYTON REGULATIONS, A NEIGHBORHOOD MEETING WILL BE HELD TO POVIDE 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 CMMENTS.

THE MEETING PLACE: JONES CAFÉ

TYPE OF APPLICATION: REZONING

**GENERAL DESCRIPTION: FROM B2 TO B1 OF A VACANT LOT AT THE
CORNER OF E. SECOND ST AND HARDEE STREET.**

**IF YOU HAVE ANY QUESTIONS PROPR TO OR AFTER THIS MEETING, YOU
MAY CALL US AT 919-625-9206 OR AFTER 7 PM AT 919-300-1119.**

SINCERELY,

CHARLES L. WILLIAMS, AGENT

APPLICANT IS BATTLE "BATT" M. ROBERTSON

CC: CLAYTON PLANNING DEPT.

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

Agenda Item: 6d

Meeting Date: 10/20/14

TITLE: Annexation of Property on Powhatan & Glen Laurel Roads

DESCRIPTION: Consideration of Resolution instructing the Town Clerk to investigate the sufficiency of submitted petition for annexation.

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-20-14	Staff Presentation	Petition

**ANNEXATION PETITION 2014-10-01
Glen Laurel Road and Vinson Road
Multiple Parcels (total of 13)
Owners: CGC Properties LLC & Powhatan Rd Limited Partnership
Non-Contiguous; 61.30 +/- acres**

**TOWN OF CLAYTON
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1**

WHEREAS, a petition requesting annexation of an area described in said petition was received on October 1, 2014, by the Town of Clayton; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation:

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

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the results of her investigation.

Duly adopted this _____ day of _____ 2014, while in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Kimberly Moffett, CMC
Town Clerk



NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board

Legend

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

Annexation Map

Applicant(s): CGC Properties LLC & Powhatan Road Limited Partnership

Property Owner(s): CGC Properties LLC & Powhatan Road Limited Partnership

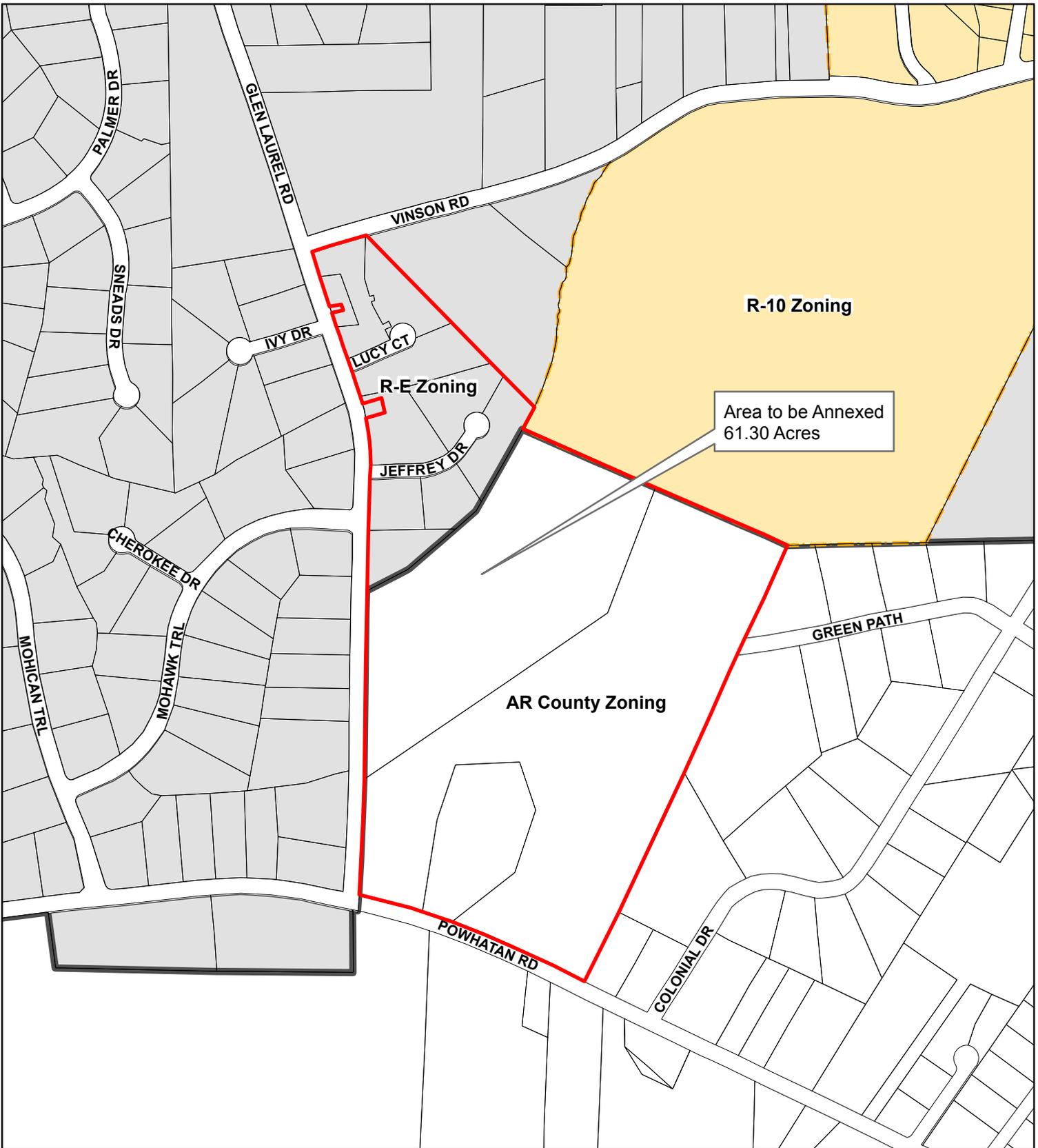
Parcel Number(s) 05I04012, 05I04012A, 05I04012B, 05I04012C, 05I04012D, 05I04012E, 05I04012F, 05I04012G, 05I04012H, 05I04012I, 05E99007S, 05I04199R & 05E99007H

File Number(s): Annex 2014-10-01



1 inch = 500 feet





Legend

-  Clayton Town Limits
-  Clayton ETJ
-  Parcels
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 File Number(s): Annex 2014-10-01



1 inch = 500 feet



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

Agenda Item: 7a

Meeting Date: 10/20/14

TITLE: Two Budget Amendments

DESCRIPTION: Two budget amendments are proposed. The first, a General Fund Amendment, would allocate funds that are otherwise restricted for special purposes due to the source. Use of these funds would not impact on available fund balance. The second is an amendment to the Electric Fund that would allocate carryover funding in the Electric Fund for completion of the AMR project due to spanning multiple fiscal years.

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-20-14	Review	GF Amendment EF Amendment

Town of Clayton
Amendment to the FY 14-15 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 14-15 Budget:

Fund: General Fund

Line Item	Previous Appropriation	Adjustment	Revised Appropriation
Expenditures			
100-60-74-52 42	Park Beautification \$10,000	+1,500	\$11,500
100-68-02-52 60	Equipment Purchase \$1,500	+1,339	\$2,839
100-65-02-52 26	Training & Travel \$6,400	+950	\$7,350
100-65-75-52 60	Equipment Purchase \$18,257	+5,000	\$23,257
Revenue			
100-40-00-48 99	Fund Balance Appropriated \$1,507,864	+2,839	\$1,510,703
100-65-02-45 20	Grant Funds-Miscellaneous \$0	+5,950	\$5,950

Explanation: Amendment necessary to reflect the appropriation of Fund Balance to utilize unspent restricted revenues received in the prior fiscal year for the following items: 1.) Completion of the Clayton Community Center Community Garden with proceeds from NC Recreation & Park Association Nourishing NC. 2.) Purchase a new computer and monitor for the Library History Room with proceeds from Friends of Sybil. Also, budgeting grants awarded to the Clayton Center by the Johnston County Visitors Bureau for equipment upgrades (\$5,000) and South Arts for showcase expo opportunities (\$950).

Duly adopted this ____ day of _____, 2014 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly Moffett, CMC
Town Clerk

Town of Clayton
Amendment to the FY 14-15 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 14-15 Budget:

Fund: Electric Fund

Line Item	Previous Appropriation	Adjustment	Revised Appropriation
Expenditures			
310-57-65-52 58	Electric Meters \$22,168	+6,220	\$28,388
Revenue			
310-57-00-48 99	Fund Balance Appropriated \$11,493	+6,220	\$17,713

Explanation: Amendment necessary to reflect the appropriation of Fund Balance to utilize unspent funds from the prior fiscal year to complete the 3-Phase ERT Meter Pilot Project in the current fiscal year.

Duly adopted this ____ day of _____, 2014 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly Moffett, CMC
Town Clerk

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

Agenda Item: 7b

Meeting Date: 10/20/14

TITLE: Adoption of Resolution supporting Geographic Information Systems (GIS) Awareness Day

DESCRIPTION: As Titled

Date:

Action:

Info. Provided:

10-20-14

Discussion

Resolution

TOWN OF CLAYTON

National Geographic Information Systems Day

November 19, 2014

WHEREAS, the Town of Clayton is a unique town with a diverse ethnic population and industry that play leading roles in international business; and

WHEREAS, it is essential that our citizens have a sound appreciation of basic geographical facts and principles so that they can better appreciate our heritage, the founding of our country and our interconnected, interdependent world; and

WHEREAS, there is no greater waste than the under-use of children's ability to learn and explore; and

WHEREAS, subjects like geography can be taught in ways that promote curiosity and help young people stretch their minds and engage their imaginations as they view maps and globes and all the many frontiers and horizons they chart; and

WHEREAS, geospatial technology and geographic information systems, or GIS, are used daily by Town of Clayton staff; and

WHEREAS, the Town of Clayton is committed with the help of geographic technology company Esri to expand GIS programs to the staff and citizens so they can navigate, interact with and improve our Town and their lives; and

WHEREAS; Geographic Awareness Week, organized by National Geographic, is November 16-22 and the first formal GIS Day took place in 1999;

NOW, THEREFORE, the Honorable Mayor Jody McLeod and Town Council do hereby proclaim Wednesday, November 19, 2014, be recognized as

GIS DAY

in the Town of Clayton, North Carolina and urge all citizens to participate in GIS Day activities found on www.gisday.com or simply pick up a map and explore!

Duly proclaimed by the Honorable Mayor Jody McLeod and Town of Clayton Council this 20th day of October 2014, while in session.



Jody L. McLeod
Mayor

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

Agenda Item: 7c

Meeting Date: 10/20/14

TITLE: Warranty and Dedication Acceptances

DESCRIPTION: Cobblestone Phase 11 and LionsGate Phases 3A and 3G

Date:

Action:

Info. Provided:

10-20-14

Review

Memos from Inspector

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Nancy Medlin, Interim Town Clerk & Deputy Town Manager

From: Chris Rowland, Utility Inspector 

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

Date: September 30, 2014

Subject: Cobblestone, Phase 11

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

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VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Nancy Medlin, Interim Town Clerk & Deputy Town Manager

From: Chris Rowland, Utility Inspector 

Copy: Donnie Adams, DC Adams Engineering
Dave DeYoung, Planning Director

Date: September 29, 2014

Re: LionsGate Subdivision, Phase 3A & 3G

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

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: %\$

Meeting Date: 10/20/14

TITLE: "GHUZZFYdcf hg

DESCRIPTION:

Date:
10-20-14

Action:
N/A

Info. Provided:
Blanch St email

Steve Biggs

From: cowpie3@gmail.com on behalf of sbmanagehome@gmail.com
Sent: Friday, October 03, 2014 3:26 PM
To: Steve Biggs
Subject: Re: from Susan Barnes re: Blanche St.

Steve,

Things seem better so far. I never saw officers, but I haven't seen more trash. Traffic is also slower in the morning, a great side benefit. Will let you know if things change again. I have talked with both neighbors and no one's against school hours signs if we need them.

Thank you very much.

Best,
Susan

On Mon, Sep 29, 2014 at 8:25 AM, <sbmanagehome@gmail.com> wrote:
Mr. Biggs,

Thank you for following up. I didn't see the officers, but their presence is greatly appreciated. There is a black SUV there now I'll check out in a few minutes.

I really appreciate your involvement and will let you know how it goes.
Best,

Susan

On Mon, Sep 29, 2014 at 8:08 AM, Steve Biggs <sbiggs@townofclaytonnc.org> wrote:

Ms. Barnes,

It is my understanding that we had two officers present this morning. I asked that we be present for at least two consecutive days, so they should be there again tomorrow. Please let me know if this effort yields acceptable results.

Steve

Town Manager

Town of Clayton, NC

919.359.9331

visit: www.townofclaytonnc.org

From: cowpie3@gmail.com [mailto:cowpie3@gmail.com] **On Behalf Of** sbmanagehome@gmail.com
Sent: Thursday, September 25, 2014 3:48 PM
To: Steve Biggs
Subject: from Susan Barnes re: Blanche St.

Mr. Biggs:

Thank you for our conversation today concerning my request for a "no parking" zone, ideally from Page to Fayetteville or from Page to Clay. This request is a result of student parking/litter problem.

I appreciate the presence of police officers next week to address the problem. If their efforts clear the problem, I will be satisfied. I will also talk with the other two neighbors on the north side of Blanche St. and get their input on no parking. If the sign is just for school hours, that would be fine.

Thank you again.

Cordially,

Susan Barnes

130 E. Blanche St.

Clayton NC

9193334399

Calendar of Events

- **Boot Camp Youth Rally** – Friday, October 24, 2014 @ 6:30 PM to 7:30PM in Town Square
- **Planning Board Mtg** – Monday, October 27, 2014 @ 6:00 PM
- **Trunk or Treat** – Wednesday, October 29, 2014 @ 5:00 PM to 7:00PM in Town Square
- **Halloween Parade** - Friday, October 31, 2014, 2:30 PM to 4:00 PM, Main Street (Smith to O’Neil).
- **Fall Back: 2014 Daylight Saving Time ends** – Sunday, November 2, 2014, at 2AM
- **Town Council Mtg** – Monday, November 3, 2014 @ 6:30 PM
- **Veterans Day Holiday** – Tuesday, November 11, 2014
- **Town 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
- **Town Council Mtg** – Monday, December 1, 2014 @ 6:30 PM
- **Christmas Village & Tree Lighting** – Thursday, December 4, 2014 from 5:00 PM to 9:00 PM on Main
- **Santa Baby Old Town Clayton Winter Festival** Saturday, December 6th @9:00AM to 3:00PM – race through downtown, events at Town Square
- **Town Council Mtg** – Monday, December 15, 2014 @ 6:30 PM
- **Board of Adjustment Mtg** – Wednesday, December 17, 2014 @ 6:00 PM
- **Community Christmas Eve Service** – Wednesday, December 24, 2014 @5:30PM in Town Square
- **Christmas Holiday** – Wednesday, December 24, 2014; Thursday, December 25, 2014; & Friday, December 26, 2014