

AGENDA
THE REGULAR MEETING OF THE CLAYTON TOWN COUNCIL

TUESDAY, SEPTEMBER 02, 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. CONSENT AGENDA

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

- a. Draft minutes from the August 4, 2014 Closed Session.
- b. Draft Minutes from the August 18, 2014 work session.
- c. Approval of Special Events:
 - i. Clayton Shindig & Squealin' on the Square
 - ii. Christmas Village & Tree Lighting
 - iii. Halloween Parade
- d. Approval of agreement between Town of Clayton and Johnston County for Clayton Fire Department to provide Medical Responder services.
- e. Approval of warranty acceptance of infrastructure and acceptance of all dedications for a section of South Tech Park.
- f. Budget amendment for Police Special Revenue Fund.
- g. Wastewater allocation for Stallings Mill Apartments (formerly The Promenade.)

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Issuance of Proclamation recognizing Constitution Week.

5. PUBLIC HEARINGS

- a. Evidentiary Hearing on Special Use Permit Application SUP2014-85 from RNC Entertainment for an Internet Sweepstakes operation.
- b. Evidentiary Hearing on Preliminary Subdivision PSD2014-12 for Riverwood Ranch Phase 2A.

6. OLD BUSINESS

- a. Update and consideration of contract with Retail Strategies, LLC.
- b. Report on necessary revision to the use policy for Town Square.

7. **NEW BUSINESS**
 - a. Approval to issue purchase order for down payment purchase of replacement vehicle for Rescue 1.

8. **STAFF REPORTS**
 - a. Town Manager
 - DuPont Property.
 - b. Town Attorney
 - c. Town Clerk
 - Calendar of Events
 - d. Other Staff

9. **OTHER BUSINESS**
 - a. Informal Discussion & Public Comment.
 - b. Council Comments.

10. **ADJOURNMENT**

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

Agenda Item: 3a

Meeting Date: 9/02/14

TITLE: DRAFT MINUTES FROM THE August 4, 2014 Closed Session.

DESCRIPTION: Attached.

RELATED GOAL: Legislative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

09-02-14

Approval.

DRAFT

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

Agenda Item: 3b

Meeting Date: 9/02/14

TITLE: Approval of draft minutes from the August 18, 2014 work session.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

09-02-14

Approval

Draft. (Transcript)

TOWN OF CLAYTON, NORTH CAROLINA

TRANSCRIPT OF THE PROCEEDINGS
TOWN COUNCIL
AUGUST 18, 2014, SESSION

Worley Reporting
P.O. Box 91447
Raleigh, NC 27675
919-870-8070

1 MAYOR MCLEOD: As the Mayor of the Town
2 of Clayton, I call this work session meeting of the
3 Clayton Town Council to order. I'll ask you to
4 stand for the Pledge of Allegiance and remain
5 standing for the invocation.

6 (Pledge of Allegiance recited.)

7 MAYOR MCLEOD: Let us pray. Most
8 gracious and Heavenly Father, we pause to give
9 thanks for the many blessings of this day and we
10 ask, Lord, now that you be with us as we proceed
11 with the business for the Town of Clayton,
12 [inaudible] we pray. Amen.

13 TOGETHER: Amen.

14 MAYOR MCLEOD: Are there any adjustments
15 to the agenda?

16 TOWN MANAGER BIGGS: Mr. Mayor, no
17 adjustments to the agenda, but I would seek to
18 remind the Council that we have the transcript that
19 we've created from the meeting and we ask that
20 [inaudible] so we are working with the
21 transcriptionist so it's extremely important
22 everyone speak as loudly as they can directly into
23 the mics.

24 MAYOR MCLEOD: All right. Next up's the
25 action agenda.

1 COUNCILMAN HOLDER: Move to approve.

2 MR. BLASKO: Second.

3 MAYOR MCLEOD: We have a motion -- a
4 motion and a second to approve the action agenda.
5 Is there any further discussion? All in favor of
6 the motion, let it be known by saying aye.

7 TOGETHER: Aye.

8 MAYOR MCLEOD: Opposed, like sign. And
9 the motion carries. Next up is the introduction of
10 the New Town of Clayton employees.

11 MR. BLASKO: As many of [inaudible]
12 Public Works Department and the maintenance
13 internal system from the Parks & Rec Department.
14 With the responsibility comes three new positions,
15 a [inaudible] leader and two maintenance workers.
16 We also have filled three vacancies, one
17 [inaudible] department, one property maintenance
18 and one water department. Now, each [inaudible]
19 introduce themselves.

20 MAYOR MCLEOD: Cool.

21 JUSTIN: Hi. I'm Justin. I'm the new
22 crew leader. I recently transferred from Parks &
23 Rec. I worked there for three years. I'm happy to
24 be in the position I am.

25 MAYOR MCLEOD: Cool, welcome.

1 JUSTIN: Thanks.

2 MR. BLASKO: Welcome.

3 GREG NELSON: Hi. My name is Greg
4 Nelson. I'm just happy [inaudible].

5 MAYOR MCLEOD: Cool. Welcome, Greg.

6 BRANDEN CARROL: Hi. I'm Branden Carrol.
7 I'm [inaudible] worker [inaudible].

8 MAYOR MCLEOD: Welcome, Branden.

9 MR. BLASKO: Welcome.

10 JASON REIS: My name is Jason Reis [ph]
11 and I'm also a property maintenance worker and I'm
12 really happy to [inaudible] and thank you.

13 MAYOR MCLEOD: Awesome. Thanks, Jason.

14 MR. BLASKO: Thanks for being here.

15 MARK BRENNAN: Hi. My name is Mark
16 Brennan. I'm [inaudible] maintenance and I'm
17 [inaudible].

18 MAYOR MCLEOD: Awesome. Well, we're glad
19 to have all of you.

20 MR. BLASKO: And one more.

21 MAYOR MCLEOD: Oh, and last but not
22 least.

23 TIM CALLAHAN: Hi. I'm Tim Callahan. I
24 work for water and sewer and I'm happy to
25 [inaudible].

1 MAYOR MCLEOD: Great. Thank you.

2 MR. BLASKO: Thank you.

3 MAYOR MCLEOD: Next up is a report from
4 the special events committee.

5 BRUCE NAEGELEN: Good evening. I'm Bruce
6 Naegelen. [Inaudible] on the special events
7 committee [inaudible] special events committee. We
8 have three events tonight we're going to ask you to
9 consider. The first one being the [inaudible]
10 Shindig. These are two separate events happening
11 October 10th and 11th on Town Square and around
12 Town Square. They both have been around for a
13 little while. Squealin' on the Square is a pig
14 cooking contest. This is fourth year, organized by
15 the Clayton Chamber of Commerce. It's a
16 fundraising event for them.

17 And the Clayton Shindig, this'll be their
18 third year; second year on Town Square and each
19 year it gets a little tighter and a little bit
20 better and a little more structured and this year
21 it's going to be better than the last one for sure
22 [inaudible].

23 In the past, the Clayton Squealin' on the
24 Square -- it still is a pig cooking contest, as I
25 said. Cooks will prepare pigs to cook and then

1 it's going to be judged [inaudible] start in the
2 evening, Friday evening. It'll go through the
3 night cooking the pigs and the next morning the
4 judges will judge the plates and the plates will be
5 sold during the shindig, Clayton Shindig, which
6 starts at 11:30 on Saturday morning at Town Square.
7 So we'll have this kind of one will be and the
8 other will start and pick up. So all of the
9 requests are sort of combined [inaudible].

10 Clayton Shindig; they're expecting about
11 18 to 25 cooks for the Squealin' on the Square and
12 this is a nice [inaudible] for a bunch of the cooks
13 [inaudible]. Smells nice too. Clayton Shindig, as
14 I said, is an eclectic music festival [inaudible]
15 organized by Clayton Mid-Day Rotary to raise funds
16 for Toys for Tots. That starts at 11:30 a.m., goes
17 to 8 o'clock Saturday night on October 11th.
18 They'll have about eight bands come over
19 [inaudible] music kind of feel; bluegrass
20 [inaudible] kind of flavors. About 20 food and
21 craft vendors and we'll be selling beer and wine on
22 the site during that event.

23 They are asking [inaudible] you can see
24 how this all works. Squealin' on the Square will
25 be in -- primarily in the parking lot area and as

1 well as [inaudible] on Fayetteville Street. All of
2 those folks will start clearing out the next
3 morning at some point and then the shindig will be
4 in the -- pretty much the whole area, but they will
5 be taking up primarily the grassy area with the
6 vendors all around the perimeter. The stage will
7 be over here and they'll have a dressing area band
8 warm-up area over here and entry will primarily be
9 through the gates here.

10 Again, it was a very successful event
11 last year. We're expecting 1,200 to 1,500 people,
12 if not more than that. [Inaudible] 2,500 people
13 [inaudible] this year and hoping that the weather
14 cooperates. Special events committee is
15 recommending approval of both events, Public Works
16 will provide barriers and cones to the road and
17 parking lot closures. Volunteers will put those in
18 place and Public Works will provide some trash and
19 [inaudible] as well.

20 We're asking for Council to consider
21 Fayetteville Street from Main Street to 2nd Street
22 starting Friday, October 10th from 3:00 p.m. to
23 11:30 p.m. on Saturday October 11th. 2nd Street --
24 closing 2nd Street from North Fayetteville Street
25 from Saturday October 11th 6:00 -- from 6:00 a.m.

1 to 11:30 p.m. and the Town Square parking lot from
2 10 -- from Friday afternoon from 3 o'clock to 11:30
3 on Saturday, and the Horne Street parking lot here
4 at the Clayton Center on Saturday from 6:00 a.m. to
5 11:30 p.m. That will allow for bands and all that
6 to [inaudible]. And that's it in a nutshell. If
7 you have any questions I can't answer, the
8 organizers from both events are here.

9 MAYOR MCLEOD: Thank you, sir. Questions
10 or comments?

11 MAYOR PRO-TEM GRANNIS: Consent?

12 COUNCILMAN LAWTER: Sounds good.

13 MAYOR MCLEOD: All right. We'll have
14 those items placed on our consent agenda.

15 MR. NAEGLLEN: Thank you. The next event
16 is one we're all familiar with again, is Christmas
17 Village and Tree Lighting. It's going to be held
18 on December 4th and it's always the Thursday after
19 Thanksgiving, from 5:30 p.m. to 8:30 p.m. Pretty
20 much from -- it's on Main Street from the Mosaic
21 Community Garden and the 300 block -- it's going to
22 start at the 400 block of Main Street to Town
23 Square, including up to O'Neil Street. It's the
24 eighth year for the Christmas Village, actually the
25 23rd year for the tree lighting and it's organized

1 by the Clayton Downtown Development Association.
2 We're expecting, again, in excess of 1,000 people.
3 They'll be [inaudible] business of the house,
4 dancing, [inaudible] and music performances along
5 Main Street, storefront decoration contest, Doggie
6 Christmas Costume Contest and Parade, Santa Clause
7 and of course we have the big event, tree lighting,
8 at Town Square.

9 The special events committee recommends
10 approval. Public Works, again, will provide
11 barriers and cones for the road and parking lot
12 closures. The police department will be putting
13 most of this in place. Public Works will provide
14 trash and recycle [inaudible] throughout the area
15 as well. We're asking Council to authorize the
16 closure of Main Street from O'Neil Street to Smith
17 Street December 4th from 5 o'clock to 9 o'clock
18 p.m., including the side streets all the way
19 through. [Inaudible]. Also -- also closing Town
20 Square parking lot from Thursday from 5:30 a.m. to
21 9:30 p.m. and Horne Square parking lot from -- on
22 the same day, 5:30 p.m. to 9:30 p.m.

23 Traffic will be detoured. Westbound
24 traffic on Main Street will be detoured at Smith
25 Street to 2nd Street and O'Neil Street [Inaudible]

1 Lane. Eastbound traffic will be towards the detour
2 at O'Neil Street and 2nd Street to Smith and right
3 on [inaudible] that. And of course, signs will all
4 be up for that as well. If you have any questions?

5 MAYOR MCLEOD: Questions or comments?

6 MR. NAEGLLEN: And we will have a
7 professional sound system [inaudible].

8 MAYOR MCLEOD: That sounds cool.

9 MR. NAEGLLEN: Just saying.

10 MAYOR MCLEOD: And a little more
11 lighting.

12 MR. NAEGLLEN: We didn't say that, but I
13 [inaudible].

14 MAYOR PRO-TEM GRANNIS: Consent.

15 MAYOR MCLEOD: I don't think necessarily
16 at the stage, but I'm just thinking when we have
17 some entertainment throughout Main Street. Last
18 year it was a little bit dimmed to be able to see.

19 MR. NAEGLLEN: We'll see what we can do
20 about that.

21 MAYOR MCLEOD: Awesome. All right.
22 We'll place that --

23 MR. NAEGLLEN: [Inaudible].

24 MAYOR MCLEOD: I'll be glad to.

25 MR. NAEGLLEN: Okay.

1 FEMALE SPEAKER: [Inaudible].

2 MAYOR MCLEOD: A little peer pressure
3 [laughter]. All right. We'll have that item
4 placed on our agenda -- our consent agenda.

5 MR. NAEGLLEN: Thank you very much. And
6 then the -- last, but not least, is the Halloween
7 Parade scheduled for October 31st from 5:00 at --
8 and that'll be held from 2:30 to 4 o'clock on Main
9 Street, again from [inaudible] Town Square. It's
10 organized by the Clayton Parks & Recreation. We're
11 expecting about 500 children and they will trick or
12 treat up and down the strip of businesses on Main
13 Street east of Lombard Street, as well as all the
14 way to the Town Square. And this is what the route
15 looks like [inaudible]. And asking that Main
16 Street be closed at Smith Street to Fayetteville
17 from 2 o'clock to 4 o'clock on the 31st as well as
18 Town Square parking lot [inaudible] 4 o'clock on
19 that day. Special events committee recommends
20 approval. Again, Public Works will provide
21 barriers and cones for those [inaudible] parking
22 lot closures. The police department will put into
23 place all of those items.

24 MAYOR MCLEOD: Questions or comments?

25 MAYOR PRO-TEM GRANNIS: Consent.

1 MALE SPEAKER: Consent agenda.

2 MAYOR MCLEOD: We'll have that item
3 placed on our consent agenda too. Thank you,
4 Bruce.

5 MR. NAEGLLEN: Thank you very much.

6 MAYOR MCLEOD: Next on the agenda is a
7 proclamation designating September as
8 Charcot-Marie-Tooth Disease Awareness Month and I
9 would like to read this presentation and -- this
10 proclamation, and then I'll make a presentation.

11 Town of Clayton proclaiming September
12 2014 as Charcot-Marie-Tooth Disease Month. Whereas
13 -- and I may not be saying that absolutely correct.

14 FEMALE SPEAKER: Charcot.

15 MAYOR MCLEOD: Charcot. Thank you,
16 Marie-Tooth -- and I was a French teacher too.
17 Marie-Tooth Disease, CMT, is one of the most common
18 inherited neurological disorders affecting
19 approximately 1 in 2,500 people in the United
20 States, including several Clayton residents. And
21 whereas the disorder, named after three physicians
22 who discovered it in 1886, Jean-Marie Charcot,
23 Pierre Marie and Howard Henry Tooth is
24 characterized by a slow and progressive
25 degeneration of the muscles in the lower feet,

1 lower legs, hands and arms, causing loss of normal
2 functions and/or sensations that can be severely
3 disabling and may be complicated by chronic pain
4 and [inaudible].

5 And whereas patients with CMT must
6 constantly advocate on their own behalf to doctors,
7 medical professionals and educators who are often
8 unaware of or insufficiently educated about this
9 disorder, the symptoms and the obstacles faced by
10 those affected by this disorder.

11 And whereas the mission of the CMT
12 Association is to support the development of new
13 drugs to treat CMT to improve the quality of life
14 for people with CMT and, ultimately, to find a cure
15 for CMT.

16 And whereas the CMTA's strategy to
17 accelerate research, STAR, initiative, is making
18 great strides towards developing therapies for CMT
19 throughout innovative public and private
20 partnerships combining the national institutes of
21 health and universities and laboratories around the
22 world to improve treatment of CMT.

23 Now, therefore, the Honorable Mayor and
24 Clayton Town Council wish to recognize the month of
25 September 2014 -- 2014 as Charcot-Marie-Tooth

1 Awareness Month and remind our citizens of the
2 vital importance of healthcare of those around us
3 and the important -- and to support programs to
4 help people with CMT, duly proclaimed by the
5 Clayton Town Council this 18th day of August 2014
6 while in regular session.

7 And now, I'd like to present this to Miss
8 Margaret Lee.

9 MS. LEE: [Inaudible] Oh, yes, yes.
10 There we go, sharp as a tooth [inaudible].

11 FEMALE SPEAKER: Oh, sorry. I got a
12 picture of you [inaudible]. Okay. Is every good?
13 Do you need any more? [Inaudible] pictures? Okay.
14 Thank you.

15 MAYOR MCLEOD: [Inaudible] Marie Tooth
16 [inaudible]. I like this, read a proclamation, get
17 a free t-shirt. I'll have to make a policy on
18 that. Moving right along with the schedule for the
19 regular meeting agenda. Up next is a presentation
20 of agreement between Johnston County and Town of
21 Clayton for fire department medical responder.

22 TOWN MANAGER BIGGS: Mr. Mayor,
23 [inaudible] and if you will recall, [inaudible]
24 this year. The fire department has been working
25 very diligently in the past months for equipment in

1 the training cell [inaudible] responsibility. So
2 what we have for you this evening is the document
3 of agreement that has formalized our relationship
4 for Johnston County providing the service for us as
5 the [inaudible].

6 MAYOR MCLEOD: Okay. Any questions or
7 comments?

8 MAYOR PRO-TEM GRANNIS: Should we put
9 this on the consent?

10 TOWN MANAGER BIGGS: Consent would be
11 perfect.

12 MAYOR MCLEOD: Okay. Okay. We'll have
13 that item placed on our consent agenda. Next up is
14 a presentation of warranty acceptance and
15 acceptance of dedications for South Tech Park
Tract 16 2.

17 MALE SPEAKER: [Inaudible].

18 MAYOR PRO-TEM GRANNIS: Consent.

19 MALE SPEAKER: Consent.

20 MALE SPEAKER: Consent.

21 MAYOR MCLEOD: We'll place that item on
22 the consent agenda. Next up is the special use SUP
23 2014-12, a presentation of application from RNC
24 Entertainment for an internet sweepstakes
25 operation.

1 PLANNING DIRECTOR DEYOUNG: Good evening.
2 David DeYoung from the Planning Department. As the
3 Mayor said, this is a special use permit, 2014-85.
4 It is a special use permit to allow video
5 sweepstakes operations or an internet café to
6 locate at 12 -- 12809 US 70 Business Highway West,
7 which is the former Blockbuster video site.

8 Internet sweepstakes are usually
9 conditionally -- conditional uses and go to board
10 of adjustment. This one's a little bit more
11 unusual because it's located in a special use
12 district. The [inaudible] parcel [inaudible] in
13 front of Walmart are in the special use district
14 which requires any use to be a special use.

15 Understanding that it's a B-3 special use
16 district, the site in total is 1.2 acres -- 1.82
17 acres in size. The space [inaudible] business is
18 going to go into is 5,664 square feet and it was a
19 Blockbuster video. They're not requesting any
20 improvements exterior to the site. They're -- all
21 the parking that's necessary is there and adequate,
22 so basically just an internal modification.

23 In terms of the code requirements, the
24 code currently does not allow unaccompanied persons
25 under the age of 18 from entering the premises of

1 an internet sweepstakes and the code also limits
2 the hours of operation to Sunday through Thursday
3 9:00 a.m. to 1:00 a.m. and Friday and Saturday from
4 9:00 a.m. to 2:00 a.m., and they're required to
5 have no more than a maximum of 100 machines. The
6 Applicant is requesting 80 machines associated with
7 this specific development. The associated site
8 plan for this was approved in 2002 under SP 0227
9 and Walmart, the overall plaza, was approved under
10 S -- special use permit 0201.

11 That is the Applicant's intended layout
12 for the internet sweepstakes. As you can see, he's
13 got the machines lined up around the outside walls.
14 It's got a little foyer entry area, for office,
15 bathrooms at the rear, and there's a box in the
16 center right which is mostly -- he's going to do
17 sort of like a VIP area, I believe, and he'd be
18 able to tell you more about that at the public
19 hearing. And its location, [inaudible]. And with
20 that, the proposed development is generally
21 consistent with the Strategic Growth Plan Objective
22 2.1, balanced development [inaudible]. It is
23 consistent with our Unified Development Code as a
24 special use, if the special use permit is approved.
25 The Applicant has addressed the findings of fact

1 and those have been accepted as a [inaudible]
2 application and [inaudible] of the record as
3 Attachment 1 of the staff report.

4 With regard to the surrounding land uses,
5 obviously it's Business 70 to the north once you
6 get up the hill, and it's surrounded by retail uses
7 on the other two sides and the Walmart to the rear.
8 They had a neighborhood meeting on July 18th, and
9 no one attended. And with that, staff is
10 recommending that Council reach positive
11 conclusions on the required findings of fact, that
12 the special use permit subject to the recommended
13 conditions of approval as provided in the staff
14 report, and the Planning Board did recommend
15 approval to the [inaudible]. I can answer any
16 questions.

17 MAYOR MCLEOD: Okay. Any questions for
18 Mr. DeYoung? Mr. Grannis?

19 TOWN MANAGER BIGGS: I don't know that I
20 have a question as much as a bit of a concern.
21 I've read in the packet the required findings of
22 fact statements by the Applicant, and I'm
23 struggling with the first finding of fact, which is
24 that the application will not materially endanger
25 the public health or safety. It's located, where

1 proposed, [inaudible] according to the plans as
2 submitted and approved.

3 The concern that I have is a couple of
4 things. One, the nature of the business itself
5 with respect to the safety and well-being of our
6 citizens; and, based on this issue, I would like to
7 see some form of testimony that pertains to the
8 software that's being used by the Applicant or the
9 organization, that is in compliance with all the
10 rules and regs and laws of the State of North
11 Carolina.

12 PLANNING DIRECTOR DEYOUNG: The Applicant
13 is in the audience this evening. I will make sure
14 that he is aware of the -- he does [inaudible] what
15 you are asking that he provides subsequent
16 testimony on software [inaudible].

17 MAYOR MCLEOD: Anyone else? All right.
18 Thank you, sir. Next up on the agenda is the
19 preliminary subdivision PDS 2014-12, presentation
20 of a Riverwood Ranch Phase 2A.

21 PLANNING DIRECTOR DEYOUNG: David DeYoung
22 with the Planning Department again. This is a
23 preliminary subdivision 2014-12 of Riverwood Ranch
24 Phase 2A. Preliminary subdivision plan has been
25 submitted for Phase 2A of 15 single-family lots.

1 This is within the Riverwood Ranch plan
2 development, and it's the first single family
3 residential phase. As you're all aware [inaudible]
4 Riverwood Haven which is the 55 plus apartment
5 facility which will begin construction shortly.

6 The site, for 2A is 4.06 acres in size.
7 As I've said, it's going to be 15 lots. With the
8 planned development mixed-use zoning it is
9 consistent with the master plan and it is literally
10 directly across from the Riverwood apartments -- or
11 sorry, Riverwood Haven 55 plus apartments.

12 The proposed density of this phase is 3.7
13 units per acre. The lots range in size from 0.19
14 acres to 0.27 acres. They have stated a maximum
15 impervious of 45 percent for all of the lots in
16 Phase 2A with a maximum 4,000 square foot per lot.
17 They also will have a maximum 45 percent building
18 coverage per lot and setbacks of 20 foot front, six
19 foot size, four foot side street and five foot
20 [inaudible] 15 foot [inaudible]. That's one of the
21 changes that they wanted to make on the plans
22 moving forward [inaudible].

23 As [inaudible] the future which just sets
24 some language [inaudible] the Riverwood Haven.
25 This is layout. Very typical subdivision layout

1 and we expect this pattern to continue for the rest
2 of phase -- the phases in Phase 2 which is 2A, B, C
3 and D.

4 In terms of landscape buffering, street
5 trees will be required at a rate of one tree per
6 lot or every 40 linear feet with a two-and-a-half
7 inch caliper and eight-foot height. A landscape
8 easement has been reserved by the developer so that
9 he can provide additional street trees and
10 plantings along Stetson Lane. I believe he intends
11 to continue this along the main corridor through
12 the development.

13 In terms of recreation and open space,
14 none is required at this phase. All of the
15 recreation requirements for Riverwood Ranch have
16 been satisfied by the master plan and the amenities
17 are shared with the Riverwood Athletic Club. That
18 was part of the master plan approval.

19 Five-foot sidewalks will be required on
20 both sides of the street. We are not anticipating
21 any environmental impacts with this phase and
22 they're asking for no waivers or deviations from
23 the code.

24 In terms of compatibility with the
25 surrounding land use, I am not going to read all

1 this, but it's basically right in the center of
2 Riverwood Ranch on the east side, so [inaudible]
3 west side [inaudible] so it shouldn't have any
4 impacts on the adjacent property owners.

5 In terms of consistency with our
6 strategic growth plan, this is [inaudible] which is
7 managing growth [inaudible] together. It is
8 consistent with our UDC and the Applicant has
9 addressed the findings of facts which have been
10 made part the complete application and [inaudible]
11 part of the public record as attached to the staff
12 report. And staff is recommending approval of the
13 15 lot subdivision. I can answer any questions you
14 may have.

15 MAYOR MCLEOD: That looks good. Any
16 questions or comments?

17 MALE SPEAKER: No.

18 MAYOR MCLEOD: All right. Thank you,
19 sir. Next, under -- next item on the agenda is the
20 budget amendment for the police special revenue
21 fund.

22 MR. MCKIE: Good evening. Requesting
23 appropriation of funds [inaudible] to purchase
24 [inaudible] police investigations [inaudible]
25 received from the state [inaudible] distribution

1 program [inaudible]. [Inaudible] subject to
2 enhancing the law enforcement activities of
3 [inaudible].

4 MAYOR MCLEOD: All right. Any questions
5 or comments? Mr. Grannis?

6 MAYOR PRO-TEM GRANNIS: If memory
7 services me right, I think there was a discussion
8 about this during our budget session, Steve?

9 TOWN MANAGER BIGGS: Yes, sir.

10 MAYOR PRO-TEM GRANNIS: I think we -- we
11 agreed that we would do this, right; if memory
12 services me right?

13 TOWN MANAGER BIGGS: Please repeat that.
14 I was reading [inaudible], sorry.

15 MAYOR PRO-TEM GRANNIS: That's all right.
16 I think there was discussion about this
17 appropriation either during our budgetary
18 discussions and -- I'm thinking that's when we did
19 it. It may have been at another time, but that we
20 had pretty much agreed that we were going to do
21 this [inaudible] balance, is that correct?

22 TOWN MANAGER BIGGS: [Inaudible]. I'm
23 sorry, Mr. Grannis, I [inaudible]. This is really
24 kind of an administrative item.

25 MAYOR PRO-TEM GRANNIS: Okay. So let me

1 raise this question then; are we taking additional
2 monies out of the fund now?

3 TOWN MANAGER BIGGS: No, sir.

4 MAYOR PRO-TEM GRANNIS: Okay. Great. I
5 stand corrected.

6 MAYOR MCLEOD: Anyone else? Is this
7 something that can be on the consent?

8 MALE SPEAKER: I think so.

9 MALE SPEAKER: Yes.

10 MAYOR MCLEOD: Yes. We'll place that
11 item on the consent agenda. Thank you, Robert.
12 Next up is the discussion of a recent received
13 regarding -- request received regarding cemetery
14 openings.

15 TOWN MANAGER BIGGS: Mr. Mayor, I'm going
16 to pass out some additional support items for this.
17 As you noted on the agenda, we received a request
18 from Jan Levinson [phonetic] that we consider a
19 cemetery [inaudible] specifically as it relates to
20 the internment of [inaudible]. We, within the last
21 year, took in house our [inaudible] service and
22 [inaudible] for that grave lifting service. Before
23 we set those for use we did a very thorough market
24 analysis for [inaudible]. We did not consider at
25 that time the variable of internment of cremates

1 and did not seek at that time to set a fee
2 specifically for that service. Mr. Levinson is
3 correct in his pointing out that the extent of
4 activity associated with that sort of internment is
5 less than for a standard grave lifting.

6 As you notice from the cost survey, we do
7 find that in some situations, in fact probably the
8 majority of situations, there is a reduced fee for
9 internment of cremates and so we're entirely
10 amiable to [inaudible] from your response on this
11 request. We don't at this point have any
12 recommendation and wanted to get your feedback and
13 going forward [inaudible] who are changing our fees
14 relating to this service [inaudible] cremation.

15 MAYOR MCLEOD: Questions or comments?
16 Mr. Grannis?

17 MAYOR PRO-TEM GRANNIS: I'm certainly
18 amenable to reevaluating our fees to include the
19 cremate internment and determine whether or not,
20 you know, we should have a certain fee for that.

21 MAYOR MCLEOD: And I'm in agreement with
22 Mayor Pro-Tem Grannis, but on this document this is
23 based on weekday events and I would like to see us
24 have a proposal for a weekend event. And I know
25 we're not customarily -- [coughs] excuse me, in the

1 business of grave opening on the weekend, but a lot
2 of times that Sunday service is -- is, you know,
3 more beneficial and less stressful on the families
4 and I know that currently we don't offer that.
5 Right, we don't open graves on Sunday --

6 TOWN MANAGER BIGGS: That's correct.

7 MAYOR MCLEOD: Cremation or otherwise.
8 But I think that, if it's possible, to look at a
9 fee -- and I'm not saying it would be an
10 inexpensive thing because, you know, obviously
11 labor on Sunday and all of that, but I would like
12 to see a proposal on what the costs that might be
13 associated with that. I don't think it's something
14 that the Town would create a habit by doing, but I
15 think it would be nice to have an option for
16 families, but at the same time I think they'd need
17 to know about the additional cost it would take to
18 do a Sunday grave opening.

19 TOWN MANAGER BIGGS: Sundays only or
20 Sunday-Saturday?

21 MAYOR MCLEOD: Saturday -- weekend. I'm
22 sorry, just classify it as weekend. Mr. Holder?

23 COUNCILMAN HOLDER: Also the proposal
24 [inaudible] --

25 MAYOR MCLEOD: And holidays.

1 COUNCILMAN HOLDER: -- should include
2 [inaudible].

3 TOWN MANAGER BIGGS: I [inaudible]. He
4 references \$1,000 fee there and that is not
5 [inaudible] \$900 [inaudible] foot stone is in
6 [inaudible]. So our fee is \$900, not \$1,000, and
7 we would come attend especially [inaudible] to also
8 charge the \$100 [inaudible] just as we do for the
9 [inaudible].

10 MAYOR MCLEOD: Mr. Satterfield had a nice
11 comment to me; not only a weekend event cost, but
12 also holiday costs. And I don't know if that's all
13 the same or two separate categories, whatever staff
14 thinks, you know, is best.

15 Okay. Moving right along, the next item
16 is the discussion of proposed retail study and
17 improvement services contract.

18 TOWN MANAGER BIGGS: All right. Item 7-B
19 relates to an item -- an item that we've discussed,
20 not specifically, but consensually, in our retreat
21 for the last couple of sessions, and that is that
22 the Town -- our best opportunity for economic
23 development is probably going to be in the retail
24 sector. That is a sector that [inaudible] rooftops
25 that we have had to be added over the Town

1 [inaudible] the last few years that we are probably
2 [inaudible]. We talked very specifically about
3 targeting particular businesses, but I think that
4 it really serves the interest of the Town to look
5 at the value that retail development brings to the
6 Town on a [inaudible] basis and it's an important
7 employment basis and it's also an important
8 generator of sales tax as well as property tax.

9 [Inaudible] items as Council well knows,
10 this is not something that we have an particular
11 expertise in. We were approached by [inaudible]
12 partnered with a company that provides these
13 specific services. You may remember some years ago
14 we had some work done on our behalf to look at
15 issues such as leakage of sales or purchases by our
16 population into other areas [inaudible] while parts
17 of the retail sector are our citizens underserved
18 by. And that study, I think, was [inaudible] eyes
19 open in understanding the flow of discretionary
20 dollars from consumers, but it didn't really go to
21 that next step.

22 What we like about this particular
23 proposal, aside from the cost benefit it brings to
24 us, which I'll describe in [inaudible] just a
25 moment, is that it is a -- it's a sustained effort

1 on the part of experts in this field to represent
2 our interests. So the front end of the work that
3 is done is to look at our particular retail
4 profile; what are the nature of our consumers, what
5 is the -- the constraint, the weaknesses, of our
6 retail sector, what they see in terms of movement
7 of the dollars in and out of the community, and
8 from that they identify specific businesses that
9 would meet sectors for which we are underserved.

10 As the effort goes forward, they actively
11 seek to recruit those businesses to our community.
12 They have existing relationships with retail
13 development and similar types of specialists in
14 that sector that we just don't have those
15 relationships. We did discuss the concept of
16 enrolling corporate entities. We have discussed
17 that here in the Town and that's actually not a
18 good thing. The corporate entities have developers
19 that work [inaudible] to find those [inaudible].
20 When you go directly to corporate and they haven't
21 already about the area from their specific
22 developers, they see that as being a likelihood
23 that it is not a good location because they have
24 not heard about it.

25 Another thing that they do is they find

1 similar jurisdictions in terms of demographics. So
2 they will look in other states and other areas for
3 towns that have similar age demographics, similar
4 education demographics, similar income demographic,
5 and they will look at businesses that exist and are
6 prosperous in those jurisdictions that are missing
7 from our jurisdiction and they will use the fact of
8 that to recruit those specific businesses. They
9 also attend the national trade shows in the area of
10 retail development and other things that we just
11 don't have the resources to do.

12 You'll notice from the agenda packet that
13 their standard contract is a three-year contract
14 and the cost for the standard contract is \$90,000.
15 They have partnered with Electricities so that
16 Electricities is representing the company with a
17 number of municipalities and that saves them a
18 substantial amount of money in terms of their own
19 marketing work. So Electricities [inaudible] this
20 prospect and the cost was reduced from \$90,000 to
21 \$76,000. Electricities has sweetened the pot
22 because they understand that not only is retail
23 development valuable to us, it is valuable to them
24 and they would pay half of that [inaudible] meaning
25 our share is \$38,000 over a three-year period.

1 MAYOR MCLEOD: Mr. Satterfield?

2 COUNCILMAN SATTERFIELD: Does this come
3 with any track record that we could actually go
4 talk to different towns that have been beneficial
5 to this service?

6 TOWN MANAGER BIGGS: Yes, sir, and we met
7 with their representative and we looked at their
8 portfolio and I've also done some independent
9 internet-based research to see that they are a
10 credible company.

11 COUNCILMAN SATTERFIELD: I didn't ask
12 that. Do they have a track record? Not just a
13 [inaudible], do they have a track record where
14 they -- you can actually talk to a town say yes,
15 this is what they've done for us, it's doing great
16 things, it's worth the money. Have -- have we
17 talked to any towns?

18 TOWN MANAGER BIGGS: I've talked -- I'm
19 aware of one, but I haven't spoken with them. I'm
20 aware that [inaudible] particular assistance.

21 MAYOR MCLEOD: Anyone else?

22 MALE SPEAKER: Back this way.

23 MAYOR MCLEOD: Mr. Lawter?

24 COUNCILMAN LAWTER: [Inaudible], but the
25 question is kind of along those lines, but with

1 other cities and members of Electricities, is there
2 any exclusivity or we're just in there with the
3 next one that comes in and they're selling all of
4 us at the same time?

5 TOWN MANAGER BIGGS: What Electricities
6 expressed to me, I'm working with their retail and
7 development [inaudible], his name's Greg, is
8 they're looking, at this point, to partner with the
9 towns where they think this will be most
10 successful. So they're not looking, necessarily,
11 to every single member. I'm sure that any member
12 who's interested in this could approach them and
13 probably take advantage of it, but what they --
14 what Electricities has done, in addition to
15 contacting the particular jurisdictions are the
16 ones where they feel like the services are most
17 likely to be successful.

18 COUNCILMAN SATTERFIELD: I think that
19 just goes along with one of the long-time goals of
20 not only [inaudible], but fewer trips, other places
21 to do business in. It sounds like that if we
22 can --

23 MAYOR MCLEOD: I don't see how the Town
24 could go wrong, Bob, with this type of investment.
25 And particularly dealing with professionals and

1 experts on -- that specialize in how to bring
2 retail to you and the processes involved in getting
3 them to you. If you divide it over a three-year
4 period it's about 13,000 a year. I don't think the
5 Town could even hire somebody for a three-year
6 stint to help promote that, that has the knowledge
7 and the resource base that the company would bring
8 to us. So I would be in favor in pursuing this,
9 but I'm also in favor of discussion from the
10 Council. Mr. Grannis?

11 MAYOR PRO-TEM GRANNIS: I think on the
12 surface it looks good, and I think it does have
13 potential. I would like to know a little bit more
14 about their, you know, the -- either the groups or
15 the individual's track record. I understand -- you
16 know, you indicated that there is one [inaudible]
17 you are familiar with, that you have some
18 information on, but I have to agree with the Mayor
19 too that, for the price, there's no way that we're
20 going to even come close to getting anything like
21 that, even if it's a one-year contract, let alone a
22 three-year contract.

23 The only other -- the only concern that I
24 may have, in addition to the track record, would
25 be, if memory serves me right, that number was 36

1 municipalities involved in Electricities?

2 TOWN MANAGER BIGGS: If you're looking
3 eastern and western, that would be over 70 cities.

4 MAYOR PRO-TEM GRANNIS: Okay. So I would
5 like to think that hopefully we could get a big
6 fish in a small pond as opposed to a small fish in
7 a big pond, but I know we probably have virtually
8 no control over that at all, but obviously there's
9 a risk in everything that we do [inaudible].

10 TOWN MANAGER BIGGS: Yeah, you know, in
11 this particular type of endeavor, different than
12 maybe industrial recruitment, I don't see us at
13 odds with anyone. Let's just say, for instance,
14 other municipal providers in our area, if they were
15 to look at Apex and Wake Forest and, you know,
16 [inaudible], we don't really compete with Wake
17 Forest and Apex for the different retail business
18 because the service areas, even though we see
19 ourselves geographically, you know, proximal to
20 each other, from a retail service district
21 standpoint, retail service area standpoint, we're
22 really not.

23 And so, you know, if we were competing
24 for the next Grifols, then I would be very alarmed
25 about the possibility of maybe needing a trade show

1 representative going to say, you know, Wake Forest
2 and Clayton, but if they're at a trade show and
3 they're representing Wake Forest and Clayton to a
4 particular retailer and say hey, you get two
5 visits, two, you know, two places that you can look
6 at, it probably makes the trip here more valuable
7 rather than less.

8 MAYOR PRO-TEM GRANNIS: I think you raise
9 a pretty good point.

10 MAYOR MCLEOD: You know, also I sit here
11 and I think about how many commercial developers
12 have told us the importance of having people in
13 order to expand your retail within a town and when
14 I think about, you know, the -- the apartments
15 [inaudible] or the ones that have been approved
16 over behind the Bojangles' and, you know, the new
17 ones on Front Street Extension, you know I -- with
18 new subdivisions coming online, I see the influx of
19 more people that can help raise that demographic
20 to, you know, bring in the retail.

21 TOWN MANAGER BIGGS: What we'll be glad
22 to do, and we didn't spend a lot of time on this,
23 because I didn't know how positively the Council
24 would receive this particular proposal, is we will
25 spend some time [inaudible] references.

1 MAYOR MCLEOD: Okay. Now, do you want to
2 speak to how, you know -- how funding is going to
3 take place or where it might come from or --

4 TOWN MANAGER BIGGS: Let me bring that
5 back to you at the time that we consider voting on
6 that.

7 MAYOR MCLEOD: Okay. That'd be great.
8 All right. Any other questions? Okay. Next up on
9 the agenda is the discussion of proposed ordinance
10 amendment related to the right of way
11 encroachments.

12 TOWN MANAGER BIGGS: Mr. Mayor, this
13 item, I'll do a quick history on them, and if you
14 need any more detail, I'm going to need to defer to
15 our Public Works rep, but the Council is aware that
16 the Town maintains better than 70 miles of public
17 streets that, within which, we have water and sewer
18 utilities, storm drain utilities, we have sidewalks
19 and then the streets themselves. And there are
20 other utilities that, from time to time, come into
21 town and do work [inaudible].

22 When we do work within the North Carolina
23 Department of Transportation right of way, we are
24 required to do what's called an encroachment. And
25 in an encroachment, there's really two parts to it;

1 one is that we tell them what we're planning to do
2 and two, they tell us if we mess anything up, we're
3 responsible to fix it. And if both parties agree
4 to that, we sign it and [inaudible]. But right now
5 we do not have any sort of parallel process for
6 town streets and if someone -- say, for instance,
7 the gas company comes into town and they damage our
8 street, they damage our sidewalks, water sewer
9 lines, it can be very difficult for us to hold them
10 accountable. We have a number of different
11 negative encounters with different utility
12 providers and contractors doing work in town that
13 we then have to go back and clean up.

14 So what we're hoping to do is establish a
15 [inaudible] process, similar to the distinct
16 process -- similar to the process that DOT uses,
17 requiring entities to get the encroachment
18 agreement before initiating work for the Town's
19 [inaudible]. This ordinance [inaudible] was to
20 require that and enforce it.

21 MAYOR MCLEOD: Any questions or comments?

22 TOWN MANAGER BIGGS: What we can do,
23 Council and Mayor, is if you like this concept, you
24 know, would not want to assign it to the consent
25 agenda. This is the first time it's been aired

1 publicly, so there may be parties of interest in
2 speaking to this and we could just maybe carry it
3 over to the regular meeting for further discussion.

4 MAYOR MCLEOD: I think that would be
5 good. All right. We'll have that item carried
6 over to the next agenda. Next up on the agenda is
7 a discussion of proposed ordinance amendment
8 related to solid waste collection and disposal
9 service.

10 TOWN MANAGER BIGGS: Mr. Mayor and
11 Members of Council, this item is brought to you as
12 a collaboration from several of our county
13 departments, including Customer Service, Public
14 Works, Planning, Administration, and what we're
15 trying to do is update our solid waste ordinance,
16 and we need to update it for a number of reasons.
17 Development patterns, we've identified some
18 weaknesses in the existing ordinance. There is
19 going to be some changes in just regular
20 procedures. We find that our existing ordinance
21 really is not clear as to standards and the lack of
22 clarity creates some misunderstanding on the part
23 of our citizens. There are some provisions in the
24 ordinance that are very outdated with regards to
25 the balances of volumes and types of materials, and

1 so what we're trying to do is really just updated
2 it to be more consistent with the standards and
3 practices with solid waste disposal these days.

4 I'll run through some of the more salient
5 points. We have added a definitions section.
6 Previously there was not a definitions section in
7 the ordinance. As the Mayor mentioned just a few
8 moments ago, we're seeing a lot of multifamily
9 residential development and solid waste service to
10 a multifamily development, given the design and the
11 layout, is really different dynamically than the
12 same service for single-family detached residences.
13 So we've created a section that specifically
14 addresses the needs of multifamily residential
15 customers. Just give me a brief moment.

16 A lot of it is just cleaning up the
17 [inaudible] you had in your agendas is a
18 strikethrough copy and so a lot of it is just
19 cleaning up the verbiage of the prior ordinance.
20 We clarify that [inaudible] recyclables and other
21 household debris shall be limited to the amount
22 which can be placed within the carts provided by
23 the Town with the lid closed at all time. The Town
24 [inaudible] may provide customers with seasonal
25 exceptions to this limit. Seasonal exceptions will

1 be listed on the Town's website.

2 In simpler terms, we have a number of
3 customers -- a small number of customers who, on a
4 regular basis, have a very large volume of
5 materials and then the vast majority of our
6 customers, particularly given how successful our
7 recycling program has been, have much less. This
8 is a situation where we really have a
9 disproportionate share or cost share that is being
10 borne by those customers who are meeting the
11 standard household volume expectations.

12 So what we're proposing is that people
13 who on a repetitive basis exceed the volume that is
14 provided in a 96-gallon [inaudible] container, plus
15 the available with a 96-gallon recycling container;
16 [inaudible] as a 64-gallon recycling container, but
17 we are still [inaudible] with the 96-gallon
18 container and a customer who needs that will get
19 them, but other than that, we've been going area by
20 area.

21 So if, you know, someone exceeds those
22 volumes on a regular basis, they do have the option
23 of getting a second 96-gallon rollout trash can.
24 That is a -- that is a lot of waste material. And
25 so what we're seeking to do is to bring that

1 [inaudible] more in line with what we're seeing as
2 being [inaudible] volumes of trash that is
3 disposed, given the success of the recycling
4 program.

5 Continuing, we have sought to verify the
6 [inaudible], probably the one service that we offer
7 that is a premium to what you see almost anywhere
8 is the quality of our [inaudible] pickup. However,
9 the ordinance is sufficiently vague that even
10 though it is a premium service, it becomes a point
11 of conflict with customers. So what we're trying
12 to do is clean up the ordinance and clarify exactly
13 what is acceptable. By clarifying exactly what is
14 acceptable, our intention is that if someone
15 exceeds the volumes that are allowed, then that
16 will become a special [inaudible]. So if customers
17 comply with the dimensional limits for yard waste
18 pickup and the container [inaudible] the yard waste
19 pickup, then that's a part of our standard fee.
20 For those customers who exceed that volume
21 [inaudible] comply with them [inaudible] container
22 then there will be a [inaudible].

23 Over the last few years, what we've done
24 is, if someone exceeded the volume, we would pick
25 it up in subsequent weeks. We find that

1 citizens -- neighbors of citizens who routinely
2 exceed the volume limits and have material at
3 curbside for two, three weeks at a time, do not
4 appreciate that that is the approach that we have
5 taken.

6 As mentioned, you have the [inaudible] in
7 your agenda packet. What we do going forward is
8 take this from a black line mode to a finish mode,
9 similar to the previous item. It's very complex
10 [inaudible] gets to a lot of people and we would
11 not expect the Council to vote on it at your next
12 regular meeting, but rather [inaudible].

13 MAYOR MCLEOD: Mr. Satterfield?

14 COUNCILMAN SATTERFIELD: Steve, can you
15 possibly tie all this into the e-mail that we
16 received today and the County's decision to go
17 forward [inaudible] some kind of decision?

18 TOWN MANAGER BIGGS: Oh, that was
19 unexpected. We have not been in that communication
20 on that item and so we're not really prepared to do
21 that. As I understand that, the County is looking
22 at changing how they charge residents, County
23 residents, for solid-waste disposal. I think that
24 that will have [inaudible]. I think that if they
25 move that from a subscription based direct pay

1 process to a process where all County residents
2 [inaudible] on their tax bill, that we would need
3 to see some consideration as we provide this
4 service to our citizens and we do utilize the
5 County landfill facilities. So I'm not prepared to
6 speak to that this evening because today was the
7 first I heard about it. The County had not reached
8 out to us to discuss that [inaudible].

9 COUNCILMAN SATTERFIELD: Do we have
10 someone that we can send to that meeting to
11 represent us?

12 TOWN MANAGER BIGGS: Yes, sir.

13 COUNCILMAN SATTERFIELD: Okay.

14 MALE SPEAKER: [Inaudible].

15 COUNCILMAN SATTERFIELD: Pardon me?

16 MALE SPEAKER: [Inaudible] going on a
17 couple of years [inaudible].

18 COUNCILMAN SATTERFIELD: Is it now?

19 COUNCILMAN LAWTER: No, it's Tuesday.

20 MALE SPEAKER: It's Tuesday.

21 COUNCILMAN LAWTER: On September the 2nd.

22 MALE SPEAKER: Oh, 2nd?

23 COUNCILMAN LAWTER: Yeah, September 2nd.

24 MAYOR MCLEOD: Mr. Holder?

25 MAYOR PRO-TEM GRANNIS: I have one

1 problem with this the way it's written, and it has
2 to do with enforcement. Many times during the week
3 our residents will put their trashcans out anytime
4 during the day on Thursday. Sometimes they'll stay
5 out 'til Sunday because there's no one there to
6 bring them back in. Now, I think we're going to
7 have a problem if we try to enforce that the way
8 it's written here, because you can't go out before
9 5 o'clock and it must be brought back in
10 [inaudible] the next morning.

11 TOWN MANAGER BIGGS: We actually slightly
12 relaxed that [inaudible] previously. So I think
13 you're right. So I think there is [inaudible]
14 point of conflict, but we get a lot of complaints
15 from neighbors of people who leave their containers
16 out. I think previously [inaudible] previously I
17 think that we required that they be taken in by
18 7:00 that evening and so we did extend that to 8:00
19 the next morning, because there are people who work
20 in the evening shift and obviously are not going to
21 be able to bring them back in by 7:00 that evening.
22 But you know, Mr. Holder, you're correct that
23 people who leave their [inaudible] all weekend will
24 not like [inaudible].

25 COUNCILMAN HOLDER: They're gone.

1 TOWN MANAGER BIGGS: Right.

2 COUNCILMAN HOLDER: They can't be there
3 to get them. I mean, it's -- it's an issue. If we
4 start trying to enforce it, I think [inaudible] we
5 don't enforce it, we're going to [inaudible].

6 MAYOR MCLEOD: Well, we need to enforce
7 it, and I think that we need to enforce it
8 particularly in areas in Clayton where small
9 apartment complexes in single-home family
10 neighborhoods. So a prime example is over here at
11 West Blanche Street where we have a series of
12 townhome apartments that bring out 14 or 15 cans to
13 the street and then maybe they don't take them back
14 in, and so then in that neighborhood you've got
15 nine or 10 cans just sitting at the end of that
16 street, and people don't appreciate that, that live
17 in the neighborhood. So I -- I don't know what
18 the --

19 COUNCILMAN SATTERFIELD: They leave them
20 there all week.

21 MAYOR MCLEOD: Right. But, you know, at
22 one time we did a very nice job with the Facebook
23 and prior to that the newsletter in letting people
24 know that, hey, it is an ordinance that says you
25 have to take this back. You know, and granted,

1 you're going to have times when you're at home to
2 be able to do it, but for the most part, it's an
3 expectation.

4 TOWN MANAGER BIGGS: Let me just offer
5 two points, one on one side of this issue and one
6 of the other that you specifically asked, and that
7 is, if people -- let's say they go to the beach on
8 Friday and they're going to be, you know, gone for
9 the weekend. So, before they leave for the beach
10 that Friday morning, they pull their container out
11 and it gets picked up that Friday, they don't come
12 home until Sunday night. A lot of people, they
13 have dogs or they have a newspaper and they either
14 ask a neighbor or pay a service to take care of the
15 newspaper or the dog while they're gone. Maybe
16 some people can just include container put-back
17 services [inaudible]. That's one side of the
18 issue.

19 The other side of the issue if, you know,
20 it be the pleasure of this Council, we can revise
21 this proposal to say by 8:00 a.m. the next business
22 day or the next workday. It's entirely up to the
23 Council how you would like to craft the ordinance,
24 but as I said, we get a lot of complaints about
25 this, so I would not suggest that we delete the

1 time and day perimeters from the ordinance and make
2 a -- if we need to adjust them for the weekend
3 situation, those adjustments [inaudible]. Totally
4 up to the discretion of the Council. We're
5 comfortable with whatever you want to do, but we do
6 think there needs to be some provision here.

7 COUNCILMAN HOLDER: I agree with that
8 approach because many times I observed out in Glen
9 Laurel, cans go out Wednesday night and they come
10 back in Sunday.

11 MALE SPEAKER: Yeah.

12 COUNCILMAN HOLDER: And I have brought
13 cans in that were out on the street, but not
14 everybody has a neighbor that's going to be there
15 to bring their cans in for them.

16 MAYOR MCLEOD: Mr. Grannis?

17 MAYOR PRO-TEM GRANNIS: I may be opening
18 Pandora's box here, but what is the reason that
19 currently the Town does not serve nonresidential
20 customers?

21 TOWN MANAGER BIGGS: To my knowledge,
22 Clayton has never provided commercial [inaudible]
23 and it's a policy that preexists my time
24 [inaudible]. And, to my knowledge, I don't know
25 that we ever provided it. I would say, if they

1 ever provided it, it's likely that when it grew
2 from an in-house service to a contracting service,
3 though, it probably would be a decision that the
4 Council made at that time [inaudible]. You know,
5 there's no foundation in our knowledge and history
6 of the Town [inaudible].

7 MAYOR PRO-TEM GRANNIS: The reason I
8 bring that up and I know that our Planning
9 Department is working on this in some way, shape or
10 form, but when you -- when you go around town,
11 there are an abundance of dumpsters that are
12 totally exposed. There are areas, both in the
13 immediate downtown area as well as other areas like
14 off of 70 and in smaller commercial areas where I
15 see some very, very unsightly areas where dumpsters
16 are. So much so that I see things that are --
17 or -- or, I guess I would say bags of garbage that
18 are surrounding dumpsters, and it's very unsightly
19 because -- not to mention a potential health
20 hazard. And that -- that really concerns me, and I
21 certainly don't have the answer at this point, but
22 I think it's something either ordinance wise or
23 otherwise that we need to -- to really get into.

24 I won't mention the specific location,
25 but I can tell you that there is an area in the

1 immediate downtown area that is extreme -- has been
2 extremely unsightly on numerous occasions. I can
3 assure you that there are violations, because it's
4 my understanding these are supposed to be either
5 locked -- the exposed dumpsters are supposed to
6 have a locking mechanism, or they're supposed to be
7 enclosed and in the case that I'm citing,
8 neither -- neither of those were the case, in not
9 all the dumpsters, but a couple of the dumpsters.

10 There were also cans of recycled oil that
11 were open, not sealed, and that -- that concerns
12 me. And, as I've said, I know the Planning
13 Department team is definitely aware of that, but I
14 just wanted to bring it forward to the Council as
15 well. I think it's -- I think it's an issue that
16 could become worse than what it is, and that's what
17 bothers me.

18 TOWN MANAGER BIGGS: You know, I think
19 that the Planning Board and the Planning staff have
20 done a very good job [inaudible] solid waste
21 handling along the sites that are new -- new
22 development sites. Handling solid waste in the
23 older areas is more of a challenge, and you're
24 correct. We are actively engaging property owners
25 downtown at this time to look at consolidating and

1 cooperating with these other [inaudible] the
2 placement of dumpsters and we have, you know, a
3 program; not [inaudible] from our recycling program
4 where we provide financial assistance to the
5 construction of retrofitting solid waste service
6 towards those areas that the property owners would
7 be [inaudible]. It is a very active effort right
8 now on the part of the Planning Department and we
9 think it's a part of what we can achieve in the
10 down. And, quite frankly, the item of the
11 commercial waste business, [inaudible] all the
12 places and structures to include solid waste
13 handling. I think that's probably going to imply
14 something along the lines of the special service
15 [inaudible].

16 MAYOR PRO-TEM GRANNIS: Okay.

17 MAYOR MCLEOD: I think we need to create
18 a little more of awareness publicly that that type
19 of grant funding is available. I don't think that
20 most of our businesses realize that. Mr. Lawter?

21 COUNCILMAN LAWTER: Do we have -- not
22 have the same issue that Councilman Holder brought
23 up with the commercial retail dumpsters that we
24 have codes -- we have codes on the books that our
25 enforcement officers do go out and cite people for

1 the very things that they're talking about; the
2 stuff around dumpsters, particularly garbage
3 outside of dumpsters that we could not address now
4 if that was the direction that the Council decided
5 to go in?

6 TOWN MANAGER BIGGS: Yes, sir.

7 COUNCILMAN LAWTER: So it's back to
8 that -- you know, Art's question of [inaudible]
9 have an ordinance if we don't enforce it.

10 TOWN MANAGER BIGGS: We do enforce
11 [inaudible] sanitation laws. And I think that, you
12 know, what's important to understand about solid
13 waste is the same thing to understand about anytime
14 anyone breaks the law. We can -- we can issue a
15 citation before they [inaudible]. So you're going
16 to see it, but that doesn't mean that we don't act
17 on it. And, you know, we get 100 percent -- we
18 don't get 100 percent [inaudible]. We don't even
19 get 100 percent of bank robberies, so I'm not sure
20 that we can get 100 percent of solid waste
21 violators, but it is a situation that we -- in
22 fact, the fact of having this ordinance before you
23 this evening means that solid waste is among our
24 more important issues that we're addressing, but
25 yeah it -- there are -- there are places where

1 people are going to do things that are illegal.

2 We don't have the requirement that people
3 place dumpsters -- existing dumpsters in existing
4 locations are not subject to the recycling
5 [inaudible]. So we're talking about existing
6 developed areas. We have nothing on the books that
7 requires them [inaudible]. [Inaudible] recycling
8 and if they do a building modification, expansion
9 or something like that, then that's something that
10 we can and do work into their site plan approval
11 process, but you take your typical downtown
12 business location, we don't have now the authority
13 to go out there and say go close your dumpsters and
14 that's why we're trying to use the approach of
15 [inaudible] and communication.

16 COUNCILMAN HOLDER: Is it time that we
17 started to create an ordinance to control that?

18 TOWN MANAGER BIGGS: It's entirely a
19 policy and decision by this Council; yes, sir. It
20 is within the realm of your authority.

21 COUNCILMAN HOLDER: I feel like it's a
22 growing thing that we need to face.

23 MAYOR PRO-TEM GRANNIS: I'm going to
24 disagree with that. Although, with due respect to
25 the Planning Department, I know that there is a

1 process that is currently taking place and I would
2 like to think that we should wait until we hear
3 back from what your findings are and what -- what
4 you guys are doing.

5 COUNCILMAN LAWTER: Well, I would agree
6 with that, and along with the education that there
7 is some money out there to help with --

8 MALE SPEAKER: Yeah, absolutely.

9 MAYOR MCLEOD: Yeah, I think that would
10 be the biggest hurdle for any small business owner
11 is knowing that, you know, you don't want to create
12 an ordinance that says you've got to figure out a
13 way to camouflage this, but it's nice to say we're
14 trying to spruce up the Town and we have some
15 funding available to help support this. Maybe it
16 doesn't mean, you know, they pay for it 100
17 percent, but at least the money to help offset that
18 cost. That's at least a good way to get the door
19 open with them. All right. Anything else with
20 that?

21 TOWN MANAGER BIGGS: Not at this time.

22 MAYOR MCLEOD: Thank you. Next up is the
23 discussion of the proposed -- wait, next up is the
24 wastewater allocation request, Stallings Mill
25 Apartments, formerly The Promenade.

1 TOWN MANAGER BIGGS: Mr. Mayor, this is
2 an item the Council has familiarity with. It
3 relates to [inaudible] -- it relates to the
4 multifamily development that was approved on
5 Shotwell Road and 70 intersection and at the time
6 that that was approved we actually discussed, but
7 did not approve, the wastewater allocation request,
8 so it's back here for you. So it is for a project
9 that has approval in terms of recycling
10 [inaudible], but during the course of that
11 [inaudible] the wastewater allocation.

12 MAYOR MCLEOD: Is that something we have
13 to do separately or is that something we can put on
14 consent?

15 TOWN MANAGER BIGGS: We can put it on the
16 consent.

17 MAYOR MCLEOD: Consent?

18 MALE SPEAKER: Yes.

19 MAYOR MCLEOD: We'll place that item on
20 our consent agenda. Next up is staff reports,
21 beginning with the Town Manager.

22 TOWN MANAGER BIGGS: No separate report.

23 MAYOR MCLEOD: Town attorney?

24 TOWN ATTORNEY ROSS: No report.

25 MAYOR MCLEOD: Town Clerk?

1 TOWN CLERK: No report.

2 MAYOR MCLEOD: Deputy [Inaudible].

3 DEPUTY TOWN MANAGER MEDLIN: No report.

4 MAYOR MCLEOD: Just checking on you,
5 Nancy. Any other staff? Mr. DeYoung?

6 PLANNING DIRECTOR DEYOUNG: Good evening.
7 Council had asked me to look at the use regulation
8 table and make sure that the approval process that
9 goes with the use regulation table is aligned with
10 other municipalities and Planning staff has gone
11 through that use regulations table and the report
12 is contained in your agenda packets. It highlights
13 some of the ones that we think can be addressed
14 [inaudible] little bit more adjustment and just to
15 point out a couple that we note right off the bat
16 are of great interest. One of the ones that has
17 come up [inaudible] is the video sweepstakes
18 operation. In our old code it was permitted as a
19 conditional use in B-1, B-2 and B-3 which
20 historically would only be permitted under B-3, so
21 staff is recommending that we modify the use
22 regulations table to eliminate the use from B-1 and
23 B-2. That's just an example of some of the
24 situations that we put forward to you.

25 What staff is looking for is some sort of

1 approval to move forward with the amendments to the
2 table.

3 MAYOR MCLEOD: Okay. Any questions or
4 comments? Any objections to moving forward?

5 MAYOR PRO-TEM GRANNIS: None.

6 MALE SPEAKER: None.

7 MAYOR MCLEOD: We'll move forward.

8 PLANNING DIRECTOR DEYOUNG: Thank you.

9 MAYOR MCLEOD: I'll now open the floor
10 for informal discussion and public comment. Anyone
11 wishing to speak, please state your name for the
12 record. Please come forward.

13 MR. BOYETTE: My name is Glenn Boyette.
14 My wife and I [inaudible] adjoining the tract of
15 property and have a problem. Back on the
16 [inaudible] master track is a field that's totally,
17 totally covered with kudzu and kudzu [inaudible]
18 kudzu such that it's [inaudible] unfortunately
19 [inaudible] and it's a twofold situation. There is
20 still many [inaudible] kudzu bugs out there and
21 that's causing problems for our plants and
22 customers and they're [inaudible] create solution.

23 MAYOR MCLEOD: Okay. I think we can
24 divert that to staff and let them bring some
25 recommendations back to us on how we need to

1 proceed with something like that.

2 MR. BOYETTE: Thank you.

3 MAYOR MCLEOD: All right. Thank you.
4 Miss Virginia?

5 MS. HINTON: Good [inaudible]. I have a
6 couple of things if that's all right since I'm
7 [inaudible] today.

8 MAYOR MCLEOD: I'm going to need you to
9 speak into the microphone because we don't have a
10 clerk taking minutes --

11 MS. HINTON: Okay.

12 MAYOR MCLEOD: -- but we have the
13 recording going.

14 MS. HINTON: I have come to this Town
15 Council meeting since 2005 when I moved back to my
16 grandfather's house on 236 East Front Street. I've
17 only come complaining about a one block only that's
18 between Church Street and Front Street. I've
19 complained about cars that's across the street from
20 All-Star Park that's in a closed construction
21 that's [inaudible]. These are cars that will pull
22 in [inaudible] because we walk to [inaudible] on
23 Wednesday morning to look at it two weeks ago.
24 Those cars are still there. The grass has grown up
25 to the trees.

1 Now, [inaudible] that I complained about
2 in 2012 that was the last time [inaudible]. I
3 thought I'd give everybody time to get around to
4 doing something. I said it was [inaudible] that
5 was going on, and that wasn't okay. [Inaudible].
6 Now, those people that live in that house down
7 there don't have sewage, and junkies running in the
8 backyard. They did the PCP [inaudible] right up
9 inside of that house to let the water from the
10 bathtub run out down the side of the house. The
11 reason why I know, not all [inaudible] and I had to
12 go catch her and she was down there [inaudible].
13 Sometimes you get real full of seeing things that
14 are wrong and you come -- I came to your
15 [inaudible] to do something. I wanted each of you
16 to do something; do something. Remember, nothing
17 is [inaudible]. This is [inaudible]. I'm still
18 coming back saying do something.

19 Now that the road has been cut between
20 Front Street and Highway 42, I've [inaudible] from
21 my house all the way to the end of 42 just so
22 [inaudible]. Last week [inaudible], but there's a
23 playground. There are children there. The
24 residents [inaudible]. There's people in
25 wheelchairs that ride Front Street going to visit.

1 The sidewalk is so unbearable that they have turned
2 over on the sidewalk [inaudible] wheelchairs in the
3 street to be safe. But you cannot be safe when
4 there are people coming through there [inaudible]
5 on Front Street. Well maybe you should.

6 But I think it would be fairer, since
7 we're in the downtown area, to put a speed limit
8 just like you have it on Main Street, 20 miles an
9 hour. But on Stallings Street, where the city park
10 is, speed limit right there is 20 miles an hour.
11 Up on Horne Street where a daycare is, speed
12 limit's 20 miles an hour. Why can't a grid block
13 area be 20 miles an hour and it's residential, but
14 it [inaudible]? It's -- I can't understand why
15 it's so hard and it's taken almost 10 years and I
16 come back year after year complaining about the
17 same thing.

18 I've complained about all the waste
19 that's on the north side in that [inaudible] area
20 that grow up to the trees. I've complained about
21 the businesses that face the residents on the north
22 side that got [inaudible] property. The minute we
23 walked up back that there I said that they was
24 [inaudible] back there. [Inaudible]. It's -- it's
25 not a dangerous neighborhood, is it? But we have

1 little children [inaudible] for people to throw
2 trash. Old mattresses down on [inaudible].
3 [Inaudible] and the people that say that they
4 [inaudible] do not beautify Front Street on the
5 north side? Everything is done on the south side.
6 And there you've done all this beautiful stuff down
7 at [inaudible] at Front Street [inaudible] once
8 again. Do something. Please, do something,
9 because it's rats down there below me. Rats. Do
10 something.

11 MAYOR MCLEOD: Thank you, ma'am. Anyone
12 else? No one else wishing to speak, I'll turn it
13 over to Council for comments. All right. Any
14 other business to come before this Council? If
15 not, I'll entertain a motion to adjourn.

16 MALE SPEAKER: So moved.

17 COUNCILMAN LAWTER: Second.

18 MAYOR MCLEOD: All in favor, say aye?

19 (Voice vote.)

20 MAYOR MCLEOD: Motion carries. Good
21 night.

22 (THE PROCEEDINGS IN THIS MATTER ADJOURNED AT 7:57 P.M.)

23

24

25

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

Agenda Item: 3c

Meeting Date: 9/02/14

TITLE: Special Events Approval: Clayton Shindig & Squealin' on the Square, Christmas Village & Tree Lighting, Halloween Parade

DESCRIPTION: As titled.

RELATED GOAL: Premier Community for Active Families

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-02-14	Approval	Applications & Report



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

SPECIAL EVENT ACTION ITEM REPORT

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

EVENT INFORMATION:

Event Name: Halloween Parade File Number: 2014-18
 Event Date(s): October 31, 2014 Event Time(s): 2 pm to 4 pm
 Event Location: Main Street & Town Square
 Event Coordinator: Matt Lorion Contact Number: 919-553-1550
 Contact Email: mlorion@townofclaytonnc.org
 Attendees (Per Day): 500

TOWN SERVICES REQUESTED:

Department / Division	Requested Services	Date/Time	Primary Contact	Contact Phone #
Operations	6 Trash Roll-Out Carts 6 Recycled Roll-Out Carts	Out: 10/31/14 Pick Up: 11/3/14	Steve Blasko	553-1530
	Barricades/Cones – Town Square	Delivery Date: 5:30 am - 10/31/14 Pickup: 11/3/14		
PD	Road Closures - Main St. to Smith St.	2:00 pm to 4:00 pm 10/31/14	Lt. Ken Lunger	553-0826
	Town Square Parking Lot	5:30 am to 4:00 pm 10/31/14		553-5002
DDC			Bruce Naegelen	

STAFF USE:

APPROVED:

DENIED:

DATE: 7/31/14

FINAL APPROVAL REQUIRED FROM TOWN COUNCIL - DATES:

Work: 8/18/14

Final: 9/2/14



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

SPECIAL EVENTS COMMITTEE REPORT

Permit Application Number: **2014-18**
Committee Meeting: **JULY 31, 2014**

Event Name: **HALLOWEEN PARADE**
Event Date(s): **OCTOBER 31, 2014**
Location: **MAIN STREET BETWEEN SMITH AND TOWN SQUARE**

Applicant: **CLAYTON PARKS & RECREATION**
Contact: **Matt Lorian, Recreation Program Supervisor**
Phone: (919) 553-1550(o) (919) 624-9807 (Cell)
E-Mail: mlorian@townofclaytonnc.org
Address: PO Box 879, Clayton NC 27528

ORGANIZATION INFO:

Name of Organization: Clayton Parks & Recreation **FED ID:** n/a
Purpose of Organization:
Organization Address: PO Box 879, Clayton, NC 27528
Organization Contact: Larry Bailey, Director
Phone: (919) 553-1550 Email: lbailey@townofclaytonnc.org

EVENT INFORMATION

Location: Main Street between Smith Street & Town Square
Event Address: 110 W Main Street
Event Start Time: **2:30 PM 10/31/14** Event End Time: **4:00 pm PM 10/31/14**

Road Closures: **YES**

Set Up Time: **11:00 am 10/31/14** Clean Up Ends: **5:00 pm 10/31/14**

Estimated Attendance: 500 people

Description of Event: participants will trick or treat businesses up and down Main Street starting at Horne Square towards Smith Street and then to Town Square. The event will begin at 2:30 pm.

The following information is a summary from the Special Event Permit Application. Additional detail may be found on the application.

YES/NO

Tents & Membrane Structures

YES Tents: **5** Size(s): **10'X10'**
NO Membrane Structures?

Power Sources

NO Generators:
YES TOC power source(s): **Town Square**

Voice/Music Amplification

NO Musical Entertainment # of Bands: 0
NO Temporary Stage # of Stages:
NO Amplified Sound Start Time: End Time:

Hazardous Materials

NO Propane, butane, gasoline, diesel tanks, helium cylinders:
NO Portable Heaters:
NO Deep fat fryers:
NO Fireworks, lasers, torches, candles or other pyrotechnics:

ALCOHOL

NO Sold/Served: Type:
Name of person/organization responsible:
Times of Alcohol Sales:
Permit Received:

VENDORS

NO Mechanical rides Type:
NO Food Vendors:
NO Temporary Food Event Sponsor Form received?

TOWN SERVICES

YES **Trash**
6 # **Trash Roll-Out Carts**
6 # **Recycled Roll-Out Carts**
Delivery Location(s): **Town Square parking lot**
Delivery date: **10/31/14** Pickup Date: **11/3/14**

Cleanup

NO Portable Toilets
Delivery date: Pickup date:
Event Area Cleanup: Parks & Recreation staff will clean-up following the event

Safety & Security

NO Security required for:
off-duty 0 Hours/Dates required: FROM

Overnight Security Hours/Dates required:

Site Plan – ATTACHED

EVENT BOUNDARY & ROAD TRAFFIC PLAN

YES Using Public Streets - **Main Street**
YES Parade, March/Walk, Vehicles, Vendors, Foot/Bike Race, Other
500 # of expected participants
N/A # vehicles participating
N/A # of animals participating in the event
Type of animals –

YES **Boundary – Town Square, bounded by W Main, Fayetteville, O’Neil and Second streets**

YES ROAD CLOSURE REQUEST

- Main St. to Smith St. 2:00 pm 10/31/14 to 4:00 pm 10/31/14
- Town Square Parking Lot 5:30 am 10/31/14 to 4:00 pm 10/31/14

1,500 # of participants expected

Event Route – Main Street from Smith Street to Town Square (Fayetteville Street) starting at Horne Square

Barricades/Cones

Where: Town Square Parking Lot

Who will Provide: Public Works

Delivery Date: 5:30 am - 10/31/14 **Pickup:** 11/3/14 **Who will Put in Place:** Public Works

Road Closure/Detour Plan n/a

USE OF TOWN OWNED PROPERTIES

Signed Use Policy & Procedures received for:

- pending
- Town Square –
 - Horne Square –
 - Other

COMMITTEE DISCUSSION & COMMENTS

-
-

COMMITTEE CONDITIONS

-

COMMITTEE ACTIONS:

- **Committee recommends: APPROVAL**
- Committee report will be submitted to Town Clerk by **AUGUST 8, 2014** for Council Agenda on **August 18, 2014** and final approval on **SEPTEMBER 2, 2014**
- Special Event Permit will be issued by Planning Department upon
 - Town Council approval of requests
 - Proof of all conditions being met

TOWN COUNCIL CONSIDERATIONS

Consider closure of:

- **Main Street from Smith Street to Fayetteville Street 2:00 pm – 4:00 pm 10/31/14**
- **Town Square Parking Lot – 5:30 am to 4:00 pm 10/31/14**

TOWN COUNCIL ACTION/COMMENTS

- **8/18/14:**
- **9/2/14:**

DOCUMENTATION TO BE RECEIVED

POST EVENT REVIEW

Scheduled: November 27, 2014

-

SUBMIT SPECIAL EVENT PERMIT APPLICATION for next year by: July 6, 2015



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

SPECIAL EVENT ACTION ITEM REPORT

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

EVENT INFORMATION:

Event Name: Christmas Village & Tree Lighting **File Number:** 2014-15
Event Date(s): December 4th, 2014 **Event Time(s):** 5:00 pm to 9:00 pm
Event Location: Main Street/Horne Square/Town Square
Event Coordinator: Bruce Naegelen **Contact Number:** 919-280-1278
Contact Email: bnagelen@townofclaytonnc.org
Attendees (Per Day): 5000+

TOWN SERVICES REQUESTED:

Department / Division	Requested Services	Date/Time	Primary Contact	Contact Phone #
Operations	4 Trash Roll-Out Carts 4 Recycled Roll-Out Carts	Delivery date: 12/4/14 Pickup Date: 12/5/14	Steve Blasko	553-1530
Operations	Barricades/Cones - Main Street @ O'Neil Main Street @ Smith Street Fayetteville St. @ Main St. & Second St. Church Street @ Main St. & Second St. Barbour Street @ Main St. & Second St. S Lombard @ Main St. & Second St. N Lombard St. @ Main Street to dead-end	Delivery Date: 12/4/14 Pickup: 12/5/14	Steve Blasko	553-1530
PD	Road Closure Main Street from O'Neil to Smith Fayetteville St. from Main St. to Second St. Church Street from Main St. to Second St. Barbour Street from Main St. to Second St. S Lombard from Main St. to Second St.	12/4/14 From 5:00 pm - 9:00 pm	Lt Ken Lunger	553-0826

	N Lombard St. @ Main Street to dead-end			
	Town Square Parking Lot	12/4/14 from 5:30 am to 9:30 pm		
	Horne Square	12/4/14 from 5:30 am to 9:30 pm		
DDC			Bruce Naegelen	553-5002

STAFF USE:

APPROVED:

DENIED:

DATE: 7/21/14

FINAL APPROVAL REQUIRED FROM TOWN COUNCIL - DATES:

Work: 8/18/14

Final: 9/2/14



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

SPECIAL EVENTS COMMITTEE REPORT

Permit Application Number: **2014-15**
Committee Meeting: **JULY 31, 2014**

Event Name: **CHRISTMAS VILLAGE & TREE LIGHTING**
Event Date(s): **DECEMBER 4, 2014**
Location: **MAIN STREET FROM O'NEIL STREET TO SMITH STREET**

Downtown/Town Limits/ETJ: **DOWNTOWN**

Applicant: **CLAYTON DOWNTOWN DEVELOPMENT ASSOCIATION INC.**
Contact: **Diane Bean, Chair or Bruce Naegelen, Downtown Development Coordinator**
Phone: (919) 210-3061 (Diane) (919) 280-1278 (Bruce)
E-Mail: info@downtownclayton.org
Address: **PO Box 879, Clayton NC 27528**

ORGANIZATION INFO:

Name of Organization: Clayton Downtown Development Association Inc. **FED ID:** 56-1844302
Purpose of Organization: to foster a center of activity and ensure economic stability for the heart of Clayton through historic preservation, communication, education, promotion and economic revitalization.
Organization Address: PO Box 879, Clayton, NC 27528
Organization Contact: Bruce Naegelen, Downtown Development Coordinator
Phone: (919) 812-6969 **Email:** info@downtownclayton.org

EVENT INFORMATION

Location: MAIN STREET FROM O'NEIL TO SMITH AND TOWN SQUARE & HORNE SQUARE
Event Address: MAIN STREET / HORNE SQUARE /TOWN SQUARE
Event Start Time: 5:30 PM **Event End Time:** 8:30 PM

Road Closures: **YES**

Set Up Time: 12/4/14 at 12:00 PM **Clean Up Ends:** 12/4/14 at 9:30 pm

Estimated Attendance: 5,000+ people

Description of Event: Main Street will be closed from O'Neil Street to Smith Street. Activities include: Business Open House, dance, choral and musical performances along Main Street, storefront decorating contest, live Nativity, Doggie Christmas Costume Contest & Parade, Santa Claus, Tree Lighting at Town Square.

The following information is a summary from the Special Event Permit Application. Additional detail may be found on the application.

YES/NO

Tents & Membrane Structures

YES Tents: **2-3** Size(s): **10'X10'**
NO Membrane Structures?

Power Sources

NO Generators:
YES TOC power source(s): **Town Square and Horne Square**

Voice/Music Amplification

YES Musical Entertainment # of Bands: **0**
YES Temporary Stage # of Stages: **2** – 1 at Horne Square & 1 at Town Square
YES Amplified Sound Start Time: **5:00 PM** End Time: **8:30 PM**

Hazardous Materials

NO Propane, butane, gasoline, diesel tanks, helium cylinders:
NO Portable Heaters:
NO Deep fat fryers:
NO Fireworks, lasers, torches, candles or other pyrotechnics:

ALCOHOL

NO Sold/Served: Type:
Name of person/organization responsible:
Times of Alcohol Sales:
Permit Received:

VENDORS

NO Mechanical rides Type:
Food Vendors:
Temporary Food Event Sponsor Form received?

TOWN SERVICES

YES **Trash**
4 # **Trash Roll-Out Carts**
4 # **Recycled Roll-Out Carts**
Delivery Location(s): **2 each at Town Square & 2 each at Horne Square**
Delivery date: **12/4/14** Pickup Date: **12/5/14**

Cleanup

YES Portable Toilets
Delivery date: **12/4/14** Pickup date: **12/5/14**
Event Area Cleanup: Event volunteers will clean-up following the event

Safety & Security

NO Security required for: **ALCOHOL SALES & EVENT SECURITY**
off-duty **0** Hours/Dates required: FROM

Overnight Security Hours/Dates required:

Site Plan – ATTACHED

EVENT BOUNDARY & ROAD TRAFFIC PLAN

YES Using Public Streets - Main Street
N/A Parade, March/Walk, Vehicles, Vendors, Foot/Bike Race, Other
N/A # of expected participants
N/A # vehicles participating
N/A # of animals participating in the event
Type of animals –

YES **Boundary** – Main Street from O’Neil to Smith

ROAD CLOSURE REQUEST

- **Main Street from O’Neil to Smith Street 12/4/14** from 5:00 pm – 9:00 pm
 - Fayetteville St. from Main St. to Second St.
 - Church Street from Main St. to Second St.
 - Barbour Street from Main St. to Second St.
 - S Lombard from Main St. to Second St.
 - N Lombard St. from Main Street to dead-end
- **Town Square Parking Lot 12/4/14** from 5:30 am to 9:30 pm
- **Horne Square Parking Lot 12/4/14** from 5:30 am to 9:30 pm

n/a # of participants expected

Event Route – REFER TO MAPS

Barricades/Cones

Where: Fayetteville @ Main & Second **Who will Provide:** Public Works
Delivery Date: 10/10/14 **Pickup:** 10/13/14 **Who will Put in Place:** VOLUNTEERS

Road Closure/Detour Plan

West bound traffic on Main Street will be detoured at Smith Street to Second Street to O’Neil Street and left on W Main St.. East bound traffic will be detoured at O’Neil Street to Second Street to Smith Street and right onto E Main Street.

USE OF TOWN OWNED PROPERTIES

Signed Use Policy & Procedures received for:
YES Town Square – received 7/24/14
YES Horne Square – received 7/24/14
Other

COMMITTEE DISCUSSION & COMMENTS

- Same layout as previous year
-

COMMITTEE CONDITIONS

-
-

COMMITTEE ACTIONS:

- **Committee recommends: APPROVAL**
 - Committee report will be submitted to Town Clerk by **AUGUST 8, 2014** for Council Agenda on **August 18, 2014** and final approval on **SEPTEMBER 2, 2014**
 - Special Event Permit will be issued by Planning Department upon
 - Town Council approval of requests
 - Proof of all conditions being met
-

TOWN COUNCIL CONSIDERATIONS

Consider closure of:

- **Main Street from O'Neil to Smith Street 12/4/14** from 5:00 pm – 9:00 pm
 - Fayetteville St. from Main St. to Second St.
 - Church Street from Main St. to Second St.
 - Barbour Street from Main St. to Second St.
 - S Lombard from Main St. to Second St.
 - N Lombard St. from Main Street to dead-end
 - **Town Square Parking Lot 12/4/14** from 5:30 am to 9:30 pm
 - **Horne Square Parking Lot 12/4/14** from 5:30 am to 9:30 pm
-

TOWN COUNCIL ACTION/COMMENTS

- **8/18/14:**
 - **9/2/14:**
-

DOCUMENTATION TO BE RECEIVED

POST EVENT REVIEW

Scheduled: January 29, 2015

-

SUBMIT SPECIAL EVENT PERMIT APPLICATION for next year by: July 3, 2015



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

SPECIAL EVENTS COMMITTEE REPORT

Permit Application Number: **2014-14 & 2014-17**
Committee Meeting: **JULY 31, 2014**

PLEASE NOTE: These events run concurrent with "Squealin' on the Square" starting Friday afternoon (10/10/14) and going through the night, with judging in the morning and BBQ plate sales being sold throughout the day during "The Shindig." Since the services and closures will be utilized by both events, this is a combined report and request.

Event Name: **SQUEALIN' ON THE SQUARE & CLAYTON SHINDIG**
Event Date(s): **OCTOBER 10 & 11, 2014**
Location: **TOWN SQUARE**

Downtown/Town Limits/ETJ: **DOWNTOWN**

Applicant: **CLAYTON CHAMBER OF COMMERCE**
Contact: **Jim Godfrey, President**
Phone: (919) 553-6352 (o) (919) 915-0373 (Cell)
E-Mail: jim@claytonchamber.com
Address: PO Box 246, Clayton NC 27528

Applicant: **CLAYTON MID-DAY ROTARY CLUB**
Contact: **Dave Brown**
Phone: (919) 812-6969 (daytime) (919) 971-6800 (cell)
E-Mail: dbrown@icommcorp.com
Address: 567 Rock Pillar Rd. Clayton, NC 27520

ORGANIZATION INFO:

Name of Organization: Clayton Chamber of Commerce **FED ID:** 56-0900962
Purpose of Organization: The Clayton Chamber of Commerce is a business membership organization that is responsible for networking and promoting businesses in Clayton and the surrounding areas.
Organization Address: PO Box 246, Clayton, NC 27528
Organization Contact: Jim Godfrey, President
Phone: (919) 553-6352 **Email:** jim@claytonchamber.com

Name of Organization: Clayton Mid-Day Rotary **FED ID:** 27-3036588
Purpose of Organization: Rotary is a volunteer organization of 1.2 million business and professional leaders united worldwide to provide humanitarian service and help build goodwill and peace.
Organization Address: PO Box 365, Clayton, NC 27528
Organization Contact: Dave Brown
Phone: (919) 812-6969 **Email:** dbrown@icommcorp.com

20 # Trash Roll-Out Carts (these will be used for both events)
10 # Recycled Roll-Out Carts (these will be used for both events)
Delivery Location(s): **Town Square Parking Lot**
Delivery date: 10/10/14 Pickup Date: 10/13/14

Cleanup
YES Portable Toilets
Delivery date: 10/10/14 Pickup date: 10/12/14
Event Area Cleanup: Event volunteers will clean-up following the event

Safety & Security
YES Security required for: **ALCOHOL SALES & EVENT SECURITY (The Shindig)**
2 # off-duty 2 Hours/Dates required: 10/11/14 FROM 11:00 AM TO 8:00 PM
1 on duty from 11:00 am to 6 pm and then 2 on duty from 3:00 pm to 8:00 pm
NO Overnight Security Hours/Dates required:

Site Plan – ATTACHED

EVENT BOUNDARY & ROAD TRAFFIC PLAN
YES Using Public Streets -
N/A Parade, March/Walk, Vehicles, Vendors, Foot/Bike Race, Other
N/A # of expected participants
N/A # vehicles participating
N/A # of animals participating in the event
Type of animals –

YES **Boundary** – Within Town Square and Parking lot and Fayetteville Street

YES **ROAD CLOSURE REQUEST**

- **Fayetteville St. from Main Street to Second St. - 10/10/14 3:00 pm to 11:30 pm 10/11/14**
- **Second St. from O'Neil to Fayetteville Streets 10/11/14 6:00 am to 11:30 pm**
- **Town Square Parking Lot 10/10/14 3:00 pm to 11:30 pm 10/11/14**
- **Horne St. Parking lot at The Clayton Center 10/11/14 6:00 am to 11:30 pm**

n/a # of participants expected

Event Route – REFER TO MAPS

Barricades/Cones

Where: (1) Fayetteville @ Main & Second; (2) Second St. from O'Neil to Fayetteville Streets; (3) Town Square Parking Lot; (4) Horne St. Parking lot at The Clayton Center

Who will Provide: Public Works

Delivery Date: 10/10/14 Pickup: 10/13/14 Who will Put in Place: VOLUNTEERS

Road Closure/Detour Plan

Refer to maps

USE OF TOWN OWNED PROPERTIES

Signed Use Policy & Procedures received for:

Pending *Town Square –
Horne Square*

COMMITTEE DISCUSSION & COMMENTS

-
-

COMMITTEE CONDITIONS

- Horne Street parking lot at The Clayton Center barricades should be removed immediately following the event to allow Sunday morning church parking

COMMITTEE ACTIONS:

- **Committee recommends: APPROVAL**
- Committee report will be submitted to Town Clerk by **AUGUST 8, 2014** for Council Agenda on **August 18, 2014** and final approval on **SEPTEMBER 2, 2014**
- Special Event Permit will be issued by Planning Department upon
 - Town Council approval of requests
 - Proof of all conditions being met

TOWN COUNCIL CONSIDERATIONS

Consider closure of:

- **Fayetteville St. from Main Street to Second St. - 10/10/14 3:00 pm to 11:30 pm 10/11/14**
- **Second St. from O'Neil to Fayetteville Streets 10/11/14 6:00 am to 11:30 pm**
- **Town Square Parking Lot 10/10/14 3:00 pm to 11:30 pm 10/11/14**
- **Horne St. Parking lot at The Clayton Center 10/11/14 6:00 am to 11:30 pm**

TOWN COUNCIL ACTION/COMMENTS

- **8/18/14:**
- **9/2/14:**

DOCUMENTATION TO BE RECEIVED

POST EVENT REVIEW

Scheduled: October 30, 2014

-

SUBMIT SPECIAL EVENT PERMIT APPLICATION for next year by: JUNE 6, 2015

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

Agenda Item: 3d

Meeting Date: 9/02/14

TITLE: Medical Responder Agreement

DESCRIPTION: Agreement between T of C and Jo Co for provision of Medical Responder Services.

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-02-14	Approval	Agreement

NORTH CAROLINA
JOHNSTON COUNTY

FIRE DEPARTMENT MEDICAL RESPONDER AGREEMENT

WHEREAS, Johnston County and all emergency medical providers desire to promote better medical care for its constituency; and,

WHEREAS, that in cases of severe life-threatening illness and/or trauma, the intervention of trained personnel at the earliest possible time can greatly enhance the chances of recovery by the victim; and,

WHEREAS, Fire Departments agreeing to participate in the Medical Responder Program have been approved by the Johnston County Emergency Services Department for that purpose;

THEREFORE, let it be resolved that _____ agrees to become a participating party in the Johnston County Medical Responder Program and that the following provisions and conditions will be in force and that the parties to this understanding agree to abide by the following:

- A. The Fire Department will organize and maintain a medical responder unit that will comply with the applicable terms of the Johnston County EMS System Medical Responder Guidelines.
- B. The Fire Department will operate at the EMR or EMT-B certification level, as approved by the Johnston County EMS System per the Johnston County EMS System Medical Responder Guidelines.

This Agreement will be in effect from _____ until such time as either party terminates the agreement upon sixty (60) days written notice to withdraw.

Executed this the _____ day of _____, 20____.

DIRECTOR
JOHNSTON CO. EMERGENCY SERVICES

PRESIDENT/MAYOR/MANAGER/CHIEF
FIRE DEPARTMENT

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

Agenda Item: 3e

Meeting Date: 9/02/14

TITLE: Warranty & Dedication Acceptances: South Tech Park

DESCRIPTION: As titled.

RELATED GOAL:

ITEM SUMMARY:

Date:

Action:

Info. Provided:

09-02-14

Approval

Letter

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector *CR*

Copy: Jonathan Barnes, Dalton Engineering
Dave DeYoung, Planning Director

Date: July 17, 2014

Subject: South Tech Park, Tract 2 (Source Recycling)

Please place a warranty acceptance request for the subject public water & sewer utilities on the next available agenda. All punch list items have been addressed and record drawings have been accepted. Subsequently, a final inspection will be done and all deficient items corrected by the developer's contractor prior to final acceptance.

received
7-17-2014 *DR*

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

Agenda Item: 3f

Meeting Date: 9/02/14

TITLE: Budget Amendment: Police Special Revenue Fund

DESCRIPTION: As titled.

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-02-14	Approval	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 and Police Special Revenue Fund

Line Item	Previous Appropriation	Adjustment	Revised Appropriation
Expenditures			
100-50-00-55 06	Drug Seizure Funds – State \$0	+5,971	\$5,971
212-55 05	Drug Seizure Funds – Federal \$0	+6,835	\$6,835
Revenue			
100-40-00-48 99	Fund Balance Appropriated \$1,501,893	+5,971	\$1,507,864
212-48 99	Fund Balance Appropriated \$0	+6,835	\$6,835

-Explanation: Amendment necessary to reflect the appropriation of Fund Balance to purchase equipment for police investigations with the proceeds from unauthorized substance tax distributions (USTD) from the State and forfeited property from the U.S. Department of Justice Asset Forfeiture Program, which were received in prior years. The General Statutes (G.S. 105-113.113) mandates the Department of Revenue to distribute 75% of the USTD funds to the local law enforcement agency that conducted the investigation of a dealer that led to the assessment. The State establishes a special nonreverting account for the USTD funds. The Controlled Substances Act, Section 881(e)(3) of Title 21, United States Code authorizes the sharing of forfeited property. All funds received from USTD and the forfeiture program are restricted to directly enhancing the law enforcement activities of the Clayton Police Department.

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

Jody L. McLeod
Mayor

Attest:

Nancy Medlin
Deputy Town Clerk

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

Agenda Item: 3g

Meeting Date: 9/02/14

TITLE: Wastewater Allocation: Stallings Mill Apartments

DESCRIPTION: As titled.

RELATED GOAL:

ITEM SUMMARY:

Date:

Action:

Info. Provided:

09-02-14

Approval

Allocation Request

TOWN OF CLAYTON
RESOLUTION GRANTING WASTEWATER TREATMENT CAPACITY
FOR STALLINGS MILL APARTMENTS (SP 2014-88 AND PDD 2013-68)
SEPTEMBER 2, 2014

WHEREAS, the Town of Clayton operates a wastewater treatment plant known and permitted as the "Little Creek Water Reclamation Facility"; and,

WHEREAS, said facility is permitted to treat a maximum average of 2.5 million gallons daily; and,

WHEREAS, the Town of Clayton holds several interlocal agreements which secure additional wastewater treatment capacity from other available sources; and,

WHEREAS, the North Carolina Department of Environment and Natural Resources (NCDENR) regulates, reviews, and permits flow tributary to newly extended or installed wastewater treatment collection facilities tributary to the Town of Clayton system; and,

WHEREAS, flow from sanitary sewer customers tributary to existing lines owned and operated as part of the Town of Clayton is bound to abide by the permitted average daily flow at the Little Creek Water Reclamation Facility in conjunction with other available sources and consistent with interlocal agreements regarding wastewater treatment.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following is found:

1. The Town of Clayton has, according to the most recent accounting, sufficient excess and unallocated treatment capacity to approve additional allocation.
2. Such available capacity may be made available to users in accordance with regulatory and legal parameters established to ensure satisfactory treatment plant operation.
3. An allocation for wastewater treatment capacity is granted in the amount of 71,280 gpd to Stallings Mill Apartments as outlined in letter of allocation request from Loftee Smith, P.E. dated October 28, 2013; **herewith attached.**
4. Said allocation is approved subject to and conditioned upon review and approval of all required regulatory processes.

5. Said allocation is non transferable, non assignable, and made for the projects as described and for the noted location unless explicitly approved by the Town of Clayton.
6. Said allocation may be revoked or reclaimed in accordance with the policies of the Town of Clayton as adopted or amended now or in the future. No property right is conferred with the granting of an allocation except as otherwise explicitly allowed by policy, ordinance, or action of the Town of Clayton.
7. Said allocation is subject to payment of applicable fees in accordance with adopted ordinances, policies, and fee schedules of the Town of Clayton.

Duly resolved by the Clayton Town Council this 2nd day of September 2014 while in regular session.

Attest:

Jody L. McLeod
Mayor

Nancy Medlin
Deputy Town Clerk

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

Agenda Item: 4a

Meeting Date: 9/02/14

TITLE: Constitution Week Proclamation

DESCRIPTION: As titled.

RELATED GOAL:

ITEM SUMMARY:

Date:

Action:

Info. Provided:

09-02-14

Issued

Proclamation

TOWN OF CLAYTON

Constitution Week 2014

Whereas, September 17, 2014 marks the two hundred and twenty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

Whereas, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

Whereas, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE, the Honorable Mayor Jody McLeod and Clayton Town Council do hereby proclaim September 17 through 23, 2014 to be

CONSTITUTION WEEK

In the Town of Clayton, North Carolina and urge our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

Duly proclaimed by the Honorable Mayor Jody McLeod and the Clayton Town Council this 2nd day of September 2014, while in regular session.

Jody L. McLeod
Mayor

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

Agenda Item: 5a

Meeting Date: 9/02/14

TITLE: Evidentiary Hearing SUP2014-85

DESCRIPTION: Holding of an evidentiary hearing for the purpose of reviewing and deciding SUP2014-85 submitted by RNC Entertainment for an Internet Sweepstakes Operation.

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-02-14	Hearing & Decide	Forms, Reports, 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:

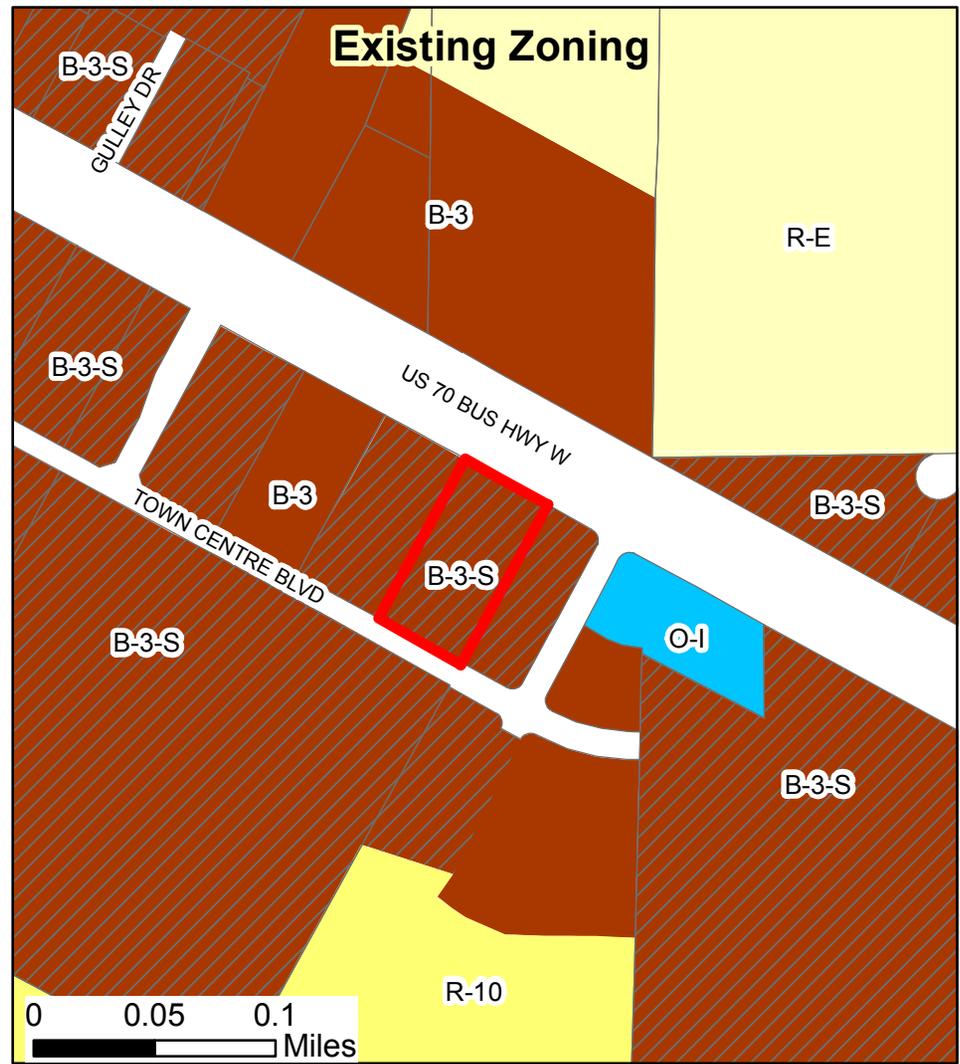
- Recommendation of denial of the request.

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

Signed:



Frank Price, Planning Board Chair

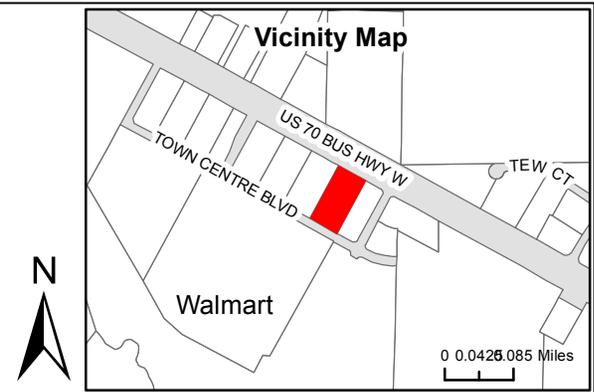


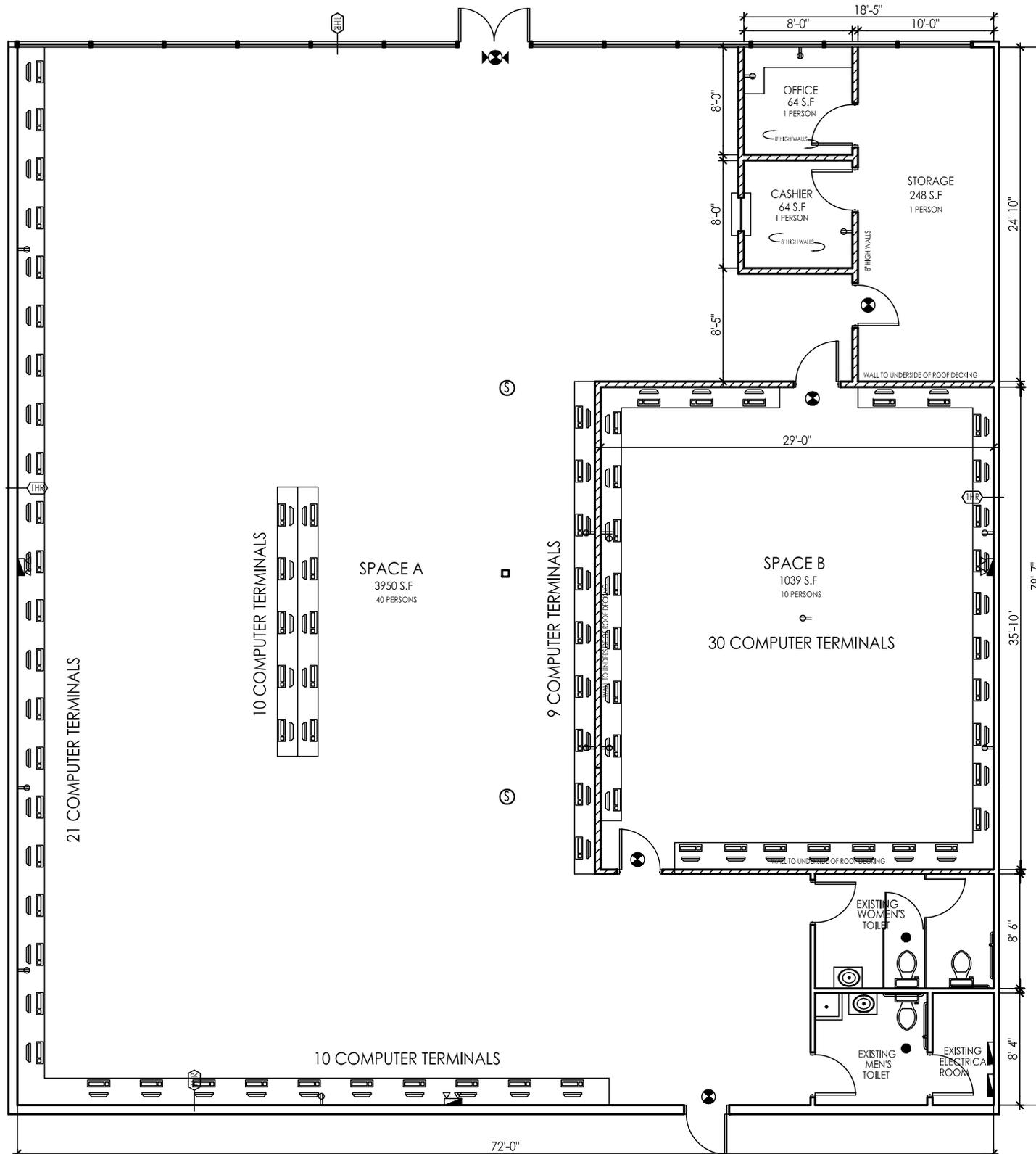
RNC Entertainment - Internet Cafe @ 12809 US 70 Bus Hwy W Special Use Permit

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

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).

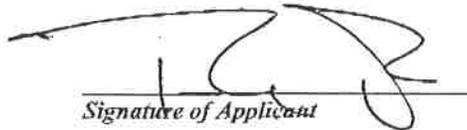
In conclusion, RNC Entertainment's goal is to welcome the community to an upscale and modern establishment which provides a variety of different computer games and programs for the customers to enjoy and spend their past time.

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

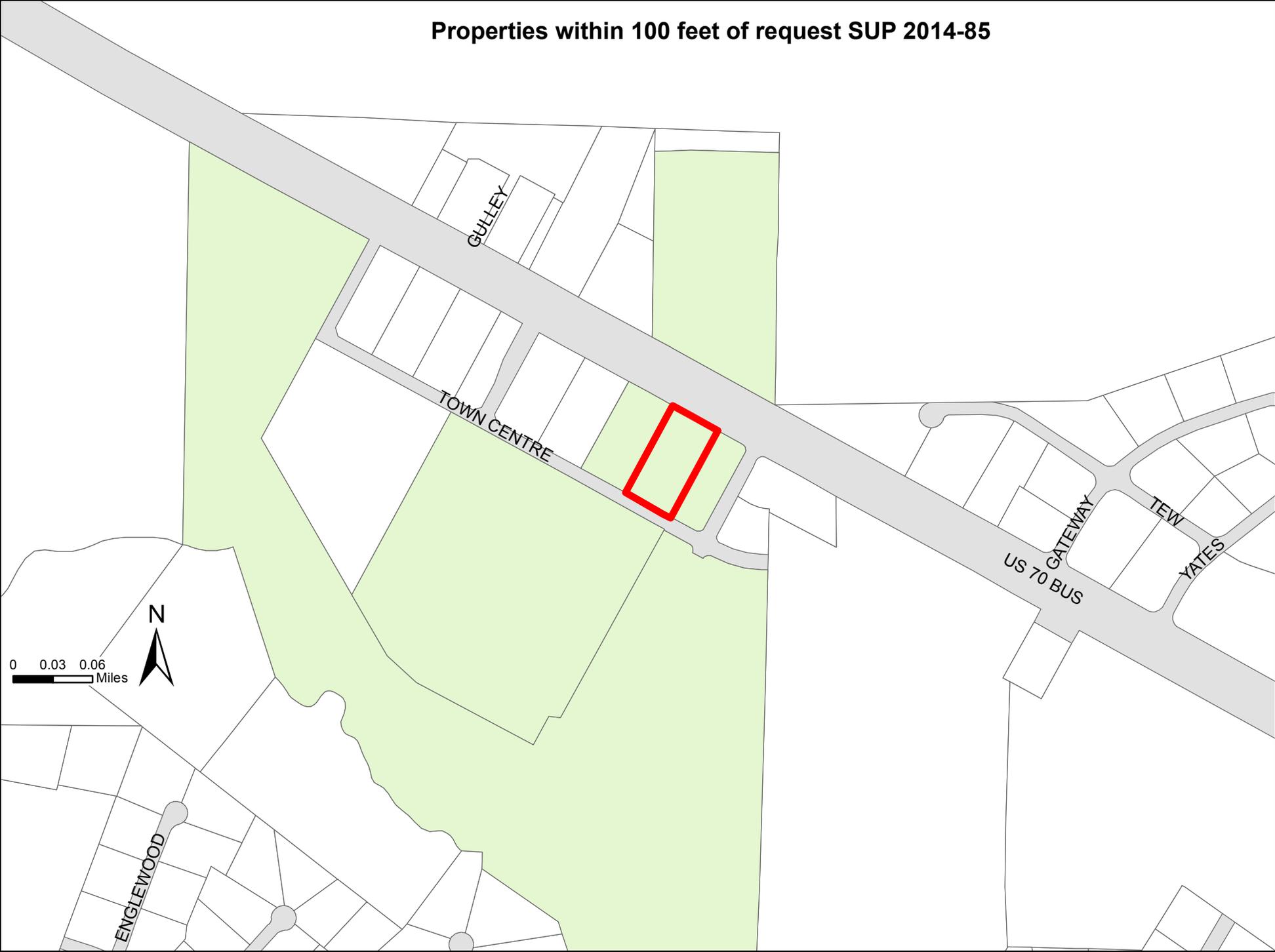
Location/Date: 12809 US 70 Bus Hwy W. Clayton Nc. 27520

	NAME	ADDRESS
1		
2		
3		
4	No ATTENDANCE	
5	_____	
6	_____	
7		
8		
9		
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20		

DATE : 07 / 18 / 2014

017

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: 5b

Meeting Date: 9/02/14

TITLE: PSD2014-12 for Riverwood Ranch Ph. 2A

**DESCRIPTION: Conduct Evidentiary Hearing on Preliminary Subdivision
PSD2014-12 for Riverwood Ranch Phase 2A**

RELATED GOAL:

ITEM SUMMARY:

Date:

Action:

Info. Provided:

09-02-14

Hearing, Decision

Forms, Report, Packet



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

Town Council

STAFF REPORT

Application Number: PSD 2014-12 (major subdivision)
Project Name: Riverwood Ranch Phase 2A

NC PIN: A portion of 177100-11-0255
Town Limits/ETJ: Town Limits
Overlay: None
Master Plan: Riverwood Ranch
Applicant: DC Adams Engineering, Inc.
Owners: Riverwood on the Neuse, LLC

Neighborhood Meeting: Not required (part of Planned Development)
Public Noticing: Property posted September 13, 2013

PROJECT LOCATION: The project is located within the Riverwood Ranch Planned Development, just northwest of the Food Lion Shopping Plaza and accessed from Pritchard Road.

REQUEST: The applicant is requesting a major subdivision / preliminary plat approval for Phase 2A of the Riverwood Ranch Planned Development to allow 15 single family residential lots, within Town Limits.

SITE DATA:

Acreage: 4.06 acres
Zoning: PD-MU (Planned Development – Mixed Use)
Existing Use: Vacant
Existing Impervious: None - property is vacant.

DEVELOPMENT DATA:

Proposed Uses: Single Family Residential
Buildings: 15 single family homes
Number of Stories: Maximum height of 40 feet

Impervious Surface:	Maximum 4,000 SF per lot. Max 45% for overall phase, including streets, lot impervious, and sidewalk.
Required Parking:	2 spaces per unit
Proposed Parking:	2 spaces per unit
Fire Protection:	The Town of Clayton Fire Department will provide fire protection.
Access/Streets:	Access will be provided off of Stetson Lane, which is accessed from Riverwood Ranch Blvd (off of Pritchard Road and directly across from Athletic Club Blvd).
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Progress Energy

ADJACENT ZONING AND LAND USES (of total Parcel):

North:	Zoning:	Residential Estate (R-E)
	Existing Use:	Residential
South:	Zoning:	Residential-10 (R-10), Planned Development Mixed Use (PD-MU)
	Existing Use:	Single Family Residential (Riverwood Athletic Club), Commercial (Riverwood Ranch)
East:	Zoning:	Residential Estate (R-E)
	Existing Use:	Residential
West:	Zoning:	Residential Estate (R-E), Residential-10 (R-10)
	Existing Use:	Residential

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting preliminary subdivision plat approval for Phase 2A as depicted on the Riverwood Ranch Master Plan (most recently updated as Administrative Amendment 2014-89).

The applicant is requesting approval for a total of 15 single family lots (density of 3.7 dwelling units/acre). Proposed lot standards are presented on the preliminary subdivision plan.

The lots range in size from 0.19 acre to 0.27 acre.

Consistency with the Strategic Growth Plan

The request is consistent with the Strategic Growth Plan.

Consistency with Master Plan

The request is consistent with the Riverwood Ranch Master Plan.

Consistency with the Unified Development Code

The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC). Individual lot development specifications such as driveway placement will be required to meet all Town standards and be consistent with the provisions of the approved Master Plan and Final Plat.

Compatibility with Surrounding Land Uses

The proposed development is consistent with the approved Riverwood Ranch Master Plan, which shows this area to be single family residential. Single Family Residential is planned on the East, West, and North sides of this phase.

Landscaping and Buffering

A 20 foot landscape easement is proposed along Stetson Lane. This landscape easement is not required by the Unified Development Code, but has been proposed by the developer. Street trees are required along all rights-of-way at a rate of one canopy tree per lot or one every 40 linear feet (maximum 50 feet apart). Trees will be planted at a caliper of 2.5 inches and shall be at least 8 feet in height.

Recreation and Open Space

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

Environmental

No environmental impacts are expected at this site. The site contains no riparian areas and is not located in a 100 year flood plain.

Signs

No signage is requested as part of this request.

Access/Streets

Access to the phase is provided off of Stetson Lane, a new road that will also provide access to the Riverwood Haven senior apartments. Stetson Lane is accessed off of Riverwood Ranch Blvd, which connects to Pritchard Road. Provisions are in place for a traffic signal to be placed at the intersection of Pritchard Road and Athletic Club Blvd/Riverwood Ranch Blvd when the following traffic warrants are met:

- 75 new residential permits are issued; or
- A commercial outparcel is under construction; or
- 24 months have passed (September 1, 2016)

Multi-Modal Access

5-foot sidewalks are provided along both sides of the street.

Architecture/Design

N/A.

Waivers/Deviations/Variances from Code Requirements

None.

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval for Phase 2A.
 - The Town Council approves major preliminary subdivision plats.
-

FINDINGS:

The applicant has addressed the Major Subdivision Approval Criteria outlined in UDC Section 155.706. The applicant’s Findings of Fact are incorporated into the record as “Attachment 1” of the Staff Report.

CONDITIONS:

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

1. Following Board approvals, three copies of the final Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
 2. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications may require additional approvals pursuant to Section 155.706 of the Unified Development Code.
 3. Development shall be consistent with the specifications of the approved Riverwood Ranch Planned Development Master Plan.
 4. All development fees shall be paid prior to final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.
 5. A homeowners’ association document shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.
-

PLANNING BOARD RECOMMENDATION:

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

ATTACHMENTS:

- 1)** Subdivision Findings of Fact, **2)** Planning Board Recommendation Form, **3)** Zoning & Aerial Map, **4)** Application, **5)** Preliminary Subdivision Plan, **6)** Copy of Riverwood Ranch Master Plan

APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY

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

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

THIS SUBDIVISION MEETS REQUIREMENTS OF THE TOWN'S SUBDIVISION REGULATIONS AND CONFORMS TO THE UDC.

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

THIS SUBDIVISION IS CONSISTENT WITH THE APPROVED MASTER PLAN AND WILL BE A BENEFIT TO THE COMMUNITY.

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

THIS SUBDIVISION IS DESIGNED TO PROVIDE PROPER AND SAFE INGRESS + EGRESS TO PROPERTY FROM EXISTING AND PROPOSED STATE + TOWN STREETS.

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

THIS PLAN IS PART OF THE OVERALL MASTER PLAN FOR THE DEVELOPMENT AND IS CONSISTENT WITH PLANNING POLICIES ADOPTED BY THE TOWN.

TOWN OF CLAYTON, NC

PLANNING BOARD RECOMMENDATION FORM

Application Name & Number:

PSD 2014-12, Riverwood Ranch Phase 2A Preliminary Subdivision Plan

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

Recommendation of approval of the request with the conditions as presented by staff at the meeting.

Recommendation of approval of the request with the following amendments to the conditions presented by staff at the meeting:

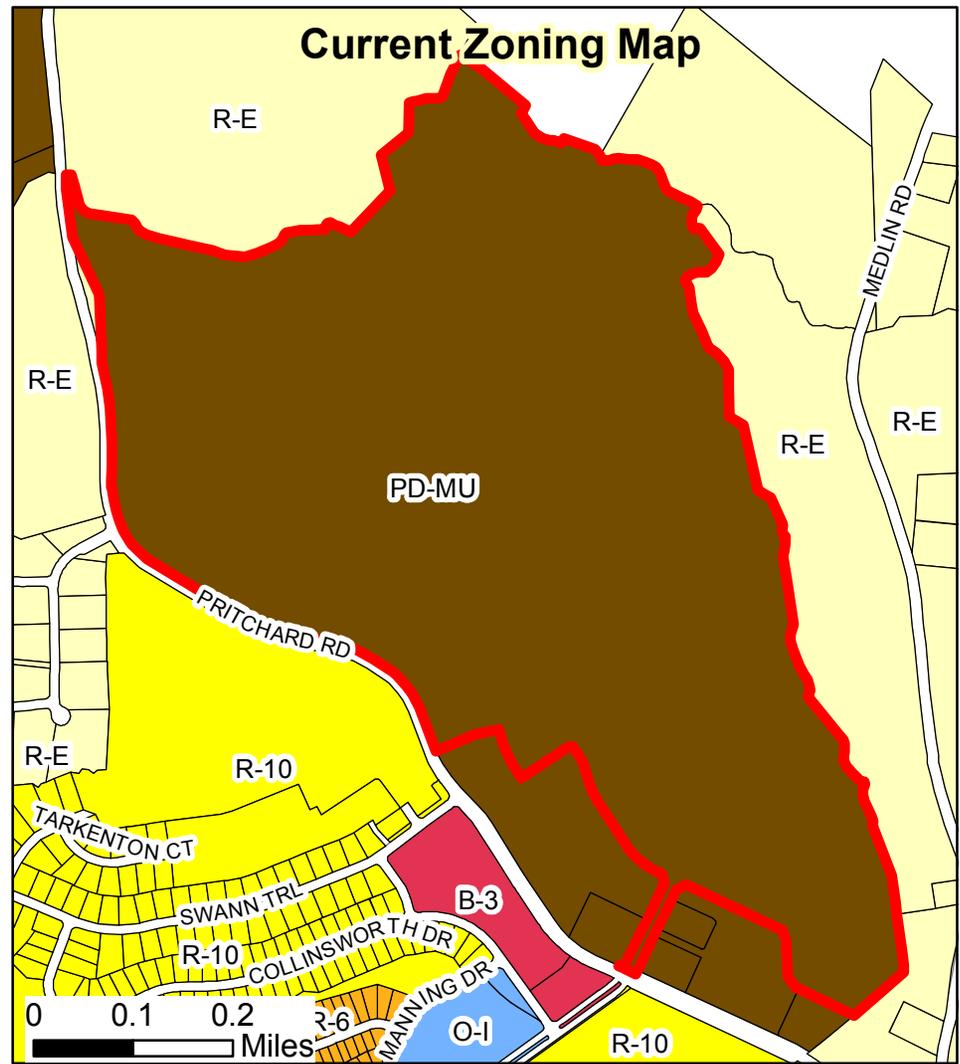
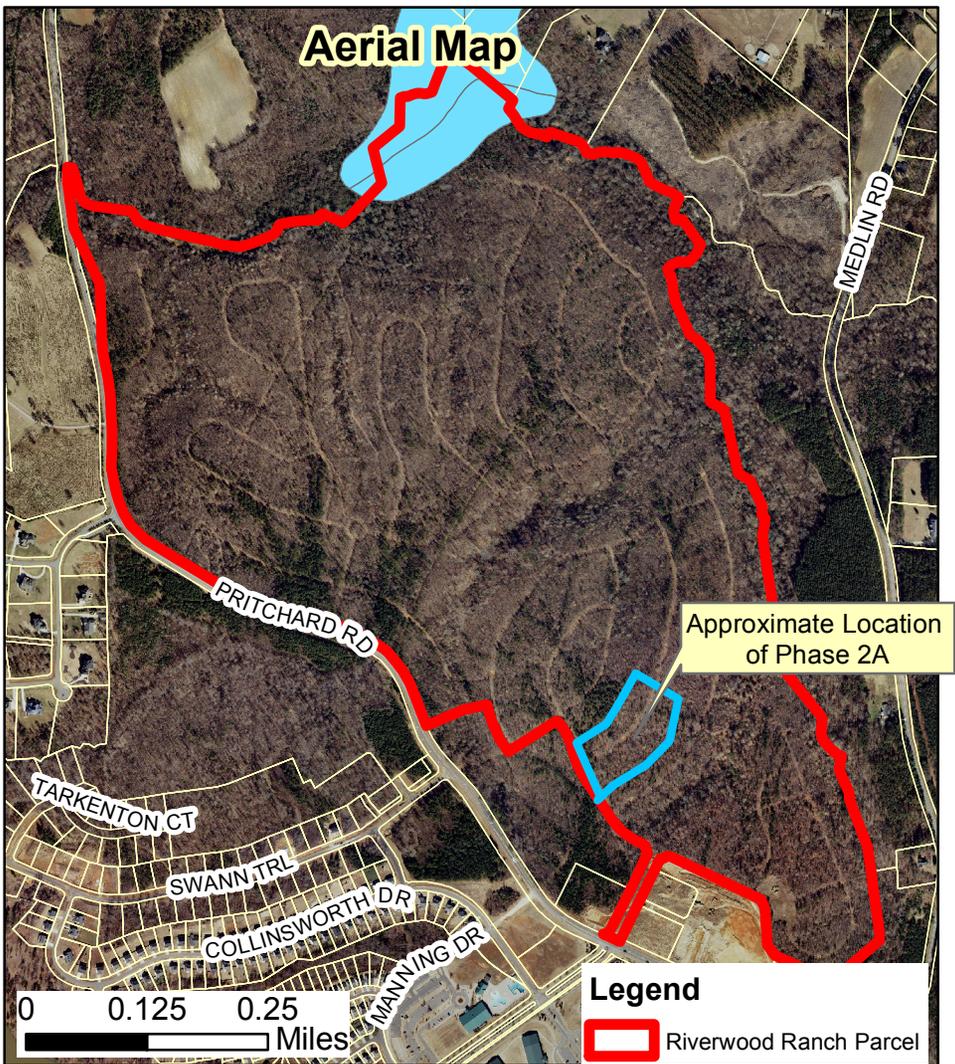
Recommendation of denial of the request.

Recommendation made this 28th day of July, 2014 while in regular session.

Signed:



Frank Price, Planning Board Chair

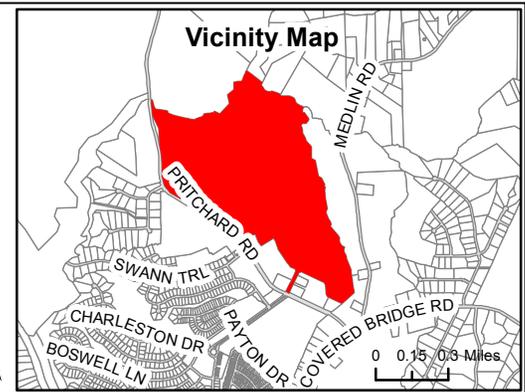


Riverwood Ranch Phase 2A - Preliminary Subdivision Plan

Applicant: DC Adams Engineering, Inc.
 Property Owners: Riverwood on the Neuse, LLC
 Parcel ID Number: A portion of 177100-11-0255
 File Number: PSD 2014-12

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

7/16/14





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

SUBDIVISION APPLICATION

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

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

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

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

SUBDIVISION TYPE:

Application Type:

- Minor Subdivision
 Major Subdivision
 Final Plat
 Exempt Map
 Recombination

SITE INFORMATION:

Name of Project: RIVERWOOD RANCH Acreage of Property: 9.64 ACS
 Preliminary Plat Approval Date (if applicable): N/A
 Parcel ID Number: 177100-11-0255 Tax ID: 16I02026B
 Location: STETSON DR - OFF OF RIVERWOOD RANCH BLVD (ACROSS PEITCHARD RD FROM RWAC)
 Section(s): _____ Phase(s): 2A
 Number of Lots (Existing): — (Proposed): 34 Min. Lot Size: 35'x75'
 Zoning District: PDMU Planned Development? (Y/N): Y Electric Provider: DUKE ENERGY PROGRESS
 Specific Use: SINGLE FAMILY RESIDENTIAL
 Recreation/Open Space Requirement:
 Fee in lieu
 Land Dedication (acreage) _____

FOR OFFICE USE ONLY

File Number: 2014-12 Date Received: 2/3/14 Amount Paid: _____

OWNER INFORMATION:

Name: RIVERWOOD ON THE MEUSE, LLC
Mailing Address: 400 RIVERWOOD DR, CLAYTON, NC 27527
Phone Number: 919-550-5056 Fax: N/A
Email Address: Brian.Strickland@fredsmithcompany.com

APPLICANT INFORMATION:

Applicant: DC ADAMS ENGINEERING, Inc
Mailing Address: 404 SWANIL TRAIL, CLAYTON, NC 27527
Phone Number: 919-763-7278 Fax: EMAIL
Contact Person: DONNIE ADAMS
Email Address: donnie@dcadamspe.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

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

APPLICANT AFFIDAVIT

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

Donnie Adams
Print Name

[Signature]
Signature of Applicant

2/3/2014
Date

APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY

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

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

THIS SUBDIVISION MEETS REQUIREMENTS OF THE TOWN'S SUBDIVISION REGULATIONS AND CONFORMS TO THE UDC.

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

THIS SUBDIVISION IS CONSISTENT WITH THE APPROVED MASTER PLAN AND WILL BE A BENEFIT TO THE COMMUNITY.

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

THIS SUBDIVISION IS DESIGNED TO PROVIDE PROPER AND SAFE INGRESS + EGRESS TO PROPERTY FROM EXISTING AND PROPOSED STATE + TOWN STREETS.

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

THIS PLAN IS PART OF THE OVERALL MASTER PLAN FOR THE DEVELOPMENT AND IS CONSISTENT WITH PLANNING POLICIES ADOPTED BY THE TOWN.



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: RIVERWOOD RANCH Address or PIN #: 177100-11-0255 + 177000-18-3995

AGENT/APPLICANT INFORMATION:

DC ADAMS ENGINEERING, INC
 (Name - type, print clearly)

404 SWANA TRAIL
 (Address)
CLAYTON, NC 27527
 (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):

MASTER PLAN
SUBDIVISION PLANS

FINAL PLANS

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:

RIVERWOOD ON THE NEWSA, LLC
 (Name - type, print clearly)
[Signature]
 (Owner's Signature) FRED J. SMITH, JR.

400 RIVERWOOD DR
 (Address)
CLAYTON, NC 27527
 (City, State, Zip)

STATE OF NORTH CAROLINA
 COUNTY OF JOHNSTON

Sworn and subscribed before me 27th SUSAN V. JONES, a Notary Public for the above State and County, this the 27 day of JANUARY, 2014.

SEAL



[Signature]
 Notary Public

My Commission Expires: 03/14/15

PRELIMINARY PLAN REQUIREMENTS

The following information is required for all preliminary subdivision plans:

Provided

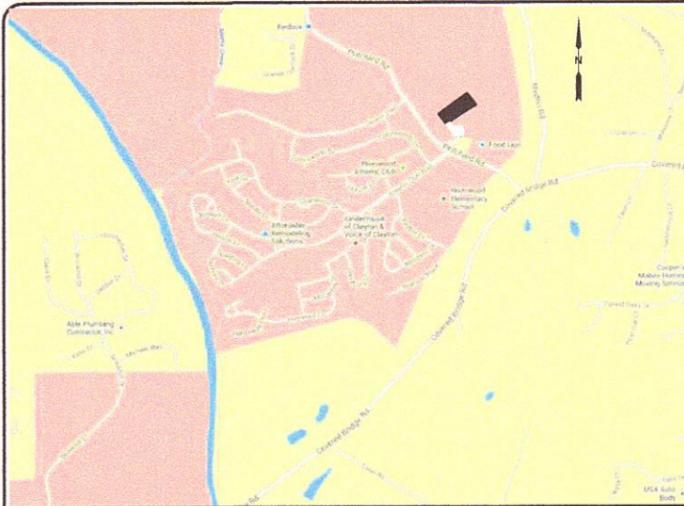
- | Yes | No | N/A | |
|-------------------------------------|-------------------------------------|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Plans are 18 ²⁴ inches by 24 ³⁶ inches with a scale no smaller than 1 inch = 100 feet. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Name of subdivision (including phase numbers if applicable) and plan type (Subdivision, Final Plat, Exempt Plat, or Recombination). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Name of township, county, and state in which the property is located. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Vicinity sketch. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Provide project data in tabular form: |
| | | <input checked="" type="checkbox"/> | Area of tract in square feet and acres |
| | | <input checked="" type="checkbox"/> | Owner's name and address |
| | | <input checked="" type="checkbox"/> | Within Town limits or ETJ |
| | | <input checked="" type="checkbox"/> | Zoning of property (and any special conditions if applicable) |
| | | <input checked="" type="checkbox"/> | Number of lots per acre (density) |
| | | <input checked="" type="checkbox"/> | Acreage in Resource Conservation Areas (UDC § 155.500) |
| | | <input checked="" type="checkbox"/> | Indicate if the site is within a Watershed Protection Overlay |
| | | <input checked="" type="checkbox"/> | Annexation number (if applicable) |
| | | <input checked="" type="checkbox"/> | FEMA designated flood plain and floodway (including FIRM panel reference number and effective date) or certification that no flood plain exists within the subdivision. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Surveyor or professional engineer's name, seal, and registration number. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Date of survey and plat preparation. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | An <u>accurately positioned north arrow</u> indicating true north, magnetic north, North Carolina grid ("NAD 83" or "NAD 27"), or is referenced to old deed or plat bearings. If the north index is magnetic or referenced to an old deed or plat bearings, the date and the source (if known) the index was originally determined is clearly indicated. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The exact course and distance of every boundary line of the tract to be subdivided, fully dimensioned (metes and bounds) along with the location of intersecting boundary lines of adjoining lands in accordance with the North Carolina General Statutes § 47-30 - Plats and subdivisions; mapping requirements. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | All lot boundaries changed or eliminated by requested combination are indicated by dashed lines. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Accurate location and description of all monuments, markers and control points. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Blocks numbered consecutively throughout entire subdivision with lots numbered consecutively in each block. Lot numbers shall be placed in a circle or labeled "Lot ___". |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The names of adjacent landowners, or lot, block, parcel, subdivision designations or other legal reference where applicable. |

- | | | | |
|-------------------------------------|--------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location and width of all existing and proposed rights-of-way, Resource Conservation Areas, easements and areas dedicated to public use with the purpose of each stated where crossing or forming any boundary line of the property shown. Sight triangles noted where required. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing buildings and structures. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Minimum building setbacks are noted. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing and proposed utilities (water, sewer, electric, natural gas, etc.). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing and proposed fire hydrants. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing and proposed drainage structures. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Proposed streets are labeled, named and dimensioned. Street names must be approved by Johnston County. Correct street cross section detail provided. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location, purpose and dimensions of areas to be used for purposes other than residential and public. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Any other information considered by either the applicant or the town to be pertinent to the review. |

FINAL PLAN REQUIRMENTS

In addition to the information listed above, the following information is required for all final subdivision plans:

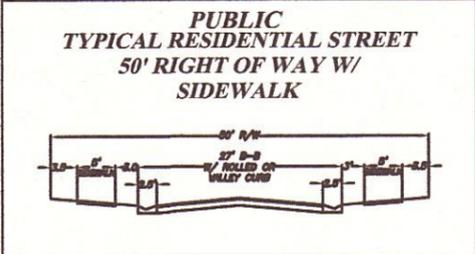
- | Provided | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Yes | No | N/A | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | All lot boundaries changed or eliminated by requested combination are indicated by dashed lines. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Approved street names are labeled. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Width and type of buffer is noted (if applicable). |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Verification of minimum Finished Floor Elevation (FFE). The minimum FFE must be at least two feet above the Base Flood Elevation (BFE) on properties affected by FEMA 100 year flood plain. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Indicate the boundaries of any greenway dedicated to the Town of Clayton and label "Public Greenway Dedicated to the Town of Clayton." |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resource Conservation Areas must be shown and dimensioned on the plat. The following note must also be provided:
<i>"The Resource Conservation Area shown hereon is being provided per the requirements of Article 5 of the Town of Clayton's Unified Development Code. This Resource Conservation Area must be preserved in perpetuity."</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | If streets are to remain private: <ul style="list-style-type: none"> <input type="checkbox"/> The Home Owners Association (HOA) documents must be approved by the Town Attorney <input type="checkbox"/> Streets are labeled "Private Streets – No Town Maintenance" |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Any other information considered by either the applicant or the town to be pertinent to the review. |



VICINITY MAP NOT TO SCALE



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

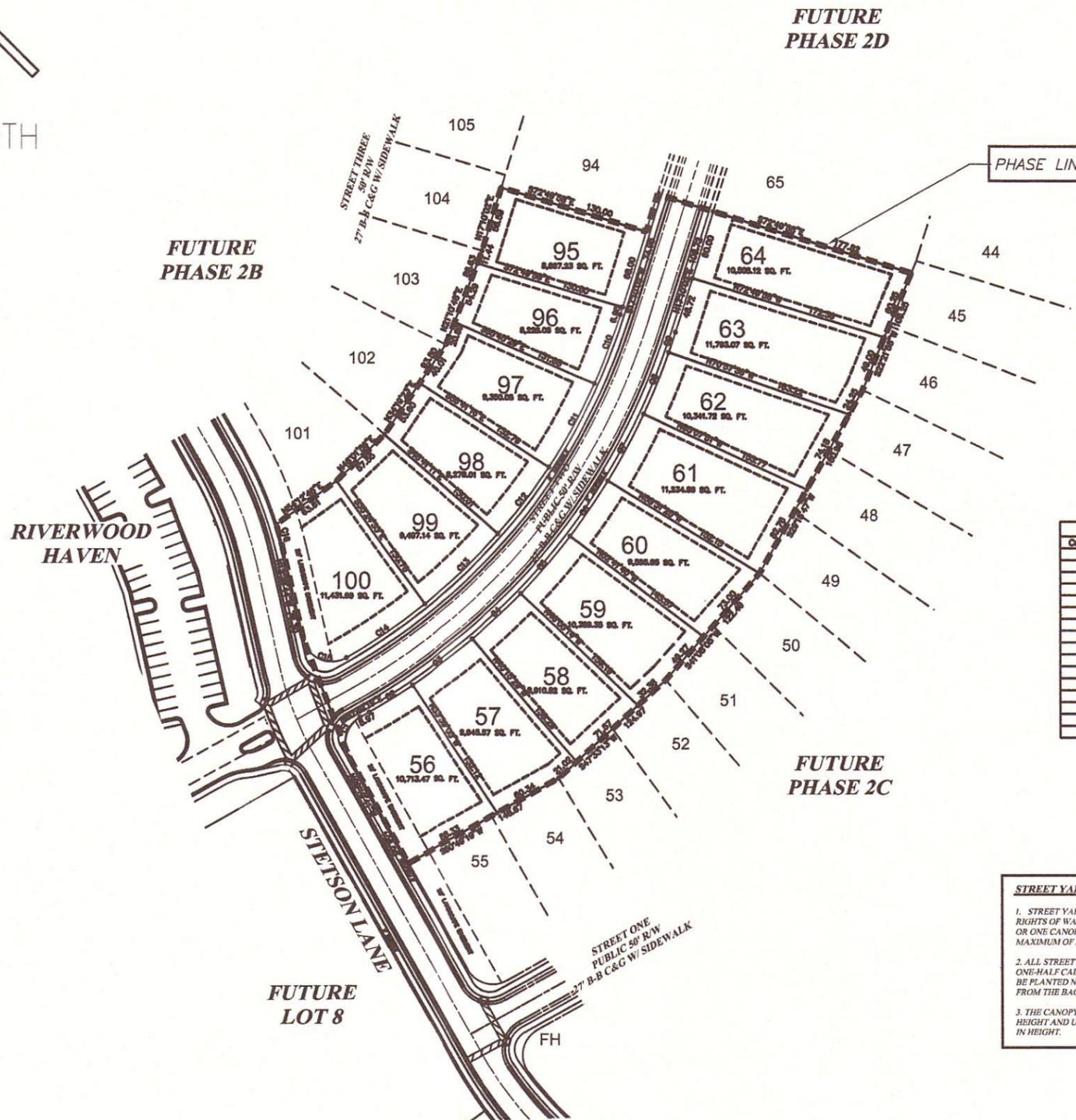


SITE INFORMATION

- OWNERS: RIVERWOOD ON THE NEUSE, LLC
400 RIVERWOOD DR
CLAYTON, NC 27527
- PARCEL #: A PORTION OF 177000-19-0231
- TAX #: A PORTION OF 161020269
- SITE IS LOCATED IN CLAYTON TOWN LIMITS
- TOWNSHIP: WILDERS
- TOTAL SITE ACREAGE = 4.06 ACS (176,645 SF)
- CURRENT ZONING: PDMU
- PROPOSED LOTS = 15
- PROPOSED DENSITY = 3.71 LOTS/ACRE
- NO PORTION OF THE PROPERTY IN THIS PHASE LIES WITHIN THE 100YR FLOOD PLAIN.
- THE DEVELOPER WILL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY DAMAGED TREES WITHIN ANY LAND USE BUFFER.
- MAXIMUM IMPERVIOUS AREA = 80,212 SF (INCLUDING STREETS, SIDEWALK, ALLEYS AND 4000SF PER LOT) = 45%
- WATER AND SEWER PROVIDED BY TOWN OF CLAYTON

LOT STANDARDS TABLE

PHASE	UNIT TYPE	AREA (ACS)	# OF UNITS	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT)	MIN. LOT AREA (SF)	MAX. LOT COVERAGE	MAX. IMPERVIOUS AREA PER LOT (SF)	SETBACKS				MIN. BLDG. SEPARATION (FT)	MAX. BLDG. HEIGHT (FT)
									FRONT (FT)	SIDE (FT)	REAR (FT)	STREET SIDE (FT)		
2A	SINGLE FAMILY	4.06	15	35	75	4800	45%	4000	20	6	5	12	10	40
	TOTALS	4.06	15											



NOT RELEASED FOR CONSTRUCTION

SEAL
25819
D. Adams
REVISED
4:40 pm, Jul 21, 2014

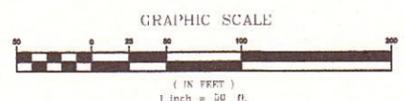
CURVE TABLE

Curve	Length	Radius	Chord Bearing	Chord
C1	39.27	25.00	N18°40'10"E	38.38
C2	44.10	585.00	N85°38'04"E	44.09
C3	68.18	585.00	N83°02'44"E	68.12
C4	57.48	585.00	N46°48'30"E	57.48
C5	68.18	585.00	N40°38'33"E	68.12
C6	57.48	585.00	N34°23'28"E	57.48
C7	68.18	585.00	N26°10'22"E	68.12
C8	57.48	585.00	N21°57'16"E	57.48
C9	18.47	585.00	N18°06'15"E	18.47
C10	63.59	515.00	S20°45'17"W	63.58
C11	81.53	515.00	S28°46'38"W	81.44
C12	71.92	515.00	S37°18'48"W	71.88
C13	87.71	515.00	S46°11'33"W	87.60
C14	81.90	515.00	S55°37'37"W	81.81
C15	48.84	28.00	N86°08'53"W	40.28
C16	28.671	325.00	N14°44'30"W	28.67

STREET YARD TREES

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

RECEIVED
JUL 22 2014
Town of Clayton
Planning Department



REVISED: 03 PER TOWN COMMENTS 7/17/2014

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

RIVERWOOD RANCH
FRED SMITH COMPANY, CLAYTON, NC 27527

SUBDIVISION PLAN FOR PHASE 2A (GRAVITY)

FILE: 177000-19-0231-01
DESIGN: DCA
CHECKED: DCA
DATE: 6/23/2014
JOB NO.:
SHEET: 1 of 2



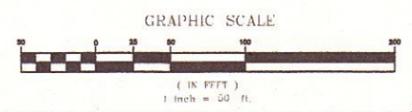
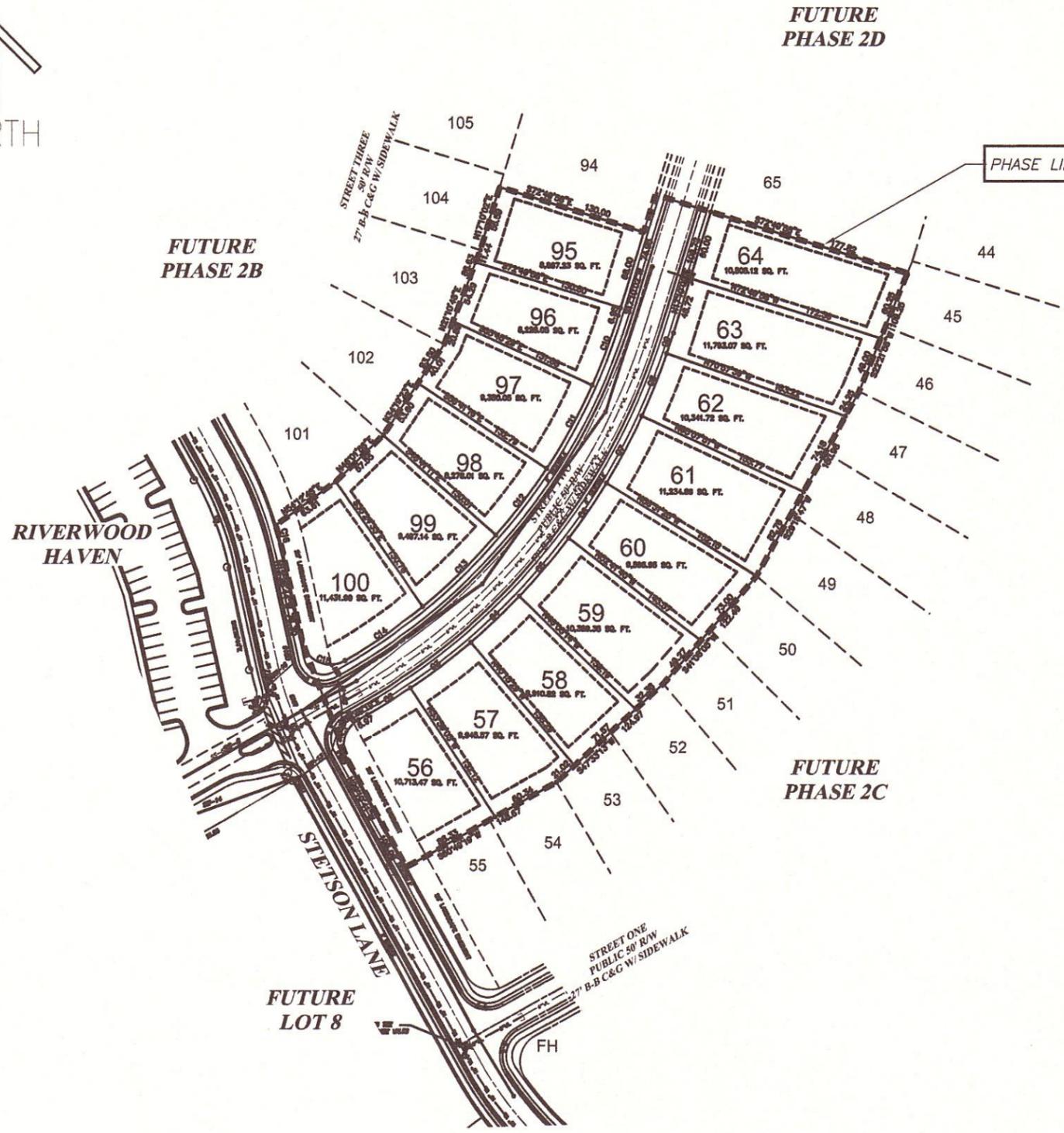
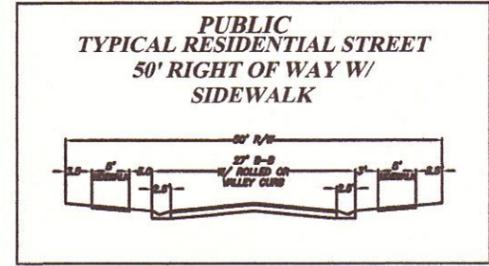
NOT RELEASED FOR
CONSTRUCTION



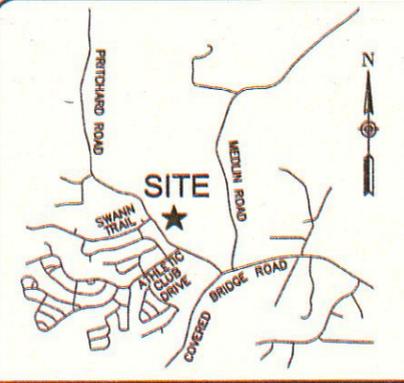
DCA

REVISED
4:41 pm, Jul 21, 2014

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

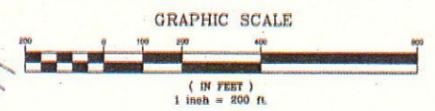


REVISIONS PER TOWN COMMENTS 7/17/2014
DC ADAMS ENGINEERING, INC
404 SWANN TRAIL, CLAYTON, NC 27527
dominic@dcadamspe.com (919) 763-7278 FIRM # C-3894
RIVERWOOD RANCH
FRED SMITH COMPANY, CLAYTON, NC 27527
SUBDIVISION PLAN FOR
PHASE 2A (UTILITIES)
FILE
DESIGN: DCA
DRAWN: DCA
CHECKED: DCA
HORIZONTAL SCALE
1" = 100'
VERTICAL SCALE
N/A
DATE:
7/14/2014
JOB NO.
SHEET
20
OF
2



VICINITY MAP

- Previous Conditions from past Master Plan approval:**
- A final plan for improvements to Pritchard Road in Phases 1 & 2, based upon recommendations and review comments for the Traffic Impact Analysis, shall be approved by NCDOT, the Town of Clayton, and the developer prior to approval of any driveway permits. (Submitted by Planning Board)
 - A 12 foot wide and 12 foot high barrier wall shall be constructed at the intersection of Pritchard Road and the site.
 - Left turn lane into the development from the east bound approach on Pritchard Rd will be constructed.
 - Driveway will be a left and right in and right out city design (no left turn movements).
 - A 12 foot wide and 12 foot high barrier wall shall be constructed along Pritchard Rd that be required across the bridge of Phase 2, at that phase driveway and a right turn lane at the intersection of Pritchard Road and the site.
 - Provision of 20 foot additional right-of-way on Pritchard Rd will be required on an bridge of Pritchard Road and a 10 foot sidewalk to Town of Clayton standards will be constructed on the bridge as well, plus sidewalk.
 - The improvements specified in 1.5 to the intersection of Pritchard and Covered Bridge Rd. shall be completed prior to development of original Phase 2 of Riverwood Ranch.
 - When warranted, a traffic signal must be installed at the intersection of Pritchard and Covered Bridge Rd.
 - All driveway connections to Pritchard Road will require a minimum protective area of 100 feet.
 - The plan for the construction and maintenance of the site shall be approved by the Planning Board.
 - A wastewater treatment plant must be installed and approved by Town Council prior to receiving the Master Plan.
 - Plans for all public facilities shall be approved by the Town of Clayton Public Works Department subject to their specifications.
 - A revised Traffic Impact Analysis shall be submitted to the Town of Clayton for approval.



SITE DATA:

- TOTAL AREA FOR RIVERWOOD RANCH = +/- 266.94 ACS
- PIN 177100-11-0255, 17000-18-3995
- CURRENT ZONING = PDMU
- MAXIMUM DWELLING UNITS ALLOWED = N/A
- A CLASS "C" BUFFER IS REQUIRED FOR ENTIRE PERIMETER OF THE PDG.
- ALL OUTLET POINTS IN THE STORM WATER SYSTEM WILL BE RELEASED VIA SHEET FLOW INTO NATURAL DRAINAGE WAYS.
- THE WATER SYSTEM & GRAVITY SEWER SYSTEM WILL BE EXTENSIONS OF THE EXISTING SYSTEMS IN RIVERWOOD ATHLETIC CLUB AND ALONG PRITCHARD ROAD.
- DRIVEWAYS ARE SUBJECT TO NCDOT AND TFC APPROVAL.
- STREET YARD TREES: SPACED EVERY 40 LINEAR FEET (MAX. 50' APART)
- EXISTING TREES WILL BE PROTECTED TO THE MAXIMUM EXTENT PRACTICAL.
- PROPOSED USE AND ACREAGE VARY BY PHASE PER THE TABLE BELOW:

PHASE	ACREAGE	PROPOSED USE
1	20.5 ACS	SINGLE FAMILY
2	25.8 ACS	SINGLE FAMILY
3	23.5 ACS	SINGLE FAMILY
4	27.3 ACS	SINGLE FAMILY
5	10.3 ACS	DUPLEXES
6	5.0 ACS	DUPLEXES
7	3.4 ACS	MULTI-FAMILY
LOT 9	1.6 ACS	COMMERCIAL
LOT 7	3.0 ACS	COMMERCIAL
LOT 8	1.2 ACS	RESIDENTIAL SENIOR
LOT 9	6.2 ACS	APARTMENTS CLUB HOUSE SITE
LOT 10	4.4 ACS	CLUB HOUSE SITE



NOT RELEASED FOR CONSTRUCTION

REVISED 9:04 am, Jul 15, 2014

RECEIVED JUL 15 2014

RIVERWOOD RANCH	TOTAL AREA	OPEN SPACE REQUIRED	TOTAL OPEN SPACE PROVIDED
	266.94 ACS	33.37 ACS	55.46 ACS

****NOTE**** THE 12.5% OPEN SPACE REQUIREMENT HAS BEEN COMPLETELY FULLFILLED UNDER ORIGINAL RIVERWOOD ON THE NEUSE MASTER PLAN APPROVAL (4/5/1999). ALL OPEN SPACE SHOWN ON THIS PLAN IS IN EXCESS OF THE TOWN'S STANDARDS AND IS NOT REQUIRED.

DC ADAMS ENGINEERING, INC.
 404 SWANN TRAIL, CLAYTON, NC 27527
 (919) 763-7278
 dcadams@dcadamseng.com

RIVERWOOD RANCH
 FRED SMITH COMPANY
 400 RIVERWOOD DR., CLAYTON, NC 27527

MASTER PLAN

FILE: RIVERWOOD-SCM
 DESIGN: DCA
 DRAWN: DCA
 CHECKED: DCA
 VERIFICATION SCALE: 1"=40'
 VERTICAL SCALE: N/A
 DATE: 12/21/2011
 SHEET: 1 OF 1

Town of Clayton Subdivision Review Application Hearing Procedure

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

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

**TOWN OF CLAYTON
SUBDIVISION APPLICATION
MOTION FORM**

Application Number: PSD 2014-12

The Town Council shall decide the matter of Preliminary Subdivision Plat Application Number PSD 2014-12 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:

Circle One

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

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

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

Finding Two of Four:

Circle One

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

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

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

Finding Three of Four:

Circle One

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

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

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

Finding Four of Four:

Circle One

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

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

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

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

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

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

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

Agenda Item: 6a

Meeting Date: 9/02/14

TITLE: Service Contract: Retail Strategies, LLC

DESCRIPTION: Review and decision on service contract between Town of Clayton and Retail Strategies, LLC to perform a strategic evaluation and plan in reference to retail sector development and to perform retail business recruitment.

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-02-14	Report, decision	Contract, Verbal Report



PROPOSAL TO THE TOWN OF CLAYTON MARKET ANALYSIS, STRATEGIC PLANNING AND RETAIL RECRUITMENT

INTRODUCTION:

Birmingham based Retail Strategies, LLC is a retail consulting firm offering unparalleled market analysis, strategic planning, and retail recruitment services to municipalities and economic development authorities. We currently have employed 23 research, marketing and real estate professionals plus we have established numerous relationships with commercial real estate firms and developers across the U.S. to assist our public sector consulting engagements. We have offices in Birmingham (AL) and New Orleans (LA) and we are in the process of opening a Dallas (TX) office to serve the Southwest and Midwest markets.

The current economic environment has taken its toll on cities throughout the country, many of whom rely on volatile retail sales taxes as a primary source of revenue. Basic community services and quality of life depend heavily on a Town's ability to broaden the sources of public revenue. This often requires the Town to recruit additional retailers, identify local entrepreneurial opportunities or assist existing businesses in better understanding their potential through detailed market analysis.

To accomplish this, cities today need a plan to address their retail recruitment initiatives. In many instances, Town economic development efforts turn to retail consultants to address these issues, only to be left with research reports, a list of retailers, and limited guidance on the actual process of recruiting prospects to their community.

Retail Strategies, LLC partners with the appropriate Town agencies to identify, through in-depth research and analysis, opportunities to recruit retail concepts that expand and improve the retail tenant mix and retail tax base throughout the client's community. Our unique research solutions help you better understand the strengths, weaknesses, and opportunities in your retail trade areas through demographic and business analysis, retail gap analysis, and peer analysis.

Once we have completed the research assessment we then focus on the primary benefit of our services – the retail recruitment strategic plan and successful recruitment of retailers. The conclusions of retail research reports are meaningless without effectively executing a Strategic Retail Recruitment Plan.

Our Process

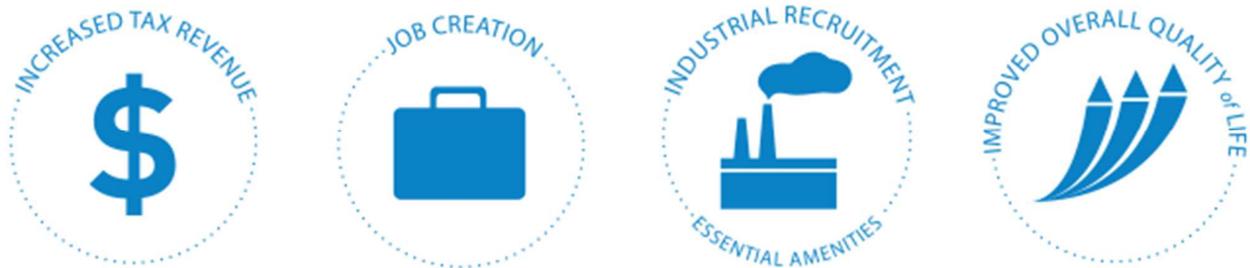


- Market Analysis
- Retail GAP Analysis
- Retail Peer Identification & Analysis

- Catalog Available Properties
- Identify Retail Prospects
- Develop Recruitment Plan

- Develop Marketing Materials
- Proactive Recruitment of Retail Prospects
- Monthly Reporting to City
- Representation at National & Regional Conferences

Your Results



TEAM:

Lacy Beasley serves as Vice President of Business Development. She has been involved in Retail Consulting across the Southeast for the past five years as the Municipality Consultant Director at The Shopping Center Group. Prior to her work with TSCG, Lacy was with the Dickson County Chamber of Commerce. A graduate of Lipscomb University, she earned her double major in Marketing and Management. Lacy Beasley has served on the ICSC TN/KY Idea Exchange Committee, CCIM Economic Outlook Committee, and Economic Development Association of Alabama [EDAA] Retail Committee. She has spoken on retail trends and best practices in retail recruitment to the Tennessee Valley Authority, Alabama Certified Municipal Officials, Tennessee Economic Development Council, Tennessee League of Municipalities and other organizations.

Chuck Branch is CEO of Decision Data Resources and co-founded Retail Strategies in 2011. Chuck has spent much of his career managing the development and implementation of large database and GIS projects and solutions for municipalities and workforce development related agencies and organizations across the United States.

Robert Jolly is the President of Birmingham based Retail Specialists, Inc. and co-founded Retail Strategies in 2011. During his time at Retail Specialists, Inc., he has overseen the leasing and management of more than 5,000,000 sf of retail space and has assisted some of the most well-known tenants in the United States with their expansion into new markets in the Southeast.

METHODOLOGY AND APPROACH:

SUMMARY OF RETAIL ANALYSIS AND SERVICES:

- Custom Demographic Research – Historical, Current, and Projected Demographics – to include market trade areas by radius/drive-time, and custom trade areas associated with the Town of Clayton
- Tapestry Lifestyles – Psychographic Profile of Trade Area / Market Segmentation Analysis
- Retail GAP Analysis
- Retail Peer Analysis
- Thematic Mapping and Aerial Imagery by trade area
- Retail Competitor Mapping/Analysis
- Consumer Attitudes and Behaviors
- Market Maximization Summary and Strategic Leasing Plan
- Identification of Priority Business Categories for Recruitment and/or Local Expansion
- Analysis of future retail space requirements in relation to the retail market analysis, the market's growth potential and trends in the retail industry
- Identification of Retail Prospects to be targeted for recruitment
- Retailer Recruitment and Execution of the Retail Strategic Plan
- Updates on Retail Industry Trends

RETAIL STRATEGIES RESEARCH:

Our research solutions are not a “one size fits all” or pre-formatted by an industry standard radius or drive-time area. Each Town, community, or retail trade area requires unique analysis based on numerous factors including natural boundary areas, current retail tenant mix, travel times, radius areas and existing sites/buildings. Our research focuses on identifying the data points that are most likely to influence the site location decisions of retailers. Once these data points are determined – we provide thematic maps, aerial photos, asset maps, and customized research reports by retail concept.

Retail Strategies primary data resources include:

CENSUS, AGS AND ESRI DEMOGRAPHICS

By incorporating demographic data from multiple sources, DDR is able to better understand the population, income and retail spending shifts taking place in the current economic environment.

BUSINESS LOCATION DATA

This location data is ideal for competitive analysis, understanding market opportunities and evaluating market dynamics.

Sourced to D&B®, the world's most trusted source of sales and marketing solutions, all D&B information is powered by DUNSRight™, D&B's Quality Process which gives you the insight you need to identify and target prospects.

CONSUMER EXPENDITURES

This data includes 18 reports and close to 1,000 variables that collectively cover almost 95% of household spending. Based on extensive modeling of the BLS Consumer Expenditure Survey, CEX provides reliable estimates of market demand and average household expenditures.

RETAIL POTENTIAL

This new tabulation utilizes the Census of Retail Trade tables which cross-tabulates store type by merchandise line. The Consumer Expenditure data was aggregated to the merchandise line classification and then distributed to each of the major store types.

TAPESTRY

Tapestry classifies US neighborhoods into 65 market segments based on socioeconomic and demographic factors, then consolidates them into LifeMode and Urbanization Groups.

FINAL DELIVERABLE AND STRATEGIC RETAIL RECRUITMENT PLAN:

Upon completion of the research component of our engagement, the Retail Strategies team will create an online account through our BASECAMP platform available to the appropriate contacts at the Town of Clayton to access all research, analysis and the strategic plan.

1. Retailer Overview and Recruitment Plan- Summary of the primary retail gaps inclusive of the key retailers to be pursued with a prototypical overview of each retailer relative to size, economics, etc.
2. Local Property Catalog- Retail Strategies, LLC and its partners will work with the Town to catalog all local commercial properties that may be suitable sites to present to prospective new retailers. This will include maps, marked aeriels and all pertinent contact and site specific information relative to each site.
3. Call List and Recruitment Update- an ongoing tracking form to keep the identified Town contacts updated relative to recruitment efforts and specific interaction with prospective retailers.

COMPENSATION

PROPOSED CONSULTING ENGAGEMENT COSTS (VALID FOR 60 DAYS)

INITIAL ENGAGEMENT: THREE (3) YEARS

PRICING – YEAR 1

\$48,000

Electricities negotiated discount rate

\$35,000

Electricities of North Carolina participation amount \$15,000

Town of Clayton participation amount \$20,000

Deliverable will focus on all retail trade areas for the Town of Clayton and include:

- Initial Market/Trade Area Research and Analysis
- Creation of Strategic Retail Recruitment Plan
- Development and continued updating of Retail Prospect List
- Representation at national and regional retail real estate conferences

PRICING – YEARS 2 AND 3

\$24,000 per year

Electricities negotiated discount rate

\$18,000 per year

Electricities of North Carolina participation amount \$9,000

Town of Clayton participation amount \$9,000

Retail Strategies, for year two and three of the engagement, will provide updated research and on-demand research reports/analysis.

- Updated research and on-demand research reports/analysis
- Updating of Strategic Retail Recruitment Plan
- Continued updating of Retail Prospect List
- Representation at national and regional retail real estate conference

ADDITIONAL CONSULTING SERVICES

Retail development in today's market, while improving from the downturn which occurred in the 2008-2011 period, seems to require much cooperation from all parties involved. Many new retail development projects show how this mutual partnership between the retailers, developers and municipalities can result in WIN-WIN scenarios for all involved. Economic development partnerships between cities seeking retail, developers looking for new opportunities and retailers looking to grow in new markets which seemed a stretch in the past, are now happening thru this team effort.

In the past, when development economics didn't seem to make sense, developers and retailers chose to move on to the next opportunity. However, success is now being realized in communities previously overlooked due to the creative and economically feasible alternatives municipalities can bring to the table.

Today, we believe the municipality needs to have a "seat" at the table initially in all new or re-development projects in their community. By making the municipality a "partner" in the development discussion, opportunities for creative assistance to bridge economic gaps can become deal makers versus deal breakers.

Each municipality in each state differs in the capability and method for providing assistance. Many development agreement alternatives exist to "bridge the gap" and deal with funding shortfalls to create successful developments. Some of these include Development Agreements in which the municipality uses funds from reserves or bond issues to assist with site infrastructure or similar improvements (from which sales or property tax increases are used as repayment along with alternatives for developer guaranty obligations), sales tax incentives (typically thru revenue sharing in some fashion with the developer or retailer) or joint developments in which the Town develops Town-owned property such as parking facilities or other public infrastructure to help mitigate shortfalls in development funds.

Municipalities realize a positive return on investment by providing methods to create development in their communities – plus job growth, higher property taxes, a broader tenant mix and ultimately, additional tax revenues to fund quality of life projects throughout the community. Developers now have a better understanding of what options are available to turn previously economically difficult deals into new development projects. By creating a partnership with the municipality from the outset of a deal, more opportunities exist for new and exciting retail developments to occur.

INCENTIVES CONSULTING FEES (ADD-ON OPTION)

TO BE DETERMINED BY PROJECT

ABOUT RETAIL STRATEGIES:

Retail Strategies is a unique consulting platform that offers unparalleled market research and analysis, strategic planning and retail recruitment services to municipalities and economic development authorities.

Retail Strategies' founding principals (Chuck Branch and Robert Jolly) joined forces in 2011 combining a unique mix of research and analysis skills and technological capabilities with vast national retailer relationships and retail recruitment expertise.

Retail Strategies' team is unparalleled in the industry. The team is comprised of over twenty experienced retail real estate professionals.

www.retailstrategies.com

Project Primary Contacts Information

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VP Business Development
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lacy@retailstrategies.com

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Partner
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Birmingham, AL 35223
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**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 6b

Meeting Date: 9/02/14

TITLE: Use Policy: Town Square

DESCRIPTION: The Council has previously adopted a use policy for Town Square. Recently the Downtown Development Coordinator received a request to use the space for a yard sale fund raiser. The policy for Horne Square prohibits such a use but the policy for Town Square is silent on the matter. The staff recommends a prohibition on the use of Town Square for conducting yard (rummage) sales.

RELATED GOAL:

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-02-14	Report, Discussion	Mark-up revision to policy

USE POLICIES & PROCEDURES FOR TOWN SQUARE

PURPOSE

The purpose of this policy is to establish guidelines under which other than municipal use may be made of the Town property, also known as Town Square, located at 110 W. Main Street at its intersection with Fayetteville Street. Town Square is a public space that may be used to help further the vision of downtown Clayton as a 'regional center for artistic expression and destination where people, businesses, and the arts thrive.'

ELIGIBLE USES

Subject to approval and compliance with the guidelines listed herein, the following uses may be permitted in Town Square:

- ~~• Not for profit, civic, and similar organizations;~~
- ~~• Cultural, arts related, educational and other non commercial uses; and~~
- ~~• Other uses deemed appropriate by Town Council.~~
 - Established non-profit, civic, and similar organizations may, from time to time, make use of Horne Square as approved by the Town of Clayton in compliance with these guidelines.
 - Eligible public uses of Town Home Square include cultural, arts-related, educational and other non-commercial uses.
 - Other uses deemed appropriate by Town Council.

Ineligible uses include, but are not limited to:

- Yard sales, private for profit events, or ticketed events.

The Town of Clayton may refuse use of the property to any group that it deems as failing to meet the criteria or purposes stated herein, at its sole discretion.

GENERAL POLICIES AND PROCEDURES

To use Town Square, the following policies and procedures must be followed.

- A. A **Special Event Application**, for a Special Event Permit, must be submitted to Town of Clayton Planning Department at least 30 days prior to event; if request includes street closures, a minimum of 90 days is required.
- B. All users must adhere to all ordinances of the Town of Clayton, including securing Town of Clayton Sign Permits prior to issuance of Special Events Permit. (Planning, Zoning & Inspections Office located on Floor G2 of The Clayton Center/Town Hall.)

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- C. The property shall not be used for commercial or “for profit” purposes except as a fundraiser in support of an established non-profit organization and as approved by the Town of Clayton.
- D. No organization may use the property more than two (2) times per calendar year.
- ~~E.~~ No ground stakes may be used by the user or any agent of the user for any purpose including securing tents, signage, staging, etc.
- ~~F.~~ No vehicles of any kind allowed on Town Square for any purpose, with the exception of mobile stages.
- ~~G.~~ Due to fire and safety regulations, no fireworks or open fires are allowed.
- ~~H.~~ *Children attending events should be supervised at all times due to proximity of busy roads and traffic.*
- G. The user agrees to protect and hold harmless the Town of Clayton and all employees from and against any claims, actions, damages, injury or loss that occurs in relation to event. ***Event holders shall carry General Liability Insurance in the amount of \$1,000,000 combined limit policy for bodily injury and property damage, and include the Town, its officers, employees and agents as additional insured’s under the policy.***
- ~~H.~~ Upon completion of the event, all banners, signs, decoration and other materials must be completely removed from the premises.
- K. All users shall leave the property in a clean and safe condition restored to the state and condition which existed prior to their use. ~~User agrees to leave Town Square in the same condition as when first accessed.~~
- ~~J.~~ All activities located thereon must be planned and conducted in a safe, healthy, and orderly fashion. The Town of Clayton reserves the right to immediately cancel, without compensation or other consideration, any event not conducted in a safe, healthy and orderly fashion.

ALCOHOL POLICY

In order for alcohol to be served during an event on Town Square, the following applies:

- A. User must indicate the intent to serve/sell alcohol in the Special Event Application.
- B. State law requires that an ABC Special Use Permit be secured from the NC ABC Commission by the user for any event serving unfortified beer and/or wine if the event is ticketed and/or if wine/beer is sold or transacted via donations *unless* the user is using a licensed caterer to provide and serve it. The Town of Clayton requires this permit to be on file with the Planning Department no later than 1 week prior to event date.
- C. State law requires that, in order to serve fortified wine and liquor at any event (whether ticketed or not), an ABC Special Use Permit must be secured via the NC ABC Commission *unless* the user is using a fully licensed and insured caterer to serve it.
- D. The Town of Clayton *requires Event Holders to carry General Liability Insurance with \$2,000,000*

liquor liability coverage at events where alcohol is served *unless* liability is covered by a fully licensed and insured caterer. In both cases, the Town of Clayton must be added *as an "Additional Insured"* specifying event date and time. *A copy of the certificate* for the file is required 1 week prior to event. The Town of Clayton waives all liability for illness or injury related to the consumption of alcohol on premises.

- E. All alcohol must be bartended. No self-service alcohol by attendees is permitted. Kegs are allowed, but only as managed by the bartender(s).
- F. At events where minors are present and alcohol is served, the user is responsible to establish a system of checking ID's and identifying minors with bartender(s)/caterer.

DAMAGE DEPOSIT POLICY

A discretionary \$250.00 Damage/Cleanup Deposit may be required for any use, refundable after 15 days of event date provided Town Square suffers no damage as a result of event. Should damages occur, an itemized statement of repairs will be provided to the user along with a refund of the remaining deposit. If damages exceed \$250.00, an invoice will be sent to the user with an itemized statement of repairs.

If Town Square is not adequately cleared of event-related debris, including signage, within 12 hours of the event, a \$150 clean up fee will be either deducted from Damage Deposit or invoiced post-event and due within 2 weeks of receipt.

As a potential user of Town Square, I fully understand and agree to the policies and procedures listed herein.

User Signature: _____ Date: _____

Print Name: _____

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

Jody L. McLeod,
Mayor

ATTEST:

[name of Town Clerk]
Town Clerk

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

Agenda Item: 7a

Meeting Date: 9/02/14

TITLE: Order Approval: Rescue One

DESCRIPTION: Consistent with the adopted FY 14-15 Budget, the administration is seeking formal approval to issue a purchase order for a replacement vehicle for Rescue One. The item is within budgeted appropriations and by preorder the vehicle will be eligible for certain discounts, as noted in the support materials.

RELATED GOAL:

ITEM SUMMARY:

Date:

Action:

Info. Provided:

09-02-14

Approval

Proposal & Specs.

Pulse Number	Qty	Description	Published Options	Unpublished Options
116	1	EX225 17" Frnt Disc Brakes	\$1,026.00	
202	1	Aluminum Wheels, Front	\$1,700.00	
203	1	Aluminum Wheels, Rear Siingle Axle	\$2,622.00	
205	1	Electric Windows	\$846.00	
210	1	Upgrade SCBA bracket to Hands Free	\$630.00	
211	1	Camera System, Sides and rear monitor	\$1,764.00	
212	1	Raised Roof Custom Cab	\$1,848.00	
214	1	Q2B Siren	\$3,444.00	
215	1	Saftey System	\$8,324.00	
226	1	Air Horns with 2 foot switches	\$1,349.00	
403	1	Add 19" extended Bumper	\$2,278.00	
450	2	Electric Cord Reels 2 x 1798.00	\$3,596.00	
452	1	High Pressure Breathing Reel	\$2,730.00	
460	6	Roof Compartments 6 x 2892.00	\$17,352.00	
461	1	Adjustable Compartment Shelves (6)	\$932.00	
462	2	Swing out tool board 2 x 1690.00	\$3,380.00	
463	2	Slide-out floor tray 2 x 691.00	\$1,382.00	
464	7	Adjustable slide out trays 7 x 766.00	\$5,362.00	
465	1	Cascade	\$47,370.00	
466	1	Traffic Directing light bar	\$1,393.00	
467	2	Under body compartments, each 2 x 2246.00	\$4,492.00	
477	1	Auto-eject 20 amp	\$445.00	
480	1	Kussmaul pump plus 1200 charger	\$2,190.00	
481	1	LED Compartment Lighting FRC (7 compartments)	\$2,590.00	
482	1	LED under cab/body lighting (8)	\$1,739.00	
483	1	12 volt LED Brow light	\$1,711.00	
484	4	12 volt LED Recessed per light 4 x 1688.00	\$6,752.00	
487	3	SCBA Sylinder storage in fender panel triple (each) 769.00 x 3	\$2,307.00	
561	1	PTO Drive 35K	\$18,777.00	
562	1	Light Tower 9,000 watt	\$21,389.00	
563	2	500 Watt Tripod Flood lgihts 2 x 1,558.00	\$3,116.00	
934	1	LED Emergency Light Package	\$11,544.00	
949	2	Hydraulics Package (2 reels with 100' hoses and 2 connector 12')	\$20,420.00	
952	1	Electric Awning	\$5,747.00	
953	1	Quick-Ladder Access	\$1,625.00	
954	1	Winch 9000# portable	\$1,780.00	
clay1	1	Upgrade motor to 450 HP		\$1,011.00
Clay2	1	Change to the Enforcer cab		\$31,000.00
Clay3	1	Going from 16' non walk-in to 21.5' non walking		\$21,992.00
Clay 4	1	Drawer Assembly, CTECH		\$5,554.00
				\$6,108.00

Base Bid	\$373,354.00
Published Options	\$215,952.00
Total Published Options	\$589,306.00

Unpublished Options	\$8,551.00	-1.45%
Total Options w/o HGAC Fee	\$580,755.00	



There are additional discounts offered if the Town of Clayton wishes to participate in them.
They are as follows:

Prepay the Chassis 120 days before delivery deduct **\$7,720.00**

Chassis cost \$257,357.00

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

Agenda Item: 8c

Meeting Date: 09/02/14

TITLE: ADMIN

DESCRIPTION: Calendar of Events

**Date:
08-18-14**

**Action:
N/A**

**Info. Provided:
Calendar of Events**

Calendar of Events

- Zaxby's Movie Night – Saturday, September 13, 2014 from 6 PM to 10 PM at Town Square
- Council Mtg- Monday, September 15, 2014 @ 6:30 PM
- Clayton Harvest & Music Festival – September 17 – 21, 2014, Downtown Clayton
- Board of Adjustment Mtg –Wednesday, September 17, 2014 @ 6:00 PM
- Town Square Concert Series – Nantucket – Thursday, September 18, 2014 from 6 PM to 9 PM at Town Square
- Clayton Harvest & Music Festival: temporary closure of Main Street from O'Neil Street to Second Street for the vendors and car show – Saturday, September 20, 2014, 5:00 AM to 6:00 PM
- Planning Board Mtg – Monday, September 22, 2014 @ 6:00 PM
- Council Mtg – Monday, October 6, 2104 @ 6:30 PM
- Squealin' on the Square & The Clayton Shindig, October 10-11, 2014 @ 3:00 PM (Friday) to 11:30 PM (Saturday) in Town Square
- NCLM Annual Conference – October 12-14, 2014; Greensboro, NC
- Board of Adjustment Mtg – Wednesday, October 15 2014 @ 6:00 PM
- Council Mtg – Monday, October 20, 2014 @ 6:30 PM
- Planning Board Mtg – Monday, October 27, 2014 @ 6:00 PM
- 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 2 AM
- Council Mtg – Monday, November 3, 2014 @ 6:30 PM
- Veteran's Day Holiday – Tuesday, November 11, 2014
- Council Mtg – Monday, November 17, 2014 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, November 19, 2014 @ 6:00 PM
- Planning Board Mtg – Monday, November 24, 2014
- Thanksgiving Day Holiday – Thursday, November 27, 2014 & Friday, November 28, 2014
- Council Mtg – Monday, December 1, 2014 @ 6:30 PM
- Christmas Village & Tree Lighting – Thursday, December 4, 2014 from 5:00 PM to 9:00 PM on Main from Mosaic to O'Neil
- Santa Baby Old Town Clayton Winter Festival – Saturday, December 6th @9:00AM to 3:00PM – race through downtown, events at Town Square
- Council Mtg – Monday, December 15, 2014 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, December 17, 2104 @ 6:00 PM
- Christmas Holiday – Wednesday, December 24, 2014; Thursday, December 25, 2014; & Friday, December 26, 2014