



**The Town Of Clayton
Regular Town Council Meeting Agenda
Monday, December 5, 2016 @ 6:30 PM
Council Chambers**

1. CALL TO ORDER

Pledge of Allegiance and Invocation

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
November 21, 2016 - Regular Meeting
[November 21, 2016 Draft Minutes](#)
- b. Warranty Acceptances:
 - Public Water, Sewer & All Pertinent Easements - Lionsgate 7A & Ravens Ridge 8A
 - Final Lift Asphalt - Lionsgate 4A
 - Final Acceptance - Financial Drive[Warranty Acceptance - Lionsgate, Phase 7A](#)
[Warranty Acceptance - RWAC Ravens Ridge 8A](#)
[Final Asphalt - Lionsgate Phase 4](#)
[Final Acceptance - Financial Drive](#)
- c. Code of Ordinance Update - Chapter 99
[Ordinance - Chapter 99 Amendment](#)
- d. Volunteer Board Appointments
[Appointment Recommendations for Volunteer Boards effective 1/1/17](#)
- e. Downtown Development Association By-Laws Amendments
[Resolution Amending CDDA By-Laws](#)

POTENTIAL ACTION: Approval of Consent Agenda as Presented

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Introduction of Clayton Chamber of Commerce Executive Director

Presenters: Ruth Anderson, Board of Directors - Clayton Chamber of Commerce & Dana Wooten, Executive Director - Clayton Chamber of Commerce

- b. Recognition of Eagle Scout Improvement Project at Legend Park

Presenter: Stacy Beard, Public Information Officer

[Cover - Recognition of Eagle Scout Project](#)

5. PUBLIC HEARINGS

- a. Annexation - #2016-255-ANX - Umstead Property

Presenter: David DeYoung, Planning Director

[Cover - Annexation #2016-225-ANX - Umstead Property](#)

[Application - Umstead Property](#)

[Aerial Map - #2016-225-ANX - Umstead Property](#)

[No Aerial Map - #2016-225-ANX - Umstead Property](#)

[Resolution Fixing Date of Public Hearing - Umstead Property](#)

[Public Notice - #2016-225-ANX - Umstead Property](#)

[Ordinance #2016-12-02 - Umstead Property Annexation](#)

POTENTIAL ACTION: Adoption of Ordinance #2016-12-02

- b. Special Use Permit #2016-188-SUP - Johnston Charter Academy

Presenter: Jay McLeod, Senior Planner

[Cover - Special Use Permit #2016-188-SUP - Johnston Charter Academy](#)

[Application - #2016-188-SUP - Johnston Charter Academy](#)

[Staff Report - #2016-188-SUP - Johnston Charter Academy](#)

[Staff Map - #2016-188-SUP - Johnston Charter Academy](#)

[Planning Board Recommendation - #2016-188-SUP - Johnston Charter Academy](#)

[Public Notice - #2016-188-SUP - Johnston Charter Academy](#)

[2016 11 29 Johnston A201 - EXTERIOR ELEVATIONS](#)

[2016 11 29 Johnston Original A201 - EXTERIOR ELEVATIONS](#)

[2016 11 29 Johnston Original Perspective](#)

[2016 11 29 Johnston Perspective](#)

[Motion Form - #2016-188-SUP](#)

[Approval - #2016-188-SUP](#)

POTENTIAL ACTION: Approval of #2016-188-SUP

- c. 2016-217-OA Article 700 Admin Process Code Revision

Presenter: David DeYoung, Planning Director

[Cover - 2016-17-OA Article 700 Admin Process Code Revision](#)

[Application - #2016-07-OA - Article 700 Revision](#)

[Staff Report - #2016-07-OA - Article 700 Revision](#)

[Article 700, 701 Draft Update - #2016-217-OA - Article 700 Revision](#)

[Article 702 Draft Update - #2016-217-OA - Article 700 Revision](#)
[Public Notice - #2016-217-OA - Article 700 Revision](#)
[Motion Form - #2016-217-OA - Article 700](#)
[Ordinance #2016-12-03 - Article 700 Revisions](#)

POTENTIAL ACTION: Adoption of Ordinance #2016-12-03

6. OLD BUSINESS

- a. Golf Cart Usage Information Update
Presenter: R.W. Bridges, Police Chief

7. NEW BUSINESS

8. STAFF REPORTS

- a. Town Manager
- b. Town Attorney
- c. Town Clerk
- d. Other Staff

9. OTHER BUSINESS

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

10. ADJOURNMENT



**The Town Of Clayton
Town Council Work Session Meeting Minutes
Monday, November 21, 2016 @ 6:30 PM
Council Chambers**

COUNCIL PRESENT:

Mayor Pro Tem Grannis
Council Member Satterfield
Council Member Lawter
Council Member Holder
Council Member Thompson

COUNCIL ABSENT:

Mayor McLeod

STAFF PRESENT:

Town Manager, Adam Lindsay
Deputy Town Manager, Nancy Medlin
Town Attorney, Katherine Ross
Deputy Town Clerk, Christy Anastasi
Planning Director, David DeYoung
Senior Planner, Jay McLeod
Public Information Officer, Stacy Beard
Asst. Public Information Officer, John Hamlin

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor Pro Tem Grannis called the meeting to order at 6:33p.m. Mayor Pro Tem Grannis led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

Katherine Ross, Town Attorney adjusted the agenda and stated there would be no closed session.

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
- October 17, 2016 - Regular Meeting
 - November 7, 2016 - Regular Meeting
- b) Certificate of Sufficiency - Voluntary Annexation #2016-225-ANX - Umstead Property

ACTION: Approval of Consent Agenda As Presented

Motion: Council Member Holder
Second: Council Member Thompson
Vote: Unanimous

4 ADMINISTRATIVE ITEMS

- a) **Warranty Acceptances:**
- Public Water, Sewer and all Pertinent Easements - Lionsgate 7A & Ravens Ridge 8A
 - Final Lift Asphalt - Lionsgate Phase 4A
 - Final Acceptance - Financial Drive

ACTION: Placed on December 5, 2016 Consent Agenda

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) **Advanced Firefighter Certifications**
Presenter: Stacy Beard, Public Information Officer
- James Harold Hill
 - Steve Randel Benson

Ms. Beard provided information regarding this award, it is the highest award presented to North Carolina Firefighters. Receiving this highly prestigious award for the Clayton Fire Department is an honor. Ms. Beard provided detailed information regarding criteria to receive this award which include many service hours. James Hill and Steve Benson both received this honor. Ms. Beard stated Firefighter Benson was unable to attend the Council meeting. Mayor Pro Tem Grannis presented award plaque to Firefighter Hill. On behalf of the town council and citizens of Clayton, he offered his sincere appreciation to Firefighter Hill.

- b) **Volunteer Board Appointment Recommendations**
Presenters: Christy Anastasi, Deputy Town Clerk & David DeYoung, Planning Director

Christy Anastasi, Deputy Town Clerk provided information on volunteer board appointment recommendations. Town Council were provided with a listing and applications of those being recommended for appointment to various volunteer Town of Clayton Advisory Boards. David DeYoung, Planning Director stated that several current members have been contacted and we have not heard back from these members.

ACTION: Placed on December 5, 2016 Consent Agenda

6 ITEMS SCHEDULED FOR THE REGULAR MEETING

- a) **Annexation - #2016-255-ANX - Umstead Property**
Presenter: Planning Department

Mr. David DeYoung, Planning Director provided information regarding the voluntary annexation of parcel known as the Umstead property. This parcel is contiguous with a total of 18.590 +/- acres. The property is located between Cox Woods and Wynston Subdivisions. The existing zoning district is Residential (R-10). Mr. DeYoung stated the site is approved for 42 single family units. This annexation is needed in order to receive Town utilities.

ACTION: Set Public Hearing for December 5, 2016

- b) **Special Use Permit #2016-188-SUP - Johnston County Charter Academy**
Presenter: Jay McLeod, Senior Planner

Mr. Jay McLeod, Senior Planner provided information regarding the applicants, Charter Development Company LLC (subsidiary of National Heritage Academies), request for a Special Use Permit. Johnston Charter Academy has requested this SUP so they may provide a Kindergarten-8th grade Public Charter School. The location of the proposed school is SE corner of Financial Dr. & Towne Centre Blvd., east of the Wal-Mart facility. Current existing use is vacant and is undeveloped. A total of 153 parking spaces are approved as well as ample amount of queuing will be provided for cars and student drop off, because Charter schools do not use buses. Councilmember Satterfield requested to see more elevation views. Mr. McLeod stated revised elevations are still being worked on and they will provide once received. Mr. McLeod stated the traffic impact has been approved by NCDOT. The Planning Board and staff are recommending approval with conditions as listed in the staff report.

ACTION: Set Public Hearing for December 5, 2016

- c) **#2016-217-OA Article 700 Admin Process Code Revision**
Presenter: David DeYoung, Planning Director

Mr. David DeYoung, Planning Director provided information regarding proposed language update regarding Article 700 of the Code of Ordinances. Proposed updates would include the following; removal of the redundancy with Article 32 regarding Board of Adjustment which will be consolidated and relocated, Technical Review Committee section to be added, Tree Clearing Certificate to Table 7-1. Exempt Administrative Appeals (§155.717), Zoning Permits (§155.709), and Sign Permits (§155.713) from pre-application conferences. These revisions relocate text to more appropriate chapters and update board procedures.

ACTION: Set Public Hearing for December 5, 2016

- d) **Code of Ordinance Update - Chapter 99 -Streets and Sidewalks**
Presenter: David DeYoung, Planning Director

Mr. David DeYoung, Planning Director provided information regarding an update to the Code of Ordinance Chapter 99 Streets and Sidewalks of the Code of Ordinances. Under the General Provisions adding 99.004 Park and Greenway Rules. Mr. DeYoung stated the update will include the three following rules: (A) The Town has the right to post and enforce park and greenway rules and regulations, as amended from time to time, to ensure the health, safety, and welfare of park and greenway users. (B) It shall be unlawful to violate the hours of operation, rules, and prohibited activities posted at each park and greenway. (C) Motorized vehicles used by persons with disabilities or for the purpose of maintenance and public safety shall be permitted within parks and greenways.

ACTION: Place on December 5, 2016 Consent Agenda

- e) Amendments to Downtown Development Association By-Laws
Presenter: David DeYoung, Planning Director

Mr. David DeYoung, Planning Director provided information on proposed amendments to the Downtown Development Association (DDA) By-Laws. Mr. DeYoung stated the last update was in June of 2010. Mr. DeYoung stated there are a few minor changes to include, removal of outdated information, clarification to membership, terms and appointment dates.

ACTION: Place on December 5, 2016 Consent Agenda

7 ITEMS CONTINGENT FOR THE REGULAR MEETING

8 ITEMS FOR DISCUSSION

9 OLD BUSINESS

10 STAFF REPORTS

- a) Town Manager
- b) Town Attorney
- c) Town Clerk
- d) Other Staff

11 OTHER BUSINESS

- a) Informal Discussion & Public Comment

James Lipscomb came before Town Council requesting golf cart usage on public streets. The citizens of East Village would like Council to consider street approved golf carts to be driven from East Village to Downtown. Mr Lindsay stated that staff would not be in favor due to public safety. There was discussion and concern regarding safety concerns and state regulations. Council asked staff to provide additional information from other municipalities and their regulations regarding golf carts.

- b) Council Comments

12 ADJOURNMENT

- a) Adjourn the Meeting

With there being nothing further, the meeting was adjourned at 7:01 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Thompson
Second: Council Member Holder
Vote: Unanimous

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

November 21, 2016
Minutes

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: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator *CR*

Copy: Paralee Smith, Development Services Coordinator
Donnie Adams, Adams & Hodge Engineering

Date: October 28, 2016

Subject: Lionsgate, Phase 7A

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

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
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VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, Adams & Hodge Engineering
Paralee Smith, Development Services Coordinator

Date: November 4, 2016

Subject: RWAC, Ravens Ridge 8A

Please place a final acceptance request for the subject public water, sewer, storm drainage utilities, and all pertinent easements on the next available agenda. A final inspection has been conducted with all identified punch list items completed. Following final acceptance, the Town will assume all operation and maintenance duties.

TOWN OF CLAYTON OPERATIONS CENTER

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VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, Adams & Hodge Engineering
Paralee Smith, Development Services Coordinator

Date: November 8, 2016

Re: Lionsgate, Phase 4 Revised (Tuscarora Lane, Sioux Lane,
Verrazano Place, & Berkeley Court)

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

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
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VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Dave DeYoung, Planning Director
Jay McLeod, Planner

Date: October 14, 2016

Re: Financial Drive

Please place a final acceptance request for the referenced asphalt pavement and street section on the next available agenda. Upon Council acceptance, the Town will assume permanent maintenance responsibilities.

**TOWN OF CLAYTON
TEXT AMENDMENTS TO CHAPTER 99
CHAPTER 99: STREETS, SIDEWALKS, PARKS AND GREENWAYS**

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA, to amend the Code of Ordinance, Chapter 99 as follows:

§ 99.004 PARK AND GREENWAY RULES.

(A) The Town has the right to post and enforce park and greenway rules and regulations, as amended from time to time, to ensure the health, safety, and welfare of park and greenway users.

(B) It shall be unlawful to violate the hours of operation, rules and prohibited activities posted at each park and greenway.

(C) Motorized vehicles used by persons with disabilities or for the purpose of maintenance and public safety shall be permitted within parks and greenways.

Penalty, see [§ 10.99](#)

Duly adopted this 5th day of December, 2016 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Appointment Recommendations for Volunteer Advisory Boards
Effective Term Start Date of 01/01/2017

BOARD	POSITION NUMBER	RECOMMENDED APPOINTEE NAME	APPOINTMENT TYPE	RESIDENCY	TERM EXPIRATION
Board of Adjustment	BOA1	Bobby Bunn*	Re-Appointment	In-Town	12/31/2017
Board of Adjustment	BOA4	Johnny House**	Re-Appointment	ETJ	12/31/2019
Board of Adjustment	BOA5	Tom Medlin	Re-Appointment	In-Town	12/31/2019
Downtown Development Association	DDA7	James Lipscomb	Re-Appointment		12/31/2019
Downtown Development Association	DDA10	Jessica Llyod	Re-Appointment		12/31/2019
Downtown Development Association	DDA11	Paul Black	Re-Appointment		12/31/2019
Fire Advisory Board	FD5	Matt Sutphin	Re-Appointment		12/31/2019
Fire Advisory Board	FD6	Karen Patterson	Re-Appointment		12/31/2019
Library Board	LA7	Lisa Brogdon	Re-Appointment	In-Town	12/31/2019
Public Art Advisory Board	PA5	Maleah Christie	Re-Appointment		12/31/2019
Public Art Advisory Board	PA6	Larry Streving	New-Appointment		12/31/2019
Public Art Advisory Board	PA8	Jill Hunt	New-Appointment		12/31/2019
Parks & Recreation Advisory Board	REC12	Toby Williamson	Re-Appointment	In-Town	12/31/2019
Parks & Recreation Advisory Board	REC15	Theodore Willer	Re-Appointment	ETJ	12/31/2019

* Filling an unexpired term.

**ETJ recommendations for the Board of Adjustment and Planning Board are sent to the Johnston County
Board of Commissioners for appointment per NCGS 160A-362

10/16 - request consideration of reapp. 12/11



ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

☒ Planning & Zoning Board

☒ Board of Adjustment

☐ Downtown Development Assoc.

☐ Clayton Library Board

☐ Recreation Advisory Committee

☐ Fire Dept. Advisory Board

☐ Public Arts Advisory Board

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Bobby Bunn

Mailing Address: 501 Ohara St.

Physical HOME Address: 501 Ohara St.

Phone Number (HOME): 919-553-2928 (WORK) 919-422-2818

FAX Number: _____ Mobile Number: 919-422-6944

Email Address: bbunn6@gmail.com

*Female ☐ *Male ☒

*Race White

Employer: Executive Management Services, Inc.

Occupation: Operations Manager

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Page 1 of 2

Appt. to
Boards Adjust.
BOA (3)
8/1/16

12/31/16

BOA3

Interview
6/22
@ 9:30 AM

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 53 Years

Do you live in the Clayton? Corporate Limits: Yes ☒ No ☐ ETJ: Yes ☐ No ☐

How did you find out about this board or committee? Facebook ☐ Website ☐ TV ☐

Newspaper ☐ Email ☐ Twitter ☐ Mail ☒ Other _____

Outline your qualifications and why you wish to serve the board/committee you indicated.
After running for Town Council over a 4 year period. I feel that I could help residents, business
and property owners articulate and achieve a vision for how they want their community to look and
function in the future.

State why you would be an asset to this board or committee. I'm very familiar
with our community's social structure, economic base and political framework.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☒ Yes ☐ If Yes, explain:

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____


Signature

11-16-15
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (kmoffett@townofclaytonnc.org)



ADVISORY BOARD CANDIDATE APPLICATION

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CHOOSE ONE:

- | | |
|--|---|
| ☐ Planning & Zoning Board | ☒ Board of Adjustment |
| ☐ Downtown Development Assoc. | ☐ Clayton Library Board |
| ☐ Recreation Advisory Committee | ☐ Fire Dept. Advisory Board |
| ☐ Public Arts Advisory Board | |

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: TOM MEDLIN

Mailing Address: 213 MUIRFIELD LANE, CLAYTON N.C. 27527

Physical HOME Address: SAM

Phone Number (HOME): 919-553-5537 (WORK) 919-934-6141

FAX Number: 919-934-3130 Mobile Number: 919-333-7849

Email Address: TOM.MEDLIN@ALLSTATE.COM

*Female ☐ *Male ☒

*Race _____

Employer: MEDLIN INSURANCE AGENCY INC.

Occupation: INSURANCE AGENT

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 28 YEARS

Do you live in the Clayton town limits: Yes ☒ No ☐ ETJ: Yes ☐ No ☐

How did you find out about this board or committee? Facebook ☐ Website ☐ TV ☐

Newspaper ☐ Email ☐ Twitter ☐ Mail ☒ Other BEEN ON BOARD FOR SEVERAL YEARS

Outline your qualifications and why you wish to serve the board/committee you indicated.

BUSINESS OWNER WITH YEARS OF EXPERIENCE
ALWAYS LOOKING FOR WAYS TO IMPROVE THE COMMUNITY

State why you would be an asset to this board or committee.

I AM VERY STABLE IN MY OUTLOOK, ENJOY WORKING
WITH OTHERS TO IMPROVE COMMUNITY QUALITY OF LIFE

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☒ Yes ☐ If Yes, explain:

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic

From

To

BDA

1/2006

present

FIRST BAPTIST Church of Clayton

12/2008

present

SSS Chamber of Comm.

12/1988

present

Don Mohr

Signature

10/24/2016

Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
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- | | |
|---|--|
| ☐ Planning & Zoning Board | ☐ Board of Adjustment |
| ☒ Downtown Development Assoc. | ☐ Clayton Library Board |
| ☐ Recreation Advisory Committee | ☐ Fire Dept. Advisory Board |
| ☐ Public Arts Advisory Board | |

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: JAMES HOWARD LIPSCOMB
Mailing Address: 3407 BARBER MILL ROAD CLAYTON NC 27520
Physical HOME Address: SAME
Phone Number (HOME): 919-422-4704 (WORK) SAME
FAX Number: Mobile Number: 919-422-4704
Email Address: JAMES@myHTR.com
*Female ☐ *Male ☒ *Race WHITE
Employer: HOMETOWN REALTY
Occupation: REALTOR / DEVELOPER

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 47 years

Do you live in the Clayton town limits: Yes ☐ No ☒ ETJ: Yes ☒ No ☐

How did you find out about this board or committee? Facebook ☐ Website ☐ TV ☐ Newspaper ☐ Email ☐ Twitter ☐ Mail ☒ Other CURRENT MEMBER

Outline your qualifications and why you wish to serve the board/committee you indicated.

CURRENT MEMBER OF DCA BOARD, PAST TOWN COUNCILMAN, SUCCESSFULLY COMPLETED MANY PROJECTS DOWNTOWN AND CURRENT AND FUTURE PROJECTS IN THE WORKS.

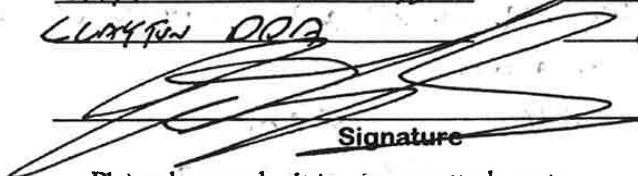
State why you would be an asset to this board or committee. DESIRE TO MAKE CLAYTON THE BEST IT CAN BE AND BE THE MOST IMPORTANT ASSET IS ITS DOWNTOWN CHARM

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☐ Yes ☒ If Yes, explain:

I WILL HAVE DEVELOPMENT PROJECTS IN DOWNTOWN THAT MAY CAUSE ME TO NOT VOTE ON A PROJECT FOR MYSELF.

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
<u>CLAYTON TOWN COUNCIL</u>	<u>1994</u>	<u>2004</u>
<u>CLAYTON HARVEST FESTIVAL</u>	<u>1991</u>	<u>PRESENT</u>
<u>CLAYTON PLANNING BOARD</u>	<u>CURRENT</u>	<u>MEMBER</u>
<u>CLAYTON DCA</u>	<u>CURRENT</u>	<u>MEMBER</u>

 Signature 10-3-16 Date

- Please do not submit resumes or attachments.
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- Candidates may be interviewed prior to appointment.
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Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (kmoffett@townofclaytonnc.org)



RECEIVED
8/27/13/13

12-31-16

ADVISORY BOARD CANDIDATE APPLICATION

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CHOOSE ONE:

- | | |
|---|--|
| ☐ Planning & Zoning Board | ☐ Board of Adjustment |
| ☒ Downtown Development Assoc. | ☐ Clayton Library Board |
| ☒ Recreation Advisory Committee | ☐ Fire Dept. Advisory Board |
| ☐ Public Arts Advisory Board | |

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Paul A. Black
Mailing Address: 126 Reedy Creek Road Four Oaks 27524
Physical HOME Address: same as mailing address
Phone Number (HOME): 919 524 5858 (WORK) 919 585 1221
FAX Number: N/A Mobile Number: 919 524-5858
Email Address: Blackstone@nc.rr.com
*Female ☐ *Male ☒ *Race Caucasian
Employer: My Girlfriends Place Day Spa
Occupation: Hair stylist / owner

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: _____

Do you live in the Clayton? Corporate Limits: Yes ☐ No ☒ ETJ: Yes ☐ No ☒

How did you find out about this board or committee? Facebook ☐ Website ☐ TV ☐

Newspaper ☐ Email ☐ Twitter ☐ Mail ☒ Other Rich Rareigh

Outline your qualifications and why you wish to serve the board/committee you indicated.

I'm deeply committed to seeing downtown Clayton thrive both for businesses and for families/social events. I enjoy working with people to see positive results come to fruition as Clayton continues to grow and evolve.

State why you would be an asset to this board or committee. I'm a business owner that wants to bring my passion and desire to work with others to keep downtown Clayton thriving.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☒ Yes ☐ If Yes, explain:

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
<u>Chamber of Commerce</u>	<u>2012</u>	<u>Current</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

[Signature] **Signature** 8/27/13 **Date**

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (sscoggins@townofclaytonnc.org)

11/15/16 requests consideration for appointment

12-21-16



RECEIVED
8/27/13 AB

ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- | | |
|---|--|
| ☐ Planning & Zoning Board | ☐ Board of Adjustment |
| ☒ Downtown Development Assoc. | ☐ Clayton Library Board |
| ☐ Recreation Advisory Committee | ☐ Fire Dept. Advisory Board |
| ☐ Public Arts Advisory Board | |

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Jessica Lloyd

Mailing Address: 336 Barbour Street Clayton, NC 27520

Physical HOME Address: 336 Barbour Street Clayton, NC 27520

Phone Number (HOME): 919-749-5253 (WORK) 919-905-2509

FAX Number: _____ Mobile Number: 919-749-5253

Email Address: jlalloyd@gmail.com

*Female ☒ *Male ☐

*Race White

Employer: Nortel Networks, Inc.

Occupation: Senior Accountant & Financial Analyst

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Page 1 of 2

Revised 7/13

2013-2016
2016
DDAIO



ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- | | |
|--|---|
| ☐ Planning & Zoning Board | ☐ Board of Adjustment |
| ☐ Downtown Development Assoc. | ☐ Clayton Library Board |
| ☐ Recreation Advisory Committee | ☒ Fire Dept. Advisory Board |
| ☐ Public Arts Advisory Board | |

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Matthew Sutphin

Mailing Address: 371 Bent Branch Loop Rd Apt. 202

Physical HOME Address: " "

Phone Number (HOME): _____ (WORK) 919-553-1520

FAX Number: _____ Mobile Number: 919-422-4925

Email Address: msutphin @ townofclaytonnc.org

*Female ☐ *Male ☒

*Race white

Employer: Town of Clayton

Occupation: Firefighter

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 12 years

Do you live in the Clayton town limits: Yes ☒ No ☐ ETJ: Yes ☐ No ☐

How did you find out about this board or committee? Facebook ☐ Website ☐ TV ☐

Newspaper ☐ Email ☐ Twitter ☐ Mail ☐ Other work

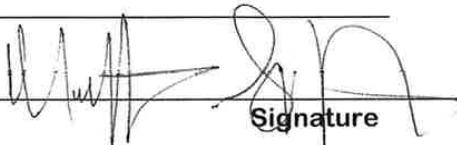
Outline your qualifications and why you wish to serve the board/committee you indicated.

State why you would be an asset to this board or committee.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☒ Yes ☐ If Yes, explain:

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
<u>CORE</u>	<u>2016</u>	<u>present</u>
<u>TOC Wellness</u>	<u>?</u>	<u>present</u>
<u>Fin Advisory Board</u>	<u>2015</u>	<u>present</u>
<u></u>	<u></u>	<u></u>


Signature

10/20/16
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (knoffett@townofclaytonnc.org)



ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- | | |
|--|---|
| ☐ Planning & Zoning Board | ☐ Board of Adjustment |
| ☐ Downtown Development Assoc. | ☐ Clayton Library Board |
| ☐ Recreation Advisory Committee | ☒ Fire Dept. Advisory Board |
| ☐ Public Arts Advisory Board | |

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Karen Patterson

Mailing Address: 117 Penny St, Clayton, NC

Physical HOME Address: same as above

Phone Number (HOME): 919 810-7727 (WORK) N/A

FAX Number: N/A Mobile Number: 919 810-7727

Email Address: karen.f.patterson@gmail.com

*Female ☒ *Male ☐

*Race white

Employer: Retired (NC Forest Service)

Occupation: _____

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 32 years

Do you live in the Clayton town limits: Yes ☒ No ☐ ETJ: Yes ☐ No ☐

How did you find out about this board or committee? Facebook ☐ Website ☐ TV ☐ Newspaper ☐ Email ☐ Twitter ☐ Mail ☒ Other current member applying for new term

Outline your qualifications and why you wish to serve the board/committee you indicated.
As a town resident and current member of the board I have both insight and
appreciation for the service CFD provides to the community as well as
knowledge of current issues and concerns relating to long range planning
for future growth. It is my desire to continue to support CFD in these areas.

State why you would be an asset to this board or committee. Having served as
the NC Forest Service Incident Business Advisor and Safety Coordinator I am keenly
aware of the risk and budgetary needs associated with emergency response agencies.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☒ Yes ☐ If Yes, explain:

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
Fire Dept. Advisory Board	May 2008	Present
SECU Advisory Board	July 2016	Present



Signature

11/2/16
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (kmoffett@townofclaytonnc.org)

11-15-16 requests consideration of re-appointment

Term Expires -
12/31/16



ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

Planning & Zoning Board

Board of Adjustment

Downtown Development Assoc.

☒ Clayton Library Board

Recreation Advisory Committee

Fire Dept. Advisory Board

Public Arts Advisory Board

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Lisa H. Brogdon

Mailing Address: 135 Middlecrest Way Clayton NC 27527

Physical HOME Address: Same

Phone Number (HOME): 919 553 3415 (WORK) 919 630 9040

FAX Number: _____ Mobile Number: 919 630 9040

Email Address: lhbrogdon@gmail.com

*Female ☒

*Male ☐

*Race White

Employer: Carolina Children's Therapy (Self-employed)

Occupation: Speech-Language Pathologist

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Page 1 of 2

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appt d.
8/3/15

Page 7 of 178

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 17 years

Do you live in the Clayton? Corporate Limits: Yes ☒ No ☐ ETJ: Yes ☐ No ☐

How did you find out about this board or committee? Facebook Website TV

Newspaper Email Twitter Mail Other current board member

Outline your qualifications and why you wish to serve the board/committee you indicated.

I am a passionate, lifelong reader, and much of my career involves encouraging children to love reading. I have excellent communication skills, and I work well with others from widely varied backgrounds and experiences. I would like to participate in making our library program an even stronger presence in our community.

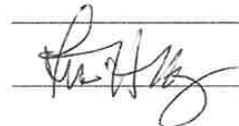
State why you would be an asset to this board or committee. I am a long-time local business owner who derives great fulfillment from engagement in community volunteer activities. I choose my commitments carefully and dedicate much time,

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No Yes If Yes, explain:

thought, and effort into being a productive and engaged volunteer.

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
<u>KS Bank Board of Directors</u>	<u>2011</u>	<u>Present</u>
<u>Partnership for Children of Johnston Co Board</u>	<u>2007</u>	<u>Present</u> (Board Chair 2013 - Present)



Signature

5/28/2015
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (kmoffett@townofclaytonnc.org)



Rec
7/27/16

ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- ☐ Planning & Zoning Board ☐ Board of Adjustment
- ☐ Downtown Development Assoc. ☐ Clayton Library Board
- ☐ Recreation Advisory Committee ☐ Fire Dept. Advisory Board
- ☒ Public Arts Advisory Board

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Maleah Nicole Christie

Mailing Address: 906 E. Main Street Clayton NC 27520

Physical HOME Address: same

Phone Number (HOME): — (WORK) —

FAX Number: — Mobile Number: (919) 901-8889

Email Address: maleah.christie@gmail.com

*Female ☒ *Male ☐

*Race Native Amer/White/Black

Employer: Revival 1869 (co-owner); Shaded & Faded Studio (owner)

Occupation: Entrepreneur; Artist

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Page 1 of 2

PA 5
apptd
11/7/16

2016-2019
2016-2016

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 3 yrs

Do you live in the Clayton? Corporate Limits: Yes ☒ No ☐ ETJ: Yes ☐ No ☐

How did you find out about this board or committee? Facebook ☒ Website ☒ TV ☐

Newspaper ☐ Email ☐ Twitter ☐ Mail ☒ Other Mike Stojic (partner Revival 1869)

Outline your qualifications and why you wish to serve the board/committee you indicated.

As a Clayton business owner, especially working AND living downtown, & as an artist, I have a passion and vested interest in developing Clayton as an arts community & destination.

State why you would be an asset to this board or committee. I have a vision & determination to see/make Clayton a visual, musical, culinary, cultural FEATURE-COMMUNITY in NC.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☒ Yes ☐ If Yes, explain:

I know and work with many of the board members & we all share a great interest in the public arts for Clayton

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
<u>Clayton Mid-day Rotary</u>	<u>5/16</u>	<u>current</u>
<u>Featured Performing Painter @ Marsh Fork Festival</u>	<u>6/4/16</u>	
<u>Clayton Visual Arts Member</u>	<u>6/16</u>	<u>current</u>
<u>Malcolm O. Davis</u>		<u>6/12/16</u>
Signature		Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (kmoffett@townofclaytonnc.org)



received -> 9/29/16
fwd ->
email sent 10/13

ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

Planning & Zoning Board

Board of Adjustment

Downtown Development Assoc.

Clayton Library Board

Recreation Advisory Committee

Fire Dept. Advisory Board

Public Arts Advisory Board

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: LARRY BURNELL STREVIK
Mailing Address: 410 NEUSE RIDGE DR, - CLAYTON
Physical HOME Address: 410 NEUSE RIDGE DR - CLAYTON
Phone Number (HOME): 919 550 8934 (WORK) N/A
FAX Number: N/A Mobile Number: _____
Email Address: LZARTMAN @ AOL.COM
*Female ☐ *Male ☒ *Race CAUCASIAN
Employer: RETIRED
Occupation: FORMER V.P. OF TALS MANAGEMENT
(RESIDENTIAL REAL ESTATE MGMT)

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Page 1 of 2

PAGE 1

2016-2019

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 19 YEARS

Do you live in the Clayton? Corporate Limits: Yes ☒ No ☐ ETJ: Yes ☐ No ☐

How did you find out about this board or committee? Facebook ☐ Website ☐ TV ☐

Newspaper ☐ Email ☐ Twitter ☐ Mail ☐ Other MEMBER OF CVA FOR OVER 10 YEARS

Outline your qualifications and why you wish to serve the board/committee you indicated.

I SERVED SIX YEARS ON THE JOHNSTON COUNTY ARTS COUNCIL.

AS FIRST PRESIDENT OF CVA I SERVED TWO TIMES AS PRESIDENT IN A SEVEN YEAR SPAN. MY INTEREST IS "BRINGING ART TO THE PEOPLE OF CLAYTON".

State why you would be an asset to this board or committee. I WAS INVITED TO SERVE BY A CURRENT MEMBER. I LOVE ART AND I THINK I HAVE A GOOD SENSE OF ART.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☒ Yes ☐ If Yes, explain:

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
JCAC	2007	2013
CVA	2007	PRESENT
NEIGHBORS AND NEWCOMERS CLUB	2004	2011

[Signature]
Signature

SEPT 29, 2016
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (kmoftett@townofclaytonnc.org)



received
11/7/16

ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- | | |
|--|--|
| ☐ Planning & Zoning Board | ☐ Board of Adjustment |
| ☐ Downtown Development Assoc. | ☐ Clayton Library Board |
| ☐ Recreation Advisory Committee | ☐ Fire Dept. Advisory Board |
| ☒ Public Arts Advisory Board | |

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Jill Hunt

Mailing Address: 1539 NC Hwy 42 E Clayton, NC 27527

Physical HOME Address: same as above

Phone Number (HOME): 919-818-6699 (WORK) 919-818-6699

FAX Number: _____ Mobile Number: 919-818-6699

Email Address: hjill23@yahoo.com

*Female ☒ *Male ☐

*Race caucasian

Employer: self-employed

Occupation: Professional artist - Thistlebird Art Studio and Tipping Paint Gallery

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 7 years

Do you live in the Clayton town limits: Yes ☐ No ☒ ETJ: Yes ☒ No ☐

How did you find out about this board or committee? Facebook ☐ Website ☐ TV ☐

Newspaper ☐ Email ☐ Twitter ☐ Mail ☒ Other Clayton Visual Arts (Kathy Nobles)

Outline your qualifications and why you wish to serve the board/committee you indicated.

*Art educator for 18 years with Wake and Johnston County Schools, as well as Durham Arts Council, Artspace, and NCMA.

*Former Downtown Clayton business owner - Thistlebird Art Studio (2014 - 2016).

*Professional artist and private art teacher currently operating in Clayton, as well as Downtown Raleigh.

*Board member and officer of Clayton Visual Arts, serving as Secretary since 2015.

State why you would be an asset to this board or committee. I believe my extensive and

diverse art background would help me contribute great insight for the board. Also, as a Clayton resident, professional

artist, business owner, and avid art advocate, I'm passionate about the growth of Clayton as an art community.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☒ Yes ☐ If Yes, explain:

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
Clayton Visual Arts-Board Member & Officer	<u>2015</u>	<u>present</u>
Clayton Visual Arts/Mondo Roots Committee	<u>2015</u>	<u>present</u>
Clayton Public Art - Sculpture Selection	<u>2016</u>	<u></u>



Signature

10/30/16

Date

- Please do not submit resumes or attachments.
- This application is a public record.
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- Candidates may be interviewed prior to appointment.
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ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

☐ Planning & Zoning Board

☐ Board of Adjustment

☐ Downtown Development Assoc.

☐ Clayton Library Board

☒ Recreation Advisory Committee

☐ Fire Dept. Advisory Board

☐ Public Arts Advisory Board

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Toby Williamson

Mailing Address: 604 Garrison Ave.

Physical HOME Address: 604 Garrison Ave Clayton NC 27520

Phone Number (HOME): 919-553-7278 (WORK) N/A

FAX Number: N/A Mobile Number: 910-284-2310

Email Address: TobyWilliamson22@gmail.com

*Female ☐ *Male ☒

*Race White

Employer: Wal-Mart Stores Inc.

Occupation: Management

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 13 yrs

Do you live in the Clayton town limits: Yes ☒ No ☐ ETJ: Yes ☐ No ☐

How did you find out about this board or committee? Facebook ☐ Website ☐ TV ☐

Newspaper ☐ Email ☐ Twitter ☐ Mail ☒ Other

Outline your qualifications and why you wish to serve the board/committee you indicated.

Clayton Citizen concerned about Family life
and bettering the community

State why you would be an asset to this board or committee. Unique view
of community grants, programs and offerings.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☒ Yes ☐ If Yes, explain:

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____


Signature

10/24/16
Date

- Please do not submit resumes or attachments.
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ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- | | |
|---|--|
| ☐ Planning & Zoning Board | ☐ Board of Adjustment |
| ☐ Downtown Development Assoc. | ☐ Clayton Library Board |
| ☒ Recreation Advisory Committee | ☐ Fire Dept. Advisory Board |
| ☐ Public Arts Advisory Board | |

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Theodore J. Wilker Jr.

Mailing Address: 29 Lafay Drive

Physical HOME Address: Same

Phone Number (HOME): _____ (WORK) _____

FAX Number: _____ Mobile Number: 267-973-7943

Email Address: tlwilker@embarqmail.com

*Female ☐ *Male ☒

*Race Caucasian

Employer: N/A

Occupation: Retired

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 9 YRS 10 MOS.

Do you live in the Clayton town limits: Yes ☒ No ☐ ETJ: Yes ☐ No ☐

How did you find out about this board or committee? Facebook ☐ Website ☐ TV ☐

Newspaper ☐ Email ☐ Twitter ☐ Mail ☐ Other Already serve on board

Outline your qualifications and why you wish to serve the board/committee you indicated.

7+ years on Parks and Recreation Advisory
board.

State why you would be an asset to this board or committee. _____

Same

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☒ Yes ☐ If Yes, explain: _____

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
<u>Parks and Rec.</u>	<u>2008</u>	<u>Present</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

<u></u>	<u>10/1/2016</u>
Signature	Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (knoffett@townofclaytonnc.org)

**Town of Clayton
Downtown Development Association
By-Laws**

Article I- Name and Purpose.

- A. The name of the Association shall be the Clayton Downtown Development Association (hereinafter referred to as the "CDDA").
- B. The purpose of the CDDA shall be to support the Clayton Downtown Development Association, Inc., a 501-c-3 not-for-profit. This includes: preserving the character of the Downtown Clayton area; protecting the historic significance of the buildings, facilities, and spaces within Downtown Clayton; educating citizens and business people about the value of the history of Downtown Clayton; promoting Downtown Clayton as a place to invest for the preservation and promotion of historic quality, unique features and historic landmarks; serving as a review and advisory committee to the Town of Clayton Town Council; and implementing projects that enhance and protect Downtown Clayton.
- C. With the purposes noted above, the CDDA shall serve as the operations unit for the Clayton Downtown Development Association, Inc. The Clayton Downtown Development Association, Inc. shall serve to accept funds on behalf of, distribute funds in support of, and solicit funds and donations in accordance with the common purposes of the two groups. In the event some purpose or program of the CDDA shall be inconsistent with the purposes, rules, laws, by-laws, or procedures of the Clayton Downtown Development Association, Inc. the two shall act independently without reliance or involvement by the other.

Article II- Nature of the Organization.

- A. The nature of the CDDA shall be to work on behalf of the Town of Clayton and to serve its interests and desires in relation to the goals and priorities established by the Town Council for the Town of Clayton within the purpose defined above.
- B. The Association shall hold no assets, collect no fees, nor function in any way as a business organization, or a regulatory body.

Article III- Membership, Appointment, and Directors.

- A. Members of the Clayton Downtown Development Association shall be appointed by the Clayton Town Council. Membership shall consist of eleven (11) regular members which will make up the Board of Directors. Members may be residents of the Town of Clayton, businesspersons with interests in the

Downtown Clayton area, property owners within the Downtown District of Clayton, or other persons with knowledge or abilities deemed beneficial to the purpose of the Association. The Town Manager, Planning Director, and the Mayor or member of the Town Council shall serve as Ex-officio members of the Association having no voting rights or serving on any standing or special committee. The Town of Clayton's Downtown Development Coordinator shall serve as the primary liaison between the Town and the CDDA.

- B. Terms of membership shall be for three years beginning on July 1st and expiring on June 30th of each year. Membership may be renewed by Town Council after the initial term. When filling of vacancies caused by the expiration of the terms of an existing member, the Town Council may appoint certain members for less than three years to complete the term, and the terms of all members shall not expire at the same time.
- D. The Board of Directors shall select Officers annually at its July meeting, or their last official meeting of the calendar year. With the exception of the Current Past President, the Officers shall be elected by the CDDA's Board of Directors. The following Officers shall be appointed upon majority vote of the membership present at an official meeting: Chairman, Vice-Chairman.
- E. Duties of Officers.
 - 1. Chairman. The Chairman shall preside at meetings and shall retain full voting rights. The Chairman shall make appointments to special and standing committees of the Association. The Chairman may call a special meeting with a minimum of forty-eight hours written notice to the membership. The Chairman shall serve as ex-officio member of all standing committees.
 - 2. Vice-Chairman. The Vice-Chairman shall preside at meetings in the Chairman's absence. Should the Chairman resign or otherwise become unable to fulfill the duties of office during an elected term, the Vice-Chairman shall assume the post.

Article IV- Changes to By-laws.

Changes to the by-laws shall be made by a majority vote of the directors following review and consent of the Clayton Town Council.

Article V- Meetings.

- A. Regular meetings shall be held by the Association on a date and time based on a calendar adopted annually by the Association and filed with the Town Clerk. In the event no business is pending and no agenda is developed a meeting may be canceled except that no more than two consecutive meetings may be canceled. A Special Meeting of the Association may be called by the Chairman or upon a call of a simple majority of the members of the Association in accordance with NCGS 143-318.12.

- B. All directors are expected to attend regular and special called meetings. Failure to attend three consecutive meetings without prior notice of absence shall result in removal from the Association and shall require no action beyond notification to the Town Council of the need for appointment to an unexpired term.
- C. Business of the Association shall only take place in the course of an official meeting. An official meeting shall only take place in the presence of a quorum at regular scheduled or properly called special meetings. A simple majority of active members shall constitute a quorum.

Article VI- Organization.

A. Committees. The CDDA shall be organized into the following standing committees with the purposes as noted:

- 1) Organization Committee. The purpose of the Organization Committee is to foster Downtown Clayton as the Town's center of activity, and to ensure its economic stability through historic preservation, communication, education, promotion, and economic revitalization. The Organization Committee includes all 11 Directors and the Ex-Officio Directors. The Organization Committee provides the stability necessary to build and maintain a downtown program that is well structured, well-funded and committed to the future of the heart of Clayton. The Organization Committee is responsible for managing the financial and logistical aspects of the Corporation and the Town's Main Street Program.
- 2) Design Committee. The purpose of the Design Committee is to evaluate the downtown environment and recommend physical improvements to buildings, businesses and other public infrastructure. This activity often requires consensus among independent business owners and property owners to bring about positive aesthetic change. These improvements shape the physical image of downtown to create a place that is attractive to shoppers, investors, business owners, and visitors. Much of this work occurs in partnership with the Downtown Development Coordinator and in one-on-one relationships with members of the downtown community, property owners, business managers, Town staff, and elected officials.
- 3) Promotion Committee. The purpose of the Promotions Committee is to promote Downtown Clayton as the center of activity, commerce, culture, and community for both residents and visitors. Developing and maintaining an image campaign, educating retailers about and encouraging joint retail promotions, and special events help achieve the goals of this committee.
- 4) Economic Revitalization Committee. Rebuilding the economic vitality of Downtown Clayton is the purpose of the Economic Revitalization Committee. The committee members develop a thorough understanding of the economic condition in Downtown Clayton and use that understanding to gain both public and private sector support and involvement. Utilizing the unique skills and resources of each sector, the committee implements a well-planned and comprehensive strategy to gradually improve downtown's economic foundation.

B. All Directors are required to serve on at least one Committee in addition to the Organization Committee. The President shall appoint, with the advice and consent of the Board of Directors, additional committees as may be deemed advisable from time to time. The President shall be an ex officio member of all committees.

C. The Chairman may, as needed, establish other standing or special committees without necessity of revision to or amendment of these by-laws.

Article VII- Other Topics.

A. The Clayton Downtown Development Association is established by and serves as a sub unit to the Town of Clayton. The Association shall continue to serve and exist unless and until official action is taken by the Town Council for the Town of Clayton to abolish or modify the Association. No action other than majority vote of the Clayton Town Council shall have the effect of abolishing or otherwise ending the purposes, duties, responsibilities, or authorities of the Association.

Duly adopted this 5th day of December, 2016 while in regular session.

Jody L. McLeod
Mayor

Kimberly Moffett, CMC, NCCMC
Town Clerk

DDA By-Laws, Amended 6/19/2006; Amended 6/07/2010, Amended 12/5/2016



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

AGENDA LOCATION:

Introductions & Special Presentations

Meeting Date:

December 5, 2016

ITEM TITLE:

Recognition of Eagle Scout Improvement Project at Legend Park

DESCRIPTION:

Recognition of Clayton resident Dylan Swain who partnered with the Town of Clayton Parks & Recreation to earn his Eagle Scout rank, which is the highest rank awarded by the Boy Scouts of America. For his project, Swain led his troop in renovating and updating the aging dugout at the baseball field at Legend Park. His hard work will help improve the experience and safety for hundreds of Clayton families who use the park for ball games throughout the year.

POTENTIAL ACTION:

DEPARTMENT:

Administration

PRESENTER:

Stacy Beard, Public Information Officer

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



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

AGENDA LOCATION:

Public Hearings

Meeting Date:

December 5, 2016

ITEM TITLE:

Annexation - #2016-255-ANX - Umstead Property

DESCRIPTION:

Consideration for 18.590 acres +/- for Voluntary Contiguous Annexation.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

Planning Department

ITEM HISTORY:

Date:

November 21,
2016

Action Taken:

Set Public Hearing for December 5, 2016

Information Provided:

Application, Map, Resolution Setting Date for Public Hearing & Public Notice

Date:

Action Taken:

Information Provided:



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

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are due by 5pm on the first working day of each month.

Request Information

☒ **Contiguous Annexation**

☐ **Non-Contiguous Annexation**

The following items must accompany an annexation petition:

To be completed by the applicant:	Included?	
	Yes	No
1. Petition for Annexation with original signatures	☒	☐
2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet).	☒	☐
3. Legal Description (metes and bounds)	☒	☐

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

Petition for Voluntary Annexation Application – Property Information
COMPLETE IF A LIMITED LIABILITY COMPANY:

Submittal Date: 10/24/16

Petition No.: ANX 2016-225

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

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

*If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is ☒ contiguous, ☐ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total acreage to be annexed: 18.590 ACRES
Existing housing units: 0 HOUSING UNITS
Population of acreage to be annexed: 0 POPULATION
Existing Zoning District*: R-10
Proposed Town Zoning District*: R-10
Reason for petitioner to annex: ☒ Receive Town Services
☐ Other (please specify): _____

5. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

In witness whereof, Unstead Partners, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 24 day of OCTOBER, 20 16.

Name of Limited Liability Company:

Unstead Partners, LLC

By:

[Signature]
Signature of Member/Manager

**STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON**

Sworn and subscribed before me, Natalie W Braxton, a Notary Public for the above State and County, this 24 day of October, 20 16.

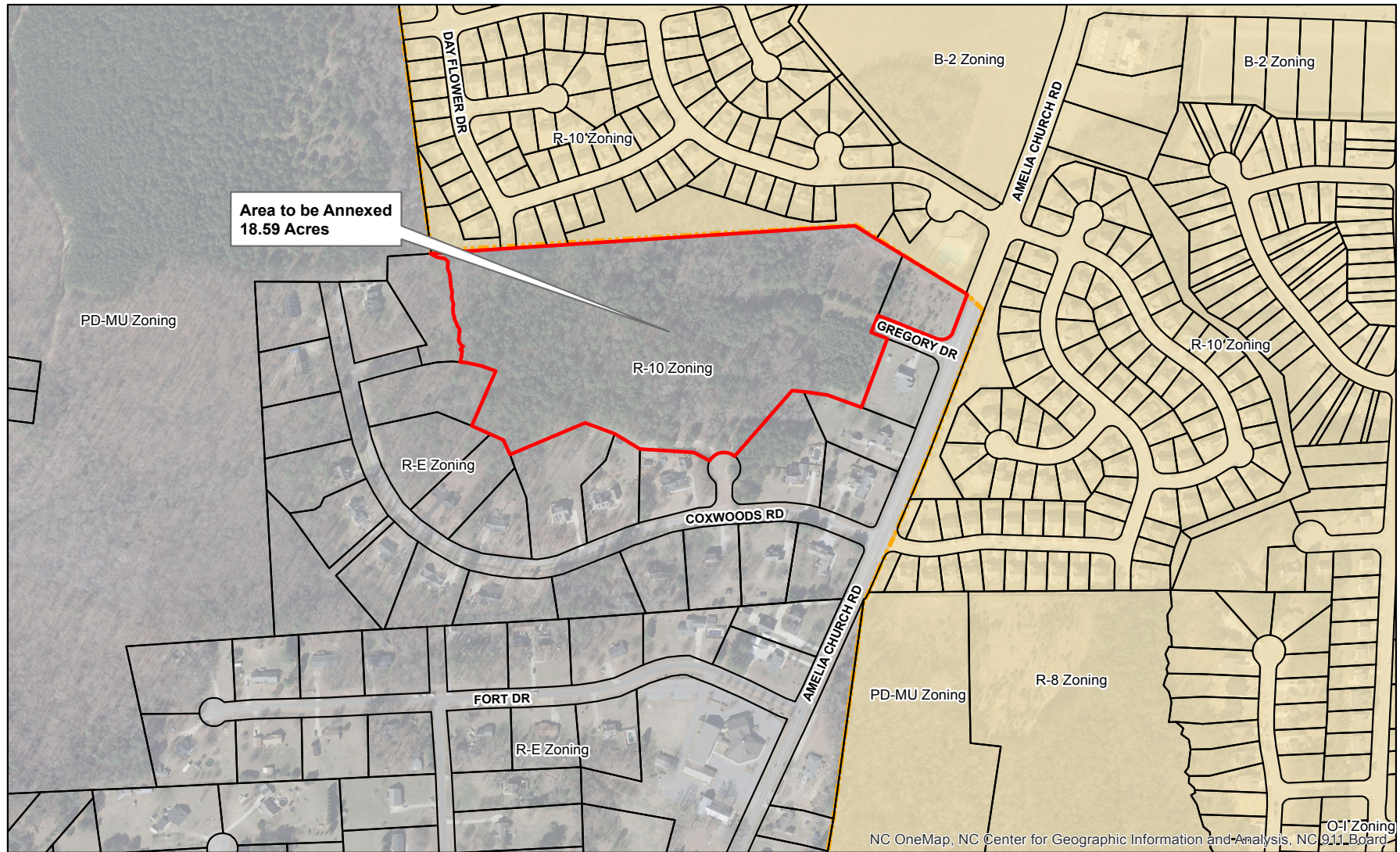
Natalie W Braxton
Notary Public

SEAL

My Commission Expires: 08-08-17

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 or NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	The following certification must be placed on the map near a border to allow the map to be sealed: Annexation # _____ I, David DeYoung, AICP, Planning Director, Clayton, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, _____, by the Town Council. I set my hand and seal to the Town of Clayton, _____. Day/Month/Year _____ David DeYoung AICP
14.	Leave 2 inch by 2 inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

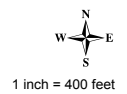


- Legend**
- Clayton Town Limits
 - Clayton ETJ
 - Parcels
 - Area to be Annexed

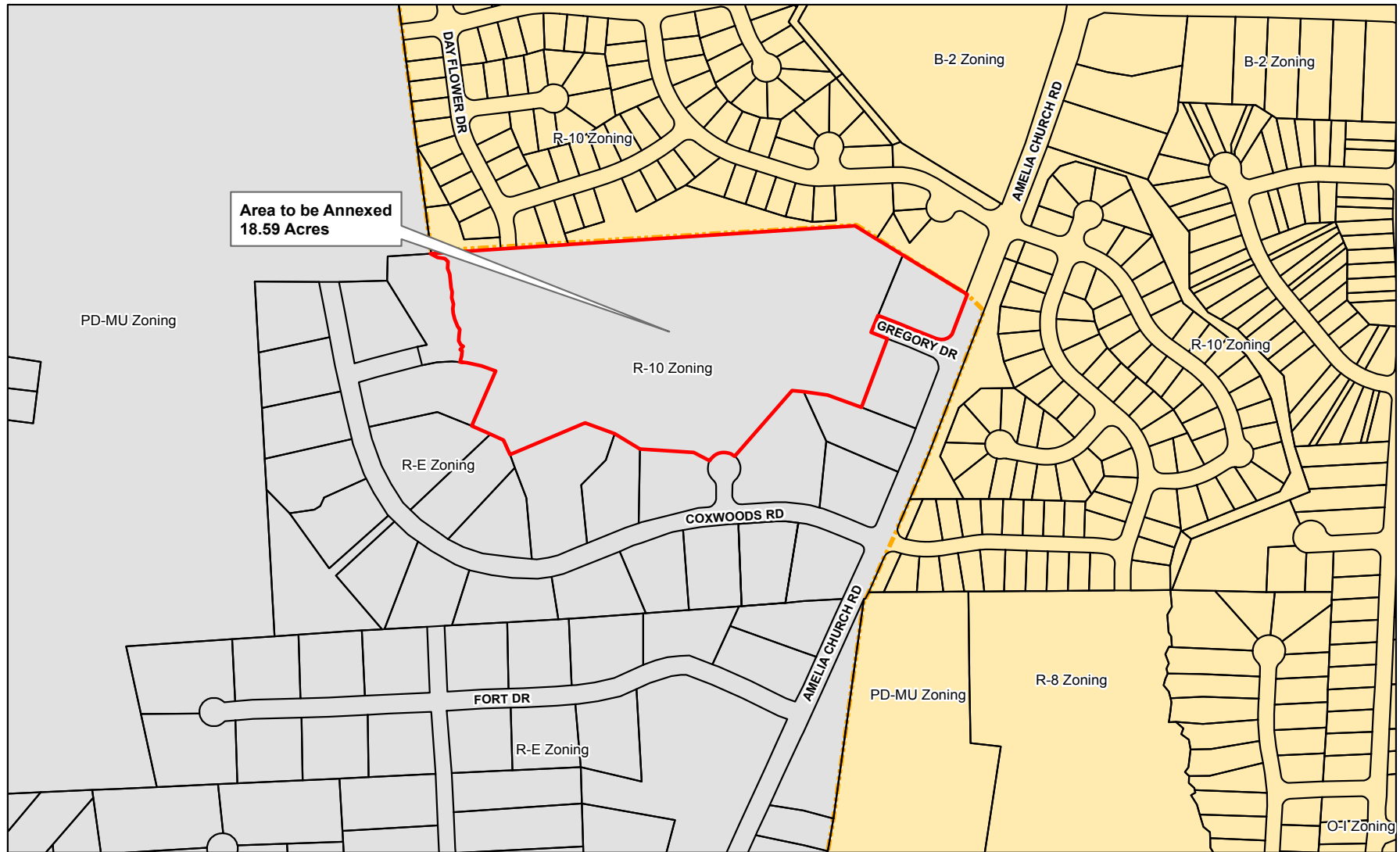
Produced by: TOC Planning
October 28, 2016

Annexation Map

Applicant(s): Umstead Partners LLC
Property Owner(s): Umstead Partners LLC
Parcel Number(s) Portion of 05G02013 & 05G02040A
File Number(s): 2016-225-ANX



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



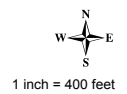
Legend

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

Produced by: TOC Planning
October 28, 2016

Annexation Map

Applicant(s): Umstead Partners LLC
Property Owner(s): Umstead Partners LLC
Parcel Number(s) Portion of 05G02013 & 05G02040A
File Number(s): 2016-225-ANX



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

ANNEXATION PETITION 2016-225-ANX
Umstead Property
Parcels: Portion of 05G02013 & 05G02040A
Owners: Umstead Partners LLC
Contiguous; 18.59 +/- acres

TOWN OF CLAYTON
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S.160A-31

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

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

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

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

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held at Town Hall at 6:30 PM on Monday, December 5, 2016.

Section 2. Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Commencing at a point, said point being an iron pipe set along the southern right-of-way of Gregory Drive in Clayton, North Carolina. Said point also being the northwestern corner of the William Koelsch property as recorded in Deed Book 2747 Page 361, Johnston County Registry. Said point also being an eastern corner of the Cox Living Trust property as recorded in Deed Book 2956 Page 584 and the POINT OF BEGINNING. Thence from said point a bearing and distance of S 20°28'01" W a distance of 229.39' to an iron pipe found. Thence N 69°32'41" W a distance of 111.05' to an iron pipe found. Thence N 81°19'21" W a distance of 70.19' to an iron pipe found. Thence N 83°47'37" W a distance of 39.34' to an iron pipe found. Thence S 40°47'36" W a distance of 271.33' to an iron pipe found. Thence with a curve turning to the left with an arc length of 89.58', a radius of 50.00', a chord bearing of S 79°40'41" W, and a chord length of 78.07' to an iron pipe found. Thence N 61°27'48" W a distance of 55.09' to an iron pipe found. Thence N 85°57'03" W a distance of 165.11' to an iron pipe found. Thence N 57°41'28" W a distance of

90.92' to an iron pipe found. Thence N 69°32'15" W a distance of 96.99' to an iron pipe found. Thence S 66°54'07" W a distance of 250.64' to an iron pipe found.

Thence

N 23°07'57" W a distance of 49.96' to an iron pipe found. Thence N 65°13'35" W a distance of 42.82' to an iron pipe found. Thence N 65°16'35" W a distance of 63.84' to an iron pipe found. Thence

N 23°17'37" E a distance of 186.91' to an iron pipe found. Thence with a curve turning to the left with an arc length of 110.60', a radius of 352.78', a chord bearing of N 75°24'34" W, and a chord length of 110.15' to a point along a creek. Thence along the creek in a northerly direction the following bearings and distances: N 23°33'03" E 36.24', N 05°52'06" E 18.53', S 84°00'05" W 13.64', N 26°25'00" W

14.12', N 23°11'36" E 23.42', N 66°39'28" W 5.15', N 82°11'55" W 10.81', N 31°31'09" W 10.58',

N 52°36'11" W 16.12', N 09°00'09" W 19.48', N 33°46'43" E 16.48', N 09°57'32" W 19.30',

N 05°06'49" E 22.90', N 20°46'01" W 10.55', N 00°45'15" W 12.63', N 09°59'04" E 4.83',

N 20°15'09" E 14.89', N 33°57'27" E 5.71', N 26°45'46" W 7.40', N 03°21'36" W 25.05', N 13°05'45" W

14.60', N 18°15'18" W 9.60', N 48°48'36" E 15.43', N 19°33'08" W 10.95', N 68°36'49" W 11.82',

N 38°48'58" W 19.73', N 03°52'27" W 12.09', N 50°41'11" W 14.43' to a point.

Thence leaving the run of the creek N 86°25'24" E a distance of 319.24' to an iron pipe found. Thence N 86°24'11" E a distance of 64.96' to an iron pipe found.

Thence N 86°25'07" E a distance of 884.78' to a concrete monument found.

Thence S 57°36'42" E a distance of 172.74' to an iron pipe found. Thence S 57°36'42" E a distance of 231.06' to an iron pipe set along the western right-of-way of Amelia Church Road. Thence along the western right-of-way of Amelia Church Road in a southerly direction a bearing and distance of

S 20°40'26" E 133.84' to an iron pipe set. Thence with a curve to the right with an arc length of 39.84', a radius of 25.00', a chord bearing of S 66°19'49" W and a chord length of 35.76' to an iron pipe found along the northern right-of-way of Gregory Drive. Thence N 68°00'47" W a distance of 205.83' to an iron pipe set.

Thence S 22°07'35" W 60.00' to an iron pipe set. Thence S 68°00'47" E a distance of 53.68' to an iron pipe found and the POINT OF BEGINNING and containing 18.590 acres (809772 square feet).

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

Duly adopted this 21st day of November 2016 while in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Kimberly A. Moffett, CMC
Town Clerk

PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:30 PM on Monday, December 5, 2016, at Town Hall, 111 E. Second Street, on the question of annexing the following described contiguous area, requested by annexation petition 2016-225-ANX filed pursuant to G.S. 160A-31:

The area proposed for annexation is described as the following: Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Commencing at a point, said point being an iron pipe set along the southern right-of-way of Gregory Drive in Clayton, North Carolina. Said point also being the northwestern corner of the William Koelsch property as recorded in Deed Book 2747 Page 361, Johnston County Registry. Said point also being an eastern corner of the Cox Living Trust property as recorded in Deed Book 2956 Page 584 and the POINT OF BEGINNING. Thence from said point a bearing and distance of S 20°28'01" W a distance of 229.39' to an iron pipe found. Thence N 69°32'41" W a distance of 111.05' to an iron pipe found. Thence N 81°19'21" W a distance of 70.19' to an iron pipe found. Thence N 83°47'37" W a distance of 39.34' to an iron pipe found. Thence S 40°47'36" W a distance of 271.33' to an iron pipe found. Thence with a curve turning to the left with an arc length of 89.58', a radius of 50.00', a chord bearing of S 79°40'41" W, and a chord length of 78.07' to an iron pipe found. Thence N 61°27'48" W a distance of 55.09' to an iron pipe found. Thence N 85°57'03" W a distance of 165.11' to an iron pipe found. Thence N 57°41'28" W a distance of 90.92' to an iron pipe found. Thence N 69°32'15" W a distance of 96.99' to an iron pipe found. Thence S 66°54'07" W a distance of 250.64' to an iron pipe found. Thence N 23°07'57" W a distance of 49.96' to an iron pipe found. Thence N 65°13'35" W a distance of 42.82' to an iron pipe found. Thence N 65°16'35" W a distance of 63.84' to an iron pipe found. Thence N 23°17'37" E a distance of 186.91' to an iron pipe found. Thence with a curve turning to the left with an arc length of 110.60', a radius of 352.78', a chord bearing of N 75°24'34" W, and a chord length of 110.15' to a point along a creek. Thence along the creek in a northerly direction the following bearings and distances: N 23°33'03" E 36.24', N 05°52'06" E 18.53', S 84°00'05" W 13.64', N 26°25'00" W 14.12', N 23°11'36" E 23.42', N 66°39'28" W 5.15', N 82°11'55" W 10.81', N 31°31'09" W 10.58', N 52°36'11" W 16.12', N 09°00'09" W 19.48', N 33°46'43" E 16.48', N 09°57'32" W 19.30', N 05°06'49" E 22.90', N 20°46'01" W 10.55', N 00°45'15" W 12.63', N 09°59'04" E 4.83', N 20°15'09" E 14.89', N 33°57'27" E 5.71', N 26°45'46" W 7.40', N 03°21'36" W 25.05', N 13°05'45" W

14.60', N 18°15'18" W 9.60', N 48°48'36" E 15.43', N 19°33'08" W 10.95', N 68°36'49" W 11.82',
N 38°48'58" W 19.73', N 03°52'27" W 12.09', N 50°41'11" W 14.43' to a point.
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This is an open meeting and the public is invited to attend.

Kimberly A. Moffett, CMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004

Clayton News-Star

Please advertise on the following date:

November 23, 2016

Affidavit of publication required.

Ordinance #2016-12-02

ANNEXATION PETITION #2016-225-ANX
Umstead Property
Parcels: Portion of 05G02013 & 05G02040A
Owners: Umstead Partners, LLC
Contiguous; 18.59 +/- acres

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF CLAYTON, NORTH CAROLINA**

WHEREAS, the Town of Clayton has been petitioned under G.S. 160A-31 to annex the area described below; and

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Town Hall at 6:30 PM on December 5, 2016, after due notice by publication on November 23, 2016; and

WHEREAS, the Town of Clayton finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held at Town Hall at 6:30 PM on Monday, December 5, 2016.

Section 2. Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Commencing at a point, said point being an iron pipe set along the southern right-of-way of Gregory Drive in Clayton, North Carolina. Said point also being the northwestern corner of the William Koelsch property as recorded in Deed Book 2747 Page 361, Johnston County Registry. Said point also being an eastern corner of the Cox Living Trust property as recorded in Deed Book 2956 Page 584 and the POINT OF BEGINNING. Thence from said point a bearing and distance of S 20°28'01" W a distance of 229.39' to an iron pipe found. Thence N 69°32'41" W a distance of 111.05' to an iron pipe found. Thence N 81°19'21" W a distance of 70.19' to an iron pipe found. Thence N 83°47'37" W a distance of 39.34' to an iron pipe found. Thence S 40°47'36" W a distance of 271.33' to an iron pipe found. Thence with a curve turning to the left with an arc length of 89.58', a radius of 50.00', a chord bearing of S 79°40'41" W, and a chord length of 78.07' to an iron pipe found. Thence N 61°27'48" W a distance of 55.09' to an iron pipe found. Thence N 85°57'03" W a distance of 165.11' to an iron pipe found. Thence N 57°41'28" W a distance of 90.92' to an iron pipe found. Thence N 69°32'15" W a distance of 96.99' to an iron pipe found. Thence S 66°54'07" W a distance of 250.64' to an iron pipe found. Thence N 23°07'57" W a distance of 49.96' to an iron pipe found. Thence N 65°13'35" W a distance of 42.82' to an iron pipe found. Thence N 65°16'35" W a distance of 63.84' to an iron pipe found. Thence N 23°17'37" E a distance of 186.91' to an iron pipe found. Thence with a curve turning to the left with an arc length of 110.60', a radius of 352.78', a chord bearing of N 75°24'34" W, and a chord length of 110.15' to a point along a creek. Thence along the creek in a northerly direction the following bearings and distances: N 23°33'03" E 36.24', N 05°52'06" E 18.53', S 84°00'05" W 13.64', N 26°25'00" W 14.12', N 23°11'36" E 23.42', N 66°39'28" W 5.15', N 82°11'55" W 10.81', N 31°31'09" W 10.58', N 52°36'11" W 16.12', N 09°00'09" W 19.48', N 33°46'43" E 16.48', N 09°57'32" W 19.30', N 05°06'49" E 22.90', N 20°46'01" W 10.55', N 00°45'15" W 12.63', N 09°59'04" E 4.83', N 20°15'09" E 14.89', N 33°57'27" E 5.71', N 26°45'46" W 7.40', N 03°21'36" W 25.05', N 13°05'45" W 14.60', N 18°15'18" W 9.60', N 48°48'36" E 15.43', N 19°33'08" W 10.95', N 68°36'49" W 11.82', N 38°48'58" W 19.73', N 03°52'27" W 12.09', N 50°41'11" W 14.43' to a point. Thence leaving the run of the creek N 86°25'24" E a distance of 319.24' to an iron pipe found. Thence N 86°24'11" E a distance of 64.96' to an iron pipe found. Thence N 86°25'07" E a distance of 884.78' to a concrete monument found. Thence S 57°36'42" E a distance of 172.74' to an iron pipe found. Thence S 57°36'42" E a distance of 231.06' to an iron pipe set along the western right-of-way

of Amelia Church Road. Thence along the western right-of-way of Amelia Church Road in a southerly direction a bearing and distance of S 20°40'26" E 133.84' to an iron pipe set. Thence with a curve to the right with an arc length of 39.84' a radius of 25.00', a chord bearing of S 66°19'49" W and a chord length of 35.76' to an iron pipe found along the northern right-of-way of Gregory Drive. Thence N 68°00'47" W a distance of 205.83' to an iron pipe set. Thence S 22°07'35" W 60.00' to an iron pipe set. Thence S 68°00'47" E a distance of 53.68' to an iron pipe found and the POINT OF BEGINNING and containing 18.590 acres (809772 square feet)

Section 2. Upon and after December 5, 2016, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Duly adopted this 5th day of December 2016, while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Katherine Ross
Town Attorney

**NORTH CAROLINA
JOHNSTON COUNTY**

This _____ day of _____, 2016, personally appeared before me Kimberly A. Moffett, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Kimberly A. Moffett, signed her name in attestation of said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

Notary Public - Signature

(SEAL)

Notary Public – Printed Name

Commission Expires: _____

County of Commission: _____



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

AGENDA LOCATION:

Public Hearings

Meeting Date:

December 5, 2016

ITEM TITLE:

Special Use Permit #2016-188-SUP - Johnston County Charter Academy

DESCRIPTION:

Applicant is requesting SUP to allow the use of a charter school (Kindergarten - 8th grade) on a portion of the subject property, which is zoned Residential-10.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

Planning Department

ITEM HISTORY:

Date:

November 21,
2016

Action Taken:

Set Public Hearing for December 5, 2016

Information Provided:

Application, Staff Report, Map, Planning Board Recommendation & Public Notice

Date:

Action Taken:

Information Provided:



TOWN OF CLAYTON

Planning Department

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

SPECIAL USE APPLICATION

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

Application Fee: \$400.00.

Advertisement Fee: \$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 Special Use Permit applications.

APPLICATION TYPE

☒ New Special Use Permit

☐ Major Modification to an approved SUP

Permit Modified: _____

SITE INFORMATION

Name of Project: Johnston Charter Academy Acreage of Property: _____

Parcel ID Number: 05G02001A Tax ID: 4357241

Deed Book: 01875 Deed Page(s): 0903

Address/Location: SE corner of Financial Dr & Town Centre Blvd, east of the Wal-Mart facility

Existing Use: Vacant, undeveloped Proposed Use: K-8 Public Charter School

Is project within a Planned Development? ☒ No ☐ Yes

Planned Development District (if applicable): _____

Is project within an Overlay District? ☒ No ☐ Yes

Overlay District (if applicable): _____

OFFICE USE ONLY

Date Received: SFP 02 2016 Amount Paid: \$500.00 Permit Number: 2016-188-SUP

version: 01/06/2016

Page 1 of 9

PROPERTY OWNER INFORMATION

Name: Douglas I & Cynthia M Stephens Irrevocable Trust c/o Matt Stephens

Mailing Address: 319 Chapanoke Rd Ste 103, Raleigh, NC 27603-0000

Phone Number: (919) 779-8649

Fax: _____

Email Address: mattstephens@bellsouth.net

APPLICANT INFORMATION

Applicant: Charter Development Company LLC, subsidiary of National Heritage Academies

Mailing Address: 3850 Broadmoor Ave, Ste 201, Grand Rapids, MI 49512

Phone Number: (616) 299-6611

Fax: (616) 222-1700

Contact Person: Bob Dunston

Email Address: BDunston@NHASchools.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: _____	☒	☐			
2. Review Fee (\$400) and Application Fee (\$100)	☒	☐			
3. Completed application (9 copies)	☒	☐			
4. Owner's Consent Form (9 copies)	☒	☐			
5. Adjacent property owners list (9 copies)	☒	☐			
6. Wastewater allocation request OR verification of wastewater allocation (9 copies)	☒	☐			
7. Signed and sealed traffic impact analysis (2 copies)	☒	☐			
8. If applicant is concurrently applying for site plan approval, a copy of the proposed site plan.	☒	☐			
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

JOHNSTON CHARTER ACADEMY
Findings of Fact

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

The proposed location was chosen because it is served adequately by essential public utilities, streets, highways, fire, police, and public transportation, and would not materially endanger the public health or safety if developed according to the submitted plans, as approved. Furthermore, the applicant's engineers and architects have;

- a. met with the Fire Chief to review and design features of the site to ensure life and safety service responders have proper access in the event of an emergency. These include but are not limited to incorporating new hydrants, dedicated FDC lines, and a second emergency access drive'
- b. designed the facility with fire suppression systems, and alarms, and internal operational safety features,
- c. incorporated city sidewalks to provide safe connectivity to future development,
- d. designed onsite parking and queuing to exceed the current requirements of the Town of Clayton and NCDOT.
- e. proposed that Financial Drive and utilities will be extended and the associated right of way dedicated to the Town of Clayton (applicants cost),
- f. designed new stormwater controls in accordance with the Johnston County stormwater design manual,
- g. submitted historical water and sewer invoices to the Town Engineer with the Wastewater Allocation Request. Subsequently, the capacities have been confirmed to be sufficient.
- h. prepared and submitted a traffic impact analysis (TIA), with mitigation recommendations to the NCDOT (applicant is prepared to construct the recommended improvements at their cost)

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.

The applicant has engaged licensed professionals to prepare the various required elements of the application to ensure all required specifications conform to the standards and practices of sound land use planning, including the Town Ordinances and other applicable regulations. These professionals include but are not limited to the following; civil, traffic, geotechnical, and environmental engineers, architectural, landscape, lighting and interior designers. Together with the applicants experienced managers, the team of professionals have;

- a. met and or discussed the various elements in the application(s), site plan and ordinances with Town Planners, Town Engineers, the Fire Marshal, the Johnston County stormwater

manager, NCDOT regional and state managers, and the State Health Departments. Their respective comments are incorporated into the proposed site plan, which will meet the requirements of all applicable local ordinances, laws, and regulations.

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.**

The proposed institutional use will not substantially injure the value of adjoining or abutting property, nor be detrimental to adjacent properties because:

- a. Educational facilities are often centers for creativity, incubators for ingenuity and conduits for community involvement, each of which will continue to enhance Clayton's economic and cultural welfare.
- b. The proposed site plan is designed to minimize the impact to wetland areas south of the on the property, and will result in more open space (e.g. multipurpose field, play area and playground) and a less intense overall development than would a residential development permitted by the underlying R10 zoning.
- c. Commercial businesses will likely benefit from parents electing combine a convenient shopping trip with the drop off or pick up of their child at the school.
- d. There are no residential properties that are contiguous neighbors to the school, and there are no shared roads, access points, or circulation paths that the proposed school site shares with any nearby residential properties.
- e. The school will be constructed with a variety of high quality, low maintenance materials and utilize earth tone primary colors.
- f. The cost of the public improvements will be borne by the applicant and improved site usage may result in increased property values for adjacent uses.
- g. Recommendations have been made in the Traffic Investigation Analysis report and submitted to the NCDOT. The applicant is prepared to permit, construct and pay for these recommended improvements.
- h. The "natural" features surrounding Little Creek to the south, provide for a natural buffer and transition of uses on adjacent parcels

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.**

The proposed institutional use will support the adopted plans and policies of the Town in many ways, including but not limited to:

- a. The proposed school is located on property identified to serve as Community Center(CC) uses in the Future Land Use section of the Comprehensive Plan 2040,b.

The school is a community-serving institution that is allowed in and consistent with uses permitted in the current R-10 zoning district. The site is located near a major thoroughfare and is accessible to a convenient road network, thereby avoiding added traffic in residential communities.

- b. The site plan will meet or exceed all applicable Clayton town Ordinances and standards.
- c. The facility will meet or exceed the requirements of current Building Codes.
- d. The school elevations will be constructed with various low maintenance materials including but not limited to brick, cements sidings, stone veneer, aluminum trims,
- e. The site is located in a mixed use environment, with commercial and retail uses, which permits schools. A school use would make a good transitional use between the existing commercial and retail development and future multi-family residential development allowed in the R-10 zoning district. .

JOHNSTON CHARTER ACADEMY Explanation of Project

Charter Development Company a subsidiary of National Heritage Academies, in partnership with the Johnston County Charter Academy Board is proposing to build a new tuition free K-8 Charter School in the Town of Clayton. The school board's charter application to the State of North Carolina has been approved with an anticipated August 2017 school opening. The two story school is approximately 48,000 square feet and will serve 772 students when it reaches full capacity in the 2019-2020 school year. The undeveloped approximately 7.4 acre site is located on the eastern side of the Clayton Town Center development, and is part of a 67 acre parent parcel to be re-platted in connection with the proposed school development. The site is:

- a) located on property identified to serve as Community Center (CC) uses in the Future Land Use section of the Comprehensive Plan 2040,
- b) a community-serving, institutional use allowed in the current R-10 zoning district
- c) served adequately by essential public utilities, streets, highways, fire, and police, and public transportation,
- d) large enough to serve the K-8 school, a multi-purpose field, playgrounds, parking, queuing and provide the required setback buffers.
- e) directly adjacent and connected to the Clayton Town Center development, which includes a signalized primary entrance on Hwy 70 and two additional un-signalized access points,
- f) situated on an extension of Financial Drive, to be built and dedicated to the Town of Clayton by the applicant,
- g) located approximately 2 miles from downtown Clayton.

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.
See Attached Sheet

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.

See attached sheet

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.

See attached sheet

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.

See attached sheet

EXPLANATION OF PROJECT

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

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

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.

Robert Dunston

Print Name

Signature of Applicant

Signature of Applicant

8/31/16

Date _____



TOWN OF CLAYTON

Planning Department

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

OWNER'S CONSENT FORM

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

Project Name: Johnston Charter Academy Address or PIN #: 05G02001A

AGENT/APPLICANT INFORMATION:

National Heritage Academies & Charter Development Company

3850 Broadmoor Ave, Suite 201

(Name - type, print clearly) c/o Robert Dunston
Real Estate Manager
(616) 299-6611

(Address)
Grand Rapids, MI 49512
(City, State, Zip)

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

Special Use Application

Zoning Compliance Permit

Major Site Plan Application

Master Sign Plan Application

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:

Matthew Stephens

(Name - type, print clearly)

319 Chaparral Rd, Ste 102

(Address)

[Signature], President

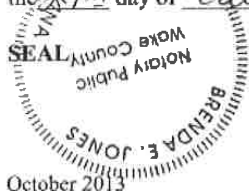
(Owner's Signature)

Raleigh, NC 27603

(City, State, Zip)

STATE OF North Carolina
COUNTY OF Wake

Sworn and Subscribed before me Brenda E. Jones, a Notary Public for the above State and County, this
the 29th day of August, 2016.



Brenda E. Jones
Notary Public

My Commission Expires: June 16, 2020



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

October 24, 2016

STAFF REPORT

Application Number: 2016-188-SUP

Project Name: Johnston Charter Academy Special Use Permit

NC PIN / Tag #: 164900-95-2419/05G02001A
Overlay: None
Applicant: Charter Development Company, LLC
Owner: Stephens Douglas I Irrevocable Trust
Location: Off of Financial Drive located off of U.S HWY 70 BUS

Public Noticing:

- Neighborhood meeting October 4, 2015
- Sign posted prior to October 14, 2016
- Newspaper ad November 23, 2016 and November 30, 2016

REQUEST: The applicant is requesting a special use permit to allow the use of a charter school (Kindergarten-8th grade) on a portion of the subject property, which is zoned Residential-10.

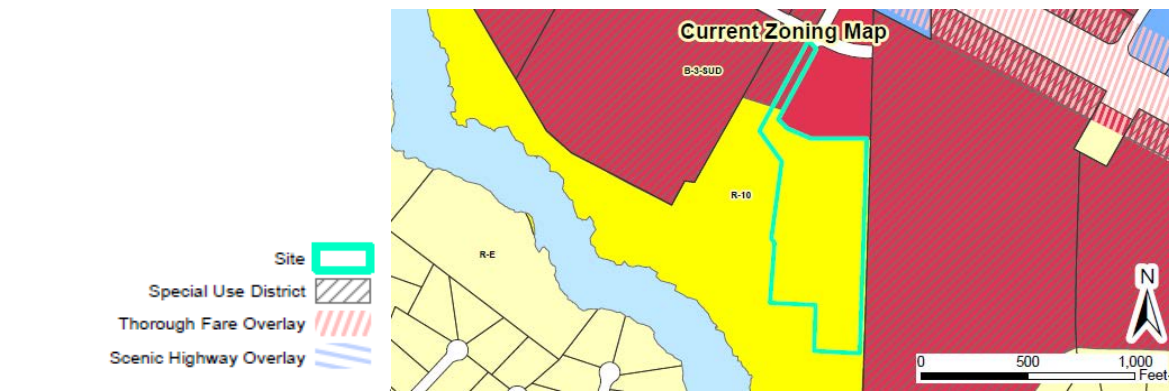
SITE DATA:

Acreage: ±8 acres of 67.56 total acres
Existing Use: Vacant



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Highway Business (B-3)	Vacant
South	Residential-10 (R-10) and Residential-Estate (R-E)	Vacant and Single-Family Residential
East	Highway Business Special Use District (B-3 SUD)	Vacant
West	Residential-10 (R-10) and Highway-Business Special Use District (B-3 SUD)	Vacant and Commercial (WalMart Plaza)



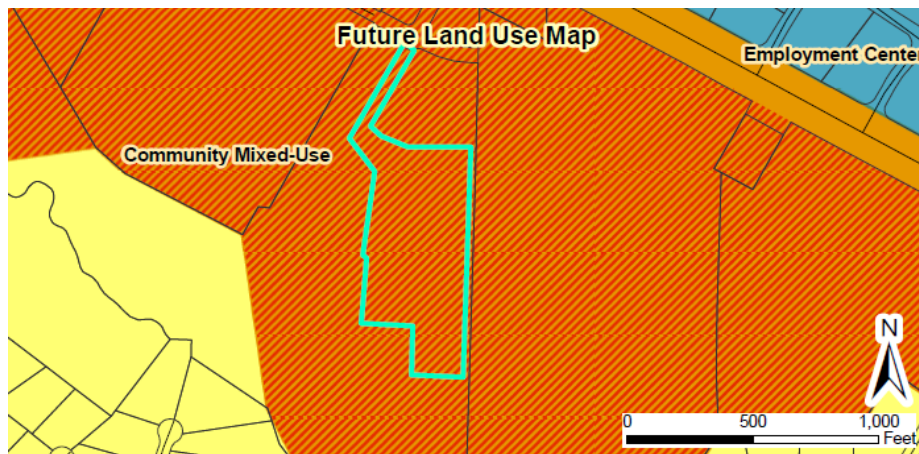
DEVELOPMENT DATA:

Proposed Uses: School, K-8 grades
 Number of Students: 772 (at full operational capacity)
 Buildings: 1 building, 2 stories (47,676 square feet)
 Access/Streets: Access will be provided via an extension of Financial Drive, and an access easement is to be utilized to the east for emergency vehicular access

STAFF ANALYSIS:

Overview

The applicant is requesting a Special Use Permit to operate a charter school on a property that is zoned Residential-10 (R-10). Any school wishing to locate within the R-10 zoning district requires a Special Use Permit in order to be permitted. The subject property is currently vacant, and is located east of the Town Centre shopping plaza and south of US 70 BUS HWY off of Financial Drive. The charter school is proposing to locate on ±8 acres of the subject parcel's total 67.56 acres. An application for this charter school was approved by the State of North Carolina for an anticipated opening in August of 2017. The 48,000 square foot school is proposed to be tuition free and will teach grades K-8, serving approximately 772 students, although initially only grades K-6 will be filled.



Consistency with Adopted Plans:

- **Comprehensive Plan 2040**

The proposed use of the property is consistent with the Comprehensive Plan 2040 Future Land Use Map, which designates the subject property as "Community Mixed-Use".

- **Unified Development Code**

The proposed use of the property is consistent with the Unified Development Code.

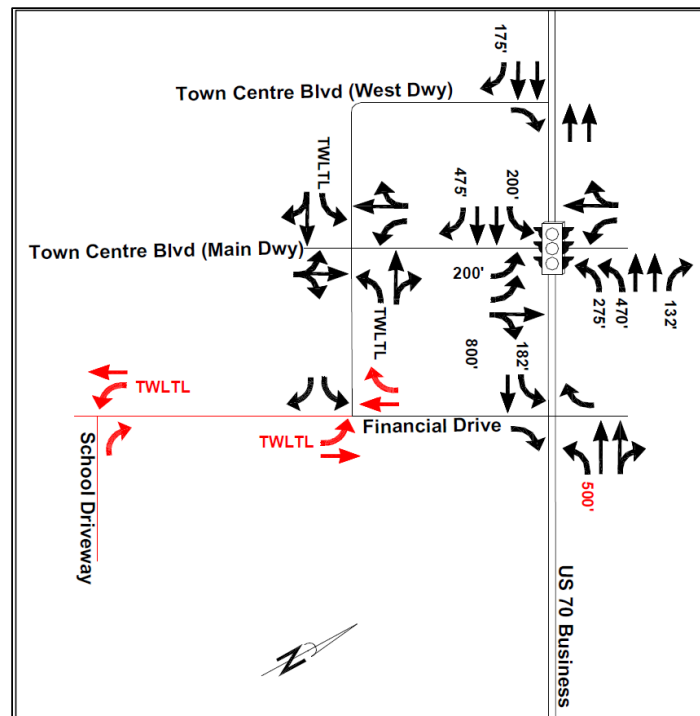
Associated Site Plan

The applicant is proposing to develop the charter school on ± 8 acres of the subject parcel, which has a total of 67.56 acres. The applicant proposes to extend Financial Drive, which will ultimately lead to the driveway of the school's facility, while also maintaining the appropriate interconnectivity with adjacent parcels for future development. The entrance to the facility will be two-way, and traffic entering into the site for drop-off/pick-up will turn right to enter the queuing lanes. All queuing for pick-up/drop-off will occur on site. The facility is proposed to have two playgrounds and a multi-purpose field. The site plan also accommodates two access points for Fire/Police/EMS. A secondary fire access is proposed via an existing 30' access and utility easement located in the rear of the facility.

Traffic Impact Analysis

A Traffic Impact Analysis (TIA) was prepared for this development by Wade Trim, Inc. Because the school will not provide busing to students, transportation of students will be based solely on parent drop-off and pick-up. The average daily trips expected to be generated by this development is 1,590 vehicles per day.

The proposed development will be required to extend Financial Drive from Town Centre Blvd to the proposed school driveway. In order to mitigate traffic impacts caused by the school traffic, a northbound left-turn lane along the new road extension of Financial Drive will be required. The development will also need to extend the westbound left-turn lane along US 70 at Financial Drive to be 500 feet in length. Additionally, the restriping of Financial Drive southbound to Town Centre Blvd will be required to include a through lane and a right turn lane. A stop sign must also be installed on the eastbound Town Centre Blvd approach to Financial Drive. These improvements are illustrated in red in the image below.



Financial Drive is in-process to be accepted for ownership and maintenance by the Town of Clayton, and US Hwy 70 Business is owned and operated by NCDOT. At the time of the writing of this staff report, review and/or recommendations regarding the TIA have not been received back from NCDOT Division 4 or NCDOT Congestion Management. These will be required prior to this application proceeding to Town Council.

Landscaping and Buffering

The appropriate landscaping is provided in the Site Plan. In particular, areas of vehicular use are required to be screened with a Class C Buffer, when these areas are adjacent to residentially zoned property. The landscaping and elevation provide this buffer.

Signs

All signage will meet standards set forth in the Unified Development Code. The applicant has submitted a Master Sign Plan application, and review will begin after the October 24th Planning Board meeting.

Multi-Modal Access

Facilities are provided for pedestrian access and bicycle parking. No facilities are currently provided for bicycle lanes entering the facility, so it is anticipated that the students will bike on the sidewalks. Guidance from Planning Board may be necessary for this design feature.

Wastewater

The wastewater allocation requested is 3,600 gallons per day. This is based on a similar facility in operation elsewhere. The Town Engineer has reviewed this allocation request.

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 adequately addressed the Findings of Fact expressly established by Chapter 155.711(l) of the UDC, and these Findings are accepted as part of the completed application.

CONSIDERATIONS:

- The Town Council approves Special Use Permits. The Planning Board shall make a recommendation to the Town Council.
 - The site will be governed by the associated Site Plan (2016-189-SP).
-

RECOMMENDATION:

Staff is recommending approval with conditions of the above referenced Special Use Permit 2016-188-SUP.

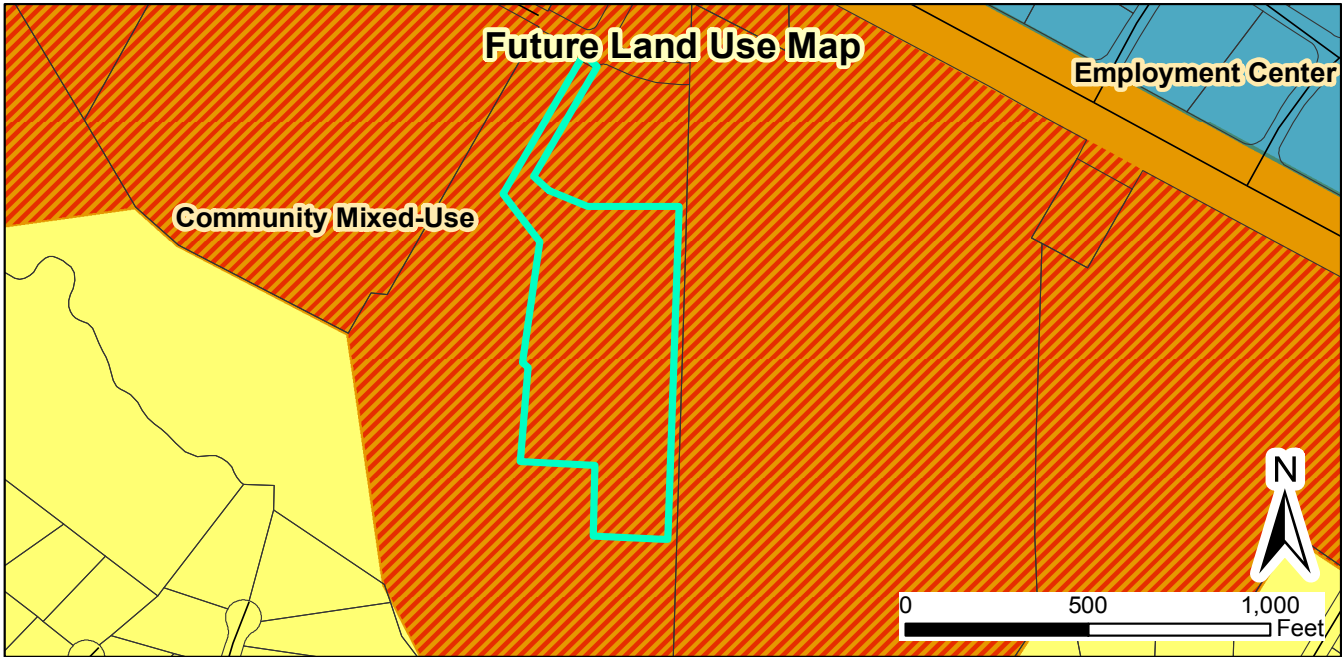
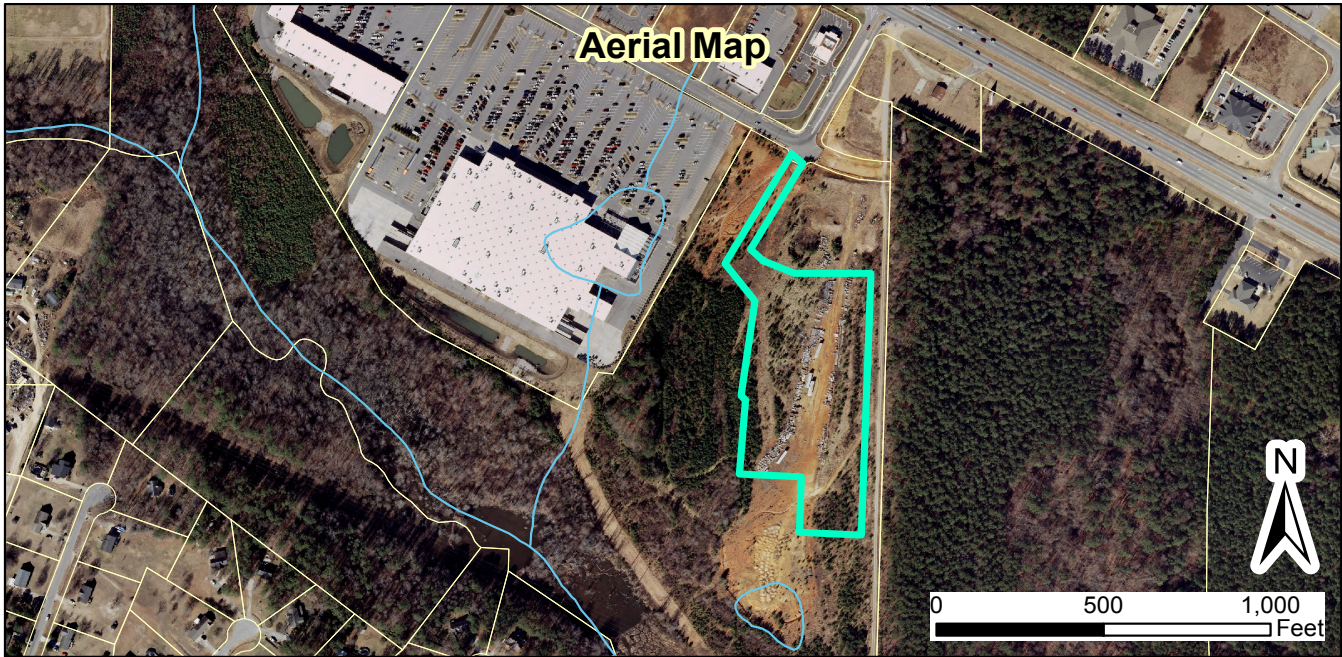
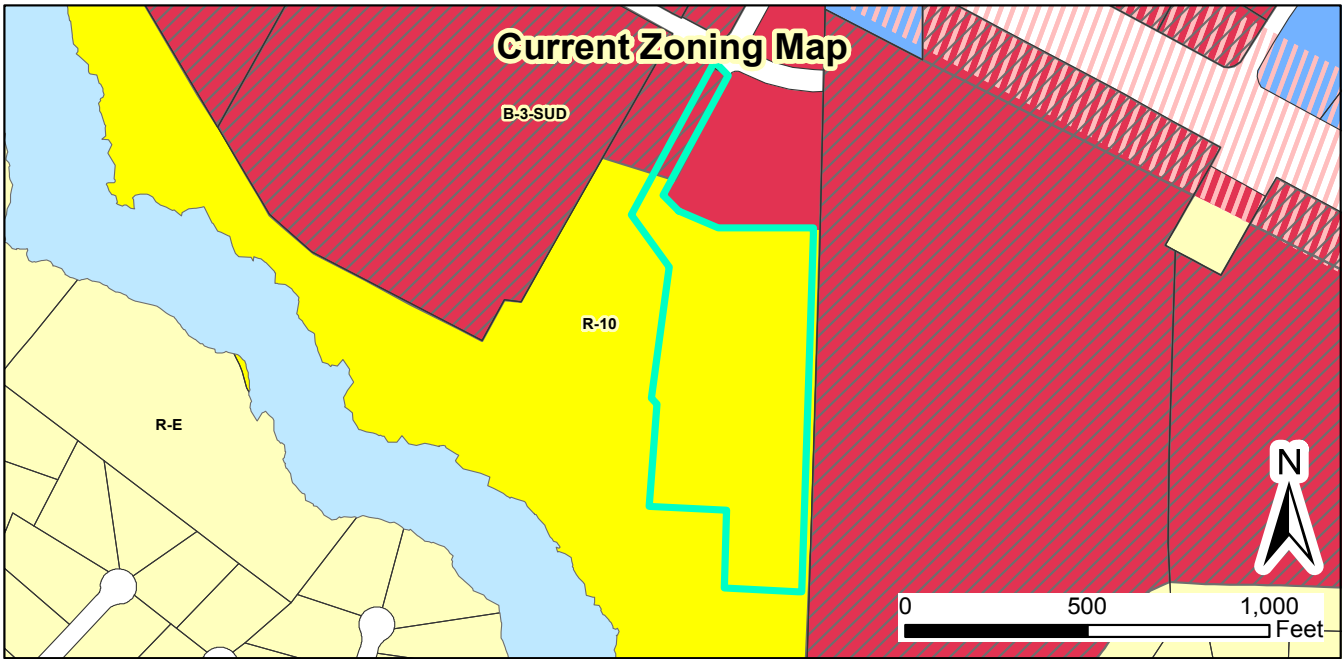
CONDITIONS OF APPROVAL:

1. The development of the site is limited to the site design approved by the Planning Board and use ("School, Elementary or Secondary") approved by Town Council via this Special Use Permit. Modifications to the approved site plan shall require review and approval in accordance with Section 155.707 of the Unified Development Code.
2. The use ("School, Elementary or Secondary") is restricted to just the portion of property (±8 acres) addressed in the Site Plan (2016-189-SP) submitted in conjunction with this Special Use Permit.
3. Following Board approvals, three copies of the Final Site Plan, Landscape Plan, and Architectural Elevations meeting the requirements of the Unified Development Code, Conditions of Approval, and displaying the Conditions of Approval shall be submitted to the Planning Department for final approval and stamping. Any changes to these approved plans must follow the appropriate process for revisions.
4. All mechanical equipment shall be completely screened from view.
5. All applicable development fees shall be paid to the Town prior to issuance of building permits.
6. A final landscape/site inspection shall be performed by the Planning Department prior to the issuance of the Certificate of Occupancy.
7. All Class "C" landscape buffers (in particular, required where a parking area abuts residentially zoned property) shall include a wall, opaque fence, evergreen hedge, berm, or combination thereof with a minimum height of six feet at installation, as required by the Unified Development Code.

8. All off-site roadway improvements recommended by the Traffic Impact Analysis, and agreed upon by NCDOT Congestion Management, NCDOT Division 4, and the Town shall be installed prior to the issuance of the Certificate of Occupancy for the development.
9. Sidewalks shall be provided along both sides of all proposed public roads.
10. Bike racks shall be provided for the development at the rate of one bike rack per 40 people, where “people” is defined as the summation of all employees and students above 2nd grade.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Map
- 3) Existing Site Plan
- 4) Neighborhood Meeting Materials
- 5) Traffic Impact Analysis Recommendations (excerpted from full TIA)
- 6) Wastewater Allocation Request

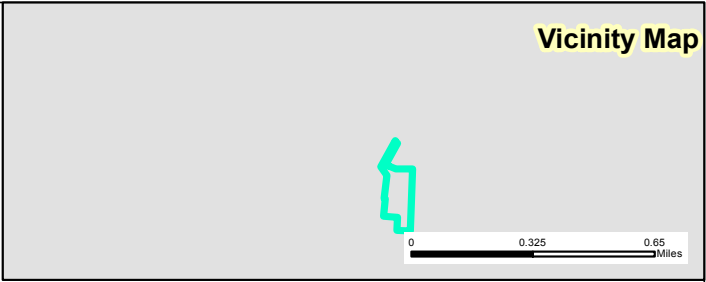


2016-189-SP Johnston Charter Academy Major Site Plan
Request: To develop a 48,000 square foot charter school
2016-188-SUP Johnston Charter Academy Special Use Permit
Request: Special Use approval to allow the use of a school on the subject property
 Applicant: Charter Development Company, LLC
 Property Owner: Stephen Douglas I Irrevoable Trust
 Parcel ID Number: 164900-95-2419



- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay

10/10/16
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



Document Path: O:\PLANNING\SPECIAL USE\2016\2016-188-SUP Johnston Charter Academy\Maps\Staff Rpt Map - Johnston Charter 2016-189-SP.mxd

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
SPECIAL USE PERMIT:**

**Johnston County Charter Academy
2016-188-SUP**

On October 24, 2016 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

☒ approve the request; *with conditions.*

☐ approve the request with the following modified or added conditions:

☐ deny the request.

Recommendation(s) made this 24 day of October 2016 while in regular session.

Signed:



Frank Price, Planning Board Chair

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold an evidentiary hearing on Monday, December 5, 2016, at 6:30 PM at Town Hall, 111 East Second Street, to consider the following Special Use Permit application:

- 2016-188-SUP Johnston Charter Academy Special Use Permit. The request is to obtain special use approval to develop a school on a property zoned Residential-10 (R-10). Per the Unified Development Code, the use of a school requires a Special Use Permit in order to be permitted in this zoning district. Parcel Number 164900-95-2419.

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

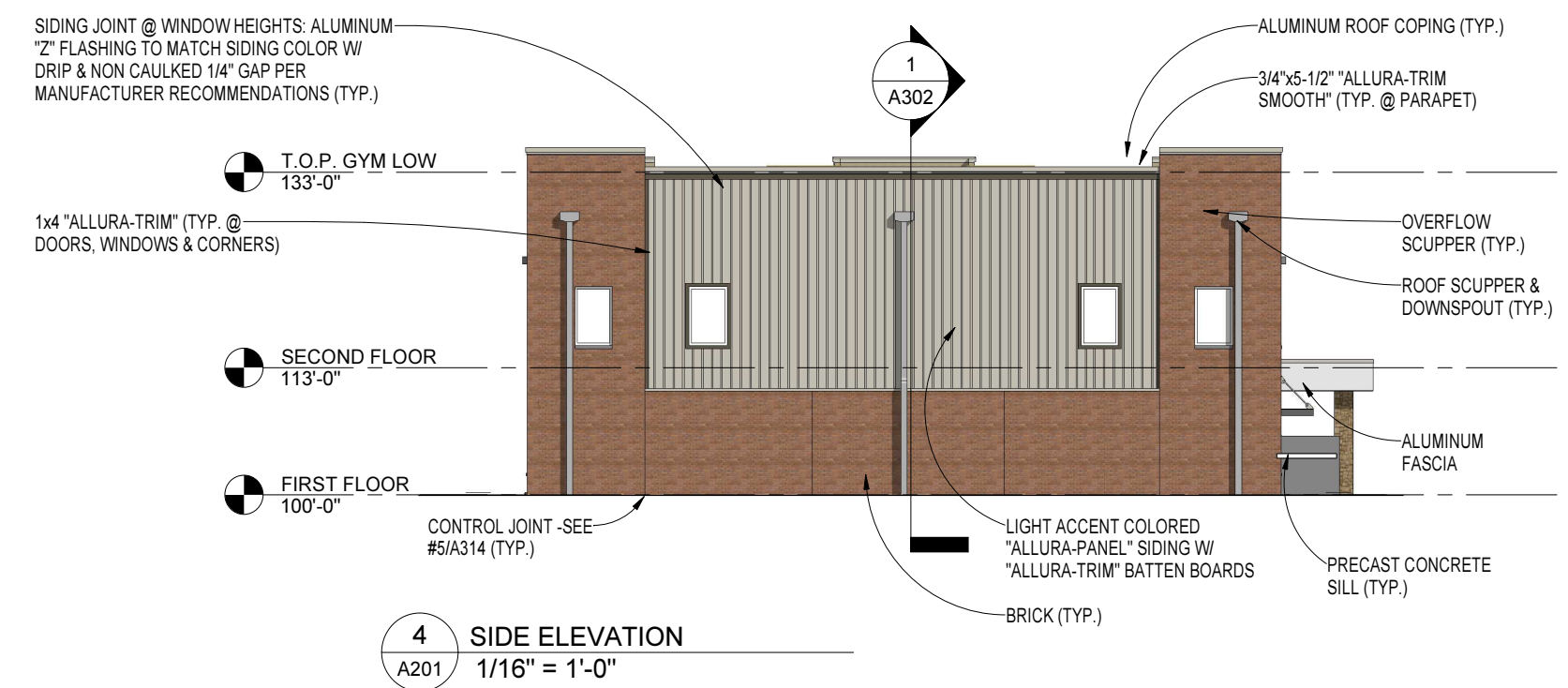
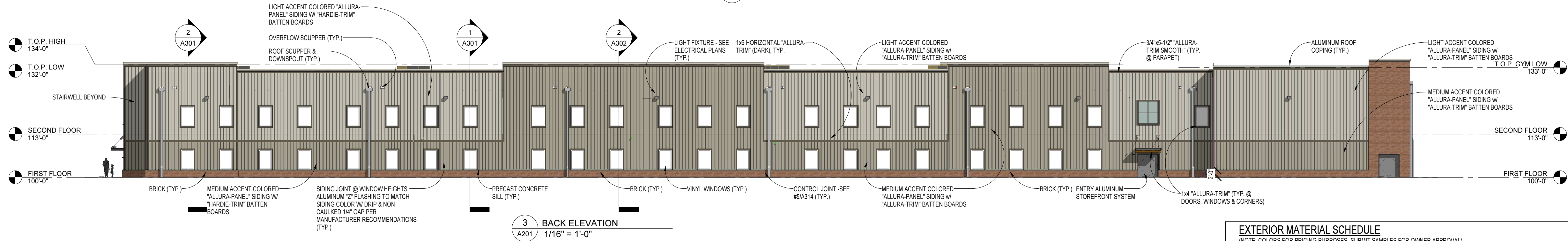
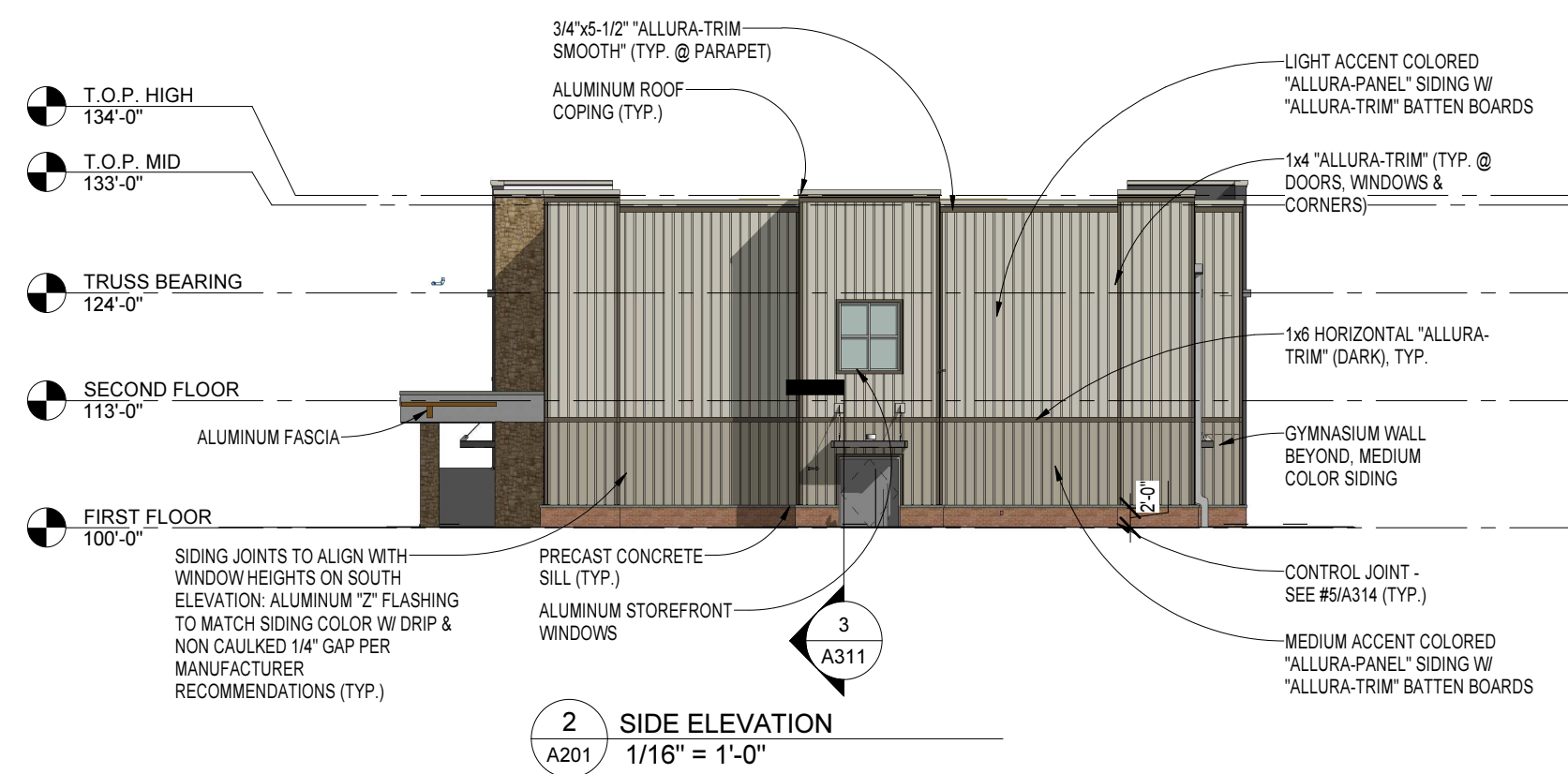
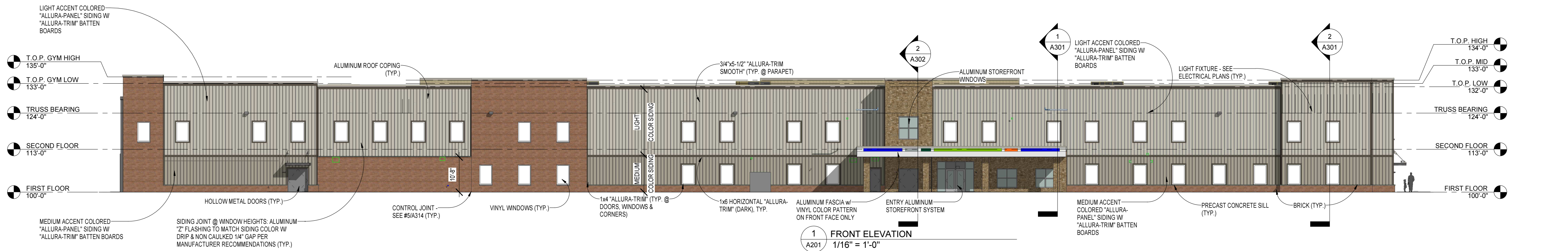
This is an open meeting and the public is invited to attend.

Haley Hogg, Planner
919-553-5002

The Clayton News Star

Please advertise on the following dates:
Wednesday, November 23, 2016
Wednesday, November 30, 2016

Affidavit of publication required.



EXTERIOR MATERIAL SCHEDULE

(NOTE: COLORS FOR PRICING PURPOSES. SUBMIT SAMPLES FOR OWNER APPROVAL.)

- CULTURED STONE: GLEN-GERY DEERSKIN WITH COLORED MORTAR
- ALUMINUM FASCIA: "PETERSEN ALUM. CO." FLUSH PANEL - COLOR: STONE WHITE
- SOFFIT: "PETERSEN ALUM. CO. PAC-850" - COLOR: WHITE
- ENTRY STOREFRONT - COLOR: MILL
- STOREFRONT WINDOWS: "KAWNEER" TRI-FAB 451T THERMALLY BROKEN ACCENT COLORED FLUOROPAN ALUMINUM FRAME W/ TEMPERED INSULATED LOW 'E' GLASS
A. STOREFRONT FRAME COLOR: MILL ALUMINUM
- HOLLOW METAL DOORS & FRAMES - COLOR: SW 7050 USEFUL GRAY
- LOUVERS: SEE HVAC PLANS - COLOR: TO MATCH PAC-CLAD SANDSTONE
- COPING - COLOR: "PAC-CLAD" SANDSTONE
- FIBER CEMENT BOARD: "ALLURA" FIELD PAINTED
A. DOOR, WINDOW, & CORNER TRIM - COLOR: SW 7054 SUITABLE BROWN
B. PARAPET TRIM - COLOR: SW 7054 SUITABLE BROWN
C. SIDING WITH BATTENS
1. LIGHT - SHERWIN WILLIAMS SW 7050 USEFUL GRAY
2. MEDIUM - SHERWIN WILLIAMS SW 7052 GRAY AREA
3. DARK - SHERWIN WILLIAMS SW 7054 SUITABLE BROWN
- VINYL WINDOWS ANDERSON SERIES 100 - COLOR: WHITE
- ROOF SCUPPER & DOWNSPOUT: ALUMINUM - COLOR: SW 7050 USEFUL GRAY
- BRICK: "LEE BRICK #453 (FRANKLIN) MODULAR
- PRECAST CONCRETE SILL: NATURAL
- SILL FLASHING AT FIBER CEMENT BOARD: "PAC-CLAD" SANDSTONE
- EXPANSION CAULK: "ALUMINUM GRAY"
- CANOPIES: GALVANIZED

EXTERIOR
ELEVATIONS
A201

National Heritage Academies
Johnston Charter Academy
Scholar Drive
Clayton, NC 27520

Architecture
Engineering, P.C.

paep

1311.4 Mile Rd N.E. Grand Rapids, MI 49525
616.361.2664 OFFICE 616.361.1493 FAX
www.progressive.com

ISSUANCES

11/1/2016
FOR CONSTRUCTION

11/29/2016
FOR REVIEW

REVISIONS

NO.	DATE	DESCRIPTION
-----	------	-------------

FILE NO 72400009

DRAWN BY BLY

JC/ENG BY BLY

CHECKED BY BLY

PROJECT MGR



National
Heritage
Academies®

paep architecture
engineering, P.C.

PERSPECTIVE OF ORIGINAL SCHEME
Back Elevation looking Northwest

Johnston Charter Academy



PERSPECTIVE OF ADDITIONAL BRICK SCHEME
Back Elevation looking Northwest

Johnston Charter Academy

**Town of Clayton
Town Council
SUP Motion Sheet**

After considering the competent, material, and substantial evidence presented, including the application and materials of record, I move to (PICK ONE):

- ☐ Approve
- ☐ Deny
- ☐ Approve with Conditions

SUP Application **#2016-188-SUP**

This motion is based on the following findings:

1. 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.

OR

The application **will** materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved. (State evidence supporting finding.)

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

OR

The application **does not meet all** required specifications and **does not** conform to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations. (State evidence supporting finding.)

**Motion Form
#2016-188-SUP
Item #5b**

3. 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.

OR

The application **will** substantially injure the value of adjoining or abutting property, and **will** be detrimental to the use or development of adjacent properties or other neighborhood uses. (State evidence supporting finding).

4. 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.

OR

The application **will** adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties. (State evidence supporting finding.)

[If approved with conditions] The applicant meets the above findings subject to the following conditions:

**Motion Form
#2016-188-SUP
Item #5b**

**TOWN OF CLAYTON
SPECIAL USE PERMIT
#2016-188-SUP
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:	Charter Development Company, LLC
Property Owner:	Stephens Douglas / Irrevocable Trust
Property Location:	Off of Financial Drive located off of US Highway 70 Business
Brief Property Description:	+8 acres of 67.56 total acres
Tax Parcel Number:	05G02001A
Proposed Use of Property:	Charter School (K-8 th Grade)
Hearing Date:	December 5, 2016

Having heard all the evidence and argument presented at the hearing, the Town Council makes the following findings:

(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.

(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, or other applicable regulations.

(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.

(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.

The Town Council also finds the Special Use Permit is subject to the following conditions:

1. The development of the site is limited to the site design approved by the Planning Board and use ("School, Elementary or Secondary") approved by Town Council via this Special Use Permit. Modifications to the approved site plan shall require review and approval in accordance with Section 155.707 of the Unified Development Code.
2. The use ("School, Elementary or Secondary") is restricted to just the portion of property (± 8 acres) addressed in the Site Plan (2016-189-SP) submitted in conjunction with this Special Use Permit.
3. Following Board approvals, three copies of the Final Site Plan, Landscape Plan, and Architectural Elevations meeting the requirements of the Unified Development Code, Conditions of Approval, and displaying the Conditions of Approval shall be submitted to the Planning Department for final approval and stamping. Any changes to these approved plans must follow the appropriate process for revisions.
4. All mechanical equipment shall be completely screened from view.
5. All applicable development fees shall be paid to the Town prior to issuance of building permits.
6. A final landscape/site inspection shall be performed by the Planning Department prior to the issuance of the Certificate of Occupancy.
7. All Class "C" landscape buffers (in particular, required where a parking area abuts residentially zoned property) shall include a wall, opaque fence, evergreen hedge, berm, or combination thereof with a minimum height of six feet at installation, as required by the Unified Development Code.

8. All off-site roadway improvements recommended by the Traffic Impact Analysis, and agreed upon by NCDOT Congestion Management, NCDOT Division 4, and the Town shall be installed prior to the issuance of the Certificate of Occupancy for the development.
9. Sidewalks shall be provided along both sides of all proposed public roads.
10. Bike racks shall be provided for the development at the rate of one bike rack per 40 people, where "people" is defined as the summation of all employees and students above 2nd grade.

TOWN OF CLAYTON

BY: _____
Jody McLeod
Mayor

DATE: _____ [Note:
within 14 days of decision per Code Section
155.702(G)]

ATTEST:

_____(SEAL)
Town Clerk



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

AGENDA LOCATION:

Public Hearings

Meeting Date:

December 5, 2016

ITEM TITLE:

2016-217-OA Article 700 Admin Process Code Revision

DESCRIPTION:

Request to make amendments to the text of the Unified Development Code, Title XV, § 155, relating to administrative processes having to do with the Technical Review Committee, Planning Board, and Board of Adjustment.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

Planning Department

ITEM HISTORY:

Date:

November 21,
2016

Action Taken:

Set Public Hearing for December 5, 2016

Information Provided:

Application, Staff Report, Article 700, 701 & 702 Draft Updates and Public Notice

Date:

Action Taken:

Information Provided:



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

ORDINANCE AMENDMENT APPLICATION

Pursuant to Article 7, Section 155.703 of the Unified Development Code, the Town Council, Board of Adjustment, Planning Board, Planning Director, or the general public may petition the Town Council to amend the Code of Ordinances.

Application Fee: TBD

Advertisement Fee: \$100.00

All fees are due when the application is submitted.

AMENDMENT INFORMATION

Project Name: Article 700 Administrative Process Update & TRC (project#: 2016-217-OA)

Existing title of Code Section(s): Article 700 "Administration"

Code Section Number(s): Title XV, §155.700, .701, and .702

APPLICANT/CONTACT INFORMATION

Applicant: Planning Department, Town of Clayton

Mailing Address: PO Box 879, Clayton, NC 27528

Phone Number: 919-553-5002 **Fax:** _____

Contact Person: Jay McLeod

Email Address: jwmcleod@townofclaytonnc.org

DESCRIPTION OF REQUESTED CHANGES

Please provide a general justification of the requested ordinance amendment. Attach additional sheets if necessary.

Relocate language from Chapter 32, regarding Technical Review Committee (TRC) to Chapter 155.700 section. Revise, relocate, and update some language regarding boards and how they operate.

FOR OFFICE USE ONLY

Date Received: 10/17/2016 **Amount Paid:** N/A, Town initiated. **File Number:** 2016-217-OA

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany this application for it to be deemed complete.

To be completed by the applicant:			For staff use only:		
<i>Submit 9 copies of all materials unless otherwise noted or directed by staff</i>	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☐	X			X
2. Review Fee and Advertisement Fee	☐	X			X
3. Completed application	☒		X		
4. A bound strikethrough/underline copy of the Code section(s) proposed for revision	☒		X		
5. A bound "clean" copy of the Code section(s) proposed for revision	☒		X		

APPROVAL CRITERIA

All applications for Ordinance Amendment must address the following criteria:

1. The extent to which the proposed text amendment is consistent with the remainder of the chapter, including specifically, any purpose and intent statements.

The revisions bring the selected sections of Code more into compliance by relocating text to more appropriate chapters and updating board procedures.

2. The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time.

These are minor, routine updates, and not novel changes.

3. Whether or not the proposed text amendment corrects an error in the chapter.

Errors are corrected by relocating text to more appropriate locations.

4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.

The revisions bring the Code closer to the exact language of state statutes regarding board member composition.

APPLICANT AFFIDAVIT

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

Jay McLeod, Senior Planner
Print Name


Signature of Applicant

10/17/2016
Date



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

*Planning Board
October 24, 2016*

STAFF REPORT

Application Number: 2016-217-OA

Project Name: Administrative Process & TRC Update (Ord. Amendment)

Applicant: Town

Public Noticing:

- Newspaper ad posted prior to November 23, 2016

REQUEST: Request to make amendments to the text of the Unified Development Code, Title XV, §155, relating to administrative processes having to do with the Technical Review Committee, Planning Board, and Board of Adjustment.

SECTIONS PROPOSED FOR AMENDMENT:

The following sections of Title XV, Chapter 155 are proposed for amendment:

- o 700 – Review Bodies
- o 701 – Summary of Review Authority
- o 702 – Common Review Procedures

STAFF ANALYSIS AND COMMENTARY:

Overview

Some portions of the Unified Development Code are proposed for update regarding the operation of boards related to development review, including Planning Board, Board of Adjustment, and Technical Review Committee. This involves clarification of operations, membership (in accordance with state statute), and relocation of text to (or from) more appropriate chapters in the Town Code of Ordinances.

Approval Criteria:

- **Consistency with remainder of the Chapter**
The request is consistent with the remainder of Chapter 155 and the Town Code of Ordinances.
- **Novelty of the request**

Page 1 of 2

The request does not introduce overly novel changes to the Code.

- **Correction of existing errors**

The request largely represents relocation, clarification, or refinement of existing Code language.

- **Compliance with state or federal statutes or case law**

The request is consistent with all known state, federal, and case laws, and some changes (regarding board composition) bring the Code more into compliance with state requirements.

CONSIDERATIONS

- The Planning Board shall make a recommendation to Town Council. The Town Council shall make a final decision regarding revisions to the Town Code.

STAFF RECOMMENDATION:

Staff recommends approval.

CONDITIONS:

No Conditions recommended.

ATTACHMENTS:

- 1) Application
- 2) Draft Ordinance Amendment, in strikethrough/underline.

ARTICLE 7: ADMINISTRATION

§ 155.700 REVIEW BODIES.

(A) *Town Council.*

- (1) *Establishment and composition.* The Town Council is established and composed pursuant to the Town Charter and [Chapter 30](#) of the Town's Code of Ordinances.
- (2) *Powers and duties.* In execution of the provisions of this chapter, the Town Council shall be responsible for final action regarding the following:
 - (a) Text amendments (§ [155.703](#));
 - (b) Rezoning (§ [155.704](#));
 - (c) Planned development review (§ [155.705](#));
 - (d) Preliminary plat review (§ [155.706](#));
 - (e) Special use review (§ [155.711](#)); and
 - (f) Zoning vested rights (§ [155.718](#)).

(B) *Planning Board.*

- (1) *Establishment and composition.* The Planning Board is established and composed pursuant to [Chapter 32](#) of the Town's Code of Ordinances.
- (2) *Powers and duties.* In execution of the provisions of this chapter, the Planning Board shall have the following power and duties.
 - (a) General authority.
 1. The Planning Board may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.
 2. The Planning Board shall perform related duties as directed by the Town Council.
 - (b) Review authority. The Planning Board shall make recommendations regarding the following:
 1. Text amendments (§ [155.703](#));
 2. Rezoning (§ [155.704](#));
 3. Planned development review (§ [155.705](#));
 4. Preliminary plat review (§ [155.706](#)); and
 5. Special use review (§ [155.711](#)).

(c) Final authority. The Planning Board shall be responsible for final action regarding the following:

1. Major site plan review (§ [155.707](#)); and
2. Alternative means of compliance in the Thoroughfare Overlay District.

(C) *Board of Adjustment.*

(1) *Establishment and composition.* The Board of Adjustment is established pursuant to G.S. § 160A-388 and [Chapter 32](#) of the Town's Code of Ordinances.

~~—(2) *Composition.*~~

~~—(a) *Number and term.*~~

~~—1. The Board of Adjustment shall consist of seven members with four members residing in the corporate limits and three members residing within the town's extraterritorial jurisdiction (ETJ); and each member is to be appointed for three years.~~

~~—2. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time.~~

~~—(b) *Membership.*~~

~~—1. Membership on the Board of Adjustment shall include representatives from the ETJ.~~

~~—2. Any member of the Board of Adjustment representing the ETJ shall be appointed by the Town Council, subject to approval by the Johnston County Board of County Commissioners.~~

~~—(c) *Alternate members.*~~

~~—1. The Town Council may, in its discretion, appoint and provide compensation for two alternate members to serve on the Board of Adjustment in the absence of any regular member. One alternate member shall be from the town and one alternate member shall be from the ETJ.~~

~~—2. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members.~~

~~—3. Each alternate member, while attending any regular or special meeting and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.~~

~~—(d) *Attendance.* All members are expected to attend scheduled meetings for the prompt and efficient transaction of business. The secretary to the Board shall maintain the attendance record, including attendance at regular meetings, work sessions and special called meetings. If at any time a member either fails to attend two thirds of the scheduled meetings during a calendar year or misses three scheduled meetings in succession, the secretary to the Board shall notify the Chairman of the Board. The Chairman of the Board will send a letter of recommendation on this member's attendance to the Town Clerk. The Town Clerk shall include~~

~~the letter as an item on the next available Town Council meeting agenda requesting Council as a whole make a decision on this member's continued service to the Board.~~

~~—(3) *Proceedings.*~~

~~—(a) *Meetings.* All meetings of the Board of Adjustment shall be held at a regular place and shall be open to the public.~~

~~—(b) *Minutes.* The Board of Adjustment shall keep minutes of proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be by recorded resolution, indicating the reasons of the Board, all of which shall be a public record.~~

~~—(c) *Quorum.* A quorum shall consist of four members. If there are not seven regular members in attendance, one or both of the alternate members may hear and vote on any matter coming before the Board of Adjustment regardless of the geographical area in which the alternate member resides; however, the total voting membership shall not exceed seven members in any case.~~

~~(4)~~(2) *Powers and duties.* In execution of the provisions of this chapter, the Board of Adjustment shall have the following powers and duties.

(a) *General authority.* The Board of Adjustment may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.

(b) *Final authority.* The Board of Adjustment shall be responsible for final action regarding the following:

1. Conditional use review (§ [155.710](#));
2. Variances (§ [155.716](#)); and
3. Administrative appeals (§ [155.717](#)).

(D) *Planning Director.*

(1) *Designation.* The Planning Director shall administer certain provisions of this chapter as may be required below.

(2) *Delegation of authority.* The Planning Director may designate any staff member to represent the Planning Director in any function assigned by this chapter but shall remain responsible for any final action.

(3) *Powers and duties.* In execution of the provisions of this chapter, the Planning Director shall have the following powers and duties.

(a) *General authority.*

1. The Planning Director may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.

2. The Planning Director shall perform related duties as directed by the Town Council.

(b) Review authority. The Planning Director shall make recommendations regarding the following:

1. Text amendments (§ [155.703](#));
2. Rezoning (§ [155.704](#));
3. Planned Development review (§ [155.705](#));
4. Preliminary plat review (§ [155.706](#));
5. Major site plan review (§ [155.707](#));
6. Conditional use review (§ [155.710](#));
7. Special use review (§ [155.711](#));
8. Alternative sign plans (§ [155.713](#));
9. Variances (§ [155.716](#)); and
10. Zoning vested rights (§ [155.718](#)).

(c) Final authority. The Planning Director shall be responsible for final action regarding the following:

1. Minor plat review (§ [155.706](#));
2. Final plat review (§ [155.706](#));
3. Administrative amendment (§ [155.707](#));
4. Minor site plan review (§ [155.707](#));
5. Traffic impact analyses (§ [155.708](#));
6. Zoning permits (§ [155.709](#));
7. Temporary use permits (§ [155.712](#));
8. Sign permits for signs under eight feet in height (§ [155.713](#));
9. Master sign plans (§ [155.713](#)); ~~and~~
10. [Tree Clearing Certificates \(§155.21\)](#); and
11. Written interpretations (§ [155.715](#)).

(E) *Technical Review Committee.*

(1) *Establishment and composition.* The Technical Review Committee (TRC) is established for the purpose of performing technical evaluations of land development activities, including but not limited to subdivisions, planned developments, and site plan applications as set forth in Section 155.701(E) of the Unified Development Code (UDC).

The TRC is further authorized to complete appropriate analyses of land development activities pursuant to the Town's Code of Ordinances. The Technical Review Committee shall be composed of the persons below, or their designee:

- (a) The Planning Director, chairman;
- (b) Planning department staff, designated with primary review responsibility for each application;
- (c) The Public Works Director;
- (d) The Electric System Director;
- (e) The Town Engineer;
- (f) The Fire Chief;
- (g) The Parks and Recreation Director; and
- (h) The North Carolina Department of Transportation.

The TRC may request input from other governmental agencies including, but not limited to, the School Board, the USPS Clayton Postmaster, Johnston County Department of Public Utilities, North Carolina Railroad and adjacent municipalities as needed.

~~The Technical Review Committee is established and composed pursuant to Chapter 32 of the Town's Code of Ordinances.~~

(2) *Powers and duties.* The Technical Review Committee has the following duties and responsibilities regarding the review and consideration of applications that come before them:

- (a) The TRC shall undertake technical evaluations of land development applications and activities to identify deficiencies and/or discrepancies from the provisions of the Town's Unified Development Code and the Town's Code of Ordinances. This includes:

~~In execution of the provisions of the chapter, the Technical Review Committee shall have the following powers and duties.~~

~~(a) Review authority. The Technical Review Committee shall review and provide comments regarding the following:~~

1. Planned development review (§ [155.705](#));
2. Minor plat review (§ [155.706](#));
3. Preliminary plat review (§ [155.706](#));

4. Final plat review (§ [155.706](#));
5. Minor site plan review (§ [155.707](#)); and
6. Major site plan review (§ [155.707](#)).

(b) The TRC, through its chairman, may approve, approve with conditions, disapprove or postpone consideration of applications that require staff-level approval only. Actions by the TRC regarding staff-level approvals shall be final unless appealed in accordance with Section 155.717 of the UDC. Applications which proceed to the Board of Adjustment, Planning Board, or Town Council will be scheduled for the next available agenda, once receiving TRC chairman approval to proceed.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2008-09-01, passed 9-2-08; Am. Ord. 2011-12-02, passed 12-5-11; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13; Am. Ord. 2014-06-10, passed 6-16-14)

§ 155.701 SUMMARY OF REVIEW AUTHORITY

Table 7-1 below summarizes review and approval authority under this chapter.

Table 7-1 Review and Approval Authority

	Technical Review Committee TRC	Planning Director PD	Board of Adjustment BOA	Planning Board PB	Town Council TC	
Text Amendment		Review		Review	<DECISION>	§ 155.703
Rezoning		Review		Review	<DECISION>	§ 155.704
Planned Development	Review	Review		Review	<DECISION>	§ 155.705
Minor Subdivision Plat	Review	DECISION				§ 155.706
Preliminary Plat	Review	Review		Review	<DECISION>	§ 155.706
Final Plat	Review	DECISION				§ 155.706
Administrative Amendment		DECISION				§ 155.707
Minor Site Plan	Review	DECISION				§ 155.707
Major Site Plan	Review	Review		DECISION		§ 155.707
Traffic Impact Analysis						§ 155.708
Zoning Permit		DECISION				§ 155.709
Conditional Use		Review	<DECISION>			§ 155.710
Special Use		Review		Review	<DECISION>	§ 155.711
Temporary Use Permit		DECISION				§ 155.712
Sign Permit		DECISION				§ 155.713
Master Sign Plan		DECISION				§ 155.713
Alternative Sign Plan		Review			<DECISION>	§ 155.713
Written Interpretation		DECISION				§ 155.715
Variance		Review	<DECISION>			§ 155.716
Administrative Appeal			<DECISION>			§ 155.717
Zoning Vested Right		Review			<DECISION>	§ 155.718
Tree Clearing Certificate	Review	DECISION				§ 155.721

<Public Hearing Required>

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13)

ARTICLE 7: ADMINISTRATION

§ 155.702 COMMON REVIEW PROCEDURES

(A) **PRE-APPLICATION CONFERENCE**

- (1) Before submitting an application for development approval, each applicant shall schedule a pre-application conference with the Planning Department to discuss the procedures, standards and regulations required for development approval in accordance with this chapter.
- (2) Unless waived by the Planning Director, ~~A~~a pre-application conference with the Planning Department shall be required for all development approvals listed in Table 7-1, with the exception of Written Interpretations ([§155.715](#)), [Administrative Appeals \(§155.717\)](#), [Zoning Permits \(§155.709\)](#), and [Sign Permits \(§155.713\)](#).

(B) **NEIGHBORHOOD MEETING**

- (1) After the pre-application conference and prior to the first public meeting, the applicant shall hold a mandatory neighborhood meeting for the following:
 - (a) Rezoning (§ 155.704);
 - (b) Planned development review (§ 155.705);
 - (c) Major subdivision / Preliminary Plat review, (§ 155.706);
 - (d) Major site plan review (§ 155.707);
 - (e) Special use review (§ 155.711); and
 - (f) Conditional use review (§ 155.710).
- (2) Only the initial application for Planned Development review shall require a neighborhood meeting. Subsequent applications for Subdivision or Site plan review do not require further neighborhood meetings.
- (3) The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.
- (4) The applicant shall provide notification by mail to property owners as identified in (D)(2)(c) of this Section. The notice shall be mailed at least ten days but not more than 25 days prior to the date of the neighborhood meeting. Neighborhood meetings shall be held no earlier than 6:00 pm Monday through Friday to allow adequate time for attendees to get to the meeting.

- (5) The applicant shall provide to the Planning Department a copy of all notice materials including the letter and addresses, and provide written certification of the mailing. Certification shall note the date of the mailing and be signed by the applicant.
- (6) The applicant shall prepare and submit to the Planning Director a meeting summary that outlines attendance, major points discussed, and any agreements reached between the parties involved.
- (7) The Planning Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.

(C) **APPLICATION REQUIREMENTS**

(1) **Forms**

Applications required under this Chapter shall be submitted on forms and in such numbers as required by the Planning Director.

(2) **Fees**

- (a) All applications and associated fees shall be filed with the Planning Department.
- (b) Filing fees shall be established from time to time to defray the actual cost of processing the application, as listed in the Town's Comprehensive List of Fees and Charges.
- (c) An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution for review shall be entitled to a refund of the total amount paid, less 10% for administrative costs, upon written request to the appropriate department. Once review has begun, no refund shall be available, except that unused notice surcharges shall be refunded less 10% for administrative purposes.

(3) **Application Deadline**

Applications shall be submitted to the Planning Department in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

(4) **Applications Sufficient For Processing**

- (a) All applications shall be sufficient for processing before the Planning Department is required to review the application.
- (b) An application shall be sufficient for processing when it contains all of the required information and materials have been submitted for review. necessary to decide whether or not the development, as proposed, will comply with all of the requirements of this Chapter.

~~(c)~~(b) The presumption shall be that all of the information required in the application materials is necessary to satisfy the requirements of this section. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.

~~(d)~~(c) Once the application has been determined sufficient for processing, copies of the application shall be referred by the Planning Department to the appropriate reviewing entities.

(5) **Final Determinations On Sufficient Applications**

- (a) Following review by appropriate entities, Planning Department staff shall review any updated application materials and confer with the applicant to ensure an understanding of the applicable requirements of this Chapter; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.
- (b) Once the applicant indicates that the application is as complete as the applicant intends to make it, Planning Department staff will make a determination on the application, or as required by this Chapter, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures.

(6) **Concurrent Applications**

- (a) If approved by the Planning Director, applications for development approvals may be filed and reviewed concurrently. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
- (b) Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

(D) **NOTICE AND PUBLIC HEARINGS**

(1) **Summary Of Notice Required**

Notice shall be required for applications for approval as shown in Table 7-2 below.

Table 7-2 – Public Notice Requirements

	Published	Mailed	Posted	
Text Amendment	•			§ 155.703
Rezoning	•	•	•	§ 155.704

Planned Development	•	•	•	§ 155.705
Preliminary Plat Review	•	•	•	§ 155.706
Major Site Plan			•	§ 155.707
Conditional Use Review	•	•	•	§ 155.710
Special Use Review	•	•	•	§ 155.711
Variance	•	•	•	§ 155.716
Administrative Appeal		•	•	§ 155.717

(2) **Public Notice Requirements**

(a) ***Published Notice***

Where published notice is required, a distinctive advertisement shall be placed by the Town in a local newspaper of general circulation once a week for two successive calendar weeks, the first notice being published not less than ten days nor more than 25 days before the date fixed for the public hearing.

(b) ***Posted Notice (Sign)***

Where posted notice is required, a sign shall be posted not less than ten days prior to the public hearing at which the application shall be reviewed. The sign shall be posted on the property or at a point visible from the nearest public street. The sign shall indicate that a public hearing will be held and a phone number to contact the Town.

(c) ***Mailed Notice***

1. Where mailed notice is required, the applicant shall supply stamped addressed envelopes to the Planning Department. The notification shall be made by first-class mail by Planning Department Staff (at the last addresses listed for such owners in the county tax records) to all property owners within 100 feet and immediately abutting the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. The Planning Department shall certify to the Town Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.
2. The notice shall be mailed at least ten but not more than 25 days prior to the date of the public hearing.
3. Mailed notice under this section shall not be required if a rezoning (including a planned development rezoning) directly affects more than 50 properties owned

by a total of at least 50 different property owners, and the Town elects to use the following expanded notice requirements:

- A. Published notice of the hearing shall be provided as set forth in (D)(2)(a) of this section. The advertisement shall not be less than one-half of a newspaper page in size.
- B. Mailed notice of the hearing shall be provided (as set forth in (D)(2)(c)1. and 2. of this section) to all property owners who reside outside of the newspaper's circulation area.

(d) ***Content of Notice***

A published or mailed notice shall provide at least the following:

- 1. Parcel identification number;
- 2. The address of the subject property (if available);
- 3. The general location of the land that is the subject of the application, which may include, a location map;
- 4. A description of the action requested;
- 5. Where a rezoning is proposed, the current and proposed districts;
- 6. The time, date and location of the public hearing;
- 7. A phone number to contact the Town; and
- 8. A statement that interested parties may appear at the public hearing.

(3) **Constructive Notice**

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

(E) **REQUIRED HEARINGS**

A public hearing shall be required for development review as shown in- Table 7-3 below.

Table 7-3 Required Hearings

	Board of Adjustment BOA	Town Council TC	
--	--------------------------------------	------------------------------	--

Text Amendment		•	§ 155.703
Rezoning		•	§ 155.704
Planned Development		•	§ 155.705
Preliminary Plat		•	§ 155.706
Conditional Use Review	•		§ 155.710
Special Use Review		•	§ 155.711
Alternative Sign Plan		•	§ 155.713
Variance	•		§ 155.716
Administrative Appeal	•		§ 155.717

(F) **DECISIONS**

Unless specifically provided elsewhere, all decisions on land use changes, including rezonings, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

(G) **NOTICE OF DECISION**

Within 14 days after a decision is made, a copy of the decision shall be delivered to the applicant by personal delivery, electronic mail or first-class mail. The decision shall also be filed with the Planning Department and available for public inspection during regular office hours.

(H) **WITHDRAWAL OF APPLICATION**

- (1) An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Planning Director.
- (2) The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.
- (3) If a valid zoning protest petition shall have been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the Town Council hearing date upon which the matter is to be returned for action by the Town Council. Thereafter, the application may be withdrawn only by leave of the Town Council, by majority vote.
- (4) The Planning Director may withdraw applications due to failure of the applicant to submit required information within 90 days of the initial request.
- (5) An applicant may postpone a scheduled public hearing once per application for up to 90 days after the date the first public hearing was scheduled to occur, after which the Planning Director may withdraw the application.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2011-05-01, passed 5-2-11; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13)

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold a public hearing on December 5, 2016, at 6:30 PM in the Council Chambers at the Clayton Center, 111 E Second Street, to consider amendments to the Unified Development Code. Copies of the proposed amendments are available in the Planning office and the Town Clerk's office for review by the public. The following sections of Title XV, Chapter 155 are proposed for amendment:

- 700- Review Bodies
- 701- Summary of Review Authority
- 702- Common Review Procedures

The public is invited to attend.

Jay McLeod, Planner
919-553-5002

Clayton News Star

Please advertise on the following dates:

Wednesday, November 23, 2016
Wednesday, November 30, 2016

Affidavit of publication required.

COUNCIL MOTION SHEET
ZONING ORDINANCE AMENDMENT
(Text Amendment)

After considering the recommendations of the Planning Board and Planning Director, I move to [approve OR deny] **#2016-217-OA**

MOTION FORM
#2016-217-OA
ITEM #5c

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

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend Chapter 155, Sections 700, 701 and 702 with the following:

§ 155.700 REVIEW BODIES.

(A) *Town Council.*

- (1) *Establishment and composition.* The Town Council is established and composed pursuant to the Town Charter and [Chapter 30](#) of the Town's Code of Ordinances.
- (2) *Powers and duties.* In execution of the provisions of this chapter, the Town Council shall be responsible for final action regarding the following:
 - (a) Text amendments (§ [155.703](#));
 - (b) Rezoning (§ [155.704](#));
 - (c) Planned development review (§ [155.705](#));
 - (d) Preliminary plat review (§ [155.706](#));
 - (e) Special use review (§ [155.711](#)); and
 - (f) Zoning vested rights (§ [155.718](#)).

(B) *Planning Board.*

- (1) *Establishment and composition.* The Planning Board is established and composed pursuant to [Chapter 32](#) of the Town's Code of Ordinances.
- (2) *Powers and duties.* In execution of the provisions of this chapter, the Planning Board shall have the following power and duties.
 - (a) General authority.
 1. The Planning Board may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.
 2. The Planning Board shall perform related duties as directed by the Town Council.
 - (b) Review authority. The Planning Board shall make recommendations regarding the following:
 1. Text amendments (§ [155.703](#));
 2. Rezoning (§ [155.704](#));
 3. Planned development review (§ [155.705](#));
 4. Preliminary plat review (§ [155.706](#)); and
 5. Special use review (§ [155.711](#)).

(c) Final authority. The Planning Board shall be responsible for final action regarding the following:

1. Major site plan review (§ [155.707](#)); and
2. Alternative means of compliance in the Thoroughfare Overlay District.

(C) *Board of Adjustment.*

- (1) *Establishment and composition.* The Board of Adjustment is established pursuant to G.S. § 160A-388 and [Chapter 32](#) of the Town's Code of Ordinances
- (2) *Powers and duties.* In execution of the provisions of this chapter, the Board of Adjustment shall have the following powers and duties.
 - (a) General authority. The Board of Adjustment may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.
 - (b) Final authority. The Board of Adjustment shall be responsible for final action regarding the following:
 1. Conditional use review (§ [155.710](#));
 2. Variances (§ [155.716](#)); and
 3. Administrative appeals (§ [155.717](#)).

(D) *Planning Director.*

- (1) *Designation.* The Planning Director shall administer certain provisions of this chapter as may be required below.
- (2) *Delegation of authority.* The Planning Director may designate any staff member to represent the Planning Director in any function assigned by this chapter but shall remain responsible for any final action.
- (3) *Powers and duties.* In execution of the provisions of this chapter, the Planning Director shall have the following powers and duties.
 - (a) General authority.
 1. The Planning Director may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.

2. The Planning Director shall perform related duties as directed by the Town Council.
- (b) Review authority. The Planning Director shall make recommendations regarding the following:
 1. Text amendments (§ [155.703](#));
 2. Rezoning (§ [155.704](#));
 3. Planned Development review (§ [155.705](#));
 4. Preliminary plat review (§ [155.706](#));
 5. Major site plan review (§ [155.707](#));
 6. Conditional use review (§ [155.710](#));
 7. Special use review (§ [155.711](#));
 8. Alternative sign plans (§ [155.713](#));
 9. Variances (§ [155.716](#)); and
 10. Zoning vested rights (§ [155.718](#)).
- (c) Final authority. The Planning Director shall be responsible for final action regarding the following:
 1. Minor plat review (§ [155.706](#));
 2. Final plat review (§ [155.706](#));
 3. Administrative amendment (§ [155.707](#));
 4. Minor site plan review (§ [155.707](#));
 5. Traffic impact analyses (§ [155.708](#));
 6. Zoning permits (§ [155.709](#));
 7. Temporary use permits (§ [155.712](#));
 8. Sign permits for signs under eight feet in height (§ [155.713](#));
 9. Master sign plans (§ [155.713](#));
 10. Tree Clearing Certificates (§155.21); and
 11. Written interpretations (§ [155.715](#)).

(E) *Technical Review Committee.*

- (1) *Establishment and composition.* The Technical Review Committee (TRC) is established for the purpose of performing technical evaluations of land development activities, including but not limited to subdivisions, planned developments, and site plan applications as set forth in Section 155.701(E) of the Unified Development Code (UDC).

The TRC is further authorized to complete appropriate analyses of land development activities pursuant to the Town's Code of Ordinances. The Technical Review Committee shall be composed of the persons below, or their designee:

- (a) The Planning Director, chairman;
- (b) Planning department staff, designated with primary review responsibility for each application;
- (c) The Public Works Director;
- (d) The Electric System Director;
- (e) The Town Engineer;
- (f) The Fire Chief;
- (g) The Parks and Recreation Director; and
- (h) The North Carolina Department of Transportation.

The TRC may request input from other governmental agencies including, but not limited to, the School Board, the USPS Clayton Postmaster, Johnston County Department of Public Utilities, North Carolina Railroad and adjacent municipalities as needed.

(2) *Powers and duties.* The Technical Review Committee has the following duties and responsibilities regarding the review and consideration of applications that come before them:

- (a) The TRC shall undertake technical evaluations of land development applications and activities to identify deficiencies and/or discrepancies from the provisions of the Town's Unified Development Code and the Town's Code of Ordinances. This includes:
 - 1. Planned development review (§ [155.705](#));
 - 2. Minor plat review (§ [155.706](#));
 - 3. Preliminary plat review (§ [155.706](#));
 - 4. Final plat review (§ [155.706](#));
 - 5. Minor site plan review (§ [155.707](#)); and
 - 6. Major site plan review (§ [155.707](#)).
 - 7.

The TRC, through its chairman, may approve, approve with conditions, disapprove or postpone consideration of applications that require staff-level approval only. Actions by the TRC regarding staff-level approvals shall be final unless appealed in accordance with Section 155.717 of the UDC. Applications which proceed to the Board of Adjustment, Planning Board, or Town Council will be scheduled for the next available agenda, once receiving TRC chairman approval to proceed.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2008-09-01, passed 9-2-08; Am. Ord. 2011-12-02, passed 12-5-11; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13; Am. Ord. 2014-06-10, passed 6-16-14)

§ 155.701 SUMMARY OF REVIEW AUTHORITY

Table 7-1 below summarizes review and approval authority under this chapter.

Table 7-1 Review and Approval Authority

	Technical Review Committee TRC	Planning Director PD	Board Adjustment BOA	of Planning Board PB	Town Council TC	
Text Amendment		Review		Review	<DECISION>	§ 155.703
Rezoning		Review		Review	<DECISION>	§ 155.704
Planned Development	Review	Review		Review	<DECISION>	§ 155.705
Minor Subdivision Plat	Review	DECISION				§ 155.706
Preliminary Plat	Review	Review		Review	<DECISION>	§ 155.706
Final Plat	Review	DECISION				§ 155.706
Administrative Amendment		DECISION				§ 155.707
Minor Site Plan	Review	DECISION				§ 155.707
Major Site Plan	Review	Review		DECISION		§ 155.707
Traffic Impact Analysis						§ 155.708
Zoning Permit		DECISION				§ 155.709
Conditional Use		Review	<DECISION>			§ 155.710
Special Use		Review		Review	<DECISION>	§ 155.711
Temporary Use Permit		DECISION				§ 155.712
Sign Permit		DECISION				§ 155.713
Master Sign Plan		DECISION				§ 155.713
Alternative Sign Plan		Review			<DECISION>	§ 155.713
Written Interpretation		DECISION				§ 155.715
Variance		Review	<DECISION>			§ 155.716
Administrative Appeal			<DECISION>			§ 155.717
Zoning Vested Right		Review			<DECISION>	§ 155.718
Tree Clearing Certificate	Review	DECISION				§ 155.721

<Public Hearing Required>

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13)

§ 155.702 COMMON REVIEW PROCEDURES

(A) Pre-Application Conference

- (1) Before submitting an application for development approval, each applicant shall schedule a pre-application conference with the Planning Department to discuss the procedures, standards and regulations required for development approval in accordance with this chapter.
- (2) Unless waived by the Planning Director, a pre-application conference with the Planning Department shall be required for all development approvals listed in Table 7-1, with the exception of Written Interpretations (§155.715), Administrative Appeals (§155.717), Zoning Permits (§155.709), and Sign Permits (§155.713).

(B) Neighborhood Meeting

- (1) After the pre-application conference and prior to the first public meeting, the applicant shall hold a mandatory neighborhood meeting for the following:
 - (a) Rezoning (§ 155.704);
 - (b) Planned development review (§ 155.705);
 - (c) Major subdivision / Preliminary Plat review, (§ 155.706);
 - (d) Major site plan review (§ 155.707);
 - (e) Special use review (§ 155.711); and
 - (f) Conditional use review (§ 155.710).
- (2) Only the initial application for Planned Development review shall require a neighborhood meeting. Subsequent applications for Subdivision or Site plan review do not require further neighborhood meetings.
- (3) The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.
- (4) The applicant shall provide notification by mail to property owners as identified in (D)(2)(c) of this Section. The notice shall be mailed at least ten days but not more than 25 days prior to the date of the neighborhood meeting. Neighborhood meetings shall be held no earlier than 6:00 pm Monday through Friday to allow adequate time for attendees to get to the meeting.
- (5) The applicant shall provide to the Planning Department a copy of all notice materials including the letter and addresses, and provide written certification of the mailing. Certification shall note the date of the mailing and be signed by the applicant.
- (6) The applicant shall prepare and submit to the Planning Director a meeting summary that outlines attendance, major points discussed, and any agreements reached between the parties involved.

- (7) The Planning Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.

(C) *Application Requirements*

(1) *Forms*

Applications required under this Chapter shall be submitted on forms and in such numbers as required by the Planning Director.

(2) *Fees*

- (a) All applications and associated fees shall be filed with the Planning Department.
- (b) Filing fees shall be established from time to time to defray the actual cost of processing the application, as listed in the Town's Comprehensive List of Fees and Charges.
- (c) An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution for review shall be entitled to a refund of the total amount paid, less 10% for administrative costs, upon written request to the appropriate department. Once review has begun, no refund shall be available, except that unused notice surcharges shall be refunded less 10% for administrative purposes.

(3) *Application Deadline*

Applications shall be submitted to the Planning Department in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

(4) *Applications Sufficient For Processing*

- (a) All applications shall be sufficient for processing before the Planning Department is required to review the application.
- (b) An application shall be sufficient for processing when it contains all of the required information and materials have been submitted for review. The presumption shall be that all of the information required in the application materials is necessary to satisfy the requirements of this section. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.
- (c) Once the application has been determined sufficient for processing, copies of the application shall be referred by the Planning Department to the appropriate reviewing entities.

(5) *Final Determinations on Sufficient Applications*

- (a) Following review by appropriate entities, Planning Department staff shall review any updated application materials and confer with the applicant to ensure an understanding of the applicable requirements of this Chapter; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to

do.

- (b) Once the applicant indicates that the application is as complete as the applicant intends to make it, Planning Department staff will make a determination on the application, or as required by this Chapter, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures.

(6) *Concurrent Applications*

- (a) If approved by the Planning Director, applications for development approvals may be filed and reviewed concurrently. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
- (b) Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

(D) *Notice and Public Hearings*

(1) *Summary Of Notice Required*

Notice shall be required for applications for approval as shown in Table 7-2 below.

Table 7-2 – Public Notice Requirements

	Published	Mailed	Posted	
Text Amendment	•			§ 155.703
Rezoning	•	•	•	§ 155.704
Planned Development	•	•	•	§ 155.705
Preliminary Plat Review	•	•	•	§ 155.706
Major Site Plan			•	§ 155.707
Conditional Use Review	•	•	•	§ 155.710
Special Use Review	•	•	•	§ 155.711
Variance	•	•	•	§ 155.716
Administrative Appeal		•	•	§ 155.717

(2) *Public Notice Requirements*

(a) *Published Notice*

Where published notice is required, a distinctive advertisement shall be placed by the Town in a local newspaper of general circulation once a week for two successive calendar weeks, the first notice being published not less than ten days nor more than 25 days before the date fixed for the public hearing.

(b) *Posted Notice (Sign)*

Where posted notice is required, a sign shall be posted not less than ten days prior to the public hearing at which the application shall be reviewed. The sign shall be posted on the property or at a point visible from the nearest public street. The sign shall indicate that a public hearing will be held and a phone number to contact the Town.

(c) *Mailed Notice*

1. Where mailed notice is required, the applicant shall supply stamped addressed envelopes to the Planning Department. The notification shall be made by first-class mail by Planning Department Staff (at the last addresses listed for such owners in the county tax records) to all property owners within 100 feet and immediately abutting the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. The Planning Department shall certify to the Town Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.
2. The notice shall be mailed at least ten but not more than 25 days prior to the date of the public hearing.
3. Mailed notice under this section shall not be required if a rezoning (including a planned development rezoning) directly affects more than 50 properties owned by a total of at least 50 different property owners, and the Town elects to use the following expanded notice requirements:
 - A. Published notice of the hearing shall be provided as set forth in (D)(2)(a) of this section. The advertisement shall not be less than one-half of a newspaper page in size.
 - B. Mailed notice of the hearing shall be provided (as set forth in (D)(2)(c)1. and 2. of this section) to all property owners who reside outside of the newspaper's circulation area.

(d) *Content of Notice*

A published or mailed notice shall provide at least the following:

1. Parcel identification number;
2. The address of the subject property (if available);
3. The general location of the land that is the subject of the application, which may include, a location map;
4. A description of the action requested;
5. Where a rezoning is proposed, the current and proposed districts;

6. The time, date and location of the public hearing;
7. A phone number to contact the Town; and
8. A statement that interested parties may appear at the public hearing.

(3) Constructive Notice

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

(E) Required Hearings

A public hearing shall be required for development review as shown in Table 7-3 below.

Table 7-3 Required Hearings

	Board of Adjustment BOA	Town Council TC	
Text Amendment	•		§ 155.703
Rezoning	•		§ 155.704
Planned Development	•		§ 155.705
Preliminary Plat	•		§ 155.706
Conditional Use Review	•		§ 155.710
Special Use Review		•	§ 155.711
Alternative Sign Plan		•	§ 155.713
Variance	•		§ 155.716
Administrative Appeal	•		§ 155.717

(F) *Decisions*

Unless specifically provided elsewhere, all decisions on land use changes, including rezonings, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

(G) *Notice of Decision*

Within 14 days after a decision is made, a copy of the decision shall be delivered to the applicant by personal delivery, electronic mail or first-class mail. The decision shall also be filed with the Planning Department and available for public inspection during regular office hours.

(H) *Withdrawal of Application*

- (1) An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Planning Director.
- (2) The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.
- (3) If a valid zoning protest petition shall have been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the Town Council hearing date upon which the matter is to be returned for action by the Town Council. Thereafter, the application may be withdrawn only by leave of the Town Council, by majority vote.
- (4) The Planning Director may withdraw applications due to failure of the applicant to submit required information within 90 days of the initial request.
- (5) An applicant may postpone a scheduled public hearing once per application for up to 90 days after the date the first public hearing was scheduled to occur, after which the Planning Director may withdraw the application.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2011-05-01, passed 5-2-11; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13)

Duly adopted this the 5th day of December, 2016 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Katherine Ross
Town Attorney