



Town of Clayton
Town Council Regular Meeting Agenda
Monday, November 18, 2024 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

THE PUBLIC MAY VIEW THE LIVE COUNCIL MEETING ON THE TOWN'S YOUTUBE CHANNEL:
<https://www.youtube.com/TownofClaytonNC>

1. CALL TO ORDER

- a. Call to Order
- b. Pledge of Allegiance
 - Boy Scout Troop 24
- c. Invocation

2. ADJUSTMENT OF THE AGENDA

- a. **POTENTIAL ACTION:** Approve or Adjust the Agenda

3. CONSENT AGENDA

- a. Minutes
 - November 4, 2024 - Work Session
 - November 4, 2024 - Regular Session
 - November 4, 2024 - Closed Session

Presenter: Sam Johnson-Phillips, Deputy Town Clerk
[November 4, 2024 - Work Session](#)
[November 4, 2024 - Regular Session](#)
- b. GIS Day Proclamation
[GIS Day Proclamation](#)
- c. CAMPO MOU
Presenter: Audrey Duchesne, Senior Planner
[CAMPO MOU 2023-04-17](#)
- d. Assignment and Assumption of Sewer Allocation - Copper Land LLC & Corbett NC, LP
Presenter: Joshua Baird, PE, Water Resources Director
[Resolution #2024-115](#)
- e. Clayton Fire Department Advisory Board By-Laws
Presenter: Heidi Holland, Town Clerk
[Resolution #2024-113](#)
- f. Accept Streets into the Town of Clayton Street System for Permanent Maintenance – Academy Point, Phases 1 & 2
Presenter: Chris Rowland, Engineering
[Resolution #2024-109](#)

POTENTIAL ACTION: Approve Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

- a. Clayton4U
Presenter: Nathanael Shelton, Communication Director

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Citizen Recognition
Presenter: Council Member Anderson
- b. Harvest Festival Update
Presenter: Dana Wooten, Chamber of Commerce President

6. PUBLIC HEARINGS

- a. 2024-57-ANX 8121 US 70 BUS Industrial Annexation
Presenter: Conrad Olmedo, Planning Director
POTENTIAL ACTION: Table to the December 2, 2024 Meeting
- b. 2024-58-RZ WC 8121 US 70 BUS Industrial Rezoning
Presenter: Conrad Olmedo, Planning Director
POTENTIAL ACTION: Table to the December 2, 2024 Meeting
- c. 2024-47-CZM Novo Nordisk Art Center
Presenter: Conrad Olmedo, Planning Director
[2024-47-CZM Novo Nordisk Art Center](#)
POTENTIAL ACTION: Table to the December 2, 2024 Meeting

7. QUASI-JUDICIAL HEARING

8. OLD BUSINESS

9. NEW BUSINESS

- a. West Clayton Church of God Purchase and Sale Agreement
Presenter: Rich Cappola, Town Manager
[Resolution #2024-114](#)
POTENTIAL ACTION: Adoption of Resolution #2024-114
- b. Land Acquisition Reimbursement Resolution
Presenter: Robert McKie, Finance Director
[Resolution #2024-110](#)
POTENTIAL ACTION: Adoption of Resolution #2024-110
- c. Resolution by Governing Body of Recipient of Directed Project Grant SRP-W-134-0194
Presenter: Shannon Poole, Engineering
[Resolution #2024-112](#)
POTENTIAL ACTION: Adoption of Resolution #2024-112

10. STAFF REPORTS

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

11. OTHER BUSINESS

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

12. CLOSED SESSION

- a. To Discuss a Legal Matter in Accordance with NCGS 143-318.11(a)(3) and To Discuss Economic Development in Accordance with NCGS 143-318.11(a)(4)

POTENTIAL ACTION: Motion To Go Into Closed Session

POTENTIAL ACTION: Motion To Return To Open Session

13. ADJOURNMENT

- a. Adjourn

POTENTIAL ACTION: Motion To Adjourn

INFORMATION FOR THE PUBLIC

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.

7. QUASI-JUDICIAL HEARING

A quasi-judicial hearing resembles a court trial where testimony is presented. Citizens may give testimony in a quasi-judicial hearing after they have taken an oath. Town Council acts like a court of law and receives only sworn testimony and other credible evidence. In addition, the Town Council must make findings of fact based upon the evidence presented. The Town Council refrains from "ex parte communication" about these cases, as the Town Council must make a decision based solely on the evidence presented at the hearing itself. Staff is available to assist with inquiries from citizens.

11. OTHER BUSINESS – INFORMAL DISCUSSION & PUBLIC COMMENT

RULES FOR PERSONS ADDRESSING TOWN COUNCIL

- During public hearings and public comment periods, each speaker will identify him/herself by giving his or her name and place of residence.
- Each speaker will be limited to speaking one time on any topic. When you are finished speaking, please step away from the podium and be seated.
- Each speaker will be limited to three (3) minutes and each group's representative will be limited to a maximum of five (5) total minutes. Each group is encouraged to designate a single spokesperson for their group.



Town of Clayton
Town Council Work Session Minutes
Monday, November 4, 2024 at 3:00 PM
Rotary Room, Town Hall
111 E. Second Street

Council Present:

Mayor Jody McLeod
Council Member Andria Archer
Mayor Pro Tem Michael Sims
Council Member Porter Casey
Council Member Ruth Anderson
Council Member Gretchen Williams

Staff Present:

Jim Cauley, Town Attorney
Heidi Holland, Town Clerk
Dolores Gill, Deputy Town Manager
Lee Barbee, Deputy Town Manager
Courtney Tanner, Deputy Town Manager
Robert McKie, Finance Director
Steven Langston, Clayton Center Director
Mel Poole, Library Manager
Ann Game, Rev. & Utility Customer Service Director
Sam Johnson-Phillips, Deputy Town Clerk
Brandon Carroll, Utilities Compliance Supervisor
Joshua Baird, Water Resources Director
Chris Rowland, Construction Project Administrator

Council Absent:

None

1 CALL TO ORDER

- a) Mayor McLeod called the meeting to order at 3:03 p.m.

2 ADJUSTMENT OF THE AGENDA

- a) **Approve or Adjust the Agenda**

RESULT:	CARRIED 5-0
MOVER:	Ruth Anderson
SECONDER:	Michael Sims
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

3 STAFF INTRODUCTIONS AND RECOGNITIONS

- a) 3:00 - 3:15 p.m.

- Steven Langston, Cultural Arts Director
Presenter: Dolores Gill, Deputy Town Manager
- Mel Poole, Library Manager
Presenter: Steven Langston, Cultural Arts Director

- Jason Newman, Maintenance Superintendent, Water Resources

Presenter: James Blalock, Asst. Director, Water Resources

Wastewater Treatment Plant Operators at the Little Creek

- Benjamin Pack
- Tanikka Thomas
- Justin Avery

Presenter: David White, Water Reclamation Superintendent

- Sam Johnson-Phillips, Deputy Town Clerk

Presenter: Heidi Holland, Town Clerk

Ms. Gill introduced Steven Langston, Cultural Arts Director, who has been here since 2003. There has been an organizational change and Mr. Langston would be assuming the library under his duties. Mr. Langston introduced Mel Poole as the new Library Manager. She has been with the Town for about two years and has served as the Interim Library Director since Joy Garretson's departure. James Blalock introduced Jason Newman as the new Maintenance Supervisor; he comes from the Town of Fuquay. David White introduced the three new Wastewater Treatment Plant Operators: Benjamin Pack, Tanikka Thomas, and Justin Avery. Ms. Holland recognized Sam Johnson-Phillips for graduating from Clerk Certification School from the School of Government.

4 ITEMS FOR DISCUSSION

a) 3:15 - 3:35 p.m.

Bill Audit Review

Presenter: Sherri Callery, Senior Utility Systems Analyst with ElectriCities

Ms. Game stated several years ago ElectriCities came to the Town to discuss retail billing audit. She recognized Ann Kramer, Kerrie Greening, and Sheri Smith for their hard work in managing the billing process. She then introduced Sherri Callery with ElectriCities. Ms. Callery shared the objectives of the billing assessment: to identify and quantify billing errors (to exclude residential), ensure accounts are assigned to correct rates, and make process improvement or investment recommendations as needed to improve billing accuracy and efficiency.

She stated New World does not have the ability to pull an easy report, so approximately 17,000 records were manually cleaned up.

There was discussion on certain findings throughout this assessment with all errors being corrected. Out of 84,256 records evaluated, only three inconsistencies with billed charge calculations were identified. The Town has a 99.98% accuracy rate, which is the highest ElectriCities has seen since the program was launched in 2017; she stated it is important for our customers to

know that.

Shared was a summary of the assessment which included recommendations to include replacing New World with a more modern, flexible customer solution and redesigning LGS and TOU rates and update rate documentation. This could improve operational efficiency, billing accuracy and flexibility, customer reporting and analytical capabilities, and customer satisfaction.

Mayor McLeod stated this information needs to get to our citizens, it's important for them to hear this operation is being run to the best we can. It would help our citizens understand what is done and for them to know their rates and bills are being checked. Ms. Game stated there is a customer survey from ElectriCities that goes out every couple of years. This is the third time the Town has participated; the survey had huge participation. She would provide those survey results to Council.

5 BREAK

a) 3:35 - 3:45 p.m.

6 ITEMS FOR DISCUSSION

a) 3:45 - 4:15 p.m.

Lead and Copper Rule Revision Update

Presenters: Brandon Carroll, Utility Compliance Supervisor and Joshua Baird, Water Resources Director

Mr. Baird stated this project has hit a milestone recently and he wanted to provide an update. Brandon Carroll stated the last time this was discussed was September 2023. He stated they did not find any lead service line in the Town lines and right now there are not any galvanized lines in the Town. In September 2023, a map was shared of unknown services lines; shared was a current map of the services lines today which shows over 5,000 successfully located.

There was discussion on galvanized service lines. He stated a lot of lines today are not GRR (galvanized requiring replacement), but we are not able to prove what was there before so they must be classified as GRR. He discussed a survey designed to gather information for creating a materials inventory. Once the data is collected, a map will be created to help citizens identify the type of service line at their property.

Shared was Service Line Inventory:

- Work Orders Complete: 2,805
- Unknown Services Lines: 0
- Galvanized Town Side: 78
- Galvanized Customer Side: 157

- Lead: 0

Next steps are to send notification letters to properties who have galvanized lines and have all Town side galvanized lines replaced by 2027. If a property owner does not replace their line, they would be notified every year. An active website with this information is currently in development, with the goal of launching it by next week.

The goals from the September 2023 presentation were reviewed: five of the six goals have been completed, with the final goal scheduled for completion in spring 2025.

Mr. Baird stated this is a huge project. He spoke highly of the staff that have participated and been involved in this project. He stated the Town's goal is to keep this moving and by the first quarter of next year, all GRR lines would be replaced. He stated on the residential side, staff would provide as much information as possible, but it is up to the property owner if they want to replace the lines. He spoke about the groundwork done by previous employee Byron Poelman. He asked all staff present to step up and be recognized.

Council Member Casey asked if any downtown business owners would be affected, Mr. Carroll stated yes, there are several on Main Street that would need to have lines replaced and they would be notified. Staff would contact business owners and try to have them all agree on a closing date to replace these lines. On average, the repair time would be hours, not days.

b) 4:15 - 4:30 p.m.

Manual of Standards, Specifications and Design (MSSD) Manual Overview
Presenter: Chris Rowland, Engineering

Mr. Rowland stated MSSD is a comprehensive guide, and uniform standards detail the Town's best specification and design practices for its infrastructure, public and private. The importance of this document is to have consistency, quality assurance, adhere to safety standards and practices, and for cost efficiency. This was a collaborative effort across many departments within the Town as well as external experts. It incorporates the latest technologies and best practices for the Town.

There was discussion on specifications and what is included within the manual, such as design (standards, sizing of assets, general layout of infrastructure), specifications (specific materials/parts, testing procedures, and methods for payment – public), and details (pictorial, specific layouts, transferred to plans).

He stated this is a living document that should be revised at a minimum annually or bi-annually, to remain current with industry standards and development improvements. This revision has been compiled from leading

industry practices used throughout the State, meeting or exceeding sustainability, functionality, and the dependability of the Town’s infrastructure.

Council Member Archer stated she would like to advocate for keeping this document current.

The next steps are to have this adopted at the November 18, 2024 meeting.

7 **ADJOURNMENT**

a) Adjourn

With nothing further, the meeting was adjourned at 4:39 p.m.

Motion To Adjourn

RESULT:	CARRIED 5-0
MOVER:	Gretchen Williams
SECONDER:	Michael Sims
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

Duly adopted this 18th day of November 2024, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Sam Johnson-Phillips
Deputy Town Clerk



Town of Clayton
Town Council Regular Meeting Minutes
Monday, November 4, 2024 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Council Present:

Mayor Jody McLeod
Council Member Andria Archer
Mayor Pro Tem Michael Sims
Council Member Porter Casey
Council Member Ruth Anderson
Council Member Gretchen Williams

Staff Present:

Jim Cauley, Town Attorney
Heidi Holland, Town Clerk
Dolores Gill, Deputy Town Manager
Lee Barbee, Deputy Town Manager
Courtney Tanner, Deputy Town Manager
Greg Tart, Police Chief
David Ranes, Fire Chief
Robert McKie, Finance Director
Nathanael Shelton, Communication Director
Conrad Olmedo, Planning Director
Sam Johnson-Phillips, Deputy Town Clerk
Joshua Baird, Water Resources Director
Scott Barnard, Parks & Rec Director

Council Absent:

None

1. CALL TO ORDER

- a. Call to Order

Mayor McLeod called the meeting to order at 6:05 p.m.

- b. Pledge of Allegiance

Mayor McLeod led the Pledge of Allegiance.

- c. Invocation

Mayor McLeod provided the Invocation.

2. ADJUSTMENT OF THE AGENDA

- a. *Presenter:* Jim Cauley, Town Attorney

Attorney Cauley requested to have item 5a moved to 3d and to add a closed session in pursuant to 143-318.11(a)(2) with respect to a disclosure of an award.

Approve or Adjust the Agenda

RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Porter Casey
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

3. CONSENT AGENDA

- a. Minutes
 - October 21, 2024 - Regular Session
 - October 21, 2024 - Closed Session

Presenter: Heidi Holland, Town Clerk
- b. Certification of Sufficiency by the Clerk: 2024-57-ANX WC 8121 US 70 BUS Industrial

Presenter: Heidi Holland, Town Clerk
- c. Resolution Directing the Clerk to Set a Date for a Public Hearing: 2024-57-ANX WC 8121 US 70 BUS Industrial

Presenter: Conrad Olmedo, Planning Director

Approve Consent Agenda as Presented

RESULT:	CARRIED 5-0
MOVER:	Michael Sims
SECONDER:	Porter Casey
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

4. ADMINISTRATIVE ITEMS

- a. Clayton4U

Presenter: Nathanael Shelton, Communication Director

Mr. Shelton shared this video which featured the new mass communication outage system, C.O.M.S.
- b. Proclamation to Heidi Holland, Town Clerk

Presenter: Mayor McLeod

Mayor McLeod read and presented a proclamation to Heidi Holland, Town Clerk. He expressed thanks and gratitude to Ms. Holland and expressed well wishes to her on her birthday.

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Operation Green Light for Veterans Proclamation

Presenter: Mayor Pro Tem Sims to Present

This item was moved to the consent agenda.

6. PUBLIC HEARINGS

7. QUASI-JUDICIAL HEARING

- a. 2023-197-SUP NSC Holdings LLC
Presenter: Audrey Duchesne, Senior Planner

Mr. Olmedo stated the applicant requested for this item to be continued to the December 16, 2024 meeting.

8. OLD BUSINESS

- a. Town of Clayton 2024 Parks & Recreation Master Plan
(Continued from the October 21, 2024 Meeting)
Presenter: Scott Barnard, Parks and Recreation Director

Mr. Barnard requested the adoption of the Parks and Recreation Master Plan as presented previously by Staff and the consultant Sarah Burrough with Sage Design to be approved.

Adoption of Ordinance #2024-11-04

RESULT:	CARRIED 5-0
MOVER:	Porter Casey
SECONDER:	Gretchen Williams
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

9. NEW BUSINESS

- a. Memorandum of Agreement (MOA) for the Johnston County Long Range Water Supply Program
Presenter: Joshua Baird, PE, Water Resources Director/Interim Engineering Director

Mr. Baird reported the Town does its bulk purchasing of water from Johnston County. Based on the most recent long-range plan, there is a project that would need to meet the demands. The project is of an intake on the Neuse River down Richardson Bridge Road. It pumps back to a quarry that is owned by the county near Princeton. There would be a new treatment plant, it's initial phase would be 12 million gallons per day. It would be constructed in such a way it could be expanded to meet future needs. Based on the forecast, the overall project size and the county's needs, which include the Town's projected and anticipated

needs, a substantial portion of the volume would be attributed to growth in Clayton. The county has asked the Town to partner in this effort.

It was stated the next steps of the process have been outlined in the MOA. Mr. Baird stated the MOA does not obligate Council to contribute to construction. It is for preliminary engineering, scoping of the project and project development.

It has been requested the Town have a 50/50 share in the preliminary cost. Mr. Baird stated concurrently the Town is also looking at alternatives to ensure this is the best path for the Town's residents. Upon completion of both, Staff would be in the position to provide additional information to Town Council, in regard to the next steps.

Mr. Baird stated, Staff has requested the approval of the MOA. The approximate budget for the preliminary engineering is \$1 Million, with a 50/50 share, the Town's anticipated part would be about \$500,000, to go into development and understand what the project would entail, and staff would bring back information to Town Council so a decision could be made.

Mayor Pro Tem Sims stated this is more long-term than an immediate goal, he stated he is in support of this.

Adoption of Resolution #2024-111

RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Michael Sims
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

10. STAFF REPORTS

- a. Town Manager

Ms. Gill expressed gratitude to the Communication staff and the Cultural Arts staff for an incredible Veterans Day ceremony. Ms. Gill would like to encourage all residents to come by and pick up a free green light bulb now through November 11, 2024, to participate in Operation Green Light in honor and support of our Veterans. She reminded all facilities would be closed on Monday, November 11, 2024.

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

11. OTHER BUSINESS

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

Mayor Pro Tem Sims thanked the Town, the Chamber of Commerce, Police and Fire Departments, and all who participated in the Harvest Festival. He stated tonight's Veteran's Day Ceremony was outstanding and he enjoyed the keynote speaker. Council Member Casey stated it was great to see the citizens who stopped by the Council booth at the Harvest Festival. Mayor McLeod stated this was one of the highest attended in Clayton's history.

12. CLOSED SESSION

- a. To Prevent the Premature Disclosure of an Award in Accordance with NCGS 143-318.11(a)(2)

Motion To Go Into Closed Session

RESULT:	CARRIED 5-0
MOVER:	Michael Sims
SECONDER:	Gretchen Williams
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

Motion To Return To Open Session

RESULT:	CARRIED 5-0
MOVER:	Michael Sims
SECONDER:	Gretchen Williams
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

13. ADJOURNMENT

- a. Adjourn

With nothing further, the meeting was adjourned at 6:40 p.m.

Motion To Adjourn

RESULT:	CARRIED 5-0
MOVER:	Porter Casey
SECONDER:	Andria Archer
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams

NO: None

Duly adopted by the Town Council this 18th day of November 2024 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Sam Johnson-Phillips
Deputy Town Clerk

November 4, 2024
Minutes

**TOWN OF CLAYTON
PROCLAMATION
GIS DAY**

WHEREAS, the Town of Clayton recognizes that an understanding, use and application of geospatial technology is crucial to operating our infrastructure, sustaining our natural resources, and stimulating economic growth, thus, benefitting the welfare of the general public throughout the Town; and

WHEREAS, geographic information systems (GIS) technology allows us to see and model complex relationships and patterns to more intelligently respond; and

WHEREAS, there is a need to promote GIS awareness, education and technical training to use this rapidly developing technology to its full potential; and

WHEREAS, the Town of Clayton acknowledges those that have chosen GIS as their profession or as part of their discipline to improve the lives of our citizens; and

WHEREAS, to recognize and support the efforts of nonprofits who work on activities to improve conservation, human services, and various humanitarian efforts to better our world; and

WHEREAS, the Town of Clayton is committed to utilizing GIS to inform decision making and better serve its residents and make useful geographic information open and easily available to the public, as a platform for innovation;

NOW, THEREFORE, on behalf of the Clayton Town Council, we hereby proclaim November 20, 2024 GIS Day.

Proclaimed this 18th day of November 2024.

Jody L. McLeod
Mayor

**NORTH CAROLINA
CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION**

**MEMORANDUM OF UNDERSTANDING
BETWEEN**

**THE GOVERNOR OF THE STATE OF NORTH CAROLINA,
TOWN OF ANGIER, TOWN OF APEX, TOWN OF ARCHER LODGE, TOWN OF
BUNN, TOWN OF CARY, TOWN OF COATS, TOWN OF CLAYTON, CITY OF
CREEDMOOR, TOWN OF FRANKLINTON, TOWN OF FUQUAY-VARINA, TOWN
OF GARNER, TOWN OF HOLLY SPRINGS, TOWN OF KNIGHTDALE, TOWN OF
LILLINGTON, TOWN OF MORRISVILLE, CITY OF RALEIGH, TOWN OF
ROLESVILLE, TOWN OF WAKE FOREST, TOWN OF WENDELL, TOWN OF
YOUNGSVILLE, TOWN OF ZEBULON, COUNTY OF CHATHAM, COUNTY OF
FRANKLIN, COUNTY OF GRANVILLE, COUNTY OF HARNETT, COUNTY OF
JOHNSTON, COUNTY OF WAKE, TRIANGLE TRANSIT AUTHORITY, AND THE
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
(Hereinafter referred to as the Municipalities, the Agencies, the Counties and the State)**

**IN COOPERATION WITH
THE UNITED STATES DEPARTMENT OF TRANSPORTATION,**

Agreement No. 2024-04-17

WITNESSETH THAT

WHEREAS, Chapter 136, Article 3A, Section 136.66.2(d) provides that:

"For MPOs, either the MPO or the Department of Transportation may propose changes in the plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Department of Transportation and the MPO."; and

WHEREAS, Section 134(a) of Title 23 United States Code states:

"It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner which will efficiently maximize mobility of people and goods within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities)

**N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)**

April 17, 2024

which will function as an intermodal transportation system for the State, the metropolitan areas, and the Nation. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems."; and

WHEREAS, Section 134(c) of Title 23 United States Code states:

Development of long-range plans and TIPs.— To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs for metropolitan planning areas of the State; and

WHEREAS, Chapter 136, Article 3A, 66.2(a) of the General Statutes of North Carolina require that:

"Each MPO, with cooperation of the Department of Transportation, shall develop a comprehensive transportation plan in accordance with 23 U.S.C. § 134. In addition, an MPO may include projects in its transportation plan that are not included in a financially constrained plan or are anticipated to be needed beyond the horizon year as required by 23 U.S.C. § 134. For municipalities located within an MPO, the development of a comprehensive transportation plan will take place through the metropolitan planning organization. For purposes of transportation planning and programming, the MPO shall represent the municipality's interests to the Department of Transportation."; and,

WHEREAS, Chapter 136, Article 3A, 66.2(b) provides that:

"After completion and analysis of the plan, the plan shall be adopted by both the governing body of the municipality or MPO and the Department of Transportation as the basis for future transportation improvements in and around the municipality or within the MPO. The governing body of the municipality and the Department of Transportation shall reach agreement as to which of the existing and proposed streets and highways included in the adopted plan will be a part of the State highway system and which streets will be a part of the municipal street system. As used in this Article, the State highway system shall mean both the primary highway system of the State and the secondary road system of the State within municipalities."; and,

WHEREAS, a transportation planning process includes the operational procedures and working arrangements by which short and long-range transportation plans are soundly conceived and developed and continuously evaluated in a manner that will:

1. Assist governing bodies and official agencies in determining courses of action and in formulating attainable capital improvement programs in anticipation of community needs; and,
2. Guide private individuals and groups in planning their decisions which can be important factors in the pattern of future development and redevelopment of the area; and,

**N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)**

April 17, 2024

WHEREAS, it is the desire of these agencies that a continuing, cooperative, and comprehensive transportation planning process as set forth in a Memorandum of Understanding dated January 28, 1993 comply with Title 23 U.S.C. Section 134; and any subsequent amendments to that statute, and any implementing regulations; Title 49 U.S.C. Chapter 53 and any subsequent amendments to these statutes and any implementing regulations; and the Clean Air Act of 1970, as amended, [42 U.S.C. 7504 and 7506].

NOW THEREFORE, the following **Memorandum of Understanding** is made:

Section I. Membership

It is hereby agreed that the Municipalities, the agencies, the Counties and the State in cooperation with the United States Department of Transportation, will participate in a continuing, cooperative and comprehensive ("3-C") transportation planning process with responsibilities and undertakings as related in the following paragraphs:

1. The **N. C. Capital Area Metropolitan Planning Area** (as defined by the Metropolitan Area Boundary, also known as the Planning Area Boundary) will be all of Wake County and parts of Chatham, Franklin, Granville, Harnett, and Johnston Counties.
2. The **N. C. Capital Area Metropolitan Planning Organization (MPO)** shall include the local governments of the Municipalities and the Counties, the North Carolina Department of Transportation, an **Executive Board** hereinafter defined, a **Technical Coordinating Committee** hereinafter defined, and the various agencies and units of local, regional, and state government participating in the transportation planning for the area.
3. The **Urbanized Area Boundary** and the **Metropolitan Area Boundary** shall be periodically reviewed and revised in light of new developments and basic data projections.
4. The continuing transportation planning process will be a cooperative one reflective of and responsive to the programs of the North Carolina Department of Transportation, and to the comprehensive plans for growth and development of the Municipalities and the Counties in the Triangle Region with attention being given to cooperative planning with the neighboring metropolitan and rural planning organizations.
5. The continuing transportation planning process will be in accordance with the intent, procedures and programs of Title VI of the Civil Rights Act of 1964, as amended.
6. The continuing transportation planning process will be in accordance with the intent, procedures, and programs of the Clean Air Act of 1970, as amended.

N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)

April 17, 2024

7. Transportation policy decisions within the planning area are the shared responsibility of the North Carolina Board of Transportation, the Executive Board and the governing bodies of the participating local governments.
8. Transportation plans and programs and land use policies and programs having regional impacts will be coordinated with the applicable regional Councils of Governments.
9. **An Executive Board is hereby established** with the responsibility for cooperative transportation planning decision making for the MPO. The **Executive Board** shall have the responsibility for keeping the policy boards of the participating local governments informed of the status and requirements of the transportation planning process; for assisting in the dissemination and clarification of the decisions and policies of the policy boards; for providing opportunities for citizen participation in the transportation planning process; and all other duties and responsibilities customary for a governing board of a public authority.

The **Executive Board** will be responsible for carrying out the provisions of 23 U.S.C. Section 134 and Title 49 U.S.C. Chapter 53; and 42 U.S.C.; including, but not necessarily limited to:

- a. Establishment of goals and objectives for the transportation planning process.
- b. Review and approval of a **Prospectus** for transportation planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;
- c. Review and approval of changes to the **Metropolitan Area Boundary** as well as review and recommendation for changes to the **National Highway System**;
- d. Review and approval of the transportation **Unified Planning Work Program**;
- e. Review and approval of the adopted **Comprehensive and Metropolitan Transportation Plans**. As specified in General Statutes Section 136-66.2(a), the Comprehensive Transportation Plan shall include the projects in the Metropolitan Area's Transportation Plan as well as projects that are not included in the financially constrained plan or are anticipated to be needed beyond the horizon year as required by 23 U.S.C. Section 134. As specified in General Statutes Section 136-66.2(d) certain revisions to the **Comprehensive Transportation Plan** may be required to be jointly approved by the North Carolina Department of Transportation;
- f. Review and approval of the MPO's **Transportation Improvement Program** for multimodal capital and operating expenditures ensuring coordination between local and State capital improvement and operating programs. As specified in 23 U.S.C. Section 134(k), all federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation

N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)

April 17, 2024

management area (excluding projects carried out on the National Highway System) shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator;

- g. Review and approval of planning procedures for air quality conformity and review and approval of air quality conformity determination for projects, programs, and plans;
- h. Review and approval of a Congestion Management Process;
- i. Review and approval of the distribution and oversight of federal funds designated for the Raleigh Urbanized Area under the provisions of IIJA and any other subsequent Transportation Authorizations;
- j. Review and approval of a policy for public involvement for the MPO;
- k. Review and approval of an agreement between the MPO, the State, and public transportation operators serving the Metropolitan Planning Area that defines mutual responsibilities for carrying out the metropolitan planning process in accordance with 23 C.F.R. 450
- l. Development and approval of committee by-laws for the purpose of establishing operating policies and procedures;
- m. Oversight of the MPO Staff;
- n. Revisions to membership of Technical Coordinating Committee as defined herein;
- o. Review and approval of cooperative agreements with other transportation organizations, transportation providers, counties, and municipalities.

The membership of the **Executive Board** shall include:

- One member of the Angier Town Board of Commissioners
- One member of the Apex Town Council
- One member of the Archer Lodge Town Council
- One member of the Bunn Town Council
- One member of the Cary Town Council
- One member of the Clayton Town Council
- One Member of the Coats Board of Commissioners
- One member of the Creedmoor Board of Commissioners
- One member of the Franklinton Town Board of Commissioners

**N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)**

April 17, 2024

- One member of the Fuquay-Varina Town Board of Commissioners
- One member of the Garner Town Council
- One member of the Holly Springs Town Council
- One member of the Knightdale Town Council
- One member of the Lillington Board of Commissioners
- One member of the Morrisville Town Council
- One member of the Raleigh City Council
- One member of the Rolesville Town Board of Commissioners
- One member of the Wake Forest Town Board of Commissioners
- One member of the Wendell Town Board of Commissioners
- One member of the Youngsville Town Board of Commissioners
- One member of the Zebulon Town Board of Commissioners
- One member of the Chatham County Board of Commissioners
- One member of the Franklin County Board of Commissioners
- One member of the Granville County Board of Commissioners
- One member of the Harnett County Board of Commissioners
- One member of the Johnston County Board of Commissioners
- One member of the Wake County Board of Commissioners
- Four members of the North Carolina Board of Transportation representing the Highway Divisions (currently 4, 5, 6 and 8) within the Metropolitan Planning Area
- One member of the Research Triangle Regional Public Transportation Authority Board of Trustees; and
- The Division Administrator of the Federal Highway Administration or his or her representative who shall serve as an advisory, non-voting member.
- The Regional Administrator of the Federal Transit Administration or his or her representative, who shall serve as an advisory, non-voting member.
- The Regional Administrator of the Federal Rail Administration or his or her representative, who shall serve as an advisory, non-voting member.

Municipal and county public transit providers shall be represented on the Executive Board through their respective municipal and county local government board members.

Voting representatives of the Municipalities and the Counties shall be designated by their respective governing boards. Requirements for voting, quorums, and membership in good standing shall be included in the adopted bylaws of the Executive Board. Weighted voting shall be applied as invoked by any voting member of the Executive

**N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)**

April 17, 2024

Board. In the instance of a weighted vote, each member government shall be apportioned weighted voting based on the most recent certified North Carolina Population Estimates for Municipalities and Counties utilizing a vote weighting formula of one vote for each 10,000 of population, or portion thereof. Other voting agencies without population-based representation on the Executive Board shall vote in accordance with the most recent voting schedule. The most recent voting schedule will be maintained by the CAMPO staff and updated with the most recent certified North Carolina Population Estimates for Municipalities and Counties.

At the invitation of the **Executive Board**, other local, regional, State or Federal agencies impacting transportation within the planning area may serve as non-voting members of the **Executive Board**.

As established in its adopted bylaws, the **Executive Board** shall meet as deemed appropriate and shall elect officers with the responsibility for coordination of the committee's activities. A member of the MPO staff will serve as secretary to the Committee.

As established in its adopted bylaws, the Executive Board may create an executive committee and/or subcommittees to carry out its responsibilities.

10. **A Technical Coordinating Committee (TCC) shall be established** with the responsibility of general review, guidance and coordination of the transportation planning process for the planning area and with the responsibility for making recommendations to the Executive Board and to other entities designated by the Executive Board regarding any necessary actions relating to the continuing transportation planning process. The TCC shall be responsible for development, review and recommendations of the **Prospectus, Unified Planning Work Program, Transportation Improvement Program, Metropolitan Area Boundary, Urbanized Area Boundary, and National Highway System**, for revisions to the **Transportation Plan**, for planning citizen participation and for documenting reports of the transportation study.

Membership of Technical Coordinating Committee (TCC) shall include technical representatives from local, regional and State governmental agencies; as well as major modal transportation providers directly related to and concerned with the transportation planning process for the planning area. Each member agency's representative(s) shall be designated by the chief administrative officer of that agency. Departments or divisions within local and state agencies that should be represented on the TCC include, but are not limited to, those responsible for transportation planning, land use planning, transportation operations, public works and construction, engineering, public transportation, environmental conservation and planning, bicycle and pedestrian planning, and economic development. The voting membership shall include, at a minimum, representation from the following agencies/organizations, with specific numbers of members from each agency/organization outlined in the Technical Coordinating Committee's adopted bylaws:

**N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)**

April 17, 2024

- Town of Angier
- Town of Apex
- Town of Archer Lodge
- Town of Bunn
- Town of Cary
- Town of Clayton
- Town of Coats
- City of Creedmoor
- Town of Franklinton
- Town of Fuquay-Varina
- Town of Garner
- Town of Holly Springs
- Town of Knightdale
- Town of Lillington
- Town of Morrisville
- City of Raleigh
- Town of Rolesville
- Town of Wake Forest
- Town of Wendell
- Town of Youngsville
- Town of Zebulon
- County of Chatham
- County of Franklin
- County of Granville
- County of Harnett
- County of Johnston
- County of Wake
- Central Pines Regional Council
- Capital Area Transit
- Cary Transit
- Raleigh-Durham Airport Authority
- Research Triangle Transit Regional Public Transportation Authority

- North Carolina Department of Transportation

**N. C. Capital Area Metropolitan Planning Organization
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April 17, 2024

- Rural Transit Systems Serving Franklin , Granville, Harnett, Johnston and Wake Counties
- North Carolina State University
- Research Triangle Foundation
- Triangle North Executive Airport

The host agency's membership shall not include members of the MPO staff.

In addition to voting membership, the TCC shall invite officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, environmental protection, airport operations, and freight movements) to coordinate their planning process, to the maximum extent practicable, with MPO planning activities. Such organizations and agencies may include:

- a. The Federal Highway Administration
 - b. The Federal Transit Administration
 - c. The Federal Rail Administration
 - d. The U.S. Army Corps of Engineers
 - e. The U.S. Environmental Protection Agency
 - f. The U.S. Fish and Wildlife Service
 - g. The N.C. Department of Cultural Resources
 - h. The N.C. Department of Commerce
 - i. The U.S. Department of Housing and Urban Development
 - j. The N.C. Railroad Company
 - k. The N.C. Trucking Association
 - l. The N.C. Motorcoach Association
 - m. Regional Transportation Alliance
11. The Technical Coordinating Committee shall operate as determined by its adopted bylaws. Any agency not listed above which wishes representation on the TCC may request such representation for consideration under the adopted bylaws of the TCC. As established in its adopted bylaws, the TCC may create an executive committee and/or subcommittees to carry out its responsibilities.
12. The governing boards of the Municipalities and the Counties and the North Carolina Board of Transportation shall serve as the primary means for citizen input to the continuing transportation planning process. Citizen involvement will also be obtained through procedures outlined in the MPO's policy for public participation and through various special studies and projects undertaken by the MPO.

The Executive Board should also provide opportunities for citizen participation in the transportation planning process.

N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)
April 17, 2024

Section II. Responsibilities

It is further agreed that the subscribing agencies will have the following responsibilities, these responsibilities being those most logically assumed by the several agencies:

The Municipalities and the Counties

The Municipalities and the Counties will assist in the transportation planning process by providing assistance, data and inventories in accordance with the Prospectus. The Municipalities and the Counties shall coordinate zoning and subdivision approval within their respective jurisdictions in accordance with the adopted Metropolitan Transportation Plan. Additionally, the a host agency, as designated by the Executive Board will serve as the **Lead Planning Agency** for the MPO. Services provided by the Lead Planning Agency on behalf of the MPO will be governed by mutual agreement(s).

The Municipalities and the Counties will participate in funding the portion of the costs of the MPO's work program not covered by federal or state funding (minimum 20% match of actual annual expenditures) as approved by the Executive Board. The portion to be paid by each Municipal and County member government will be based upon its pro rata share of population within the MPO Planning Area, utilizing the most recent certified North Carolina Office of State Planning municipal and county population estimates. In addition, MPO members may also voluntarily contribute additional funds for other purposes such as to participate in funding the costs of special studies, or other specialized services as mutually agreed upon.

Failure to pay the approved share of costs shall invalidate the MPO's Unified Planning Work Program and annual MPO self-certification as required by 23 CFR 450. Failure to certify shall result in the withholding of transportation project funds to the metropolitan planning area in accordance with federal law. In order to avoid this, the Executive Board shall amend the Unified Planning Work Program.

The municipalities and the counties receiving federal transportation funding designated for the Urbanized Areas within the MPO Planning Area as approved by the Executive Board through the Unified Planning Work Program shall comply with adopted reporting and oversight procedures.

North Carolina Department of Transportation

The Department will assist in the transportation planning process by providing planning assistance, data and inventories in accordance with the Prospectus. The Department, to the fullest extent possible, and as permitted by existing State and Federal regulations, will provide assistance in the protection of necessary rights-of-way for those transportation corridors designated on the Transportation Plan.

Research Triangle Regional Public Transportation Authority

Triangle Transit will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. Triangle Transit shall comply with adopted reporting and oversight procedures for the receipt of federal

**N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)**

April 17, 2024

transportation funding designated for the region's Urbanized Areas as approved by the Executive Board through the Unified Planning Work Program

Section III. Termination

Parties to this Memorandum of Understanding may terminate their participation in the N. C. Capital Area Metropolitan Planning Organization by giving thirty (30) days written notice to the other parties prior to the date of termination. If any party should terminate participation, this memorandum of understanding shall remain in force and the MPO shall continue to operate as long as 75% or more of the population within the Metropolitan Planning Area is represented by the remaining members.

Section IV. Ratification

In witness whereof, the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, The Town of Angier by its Mayor, the Town of Apex by its Mayor, the Town of Archer Lodge by its Mayor, the Town of Bunn by its Mayor, the Town of Cary by its Mayor, the Town of Clayton by its Mayor, the Town of Coats by its Mayor, the City of Creedmoor by its Mayor, the Town of Franklinton by its Mayor, the Town of Fuquay-Varina by its Mayor, the Town of Garner by its Mayor, the Town of Holly Springs by its Mayor, the Town of Knightdale by its Mayor, the Town of Lillington by its Mayor, the Town of Morrisville by its Mayor, the City of Raleigh by its Mayor, the Town of Rolesville by its Mayor, the Town of Wake Forest by its Mayor, the Town of Wendell by its Mayor, the Town of Youngsville by its Mayor, the Town of Zebulon by its Mayor, the Triangle Transit Authority by its Chair, Chatham County by its Chairman of the Board of Commissioners, Franklin County by its Chairman of the Board of Commissioners, Granville County by its Chairman of the Board of Commissioners, Harnett County by its Chairman of the Board of Commissioners, Johnston County by its Chairman of the Board of Commissioners, Wake County by its Chairman of the Board of Commissioners, and by the Secretary of Transportation on behalf of the Governor of the State of North Carolina and the North Carolina Department of Transportation, this the _____ day of _____, 2024.

[SIGNATURE PAGES TO FOLLOW]

N. C. Capital Area Metropolitan Planning Organization
Memorandum of Understanding (cont.)
April 17, 2024

(Seal)

TOWN OF CLAYTON

Clerk

By _____
Mayor



Town Council Regular Meeting Agenda Cover Sheet

Meeting Date

November 18, 2024

Agenda Location

CONSENT AGENDA

Item Title

Assignment and Assumption of Sewer Allocation - Copper Land LLC and Corbett NC, LP

Presenter(s)

Joshua Baird, PE - Water Resources Director

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment



☐ Vibrant Downtown



☐ Desirable Amenities and Spaces



☐ Sustainable Infrastructure



☐ Mobility, Transportation, and Transit



☒ Diversified Economic Development



☐ Community Outreach and Engagement



☐ Public Safety

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)

☐ Newspaper Notice (Required by GS)

☐ Public Forum/Input Session

☐ E-News Distribution

☐ Social Media

☐ Special Mailing

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

☐ Press Release

☐ Website

☐ Survey

☐ None Required

Summary

This Assignment and Assumption of Sewer Allocation is an agreement between Copper Land LLC and Corbett NC, LP, detailing a mutual transfer of sewer allocation rights to facilitate previously approved development projects on their respective properties in Clayton. Corbett NC, which plans to construct a 312-unit multi-family project on its parcel (referred to as 100 Corbett), requires 55,000 gallons per day (gpd) of sewer capacity to proceed. To meet this need, Copper Land has agreed to assign this amount from its existing sewer allocation for CD Zone A to Corbett NC. In exchange, Corbett NC will transfer 55,000 gpd of its own allocation to Copper Land, allowing both parties to progress with their projects.

The agreement is contingent on approval by the Town of Clayton, which has joined the document to formally acknowledge and consent to the exchange of sewer allocations. Under the terms of this agreement, Corbett NC will assume the customary Town requirements associated with the 100 Corbett allocation, but it will not be responsible for constructing the new 16" force main along NC Highway 42, a responsibility that remains with Copper Land. This force main is essential for Copper Land to access its full allocation in the future.

Both parties also agree not to make any further assignments that would conflict with the terms of this agreement and to perform any additional actions necessary to implement the agreement's provisions. This mutual allocation exchange enables Corbett NC to begin its project sooner, potentially before January 1, 2025, and provides Copper Land with the capacity needed to develop CD Zone A, making the arrangement beneficial for both parties.

In addition to the assignment, the requested action re-adopts and re-grants the previously approved allocation amounts. Staff request approval of the resolution and assignment agreement.

Funding Source

N/A

Corresponding Documentation

[Agreement](#)

[Resolution 2021-59 - Granting Wastewater for Lumen](#)

[Lumen Phasing](#)

[Resolution 2022-92, 2022-88-CZM Corbett Road Assemblage Conditional Zoning District Wastewater](#)

[Resolution 2025-115](#)

Submitted By: Joshua Baird, Engineering

Reviewed By:

Joshua Baird, Water Resources
Director

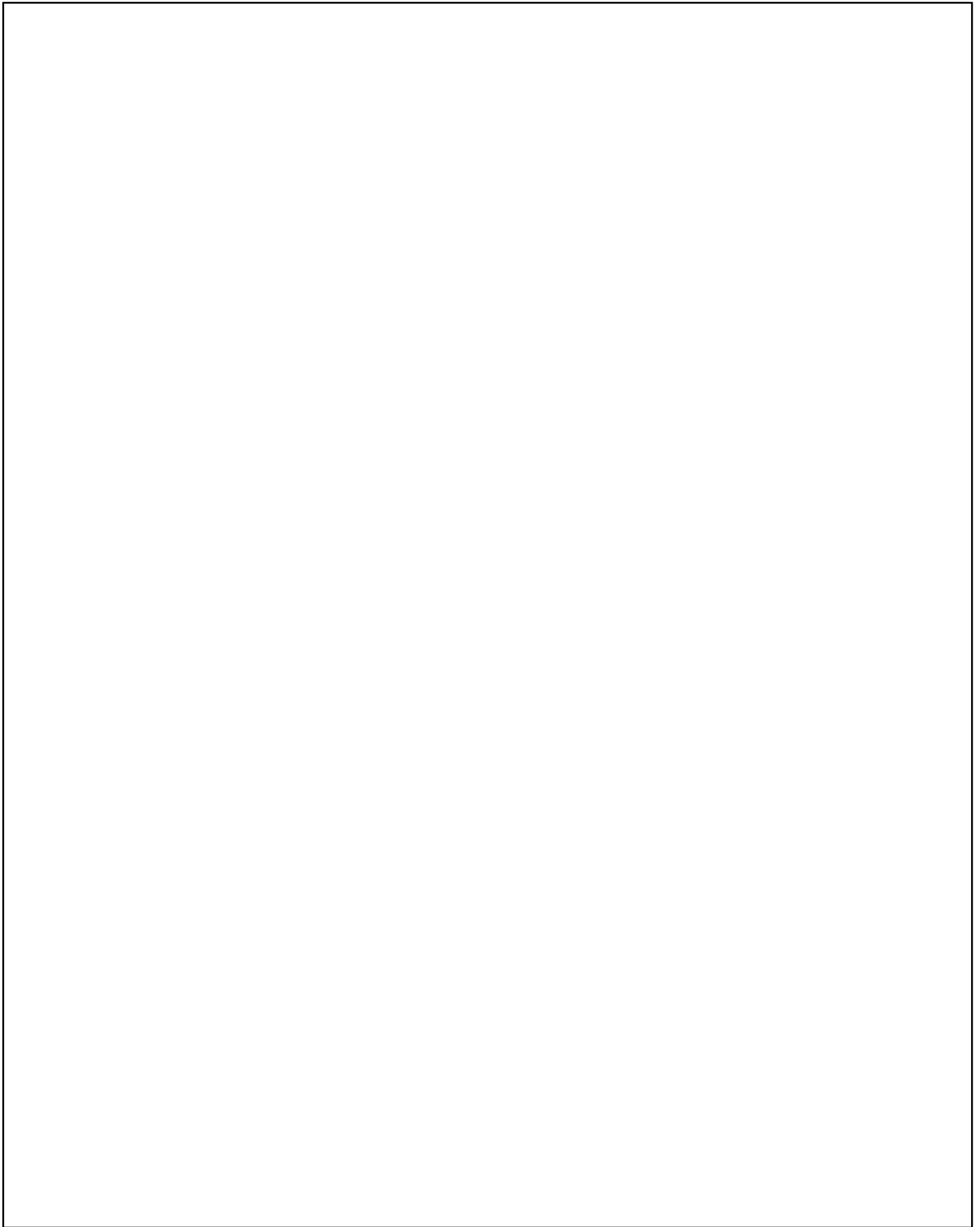
Approved - Nov 13 2024

Rich Cappola, Town Manager

Approved - Nov 13 2024

Heidi Holland, Town Clerk

Approved - Nov 14 2024



ASSIGNMENT AND ASSUMPTION OF SEWER ALLOCATION

THIS ASSIGNMENT AND ASSUMPTION OF SEWER ALLOCATION ("Assignment") is made this ____ day of _____, 2024, by and between **COPPER LAND LLC**, a North Carolina limited liability company ("Copper Land") and **CORBETT NC, LP**, a Virginia limited partnership ("Corbett NC").

RECITALS

A. Corbett NC owns those certain parcels of land in Johnston County, North Carolina (the "County"), more particularly described in Exhibit A attached hereto, containing an aggregate of approximately 21.15 acres (herein "100 Corbett").

B. Copper Land owns those certain parcels of land in the County known as Copper District Zone A more particularly described in Exhibit B attached hereto, comprising approximately 65 acres (herein "CD Zone A").

C. Pursuant to Resolution #2021-59, dated November 15, 2021 (the "2021 Resolution"), the Town of Clayton (the "Town") granted to Copper Land an allocation for wastewater treatment in the amount of 414,346 gallons daily ("gpd") (the "CD Zone A Allocation") to serve CD Zone A.

D. The Town is currently authorized to discharge up to 150,000 gpd into the existing 8" force main along NC Highway 42 owned by the County, and located west of Clayton, NC (the "NC 42 County Force Main") pursuant to that Bulk Wastewater Agreement Between the County and the Town dated _____, 2023 (the "Interlocal Agreement").

E. Copper Land is currently obligated by the Town to construct a new 16" Force Main adjacent to NC Highway 42 from CD Zone A to the existing Little Creek Wastewater

Treatment Facility near Business US Highway 70 in Clayton. This new Force Main (the “New NC 42 Force Main”) will allow Copper Land to access the full CD Zone A Allocation as soon as it is constructed.

F. Until certain upgrades to the Town wastewater treatment system are completed, including construction of a new wastewater treatment facility known as the Sam Branch Water Reclamation Facility which will be permitted to treat up to 6,000,000 gpd, the Town is restricting the allocation of sewer approvals available to new projects each year as set forth in each project resolution. In addition, until the New NC 42 Force Main is completed, the Town and the County will restrict discharge from improvements within CD Zone A to 150,000 gpd as described above by the Interlocal Agreement.

G. Resolution #2022-92 approved by the Town on November 21, 2022 (the “2022 Resolution”) allocates 216,350 gpd to the real property identified therein as the Corbett Road Assemblage, which allocation will not be available until after January 1, 2025 (the “Corbett Road Allocation”), the anticipated date that the new wastewater treatment facility will be operational. The Corbett Road Assemblage is adjacent to CD Zone A and includes 100 Corbett.

H. Currently, Corbett NC requires up to 55,000 gpd to construct and operate its proposed project comprised of up to 312 multi-family units and amenities to be developed on 100 Corbett.

I. Copper Land and Corbett NC have agreed to an exchange of approved sewer allocations: Copper Land has agreed to assign 55,000 gpd allocated to CD Zone A to Corbett NC for improvements on 100 Corbett, in exchange for Corbett NC’s assignment of 55,000 gpd allocated to 100 Corbett to Copper Land for improvements on CD Zone A. An allocation exchange of 55,000 gpd between the CD Zone A Allocation and the Corbett Road Allocation

will allow development of 100 Corbett to be undertaken and approved sooner than January 1, 2025. It is to the benefit of each party to agree to such an exchange.

NOW THEREFORE, for Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Recitals. The Recitals are incorporated and made a part of this Assignment.
2. Copper Land Assignment to Corbett NC. Subject to approval by the Town as set forth in Section 6 below, Copper Land hereby allocates, assigns, transfers and sets over to Corbett NC all of its rights, title, benefits, privileges, and interest in 55,000 gpd of the CD Zone A Allocation for use at 100 Corbett (the "100 Corbett Allocation"), which shall be available immediately as provided in the 2021 Resolution and the Interlocal Agreement.
3. Corbett NC Assignment to Copper Land. Subject to approval by the Town as set forth in Section 6 below, Corbett NC hereby allocates, assigns, transfers, and sets over to Copper Land all of its rights, title, benefits, privileges, and interest in 55,000 gpd of the Corbett Road Allocation for use at CD Zone A (the "Copper Land Allocation"), which shall be available by the dates prescribed in the 2022 Resolution.
4. Assumption by Corbett NC. Corbett NC hereby assumes and agrees to perform and discharge all customary requirements of the Town that are otherwise the responsibility of Copper Land with respect to the 100 Corbett Allocation. Notwithstanding anything in this Assignment to the contrary, and unless otherwise provided for in a separate agreement between Corbett NC and Copper Land, in no event shall Corbett NC be responsible for the construction of the New NC 42 Force Main or any other improvements for which Copper Land is responsible.

5. Assumption by Copper Land. Copper Land hereby assumes and agrees to perform and discharge all customary requirements of the Town that are otherwise the responsibility of Corbett NC with respect to the Copper Land Allocation.

6. Joinder by Town. The Town joins in the execution of this Assignment for the limited purpose of acknowledging and consenting to the foregoing assignment and exchange of the respective project sewer allocations as required by Paragraph 7 of the 2022 Resolution.

7. No Other Assignment. Each party represents, warrants, and covenants to the other that it has not made, and will not make, any allocation, assignment or agreement that is inconsistent or incompatible with the assignment and agreement set forth in this Assignment.

8. Further Assurances. Copper Land and Corbet NC hereby agree to execute such other documents and perform such other acts as may be necessary or desirable to carry out the purposes of this Assignment.

9. Counterparts. This Assignment may be executed in several counterparts, each of which shall be deemed an original, and all such counterparts shall together constitute one and the same instrument.

10. Governing Law. This Assignment shall be governed by and construed in accordance with the laws of the State of North Carolina.

11. Severability. The provisions of this Assignment shall be deemed severable, and the invalidity or unenforceability of any one or more of the provisions hereof shall not affect the validity or enforceability of the other provisions hereof.

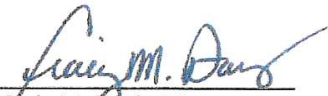
12. Successors and Assigns. This Assignment shall bind and inure to the benefit of the parties hereto, their successors, and assigns.

SIGNATURES ON FOLLOWING PAGES

IN WITNESS WHEREOF, the parties have executed this Assignment as of the date
first above written.

COPPER LAND:

COPPER LAND LLC, a North Carolina
limited liability company

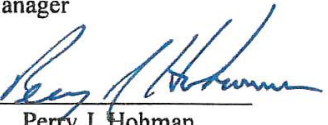
By: 
Craig M. Davis, Manager

CORBETT NC:

CORBETT NC, LP, a Virginia limited
partnership

By: Corbett NC GP, LLC,
a Virginia limited liability company,
Its General Partner

By: TMPR, LLC, a Virginia
limited liability company
Its Manager

By: 
Perry J. Hohman
Manager, TMPR, LLC

JOINDER BY THE TOWN OF CLAYTON

The undersigned joins in the execution of this Assignment for the limited purpose set forth in Section 6 thereof.

ATTEST:

THE TOWN OF CLAYTON

Clerk

By: _____
Mayor

EXHIBIT A

Being all that certain land located in Clayton Township, Johnston County, North Carolina (and being some or all of the property described as Tract 1 and Tract 2 of Deed Book 4607, Page 950 of the Johnston County Registry), more particularly described as follows:

BEGINNING at an existing axle on the eastern line of James Howard Wooten, Sr. (NC PIN# 164800-93-0768 / DB 1034, PG 715), and the southwestern corner of DWB Properties LLC (NC PIN# 164800-94-8820 / Deed Book 4357, Page 289, also see Plat Book 74, Page 367), and having NC Grid Coordinates (NAD83) of Northing: 684,527.18' Easting: 2,149,472.62'; thence along the line of DWB Properties LLC North 88°02'03" East a distance of 774.81 feet to a set pk nail in the center of Amelia Church Road [S.R. 1552] (a public 60' Right of Way); thence with the center of Amelia Church Road South 26°15'57" East a distance of 14.89 feet to a set pk nail in the center of the intersection with Corbett Road [S.R. 1551] (a public 60' R/W); thence with the center of Corbett Road the following nine (9) calls: South 03°16'36" East a distance of 171.82 feet to a set pk nail; thence South 03°46'38" East a distance of 262.04 feet to a set pk nail; thence South 03°53'56" East a distance of 191.95 feet to a set pk nail; thence South 03°33'04" East a distance of 97.29 feet to a set pk nail; thence South 02°24'39" East a distance of 74.91 feet to a set pk nail; thence South 00°09'51" West a distance of 93.60 feet to a set pk nail; thence South 03°42'11" West a distance of 76.80 feet to a set pk nail; thence South 05°28'36" West a distance of 92.76 feet to a set pk nail; thence South 06°14'27" West a distance of 77.43 feet to a set pk nail on the northeastern corner of Glenn Armwood (NC PIN# 164800-93-8284 / Deed Book 3170, Page 786); thence leaving the center of Corbett Road, and with the northern line of Glenn Armwood and Patricia Hockaday Waters (NC PIN# 164800-93-6064 / Deed Book 932, Page 504) North 88°49'42" West a distance of 820.29 feet to an existing iron pipe on the eastern line of James Howard Wooten, Sr., and passing existing iron pipes at 30.99 feet, and 410.91 feet; thence North 00°38'25" East a distance of 1106.08 feet to the point of BEGINNING, and passing a set iron pipe at 530.45 feet, and an existing iron pipe at 820.57 feet, containing an area of 921,509 square feet, or 21.15 Acres, more or less

EXHIBIT B

Tract 1:

Being all that certain land more particularly described as follows:

BEGINNING at an existing 1" iron pipe on the southeast corner of Benny Langdon, et al (NC PIN# 164800-83-0418 / Deed Book 957, Page 612), and the southwest corner of Courtney Sanders (NC PIN# 164800-83-2367 / Deed Book 5471, Page 426, see also Plat Book 79, Page 399 [Tract 1]), and the northwest corner of Kelsey M. Merriman (NC PIN# 164800-83-1159 / Deed Book 5529, Page 559, see also Plat Book 88, Page 53), and having NCSPCS Coordinates (NAD83) of Northing: 683,306.85' Easting: 2,148,077.08'; thence with the line of Kelsey M. Merriman, Jason Tyler Merriman (NC PIN# 164800-83-2010 / Deed Book 5529, Page 557, see also Plat Book 88, Page 53), and Matthew R. Pooley, et al (NC PIN# 164800-82-6369 / Deed Book 4421, Page 716) South 00°40'08" West, passing an existing 2" iron pipe at 635.77 feet, a total distance of 1,159.31 feet to an existing 2" iron pipe on the northeast corner of CMD 78 Associates, LLC (NC PIN# 164800-71-7932 / Deed Book 5890, Page 193, see also Plat Book 76, Page 85 [Tract 3]); thence with the line of CMD 78 Associates, LLC North 89°01'13" West a distance of 671.47 feet to an existing 2" iron pipe; thence continuing along the line of CMD 78 Associates, LLC, South 01°06'19" West a distance of 390.74 feet to an existing NCDOT R/W Disk on the north Right of Way of US Highway 70 Bypass (a public variable width, controlled access R/W); thence with the R/W of US Highway 70 Bypass the following six (6) calls: North 81°03'17" West a distance of 133.04 feet to a point; thence North 74°52'47" West a distance of 200.14 feet to a point; thence with a curve turning to the right with an arc length of 544.80', with a radius of 1,213.94', with a chord bearing of North 58°34'17" West, with a chord length of 540.24' to a point; thence North 42°37'47" West a distance of 202.04 feet to a point; thence North 41°07'47" West a distance of 518.16 feet to an existing NCDOT R/W Disk; thence North 03°52'13" East a distance of 92.78 feet to a point on the south R/W of NC Highway 42 (a variable width public R/W); thence with the R/W of NC Highway 42 South 48°52'19" West a distance of 59.96 feet to a point on the old line as described in Deed Book 5585, Page 167; thence North 20°33'11" West a distance of 53.43 feet to a point in the centerline of NC Highway 42; thence with the centerline of NC Highway 42 North 48°53'49" East a distance of 1,646.46 feet to a point; thence leaving the R/W of NC Highway 42, along the line of JP Coats LLC (NC PIN# 164800-73-4881 / Deed Book 4201, Page 33) South 55°01'09" East, passing a set iron pie at 51.52 feet, a total distance of 261.95 feet to an existing 1/2" iron pipe on the northwestern corner of Frankie P. Medlin (NC PIN# 164800-73-4448 / Deed Book 810, Page 24); thence with the line of Frankie P. Medlin the following three (3) calls: South 34°58'51" West a distance of 200.00 feet to an existing iron pipe; thence South 55°01'09" East a distance of 217.67 feet to an existing iron pipe; thence North 34°58'51" East a distance of 200.00 feet to an existing 1" iron pipe on the line of Benny Langdon, et al (NC PIN# 164800-73-6660 / Deed Book 676, Page 216); thence along the line of two tracts owned (now or formerly) by Benny Langdon, et al South 55°01'09" East a distance of 463.48 feet to the point of BEGINNING, containing an area of 2,538,594 square feet, or 58.278 acres, more or less, including area in the public R/W.

The above described property is subject to approximately 1.908 acres in the R/W of NC Highway 42, as well as a private 20' access easement along the northern line shown in Plat Book 27, Page 401, as well as all other easements and encumbrances of record

Tract 2:

Being all that certain land more particularly described as follows:

COMMENCING from an existing NCDOT R/W Disk on the north Right of Way of US Highway 70 Bypass (a public variable width, controlled access R/W), thence crossing the R/W of US Highway 70 Bypass along the old line described in Deed Book 5585, Page 167 South 01°06'19" West a distance of 335.90 feet to an existing 3/4" rebar on the south R/W of US Highway 70 Bypass, also being the northwest corner of TAP Properties LLC (NC PIN# 164800-81-3154 / Deed Book 3561, Page 951, see also Plat Book 76, Page 85 [Tract 2]), and having NCSPCS Coordinates (NAD83) of Northing: 681,432.61' Easting: 2,147,378.15', and also being the point of BEGINNING; thence with the line of TAP Properties LLC South 01°06'19" West a distance of 409.39 feet to an existing 2" iron pipe on the northern line of Lot 19 of the Lee Chase Subdivision, Section IV (see Plat Book 31, Page 193); thence along the northern line of the Lee Chase Subdivision, Section IV North 89°50'18" West a distance of 674.00 feet to an existing 2" iron pipe on the eastern line of JP Coats LLC (NC PIN# 164800-61-2187 / Deed Book 3620, Page 361); thence along the line of JP Coats LLC the following two (2) calls: North 05°58'47" East a distance of 211.20 feet to a set iron pipe; thence North 38°42'36" West a distance of 241.13 feet to a set iron pipe on the southeastern corner of JP Coats LLC (NC PIN# 164800-61-3621 / Deed Book 5682, Page 173, see also Plat Book 23, Page 91 [P/O Lots 3, 4 & 6]); thence along the line of JP Coats LLC North 20°42'05" West a distance of 259.14 feet to a set iron pipe on the south R/W of US Highway 70 Bypass; thence with the south R/W of US Highway 70 Bypass the following five (5) calls: with a curve turning to the right with an arc length of 77.06', with a radius of 1,197.54', with a chord bearing of South 80°07'20" East, with a chord length of 77.04' to a point; thence South 75°09'11" East a distance of 201.94 feet to a point; thence South 73°59'41" East a distance of 211.82 feet to a point; thence South 77°55'11" East a distance of 274.78 feet to a point; thence South 71°46'11" East a distance of 167.29 feet to the point of BEGINNING, containing an area of 384,895 square feet, or 8.836 acres, more or less

and

Being the same property as the property described in Deed Book 810, Page 24 of the Johnston County Registry. Clayton Township, Johnston County, North Carolina

Tract 3:

COMMENCING at an existing 1" iron pipe on the northeastern corner of Ezra Lee Penny, et al (NC PIN# 164800-72-2724 / Deed Book 5585, Page 167), and having NC Grid Coordinates (NAD83) of Northing:

683,306.85' Easting: 2,148,077.08'; thence North 55°01'09" West a distance of 463.48 feet to an existing 1" iron pipe on the line of Ezra Lee Penny, et al, and Benny Langdon, et al (NC PIN# 164800-73-6660 / Deed Book 676, Page 216), the point of BEGINNING; thence along the line of Ezra Lee Penny, et al the following three (3) calls: thence South 34°58'51" West a distance of 200.00 feet to an existing iron pipe; thence North 55°01'09" West a distance of 217.67 feet to an

existing iron pipe; thence North 34°58'51" East a distance of 200.00 feet to an existing 1/2" iron pipe on the line of JP Coats LLC (NC PIN# 164800-73-4881 / Deed Book 4201, Page 33); thence with the line of JP Coats LLC, and Benny Langdon, et al South 55°01'09" East, passing an existing 1" iron pipe at 74.83 feet, a total distance of 217.67 feet to the point of BEGINNING, containing an area of 43,533 square feet, or 1.00 acres, more or less.

The above described property is subject to a private 20' access easement along the northern line shown in Plat Book 27, Page 401.

Tract 4:

BEGINNING at a point near the northern edge of the path leading in a southwesterly direction from the southern right-of-way of North Carolina Highway 42 to the subject property, said point of Beginning marking a southern corner with Walter Langdon and said point of Beginning being situate South 48° 01' East 543.75 feet from North Carolina Highway 42 and runs thence with the southeastern line of Walter Langdon North 49° 11' East 74.12 feet to an existing iron pipe; thence continuing along the southeastern line of Walter Langdon and the southern line of Lynwood Dunn South 85° 11' 30" East 454.54 feet to an existing iron pipe marking a common corner with Lots Number One (1), Two (2) and Three (3), according to the plat hereinafter referred to, and also marking a common corner with Jimmy Wooten and Lynwood Dunn in their southern lines; thence South 39° 09' West 348.59 feet along the northwestern line of Lot Number Two (2), according to the plat hereinafter referred to, to a point marked by an iron pipe in the center of the path hereinabove referred to; thence North 48° 01' West 388.67 feet along the northeastern line of Jack Penny in said path referred to hereinabove to the point and place of Beginning, and being all of LOT NUMBER THREE (3) containing 1.83 acres according to a plat prepared by James O. Parrish, Registered Surveyor, captioned "Jack Penny and wife" dated 4/28/84.

Also conveyed herein is an easement by the Grantors over and across the path running in a southeasterly direction from Highway 42 across the path which is approximately 20 feet wide as shown on the plat hereinabove referred to.

Tract 5:

BEGINNING at a point in the line of Jack Penny at the southwest corner of the Bobby R Ellis property and runs thence as the Jack Penny line N 87 degrees 49 minutes and 30 seconds W 127.0 feet to an iron stake; thence with the Jack Penny line S 46 degrees 27 minutes W 74.0 feet to an iron stake; thence as the Jack Penny line N 50 degrees 36 minutes W 217.75 feet to an iron stake in the line of R L Myers; thence as the line of R L Myers and Jack Penny, N 52 degrees 57 minutes E 230.85 feet to an iron stake in the line of Bobby R Ellis; thence as the line of Bobby R Ellis S 38 degrees 06 minutes E 283.42 feet to the point of Beginning, and containing 1.14 acres more or less.

Due reference is made to map prepared by Ragsdale Engineers, dated August 4, 1969.

**TOWN OF CLAYTON
RESOLUTION GRANTING WASTEWATER TREATMENT CAPACITY
FOR LUMEN**

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

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

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

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

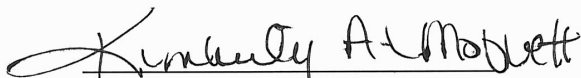
WHEREAS, flow from sanitary sewer customers tributary to existing lines owned and operated as part of the Town of Clayton is bound to abide by the permitted average daily flow at the Little Creek Water Reclamation Facility in conjunction with other available sources and consistent with interlocal agreements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

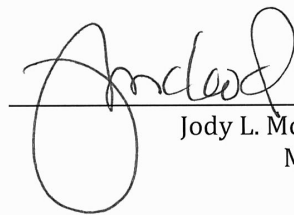
NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following is found:

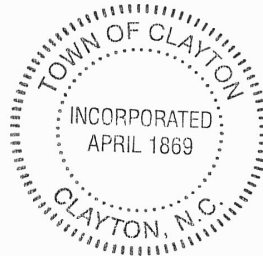
1. The Town of Clayton has, according to the most recent accounting, sufficient excess and unallocated treatment capacity to approve additional allocation.
2. Such available capacity may be made available to users in accordance with regulatory and legal parameters established to ensure satisfactory treatment plant operation.
3. An additional allocation for wastewater treatment capacity is granted in the amount of 414,346 according to phasing table; **as indicated in the attached document.**
4. Said allocation is approved subject to and conditioned upon review and approval of all required regulatory processes.
5. Said allocation is non transferable, non assignable, and made for the projects as described and for the noted location unless explicitly approved by the Town of Clayton.

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

Duly resolved by the Clayton Town Council this 15TH day of November, 2021 while in regular session.


Kimberly A. Moffett, CMC, NCCMC
Town Clerk


Jody L. McLeod
Mayor



					Wastewater (GDP) Available for permitting																					
Phase	Description	Lots/Units/SF	GPD per unit	Wastewater (GDP)	Q1 2022	Q2 2022	Q3 2022	Q4 2022	Q1 2023	Q2 2023	Q3 2023	Q4 2023	Q1 2024	Q2 2024	Q3 2024	Q4 2024	Q1 2025	Q2 2025	Q3 2025	Q4 2025						
1	Multifamily - 2bed	281	240	67,488		67,488																				
	Multifamily - 3bed	99	360	35,568		35,568																				
	Medical Office 1	150,000 SF & 1.5 shifts	250 GPD/pract./shift 1 pract. / 1,200 SF	46,875			46,875																			
	Retail	15,000	130 GPD/1000 SF	1,950			1,950																			
	Single Family Development - 1-2 bed	-	120	-			-																			
	Single Family Development - 3 bed	42	250	10,500			10,500																			
	Single Family Development - >3 bed	28	480	13,440			13,440																			
	Condo/Apartments	100	250	25,000			25,000																			
	Retail	45,000	130 GPD/1000 SF	5,850						5,850																
2	Medical Office 2	183,333 SF & 1.5 shifts	250 GPD/pract./shift 1 pract. / 1,200 SF	57,292						57,292																
	Medical Office 3	183,333 SF & 1.5 shifts	250 GPD/pract./shift 1 pract. / 1,200 SF	57,292										57,292												
	Retail	30,000	130 GPD/1000 SF	3,900										3,900												
Future	Medical Office 4	183,333 SF & 1.5 shifts	250 GPD/pract./shift 1 pract. / 1,200 SF	57,292														57,292								
	Single Family Development	70	250	17,500																						
	Hospitality	120	120 GPD/room	14,400																						
Total					2022 Total				200,821		2023 Total				63,142		2024 Total				61,192		2025 Total		57,292	
ASSUMPTIONS					414,342																					

**APPROVAL OF A RESOLUTION GRANTING WASTEWATER TREATMENT CAPACITY
2022-88-CZM: CORBETT ROAD ASSEMBLAGE**

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

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

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

WHEREAS, the Town of Clayton is constructing a new wastewater treatment facility permitted to treat up to 6 million gallons daily and expected to be completed in 2025; and

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

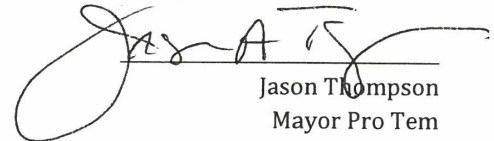
WHEREAS, flow from sanitary sewer customers tributary to existing lines owned and operated as part of the Town of Clayton is bound to abide by the permitted average daily flow at the Little Creek Water Reclamation Facility in conjunction with other available sources and consistent with interlocal agreements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

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

1. The Town of Clayton has, according to the most recent accounting, sufficient excess and unallocated treatment capacity to approve additional allocation subject to the completion of the Sam's Branch Wastewater Reclamation Facility.
2. Such available capacity may be made available to users in accordance with regulatory and legal parameters established to ensure satisfactory treatment plant operation.
3. A total allocation for wastewater treatment capacity is granted in the amount of 216,350 gallons per day (GPD) to Corbett Road Assemblage (2022-88-CZM).
4. The total allocation for wastewater treatment capacity **will not be immediately available**. Sewer Expansion Permits and/or FTSE forms shall not be executed by the Town prior to January 1, 2025.
5. Allocation for wastewater treatment capacity will be allotted accordingly unless otherwise modified by the Engineering Director due to treatment capacity availability and regulatory requirements at time of permitting. In the event treatment capacity is unavailable at time of permitting, the Engineering Director will make a good faith effort to execute project permits and forms as soon as treatment capacity is available.

6. Said allocation is approved subject to and conditioned upon review and approval of all required regulatory processes.
7. Said allocation is non-transferable, non-assignable, and made for the projects as described and for the noted location unless explicitly approved by the Town of Clayton.
8. Said allocation may be revoked or reclaimed in accordance with the policies of the Town of Clayton as adopted or amended now or in the future. No property right is conferred with the granting of an allocation except as otherwise explicitly allowed by policy, ordinance, or action of the Town of Clayton.
9. Said allocation is subject to payment of applicable fees in accordance with adopted ordinances, policies, and fee schedules of the Town of Clayton.
10. Said allocation is subject to expiration one (1) year from the proposed allocation schedule mentioned above if the project has not progressed in construction plan approval, building-permit approval, or on-site construction. Upon request in writing, the Engineering Director may grant a one (1) year extension.

Duly adopted this 21st day of November 2022, while in regular session.


Jason Thompson
Mayor Pro Tem

ATTEST:


Heidi L. Holland, CMC, NCCMC
Town Clerk



**RESOLUTION TO APPROVE ASSIGNMENT AND ASSUMPTION OF
SEWER ALLOTATION AGREEMENT BETWEEN COPPER LAND,
LLC AND CORBETT NC, LP**

WHEREAS, the Town of Clayton previously allocated a wastewater treatment capacity of 414,346 gallons per day (gpd) to Copper Land LLC ("Copper Land") for the development of the area known as Copper District Zone A ("CD Zone A"), pursuant to Resolution #2021-59; and

WHEREAS, Corbett NC, LP ("Corbett NC") owns certain parcels adjacent to CD Zone A, designated as 100 Corbett, and has received an allocation of 216,350 gpd, per Resolution #2022-92, that will become available after January 1, 2025, for developments within the Corbett Road Assemblage; and

WHEREAS, Corbett NC requires an immediate allocation of 55,000 gpd to begin its proposed multi-family development on 100 Corbett prior to January 1, 2025; and

WHEREAS, Copper Land and Corbett NC have agreed to exchange approved sewer allocations whereby Copper Land will assign 55,000 gpd from the CD Zone A allocation to Corbett NC for use on 100 Corbett, and Corbett NC will, in turn, assign 55,000 gpd from its Corbett Road Allocation to Copper Land for use in CD Zone A; and

WHEREAS, this exchange of allocations is beneficial to both parties and will facilitate timely development in both CD Zone A and the Corbett Road Assemblage while remaining in compliance with the Town's current sewer capacity limitations and infrastructure obligations; and

WHEREAS, the Town desires to acknowledge, approve, and authorize this agreement to advance the orderly development of these areas consistent with the Town's wastewater management plan;

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

1. **Approval of Agreement.** The Town Council hereby approves the Assignment and Assumption of Sewer Allocation agreement between Copper Land LLC and Corbett NC, LP, as presented to the Town Council.

2. **Re-adoption of Each Project's Wastewater Allocations.** The previous wastewater allocations associated with each are re-adopted, and hereby re-granted as each allocation was originally outlined in Resolutions 2021-59 and 2022-92.

Duly adopted this the 18th day of November, 2024 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk



Town Council Regular Meeting Agenda Cover Sheet

Meeting Date

November 18, 2024

Agenda Location

CONSENT AGENDA

Item Title

Clayton Fire Department Advisory Board By-Laws

Presenter(s)

Heidi Holland, Town Clerk

Suggested Action

Place on Consent Agenda

Strategic Priorities Alignment



☐ Vibrant Downtown



☐ Desirable Amenities and Spaces



☐ Sustainable Infrastructure



☐ Mobility, Transportation, and Transit



☐ Diversified Economic Development



☐ Community Outreach and Engagement



☒ Public Safety

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)

☐ Newspaper Notice (Required by GS)

☐ Public Forum/Input Session

☐ E-News Distribution

☐ Social Media

☐ Special Mailing

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

☐ Press Release

☐ Website

☐ Survey

☐ None Required

Summary

On February 19, 2024, the Johnston County Board of Commissioners reached a general consensus to move forward with a proposal to abolish the existing fire protection service districts within Johnston County and establish a new single county fire protection service district encompassing the entire unincorporated territory of Johnston County. As a result of this change, our by-laws needed to be amended, updating the terminology from "Claytex Fire District" to "Claytex Tax District." Additionally, we clarified the language regarding our town limits.

Funding Source

N/A

Corresponding Documentation

[Fire Advisory Board By-Laws RED LINE](#)

[Fire Advisory Board By-Laws CLEAN](#)

[Resolution To Amend Clayton Fire Department Advisory Board By-Laws](#)

Submitted By: Heidi Holland, Clerks

Reviewed By:

Rich Cappola, Town Manager

Approved - Nov 13 2024

Heidi Holland, Town Clerk

Approved - Nov 14 2024

**TOWN OF CLAYTON
BY-LAWS GOVERNING THE
CLAYTON FIRE DEPARTMENT ADVISORY BOARD**

ARTICLE I

NAME

- (a) Name. Created was an Advisory Board, created by the Town Council for the Town of Clayton, to be known as the Clayton Fire Department Advisory Board (hereinafter referred to as the "Board"). The Board shall continue to serve unless official action is taken by the Town Council to abolish or modify the Board. 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 Board.

ARTICLE II

PURPOSE/MISSION

- (a) Purpose. The Clayton Fire Department Advisory Board (CFDAB) shall serve as the advisory body for the Clayton Fire Department and the Town Council for the Town of Clayton. The purpose of the CFDAB, as stated in Chapter 32 of the Town of Clayton Code of Ordinances, is to provide an instrument of communication between the Clayton Fire Department (CFD), the Fire Chief, and the Town Council. To assist the Fire Chief and the membership address and resolve issues of mutual concern. To ensure that there are adequate personnel and equipment for the protection of life and property to the citizens (customers) of the Town of Clayton and the Claytex ~~Tax~~Fire District. To assist the Fire Chief and assure that all resources will be used in the fairest and most efficient manner possible for all concerned.
- (b) Powers and Duties. The Board shall: (1) ensure that communication between the Fire Chief and the membership remains open and productive; (2) ensure that concerns of the members are presented in an honest, fair and unbiased manner; and (3) report to the Town Council at least annually on activities, recommendations, and/or issues of concern.

ARTICLE III

MEMBERSHIP

- (a) Appointments. Board Members shall be selected from applications submitted to the Town of Clayton. Membership shall consist of nine (9) members appointed by the Town Council. There shall be one or two Town of Clayton ~~residents~~city limit residents, one or two Claytex ~~Tax~~Tax District residents, three active members of the Clayton Fire Department, and two alternates. Alternates may be ~~residents~~city limit residents, Claytex residents or active members of the Clayton Fire Department. There shall be representation from the full-time and the part-time members. Appointments will be made for this Board through the established procedures in the Appointment to Advisory Boards Procedures policy.

- (b) Interviews. Interviews for this Board shall follow the established procedures in the Appointment to Advisory Boards Procedures policy.
- (c) Ex-officio Member. The Fire Chief, or his designee, may serve as an ex-officio member. In addition, the Town Council shall appoint a Council Member to serve as an ex-officio member. The ex-officio member(s) will not have a vote on items coming before the Board. The Town Council shall also appoint a staff member (liaison) to this Board.
- (d) Alternates. The process for appointing alternates shall follow the procedures in the Appointment to Advisory Boards Procedures policy. Alternates may be city limit residents, Claytex residents or active members of the Clayton Fire Department. The alternates appointed to the Board will fill the position of Board Members that are absent at a meeting. The alternates will not have a vote on items coming before the Board unless they are filling in for a Board Member. Alternates are required to attend each scheduled meeting. In the case there is a resignation, death or otherwise, an alternate will fill that vacancy automatically. The Board Chair will nominate an alternate to fill the vacancy; Board Members shall approve this nomination.
- (e) Length of Appointment. Terms for all members shall be for three (3) years. The terms will begin on January 1st and expire December 31st, except for the ex-officio from the Town Council who will serve concurrent with his/her term of office.
- (f) Terms of Office. Board Members may serve for no more than two consecutive terms. Board Members may be appointed to the Board once a single year has passed since last serving on the Board. Board Members appointed to fill a vacancy may serve two consecutive terms after the expiration of their term. Terms will run on a calendar year.
- (g) Vacancies. Whenever a vacancy occurs by resignation, death or otherwise, this vacancy shall be filled in June of each year by the Town Council, following the procedures in the Appointment to Advisory Boards Procedures policy. The appointee shall serve for the duration of the unexpired term.
- (h) Removal of Members. Any member of the Board may be removed with or without cause, at any time, through a request from the Board to the Town Council or directly by the Town Council.
- (i) Resignation. The resignation of Board members must be provided in writing to the Clerk's Office.
- (j) Changes to By-Laws. With a majority vote of the membership, proposed changes to the By-Laws shall be submitted to the Town Council for review and approval. Changes to the By-Laws do not take effect until final approval is granted by Town Council.

- (k) Conduct. Members of appointed boards shall, at all times during the course of their board membership, conduct themselves in a professional and ethical manner. Board members shall be respectful to other board members, public officials, and members of the public. They further shall abide by any rules of procedures or other guidelines for the conduct of their boards. Board members shall not use their official positions for personal gain.
- (l) Conflict of Interest. A Board Member must publicly disclose any potential conflict of interest and shall not participate in deliberation or vote on any item where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the Board Member.

ARTICLE IV

APPOINTMENT OF CHAIR AND VICE-CHAIR

- (a) Officers. The appointment of a Board Chair and Vice-Chair, for the ensuing year, shall take place at the pleasure of the Board such that they are named at the March meeting each year. The mention of new officers shall be on the January agenda of each year; no action will be taken at this meeting. The Chair and Vice-Chair shall be appointed upon majority vote of the Board. Nominations may be made by any Board member. Officers shall serve a one-year appointment with eligibility for reappointment. In the event an officer's appointment to the Board is terminated, a replacement to this office shall be appointed by the Board at the next meeting.

ARTICLE V

DUTIES

- (a) Chair. The Chair shall preside at meetings and shall retain full voting rights. The Chair may call a special meeting with a minimum of forty-eight hours written notice to the Board. The Board Chair shall serve as an ex-officio member of standing committees. It shall be the duty of the Chair to provide information for the meeting agendas to the Clerk to the Board, or designee.
- (b) Vice-Chair. The Vice-Chair will serve in the absence of the Chair with all the same authority/rights of the Chair. Should the Chair resign or otherwise become unable to fulfill the duties of office during an elected term, the Vice-Chair shall assume the post.
- (c) Fire Chief. The Fire Chief may provide logistical and clerical support to the Board. The Fire Chief may provide the Board with information on Fire Department operations, policies, activities, and other relevant information as necessary to address issues outlined on the meeting agenda.

- (d) Clerk to the Board. It shall be the duty of the Clerk to the Board, or designee, to record the minutes of each meeting. In accordance with G.S. § 143-318.10(e), the Board shall keep full and accurate minutes of all official meetings.

ARTICLE VI

MEETINGS

- (a) Meetings. Regular meetings shall be held by the Board on a date and time based on a calendar adopted annually by the Board and filed with the Town Clerk. This calendar shall be created by the Clerk to the Board or designee. This calendar shall be on the November agenda and voted on by a majority of the Board. In the event no business is pending and no agenda is developed, a meeting may be canceled. In accordance with NC GS 143-318.10, these are official meetings and are open to the public.
- (b) Business of the Board. Business of the Board shall 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.
- (c) Special Meetings. Special meetings may be called by the Board Chair or upon written request from a majority of the Board.
- (d) Quorum. A quorum shall consist of a simple majority of the total membership of the Board. A quorum of the Board shall be in attendance before action of an official nature can be taken.
- (e) Order of Business. The order of business, unless otherwise noted by the Board Chair, or designee, shall include:
1. Call To Order
 2. Approval of Minutes
 3. Reports from Board Chair, or designee
 4. Other Business
 5. Adjournment

ARTICLE VII

ATTENDANCE

- (a) Absences. All Board Members are expected to attend regular and special called meetings. An appointed Board Member who misses more than (3) unexcused consecutive regular meetings, or a total of four (4) such meetings during the year, loses his status as a member of the Board. Absences due to sickness, death, or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Board, except that in the event of a long illness or other such prolonged absence, the member may be replaced. After a Board Member

misses more than four unexcused meetings, the Clerk's Office will send a letter of termination to the Board Member and will notify the Town Council Liaison, Fire Chief, Clerk to the Board and Board Chair.

- (b) Attendance Record. The Clerk to Board, or designee, shall maintain the attendance record, including attendance at regular meetings, work sessions, and special called meetings.

ARTICLE VIII

COMMITTEES

- (a) Establishment of Special Committees. Committees will be established by majority vote of the Board as needed to best conduct the business of the Board. The Board Chair will appoint committee members, and members of the committee may contain persons not serving on the Board. Each committee Chair shall be appointed by the Board Chair. Committees may be established as needed.

ARTICLE IX

REPORTS

- (a) Board Chair Reports. The Board Chair will ensure an Advisory Board report is provided to the Town Council at least annually. This report will address activities, recommendations and/or issues of concern. In the event there is nothing to report to the Town Council, then the Board Chair will send an email or written memo to the Mayor with copies to the Town Manager, the Fire Chief, and the members of the Board. This report shall be reported to the Town Council by June of each year.

CFDAB By-Laws -- First Adopted 7/1/2005. Revised and Approved by the
Clayton Fire Department Advisory Board on 01/23/2014; Resolution #2023-96 passed
12/4/2023; Resolution #2024-01 passed 1/2/2024

**TOWN OF CLAYTON
BY-LAWS GOVERNING THE
CLAYTON FIRE DEPARTMENT ADVISORY BOARD**

ARTICLE I

NAME

- (a) Name. Created was an Advisory Board, created by the Town Council for the Town of Clayton, to be known as the Clayton Fire Department Advisory Board (hereinafter referred to as the "Board"). The Board shall continue to serve unless official action is taken by the Town Council to abolish or modify the Board. 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 Board.

ARTICLE II

PURPOSE/MISSION

- (a) Purpose. The Clayton Fire Department Advisory Board (CFDAB) shall serve as the advisory body for the Clayton Fire Department and the Town Council for the Town of Clayton. The purpose of the CFDAB, as stated in Chapter 32 of the Town of Clayton Code of Ordinances, is to provide an instrument of communication between the Clayton Fire Department (CFD), the Fire Chief, and the Town Council. To assist the Fire Chief and the membership address and resolve issues of mutual concern. To ensure that there are adequate personnel and equipment for the protection of life and property to the citizens (customers) of the Town of Clayton and the Claytex Tax District. To assist the Fire Chief and assure that all resources will be used in the fairest and most efficient manner possible for all concerned.
- (b) Powers and Duties. The Board shall: (1) ensure that communication between the Fire Chief and the membership remains open and productive; (2) ensure that concerns of the members are presented in an honest, fair and unbiased manner; and (3) report to the Town Council at least annually on activities, recommendations, and/or issues of concern.

ARTICLE III

MEMBERSHIP

- (a) Appointments. Board Members shall be selected from applications submitted to the Town of Clayton. Membership shall consist of nine (9) members appointed by the Town Council. There shall be one or two Town of Clayton city limit residents, one or two Claytex Tax District residents, three active members of the Clayton Fire Department, and two alternates. Alternates may be city limit residents, Claytex residents or active members of the Clayton Fire Department. There shall be representation from the full-time and the part-time members. Appointments will be made for this Board through the established procedures in the Appointment to Advisory Boards Procedures policy.

- (b) Interviews. Interviews for this Board shall follow the established procedures in the Appointment to Advisory Boards Procedures policy.
- (c) Ex-officio Member. The Fire Chief, or his designee, may serve as an ex-officio member. In addition, the Town Council shall appoint a Council Member to serve as an ex-officio member. The ex-officio member(s) will not have a vote on items coming before the Board. The Town Council shall also appoint a staff member (liaison) to this Board.
- (d) Alternates. The process for appointing alternates shall follow the procedures in the Appointment to Advisory Boards Procedures policy. Alternates may be city limit residents, Claytex residents or active members of the Clayton Fire Department. The alternates appointed to the Board will fill the position of Board Members that are absent at a meeting. The alternates will not have a vote on items coming before the Board unless they are filling in for a Board Member. Alternates are required to attend each scheduled meeting. In the case there is a resignation, death or otherwise, an alternate will fill that vacancy automatically. The Board Chair will nominate an alternate to fill the vacancy; Board Members shall approve this nomination.
- (e) Length of Appointment. Terms for all members shall be for three (3) years. The terms will begin on January 1st and expire December 31st, except for the ex-officio from the Town Council who will serve concurrent with his/her term of office.
- (f) Terms of Office. Board Members may serve for no more than two consecutive terms. Board Members may be appointed to the Board once a single year has passed since last serving on the Board. Board Members appointed to fill a vacancy may serve two consecutive terms after the expiration of their term. Terms will run on a calendar year.
- (g) Vacancies. Whenever a vacancy occurs by resignation, death or otherwise, this vacancy shall be filled in June of each year by the Town Council, following the procedures in the Appointment to Advisory Boards Procedures policy. The appointee shall serve for the duration of the unexpired term.
- (h) Removal of Members. Any member of the Board may be removed with or without cause, at any time, through a request from the Board to the Town Council or directly by the Town Council.
- (i) Resignation. The resignation of Board members must be provided in writing to the Clerk's Office.
- (j) Changes to By-Laws. With a majority vote of the membership, proposed changes to the By-Laws shall be submitted to the Town Council for review and approval. Changes to the By-Laws do not take effect until final approval is granted by Town Council.

- (k) Conduct. Members of appointed boards shall, at all times during the course of their board membership, conduct themselves in a professional and ethical manner. Board members shall be respectful to other board members, public officials, and members of the public. They further shall abide by any rules of procedures or other guidelines for the conduct of their boards. Board members shall not use their official positions for personal gain.
- (l) Conflict of Interest. A Board Member must publicly disclose any potential conflict of interest and shall not participate in deliberation or vote on any item where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the Board Member.

ARTICLE IV

APPOINTMENT OF CHAIR AND VICE-CHAIR

- (a) Officers. The appointment of a Board Chair and Vice-Chair, for the ensuing year, shall take place at the pleasure of the Board such that they are named at the March meeting each year. The mention of new officers shall be on the January agenda of each year; no action will be taken at this meeting. The Chair and Vice-Chair shall be appointed upon majority vote of the Board. Nominations may be made by any Board member. Officers shall serve a one-year appointment with eligibility for reappointment. In the event an officer's appointment to the Board is terminated, a replacement to this office shall be appointed by the Board at the next meeting.

ARTICLE V

DUTIES

- (a) Chair. The Chair shall preside at meetings and shall retain full voting rights. The Chair may call a special meeting with a minimum of forty-eight hours written notice to the Board. The Board Chair shall serve as an ex-officio member of standing committees. It shall be the duty of the Chair to provide information for the meeting agendas to the Clerk to the Board, or designee.
- (b) Vice-Chair. The Vice-Chair will serve in the absence of the Chair with all the same authority/rights of the Chair. Should the Chair resign or otherwise become unable to fulfill the duties of office during an elected term, the Vice-Chair shall assume the post.
- (c) Fire Chief. The Fire Chief may provide logistical and clerical support to the Board. The Fire Chief may provide the Board with information on Fire Department operations, policies, activities, and other relevant information as necessary to address issues outlined on the meeting agenda.

- (d) Clerk to the Board. It shall be the duty of the Clerk to the Board, or designee, to record the minutes of each meeting. In accordance with G.S. § 143-318.10(e), the Board shall keep full and accurate minutes of all official meetings.

ARTICLE VI

MEETINGS

- (a) Meetings. Regular meetings shall be held by the Board on a date and time based on a calendar adopted annually by the Board and filed with the Town Clerk. This calendar shall be created by the Clerk to the Board or designee. This calendar shall be on the November agenda and voted on by a majority of the Board. In the event no business is pending and no agenda is developed, a meeting may be canceled. In accordance with NC GS 143-318.10, these are official meetings and are open to the public.
- (b) Business of the Board. Business of the Board shall 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.
- (c) Special Meetings. Special meetings may be called by the Board Chair or upon written request from a majority of the Board.
- (d) Quorum. A quorum shall consist of a simple majority of the total membership of the Board. A quorum of the Board shall be in attendance before action of an official nature can be taken.
- (e) Order of Business. The order of business, unless otherwise noted by the Board Chair, or designee, shall include:
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misses more than four unexcused meetings, the Clerk's Office will send a letter of termination to the Board Member and will notify the Town Council Liaison, Fire Chief, Clerk to the Board and Board Chair.

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CFDAB By-Laws -- First Adopted 7/1/2005. Revised and Approved by the
Clayton Fire Department Advisory Board on 01/23/2014; Resolution #2023-96 passed
12/4/2023; Resolution #2024-01 passed 1/2/2024

**Resolution to Amend
Town of Clayton
Clayton Fire Department Advisory Board By-Laws**

WHEREAS, the Clayton Town Council hereby adopts the following amendments to the Clayton Fire Department Advisory Board By-Laws:

ARTICLE II

PURPOSE/MISSION

- (a) Purpose. The Clayton Fire Department Advisory Board (CFDAB) shall serve as the advisory body for the Clayton Fire Department and the Town Council for the Town of Clayton. The purpose of the CFDAB, as stated in Chapter 32 of the Town of Clayton Code of Ordinances, is to provide an instrument of communication between the Clayton Fire Department (CFD), the Fire Chief, and the Town Council. To assist the Fire Chief and the membership address and resolve issues of mutual concern. To ensure that there are adequate personnel and equipment for the protection of life and property to the citizens (customers) of the Town of Clayton and the Claytex Tax District. To assist the Fire Chief and assure that all resources will be used in the fairest and most efficient manner possible for all concerned.

ARTICLE III

MEMBERSHIP

- (a) Appointments. Board Members shall be selected from applications submitted to the Town of Clayton. Membership shall consist of nine (9) members appointed by the Town Council. There shall be one or two Town of Clayton city limit residents, one or two Claytex Tax District residents, three active members of the Clayton Fire Department, and two alternates. Alternates may be city limit residents, Claytex residents or active members of the Clayton Fire Department. There shall be representation from the full-time and the part-time members. Appointments will be made for this Board through the established procedures in the Appointment to Advisory Boards Procedures policy.
- (d) Alternates. The process for appointing alternates shall follow the procedures in the Appointment to Advisory Boards Procedures policy. Alternates may be city limit residents, Claytex residents or active members of the Clayton Fire Department. The alternates appointed to the Board will fill the position of Board Members that are absent at a meeting. The alternates will not have a vote on items coming before the Board unless they are filling in for a Board Member. Alternates are required to

attend each scheduled meeting. In the case there is a resignation, death or otherwise, an alternate will fill that vacancy automatically. The Board Chair will nominate an alternate to fill the vacancy; Board Members shall approve this nomination.

Duly adopted this 18th day of November, 2024, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Sam Johnson-Phillips
Deputy Town Clerk



Town Council Regular Meeting Agenda Cover Sheet

Meeting Date

November 18, 2024

Agenda Location

CONSENT AGENDA

Item Title

Resolution 2024-109: To Accept Streets into the Town Of Clayton Street System for Permanent Maintenance – Academy Point, Phases 1 & 2

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment



☐ Vibrant Downtown



☐ Desirable Amenities and Spaces



☒ Sustainable Infrastructure



☒ Mobility, Transportation, and Transit



☐ Diversified Economic Development



☐ Community Outreach and Engagement



☐ Public Safety

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- | | |
|--|--|
| ☐ Public Hearing (Required by GS) | ☐ Public Hearing (Not Required by GS) |
| ☐ Newspaper Notice (Required by GS) | ☐ Newspaper Notice (Not Required by GS) |
| ☐ Public Forum/Input Session | ☐ Press Release |
| ☐ E-News Distribution | ☐ Website |
| ☐ Social Media | ☐ Survey |
| ☐ Special Mailing | ☒ None Required |

Summary

Streets and rights-of-way are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications, and Design. Engineering staff has verified through the inspection process that the subject street and right of sections have been installed to meet or exceed this standard and recommends final acceptance. Upon final acceptance, the subject streets are eligible for funding through NCDOT's Powell Bill Program.

Funding Source

N/A

Corresponding Documentation

[Street Final Acceptance Resolution Phases 1 & 2 10-22-24](#)

Submitted By: Chris Rowland, Engineering

Reviewed By:

Joshua Baird, Water Resources Director	Approved - Nov 13 2024
Heidi Holland, Town Clerk	Approved - Nov 13 2024

**RESOLUTION TO ACCEPT STREETS INTO THE TOWN OF CLAYTON STREET SYSTEM FOR
MAINTENANCE – ACADEMY POINTE, PHASES 1 & 2**

WHEREAS, streets and right-of-way are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications and Design; and

WHEREAS, approval by the Town of Clayton Town Council is necessary for eligibility for receiving funding from the NCDOT's Powell Bill Program.

WHEREAS, the street segments listed below were placed under a warranty period for one year to monitor for construction deficiencies, which has subsequently expired; and

WHEREAS, Town of Clayton Engineering staff has inspected the street segments referenced below and recommends final acceptance by the Town Council for maintenance by the Town; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Clayton, North Carolina accept this list of streets and right-of-way into the Town of Clayton Street System.

SUBDIVISION	STREET NAME	BEGINNING DESCRIPTION	END DESCRIPTION	LENGTH
Academy Point, Phase 1	Rosemary Street	N. O'Neil Street	Roundabout	0.20*
Academy Point, Phase 1	Rosemary Street Roundabout at Elliot Drive/N. Mail Street			0.06*
Academy Point, Phase 2	Diploma Drive	Phase Line	Elliot Drive	0.17
Academy Point, Phase 2	Elliot Drive	Rosemary Street	Cul-de-Sac	0.08
TOTAL				0.51 mi

**Rosemary Street was a previously accepted street that was reconstructed as part of this development. The linear footage for Rosemary Street will not be added to our Powell Bill listing as a new street.*

Duly adopted this the 18th day of November 2024.

Jody McLeod
Mayor

ATTEST:

Heidi L. Holland, CMC, NCCMC
Town Clerk



Town Council Regular Meeting Agenda Cover Sheet

Meeting Date

November 18, 2024

Agenda Location

PUBLIC HEARINGS

Item Title

2024-47-CZM Novo Nordisk Art Center - Rezoning property from the Light Industrial (LID) to the Conditional Commercial (CZC) zoning district.

Presenter(s)

Conrad Olmedo, Planning Director

Suggested Action

Adoption of Ordinance

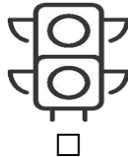
Strategic Priorities Alignment



☐ Vibrant Downtown



☐ Desirable
Amenities and
Spaces



☐ Sustainable
Infrastructure



☐ Mobility,
Transportation,
and Transit



☒ Diversified
Economic
Development



☐ Community
Outreach and
Engagement



☐ Public Safety

Public Hearing: Yes - Legislative

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

☒ Public Hearing (Required by GS)

☒ Newspaper Notice (Required by GS)

☐ Public Forum/Input Session

☐ E-News Distribution

☐ Social Media

☒ Special Mailing

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

☐ Press Release

☐ Website

☐ Survey

☐ None Required

Other/Special Instructions: Property posted with signage and property owner letters mailed.

Summary

This is a request for a Conditional Rezoning, Type 3, per UDO Section 3.3, to rezone property currently zoned Light Industrial (LID) to Conditional Commercial (CZC). The property is located on the north side of Gordon Road and easterly side of GLP One Way, consist of approximately 82.82 acres in total, and is identified as Johnston County Tag(s) 05105022A.

Background/History

This item was heard and recommended for approval by the Planning Board at their meeting held on October 28, 2024.

Recommendation

Staff is recommending approval of the rezoning request as consistent with the 2045 Comprehensive Growth Plan.

Funding Source

N/A

Corresponding Documentation

[Staff Report 2024-47-CZM Novo Nordisk Art Center TC 11.18.24](#)

[Staff Report Maps Novo Nordisk - CZM](#)

[01 Application 2024-47-CZM Novo ART Conditional Zoning](#)

[01 2024.03.20 NN ART Center-Zoning Narrative](#)

[01 NN Mads Ovlisent ART Center - Explanation of Project](#)

[01 NN Mads Ovlisent ART Center - Master Plan Narrative](#)

[02 Novo ART - Adjacent Property Owner List](#)

[02 Novo ART - Neighborhood Meeting Notification Letter](#)

[02 Staff Report 1st Review COMMENTS - Neighborhood Meeting Letter-2024-47-CZM](#)

[X Updated Neighborhood Meeting Information UDO 9.16.24 202410251526151846](#)

[X 2024-11-12 Novo Neighborhood Meeting Notification](#)

[03 Concept Plan - Novo ART Concept Plan-2024-47-CZM Final Draft PB 10.28.24](#)

[04 Conceptual Building Elevations - 10.22.2024 Mads Ovlisen ART Center UDO Compliance](#)

[05 Conditions of Approval 2024-47-CZM Novo Nordisk Art Center-Draft 10.22.24 - TC 11.18.24 \(1\)](#)

[06 Staff Recommended Addendum to conditions of Approval](#)

[07 UDO Section 3.3. Conditional Zoning Districts](#)

[08 UDO Section 3.3.2 \(CZC\) Conditional Commercial](#)

[09 Ordinance 2024-47-CZM Novo Nordisk Art Center TC 11.18.24](#)

Submitted By: Conrad Olmedo, Planning

Reviewed By:

Rich Cappola, Town Manager
Heidi Holland, Town Clerk

Approved - Nov 13 2024
Approved - Nov 14 2024



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 28, 2024
Town Council: November 18, 2024

STAFF REPORT

Application Number: 2024-47-CZM
Project Name: Novo Nordisk Art Center

Tag #: 05I05022A

Location: The property is located on the north side of Gordon Road and easterly side of GLP One Way

Existing Zoning District: Light Industrial (LID)

Proposed Zoning District: Conditional Commercial (CZC)

Acreage: 82.82 +/- acres

Existing Use: Vacant

Consultant: Timmons Group

Applicant: Brandon McLamb

Owner(s): Novo Nordisk Pharmaceutical Industries Inc

Public Noticing:

- Neighborhood meeting: March 19, 2024 (within 100' radius where 300' radius is required)
- Property Sign posted: October 18, 2024
- Letters mailed: October 18, 2024 (Planning Board)
- Letters mailed: TBD (Town Council)
- Legal Ad published: November 6 and November 13, 2024 (The Johnstonian)
- Property Sign posted inspection: November 8, 2024

REQUEST: This is a request for a Conditional Rezoning, Type 3, per UDO Section 3.3, to rezone property currently zoned Light Industrial (LID) to Conditional Commercial (CZC). The property is located on the north side of Gordon Road and easterly side of GLP One Way, consist of approximately 82.82 acres in total, and is identified as Johnston County Tag(s) 05I05022A.

PROJECT OVERVIEW

The property currently appears to be vacant with some land disturbance and existing vegetation. This application seeks to rezone the property to be Conditional Commercial (CZC). As a Conditional Rezoning, all uses are identified in the provided Recommended

Conditions of Approval and the development will occur as illustrated in the Concept Plan. Any forthcoming development of the project will be subject to the Town's Technical Review Committee reviews, the Building Code, and other relevant Town policies.

ADJACENT ZONING, LAND USES, AND FUTURE LAND USE MAP

Direction	Zoning	Existing Land Use(s)	Future Land Use Map
North	Light Industrial (LID) and Residential Large Lot (RLL)	Manufacturing and Vacant	Employment Center
South	Corridor Commercial (CRM), Residential Large Lot (RLL) and Johnston County	Single Family Residential and Vacant	Johnston County
East	Johnston County	Vacant	Johnston County
West	Corridor Commercial (CRM), and Residential Large Lot (RLL)	Warehouse, Storage, and Vacant	Employment Center

PLANNING BOARD RECOMMENDATION

At their October 28, 2024 meeting, the Planning Board voted on two motions. The first motion was to recommend approval of the Conditional Rezoning to rezone the property from Light Industrial (LID) to Conditional Commercial (CZC) per Motion 1 in the provided Consistency Statements Sheet, "Approval - Consistent with the 2045 Comprehensive Growth Plan," with the following addendum:

That a Neighborhood Meeting with property owners within 300' of the property in question be held before the November 18, 2024 Town Council meeting and to also keep this request on track for Town Council action on November 18, 2024 (Unanimous Approval).

The second motion held by the Planning Board with the following addendum to Motion 1 whereas:

Direct the Planning Department to ensure conversations with the applicants regarding potential Right-of-Way dedication for a future Multi-Use Path along Gordon Road (Approved with 5 votes in favor and 4 votes against).

STAFF RECOMMENDATION

Staff has provided an addendum to the applicant-provided Conditions of Approval for the Planning Board's consideration, which aim to demonstrate enhanced design and landscaping. The Planning Board took no action on this addendum from staff and is included only as reference.

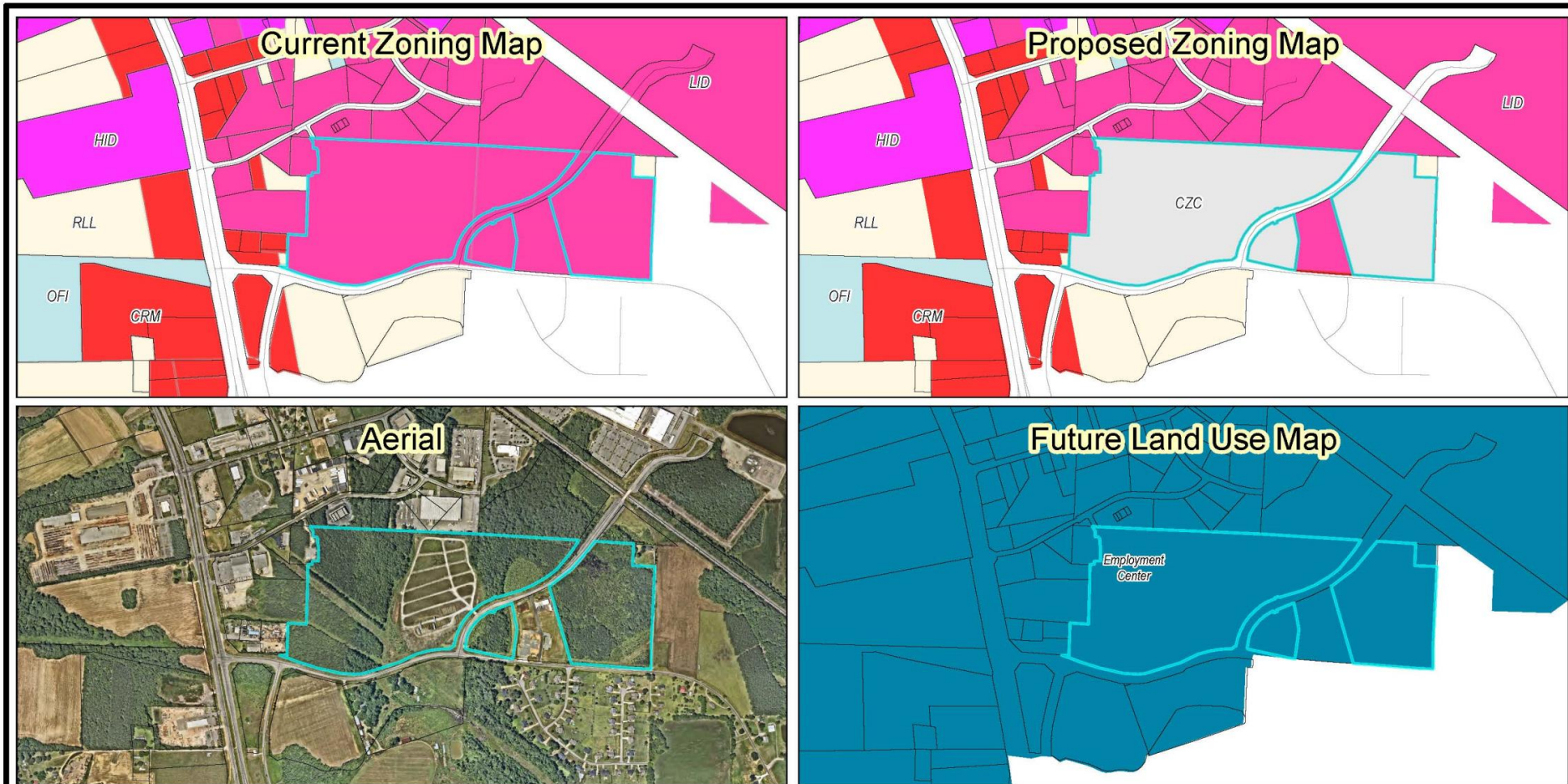
Regarding the applicant having conducted a neighborhood meeting noticing property owners within 100 feet versus 300 feet, as required per UDO 2.4.4.C.3.a., the Planning Board provided an addendum to their Motion 1 that the applicant have a Neighborhood Meeting noticing property owners within 300' of the property. The applicant will confirm that this request has been fulfilled update the Town Council with any outcomes of the meeting at their November 18, 2024 meeting.

Regarding the addendum to the Planning Board's Motion 1 concerning the Right of Way for Multi Use Path creation along Gordon Road, the Planning Department is in discussions with the applicant and will update the Town Council at their November 18, 2024 meeting.

Staff recommends approval of the Conditional Rezoning request to rezone the property from Light Industrial (LID) to the Conditional Commercial (CZC) zoning district per Motion 1 in the provided consistency statements sheet, "Approval - Consistent with the 2045 Comprehensive Growth Plan".

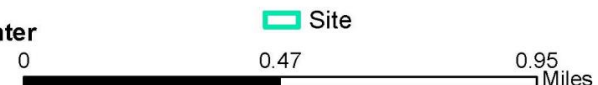
ATTACHMENTS:

- 1) Application Materials**
- 2) Neighborhood Meeting Materials**
- 3) Concept Plan**
- 4) Concept Building Elevations**
- 5) Recommended Conditions of Approval**
- 6) Staff Recommended Addendum to conditions of Approval**
- 7) UDO Section 2.3 - Conditional Zoning Districts**
- 8) UDO Section 2.3.2. - Commercial Zoning**
- 9) Ordinance**
- 10) Consistency Statements Sheet**



Request: Conditional Rezoning
Project Name: Novo Nordisk Art Center
Project Number: 2024-47-CZM

Applicant: Timmons Group
 Property Owner: NOVO NORDISK PHARMACEUTICAL
 Tag #: 05I05022A



Staff Report Map
Prepared by: TOC Planning Department
October 25, 2024

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

Document Path: C:\Users\laduchesse\OneDrive - Town of Clayton, NC\Documents\ArcGIS\Packages\StaffReport_3d3ea51p30\StaffReport.aprx



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

Conditional Zoning, Unlimited w/Associated Concept Plan Coversheet

Name of Project: Mads Ovlsen ART Center **Date:** 4/15/2024
Applicant Name: Brandon McLamb

The following checklist to be completed by applicant:

- ☒ Pre-Application Meeting on: 2/27/24
- ☐ Review Fee
- ☒ Completed Application
- ☒ Owner's Consent Form
- ☒ Adjacent Property Owner's List - Include Names, Full Mailing Addresses & Parcel/NC Tag #
- ☒ Neighborhood Meeting Letter (one copy)
- ☒ Signed & sealed boundary survey
- ☒ Copy of signed & sealed boundary survey in PDF on USB
- ☒ Master Plan Narrative
- ☒ Master Plan Set to include the following:
- Cover Sheet
 - Signed & Sealed Boundary Survey
 - Bubble Plan Outlining:
 - a. Where and which uses or groups of uses will occur
 - b. The proposed intensity/density of those uses
 - c. General location of internal and external network of public right-of-way and public infrastructure

Reviewed by: _____



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
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**Conditional Zoning, Unlimited
w/Associated Concept Plan Application**

Application Fee: \$1,000 + \$5.00 per acre

Public Noticing Fees (Mailing & Sign) will be confirmed/invoiced by town staff prior to payment.
Mailed Notice: \$1.00 per mailed notice Public Notice Signs: \$20.00 per posted sign

SITE INFORMATION

Name of Project: Novo ART Center
Acreage of Property: 82.820 Current Zoning District: LID
County Tag #: 05I05022A NC Pin #: 167700-57-1644
Address/Location: 1988 GORDON RD, Clayton, NC 27520
Existing Zoning District: I-1 Proposed Zoning District: CZC

Ex: CZR, CZM, CZC, CZD, CZI

APPLICANT INFORMATION

Applicant: Timmons Group
Mailing Address: 5410 Trinity Rd, Suite 102 | Raleigh, NC 27607
Phone Number: 919-866-4935 Fax: _____
Contact Person: Brandon McLamb
Email Address: brandon.mclamb@timmons.com

PROPERTY OWNER INFORMATION

Name: Novo Nordisk Pharmaceutical Industries Inc
Mailing Address: 3612 Powhatan Rd, Clayton, NC 27527
Phone Number: (984) 289-7365 Fax: _____
Email Address: DERP@NNE.com

OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ File Number: _____

July 2023

EXPLANATION OF PROJECT

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

Please see the attached Sheet - Novo Nordisk Mads Ovlsen ART Center Project Explanation.

APPROVAL CRITERIA – REZONING

All applications for a Conditional Rezoning must address the following Approval Criteria:

1. Consistency with the adopted plans of the Town. (This criteria must also be addressed in Master Plan Narrative.)

The NN Mads Ovlsen ART Center building has been designed to the standards outlined per section 6.2.5 in the Town of Clayton Unified Development Ordinance. The site has been designed per the standards set forth in the aforementioned document.

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

The current LID Zoning allows for Fitness Center, Office High & Low Intensity, and Co-Working Space as Permitted Principal Uses. These are similar to the planned Principal Use Community Recreation Center (Private). The majority of the surrounding area is LID currently, and the additional proposed Principal uses do not interfere with the business operations in place.

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

This will be a private facility tailored to the Novo Nordisk employee needs across both facilities. It will continue to encourage Novo Nordisk growth and employment opportunities, bringing resources into Clayton.

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

The Project Water and Sanitary have been considered and coordinated to not impact existing infrastructure.

The Sanitary will tie into the existing Manhole on the North end of the property that pumps to the existing station. Ownership of this is Pump Station is under discussion with ToC & JoCo

The water will be tied into a new Water Line from Johnston County for the larger Novo FFEEx project.

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

Correct.

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

Correct.

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

Correct.

APPROVAL CRITERIA- MASTER PLAN

All associated Master Plans must address the following Approval Criteria: (This criteria must also be addressed in Master Plan Narrative.)

1. Compliance with code section 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter.

This Master Plan will comply with Code Section 155.203(L) and will not require deviations from the chapter.

2. Consistency with the Clayton General Design guidelines.

The NN Mads Ovlsen ART Center building has been designed to the standards outlined per section 6.2.5 in the Town of Clayton Unified Development Ordinance. The site has been designed per the standards set forth in the aforementioned document.

3. Conformance of the proposal with the stated purpose of the requested conditional zoning district.

The requested Zoning District (CZC) has Permitted Principal Uses of Community Recreation Facility (Private), Park or Playground, Child Day Care, Office (High Intensity). It also has the Permitted Secondary Use of Swimming Pool, and Art Installation

4. Compatibility of the proposed development with the adjacent community.

The majority of the adjacent Community is in LID with Novo Nordisk owning additional parcels. They are primarily businesses & business parks that would not have an impact from a Community Recreation Facility (Private) being put in.

5. The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out.

See attached Sheet NN Mads Ovlsen ART Center - Conditional Rezoning Supplemental Sheet.

6. Compatible relationships between each component of the overall project.

See attached Sheet NN Mads Ovlsen ART Center - Conditional Rezoning Supplemental Sheet.

7. Self-sufficiency of each phase of the overall project.

This Parcel will have Daycare, and Swimming Pool Captured as Principal uses, that would be captured in a later project Phase. These uses are able to be constructed independently of the Principal Use Community Recreation Center (Private) and be Self-Sufficient of the main building.

8. Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems.

The Project Water and Sanitary have been considered and coordinated to not impact existing infrastructure.

The Sanitary will tie into the existing Manhole on the North end of the property that pumps to the existing station. Ownership of this is Pump Station is under discussion with ToC & JoCo

The water will be tied into a new Water Line from Johnston County for the larger Novo FFEEx project.

9. The fiscal impact of the proposal and the proposed financing of required improvements.

The Parcel & Project would not be utilizing any outside financing for these improvements.

10. The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community.

The adjoined roadways (Gordon Rd & GLP One Way) do not have pedestrian or bicycle links to connect to. The Parcel will have pedestrian pathways contained in its boundaries

11. The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

The Project is building on the already cleared portion of the Parcel. The site will be preserving the existing forestry surrounding to minimize any disturbance to waterways & other sensitive ecological areas on the Parcel.

APPLICANT AFFIDAVIT

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

Print Name

Signature of Applicant

Date



To: **Conrad Olmedo**
111 East Second St.
Clayton, NC 27528

From: Zach Bonenberger

Date: March 20, 2024

Re: NN ART Center
Project No.: 23068.000

Project Description:

The NN ART Center is a two-story, 38,000 sf privately owned and operated facility for the use of NN employees and their families.

Level 1 of the facility will be comprised of the following spaces:

- Indoor basketball gymnasium and associated restroom/locker room core, multi-purpose family area that is associated with the gymnasium.
- Café and associated food preparation/storage spaces
- Art Installation and Gallery
- Utility & Lobby

Level 2 of the facility will be comprised of the following spaces:

- Indoor running track, group fitness rooms, open fitness areas and associated restroom/locker room core, multi-sport fitness simulator, and wellness/exam rooms
- Office Suite including dedicated boardroom, conference rooms, office space and team building meeting space.

The exterior of the facility will be comprised of the following spaces:

- Grass lawn, Tiered site seating, Outdoor Dining
- Outdoor Basketball Court and Fitness Equipment
- Art Installation and Sculpture

Based on these assessments of the NN ART Center facility, it is our belief that the Primary uses are Fitness Center and Office, High Intensity. Additional secondary use for the building and site would be Art Installation(s).

Thank you for your consideration,
Zach Bonenberger

Attachments:

2024.03.20_NN ART Center-UDO Compliance

If you have any questions or comments, please contact Zach Bonenberger



Novo Nordisk – Mads Ovlisen ART Center

Conditional Rezoning – Supplemental Sheet.

Explanation of Project

The NN Mads Ovlisen ART Center is a two-story, 38,000 SF privately owned and operated facility for the use of NN employees and their families. The interior of the facility will contain fitness and recreation spaces, a cafe, office and team building/meeting spaces, as well as art installations. The exterior of the facility will contain outdoor fitness and recreation spaces, outdoor dining, tiered seating, as well as art installations.

Future uses of the site include an Outdoor Pool and NN Daycare Center.

Approval Criteria – Master Plan

5. The design quality throughout the project focuses on the relationship of functionality, aesthetics and sustainability.

The interior fitness and recreation spaces will focus on wellness and access to natural light and views to the exterior. The lobby, art installation and cafe will connect the fitness and recreation spaces to further provide natural light and views to the exterior. The office and team building spaces will focus on collaboration and access to natural light and views to the exterior.

The site will promote the use of natural materials and engaging with nature. The connection between interior fitness and recreation uses will be present at the site level and help promote wellness.

6. The program is a cohesive blend of primary and secondary spaces that allow the facility to function properly for the NN community. The site mirrors the interior functions and brings fitness and recreation to the natural landscape. Each space can be used independently, while all of the spaces share the same goal and function.



Novo Nordisk – Mads Ovlisen ART Center

Conditional Rezoning – Master Plan Narrative

Master Plan Narrative

This parcel is planned to hold the NN Mads Ovlisen ART Center, which is a two-story, 38,000 SF privately owned and operated facility for the use of NN employees and their families. The interior of the facility will contain fitness and recreation spaces, a cafe, office and team building/meeting spaces, as well as art installations. The exterior of the facility will contain outdoor fitness and recreation spaces, outdoor dining, tiered seating, as well as art installations. As part of the Master Plan for the site, there is a goal for future build out of an Outdoor Pool. This will compliment the facilities Fitness & Recreation Center focus. Additionally, a future build out of a NN Daycare Center for employees. The site has a cleared area currently that would hold all of the mentioned amenities, with minimal disturbance into the surrounding woodlands. This will allow the site to promote the use of natural materials and engage with nature around it. All of the amenities tied with this site location will promote wellness of the employees utilizing the space.

ADJACENT PROPERTY OWNERS LIST

Project Name: Mads Øvlisen Art Center

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. 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. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS
167700-48-1211	Walthom Group	442 1/2 E Main Street, Clayton NC, 27500
167700-48-1086	Johnston County	PO Box 1049 Smithfield, NC 27577
167700-37-9817	Winstead Building I	494 Skinner Road Four Oaks, NC 27520
167700-37-8533	Powhatan Holdings, LLC	816 Lakestone Dr Raleigh, NC 27609
167700-37-9214	Theodore James Cihos	2017 Fox Den Clayton, NC 27527
167700-37-8009	Theodore James Cihos	2017 Fox Den Clayton, NC 27527
167700-36-7507	GCF Gordon Road, LLC Worth P Gurley	PO Box 18902 Raleigh, NC 27619
167700-46-3313	GCF Gordon Road, LLC Worth P Gurley	PO Box 18902 Raleigh, NC 27619
167700-46-5782	Betty L. Mitchell	2367 Gordon Road, Clayton NC 27520
167700-56-1770	Betty L. Mitchell	2367 Gordon Road, Clayton NC 27520
167700-77-4939	New Bethel Church	1814 Gordon Road, Clayton NC 27520
167700-58-6227	Builders FirstSource- Atlantic Group, LLC	7979 E Tufts Avenue Suite 1500 Denver, CO 80237
167700-58-2364	Builders FirstSource- Atlantic Group, LLC	7979 E Tufts Avenue Suite 1500 Denver, CO 80237
167700-48-9258	Builders FirstSource- Atlantic Group, LLC	7979 E Tufts Avenue Suite 1500 Denver, CO 80237
167700-48-5249	North Tech 120 Condominium Association	120 N Tech Drive Suite 104 Clayton, NC 27520



5410 Trinity Road
Suite 102
Raleigh, NC 27607

P 919.866.4951
F 919.859.5663
www.timmons.com

March 8, 2024

RE: SITE PLAN SUBMITTAL NOTIFICATION
Johnston County Parcel Identification Number – [167700-57-1644]

Dear Property Owner,

We are writing to advise you that Timmons Group, Inc is preparing to submit a site plan application to the Town of Clayton for a parcel totaling approximately **82.82** acres at 1988 Gordon Road. The property is as follows:

- 57.06-acre portion of PIN # 167700-57-1644

This site application is requesting to change a portion of the property located at the intersection of Gordon Road and GLP One Way from its current zoning use of LID (Light Industrial) zoning district with a new proposed use to be a Fitness Center (Amenities) per Town of Clayton Unified Development Ordinance (TOC UDO) Section 4.2.

You are receiving this notice as a property owner within proximity of this site so that we may invite you to an informational meeting, where we will present the details of the site plan application. We will have an open discussion with you and your neighbors to address any questions or concerns you may have.

The neighborhood meeting will be held virtually via zoom meeting at 6:00 PM on March 19, 2024.

Zoom meeting information is provided on the following page. If you would like a link to this, please send an email to Brandon McLamb @ brandon.mclamb@timmons.com and or Jalen Hayes @ jalen.hayes@timmons.com .

Respectfully,

Brandon McLamb, PE
Timmons Group
brandon.mclamb@timmons.com



5410 Trinity Road
Suite 102
Raleigh, NC 27607

P 919.866.4951
F 919.859.5663
www.timmons.com

Hi there,

Brandon McLamb is inviting you to a scheduled Zoom meeting.

[Join Zoom Meeting](#)

Password: 702838

Phone one-tap: US: [+13092053325](tel:+13092053325), [95586263758#](tel:+195586263758) or [+13126266799](tel:+13126266799), [95586263758#](tel:+195586263758)

Meeting URL: <https://timmons.zoom.us/j/95586263758?pwd=eWFYbFp0cmxqTStXVEYzUjdkZWISdz09>

Join by Telephone

For higher quality, dial a number based on your current location.

Dial:

US: +1 309 205 3325 or +1 312 626 6799 or +1 646 558 8656 or +1 646 931 3860 or +1
301 715 8592 or +1 305 224 1968 or +1 386 347 5053 or +1 507 473 4847 or +1 564
217 2000 or +1 669 444 9171 or +1 669 900 9128 or +1 689 278 1000 or +1 719 359
4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623

Meeting ID: 955 8626 3758

Password: 702838

[International numbers](#)

Join from SIP:

Meeting ID: 955 8626 3758

SIP: 95586263758@zoomcrc.com

Password: 702838

SITE PLAN SUBMITTAL NOTIFICATION
Johnston County Parcel Identification Number – [167700-57-1644]
Zoom Meeting – March 19th, 2024, 6:00pm



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SITE PLAN SUBMITTAL NOTIFICATION
Johnston County Parcel Identification Number – [167700-57-1644]
Zoom Meeting – March 19th, 2024, 6:00pm



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March 8, 2024

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Zoom meeting information is provided on the following page. If you would like a link to this, please send an email to Brandon McLamb @ brandon.mclamb@timmons.com and or Jalen Hayes @ jalen.hayes@timmons.com .

Respectfully,

Brandon McLamb, PE
Timmons Group
brandon.mclamb@timmons.com

Please provide any meeting notes, list of property owners notified, and confirmation that the radius boundary used in which to notify persons was 300'.

Neighborhood Meeting document from ToC Website notes 100' radius. Reference attachment "Neighborhood Meeting Information (PDF) signed" - GBC 6.25.24



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Join by Telephone

For higher quality, dial a number based on your current location.

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US: +1 309 205 3325 or +1 312 626 6799 or +1 646 558 8656 or +1 646 931 3860 or +1
301 715 8592 or +1 305 224 1968 or +1 386 347 5053 or +1 507 473 4847 or +1 564
217 2000 or +1 669 444 9171 or +1 669 900 9128 or +1 689 278 1000 or +1 719 359
4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623

Meeting ID: 955 8626 3758

Password: 702838

[International numbers](#)

Join from SIP:

Meeting ID: 955 8626 3758

SIP: 95586263758@zoomcrc.com

Password: 702838

SITE PLAN SUBMITTAL NOTIFICATION
Johnston County Parcel Identification Number – [167700-57-1644]
Zoom Meeting – March 19th, 2024, 6:00pm



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SITE PLAN SUBMITTAL NOTIFICATION
Johnston County Parcel Identification Number – [167700-57-1644]
Zoom Meeting – March 19th, 2024, 6:00pm

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the neighborhood meeting is to inform landowners and occupants of nearby lands about a development application that is going to be reviewed under this by the Town of Clayton and to provide the applicant an opportunity to hear comments and concerns about the proposed development from landowners and occupants of nearby lands. It is not the intent of these standards to unreasonably delay or prevent an applicant from filing their development application.

Meeting Date:

The meeting shall take place prior to the application being initially filed with the Town. Nothing shall limit the Town Council from requiring one or more neighborhood meetings be conducted prior to the application being decided.

Meeting Time & Location:

The neighborhood meeting shall take place in a location open to the general public that is as close as possible to the site where development is proposed. In the event no suitable location open to the general public is available, the meeting may take place at a Town-owned or -operated site, subject to any Town requirements for its use. Additionally, the applicant may hold a Virtual neighborhood meeting conducted in a manner consistent with the Town's policies for virtual meetings.

Meeting Notice Mailing requirements:

1. The applicant shall provide notification of the neighborhood meeting via first class mail to all landowners within 300 linear feet of the parcel(s) where the development is proposed.
2. Mailed notice shall be provided no less than ten days prior to the date of the neighborhood meeting.
3. Landowners are advised that any required public notice of a subsequent development application will be provided in accordance with Section 2.4.8, Public Notice, which may be less than 300 feet from the parcel where development is proposed.
4. Multiple meetings may take place, but advance notification for each meeting shall be provided in accordance with subsection 2.4.4 of the Neighborhood Meeting section of the UDO.

Information required to be provided at the Neighborhood Meeting Invitation:

1. The purpose of the meeting;
2. A description of the proposed development;
3. The time, date, and location of the meeting;
4. Telephone and email contact information for the applicant or applicant's representative; and
5. Any additional information that would promote understanding of the development proposal

Information required to be provided at Neighborhood Meeting:

1. A copy of the project application.
2. A schedule of all upcoming public meetings for the application.
3. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
4. A map, drawing, or other depiction of the proposed land use change or development proposal.

Information provided to the Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined.

Deliver the following items to the Planning Department at the time of application submittal in electronic or hard copy format:

- ☒ A list of all parties and mailing addresses who were mailed a meeting notice;*
- ☒ Written proof of mailing was provided in accordance with Section 2.4.4C.3, Notification;*
- ☒ A copy of the meeting notice;*
- ☒ A sign-in sheet of meeting attendees; and*
- ☒ A list of the items discussed, including any questions posed by attendees and the answers provided*

**Submitted with completed application at the time of submittal.*

ADJACENT PROPERTY OWNERS LIST

Project Name: Mads Øvlisen Art Center

The following are all the persons, firms, or corporations owning property within 300 feet and immediately adjacent to the property (including across street rights of way) subject to this request. 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. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS
167700-68-0854	JOHNSTON COUNTY INDUSTRIAL DEVELOPMENT CORPORATION	PO BOX 1179 SMITHFIELD, NC 27577
167700-58-4409	BUILDERS FIRSTSOURCE-ATLANTIC GROUP, LLC	7979 E TUFTS AVE STE 1500 DENVER, CO 80237
167700-48-3637	MARVEL MANAGEMENT LLC	2127 WILLOW HILL LANE CLAYTON, NC 27520
167700-38-6495	CAROLINA POWER & LIGHT	P O BOX 1551 RALEIGH, NC 27602
167700-38-6165	MK REALTY - RALEIGH, LLC	5511 HILLSBOROUGH ST RALEIGH, NC 27606
167700-38-8091	BL CREECH PROPERTIES LLC	121 RADCLIFFE CT CLAYTON, NC 27527
167700-37-6284	CIHOS, THEODORE JAMES	2017 FOX DEN CLAYTON, NC 27527
167700-37-5225	CIHOS, THEODORE JAMES	2017 FOX DEN CLAYTON, NC 27527
167700-56-9884	SANTILLAN, CLAUDIA GONZALEZ SAUCEDO, JOSE GUADALUPE ROCHA	103 GRANTON COURT CLAYTON, NC 27520
167700-56-9681	WILSON, THOMAS EDWIN WILSON, ROSE MARIE	87 GRANTON CT CLAYTON, NC 27520
167700-66-3895	KOEHLER, DAVID J KOEHLER, VALERIE L	102 GRANTON CT CLAYTON, NC 27520
167700-66-3784	SEIGH, AARON AUGUST SEIGH, KIMBERLY FAYE	86 GRANTON CT CLAYTON, NC 27520
167700-66-5871	WILEY, DAVID W WILEY, LISA B	24 SLATEFORD DRIVE CLAYTON, NC 27520
167700-66-5674	RILEY, JOHN W RILEY, PATRICIA J	56 SLATEFORD DRIVE CLAYTON, NC 27520
167700-66-8841	SWANSON, JOHN JOINT TENANTS (WROS) COUSINS, CLAUDIA JOINT TENANTS (WROS)	19 SLATEFORD DRIVE CLAYTON, NC 27520
167700-66-8639	KENDALL, ROBERT J KENDALL, TAMMY R	45 SLATEFORD DRIVE CLAYTON, NC 27520
167700-66-8527	WALKER, RICHARD WARREN III WALKER, SAMANTHA LAUREN	67 SLATEFORD DRIVE CLAYTON, NC 27520

ADJACENT PROPERTY OWNERS LIST

Project Name: Mads Øvlisen Art Center

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It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS
167700-76-0578	SURLES, TIFFANY SUE SURLES, MICHAEL DYLAN	121 EDDLESTONE CT CLAYTON, NC 27520
167700-76-0760	STOLZENBURG, PETER ANDREW STOLZENBURG, LUCY	139 EDDLESTONE CT CLAYTON, NC 27520
167700-76-0890	PLATE, JEFFREY MARK MURPHY-PLATE, KELLY EILEEN	147 EDDLESTONE CT CLAYTON, NC 27520
167700-76-3664	MOORE, MICHAEL D MOORE, TERRY H	132 EDDLESTONE CT CLAYTON, NC 27520
167700-76-5792	JONES, JOSEPH B	PO BOX 871 CLAYTON, NC 27528
167700-76-5593	JONES, JOSEPH B	PO BOX 871 CLAYTON, NC 27528
167700-76-7534	KENNETH H TAYLOR II LV TRUST TAYLOR, KENNETH H II TRUSTEE	1755 GORDON RD CLAYTON, NC 27520
167700-76-4994	CLMGS IV PROPERTIES, LLC	137 TOWNSEND DR CLAYTON, NC 27527
167700-77-7495	MITCHELL, BETTY L	2367 GORDON RD CLAYTON, NC 27520
167700-48-1211	WALTHOM GROUP	442 1/2 E MAIN STREET CLAYTON NC, 27500
167700-48-1086	JOHNSTON OCUNTY	PO BOX 1049 SMITHFIELD, NC 27577
167700-48-1086	WINSTEAD BUILDING I	494 SKINNER ROAD FOUR OAKS, NC 27520
167700-37-8533	POWHATAN HOLDINGS, LLC	816 LAKESTONE DR RALEIGH, NC 27609
167700-37-9214	THEODORE JAMES CIHOS	2017 FOX DEN CLAYTON, NC 27527
167700-37-8009	THEODORE JAMES CIHOS	2017 FOX DEN CLAYTON, NC 27527
167700-36-7507	GCF GORDON ROAD, LLC WOTH P GURLEY	PO BOX 18902 RALEIGH, NC 27619
167700-46-3313	GCF GORDON ROAD, LLC WOTH P GURLEY	PO BOX 18902 RALEIGH, NC 27619

ADJACENT PROPERTY OWNERS LIST

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It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

[illegible]

SAMPLE NEIGHBORHOOD MEETING LETTER

(PLACE ON AGENT'S OR OWNER'S LETTERHEAD)

<Date>

Dear Clayton Area Property Owner:

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

Meeting Date:	Meeting Time:
Meeting Location:	
Type of Application:	
Project/proposal:	
Property address:	
Description of Project/Proposal:	
Upcoming public meetings for this application (Planning Board and/or Town Council):	

At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application.
2. A schedule of all upcoming public meetings for the application.
3. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
4. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal. If you have any questions prior to or after this meeting, you may contact us at **<Insert phone number of applicant>**. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

<Applicant>

Cc: Town of Clayton Planning Department

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Mads Øvlisen Art Center

Application: Site Plan Application

Location/Date: Workforce Development Center |135 Best Wood Dr, Clayton NC 27520

	NAME	ADDRESS
1	Seigh, Aaron	86 Granton Ct, Clayton NC 27520
2	Wiley, Wayne	24 Slateford Dr, Clayton NC 27520
3	Stolzenburg, Lucy	139 Eddlestone, Clayton NC 27520 (online attendee)
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NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: MADS ØVULSEN ART CENTER

Application: Site Plan Application

Location/Date: Workforce Development Center | 135 Best Wood Dr, Clayton NC 27520

	NAME	ADDRESS
1	Aaron Seigh	86 Granton Ct
2	WAYNE WILEY	24 SLATEFORD DR
3	Stolzenburg, Lucy	Virtual Meeting attendee (Zoom)
4		
5		
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7		
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NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application:	Site Plan Application
Date of Mailing:	November 1, 2024
Date of Meeting:	November 12, 2024 Time of Meeting: 6:00 PM
Location of Meeting:	Workforce Development Center 135 Best Wood Dr, Clayton NC 27520
Printed Name:	Brandon Mclamb Signature:

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

The Novo Nordisk neighborhood meeting focused on reviewing project requirements, upcoming meetings, and site plan compliance. Key points included preparation for the Town of Clayton Public meeting on November 18th, verification of the 300ft neighborhood buffer, and assessment of construction documents and site plan for rezoning requirements. Timmons and Hanbury discussed landscape and storm water practices, entrance locations, and examined architectural renderings, noting the facility's intended use for Novo Nordisk employees only. Preliminary discussions with NCDOT were also mentioned with the neighborhood attendees due to concern of increased traffic flow and noise generating from the proposed project design. Necessary permits, and potential driveway modifications for the towns ROW requirements were also discussed for the attendees knowledge. Additional meeting minutes are attached.

Please write clearly (or submit a typed summary). Use additional sheets if necessary.

11/12/24 Novo ART 300' Neighborhood Meeting

Tuesday, November 12, 2024 5:55 PM

Attendees

NNE	GBC	Hanbury	Timmons
Donny Parker	Dave Schemerhorn	Zach Bonenberger	Brandon McLamb
Nicole Niwa		Ryan Cooper	Jalen Hayes
Justin Starks			
Stacy Beard			
Shaylah Nunn Jones			

Neighbor Attendees

- 1 Online Call In
- 2 In Person (both attended Planning Board)

Started 6:08PM

- Brandon - Introduction & welcome for Novo ART Center 300' Neighborhood Meeting
 - Provided Notice of Rezoning and Upcoming Town Council Meeting on 11/18/24 6PM.
 - Project Location: GLP One Way and Gordon Rd Intersection.
 - Provided overview of Project & Site Plans, Storm Water Measures.
 - Noted we are not increasing water flow outside of property, it will be held onsite as designed.
 - Neighbor asked where the stormwater measures were, Brandon identified & discussed them.
 - Neighbor asked what studies/calculations have been done on the surrounding wetlands.
 - Timmons noted all environmental wetlands/streams delineations have been completed already with the appropriate AHJs.
- Hanbury reviewed renderings of building, discuss the 'screening' using topography & plantings.
 - Neighbor questioned the building height/stories.
 - 38'
 - 2 story
- Donny provided that 'ART' stands for Appreciation, Recreation, Training.
 - It will have team building, fitness, courts, wellness areas, yoga.
- Neighbor questioned how will parking lot impact traffic on Gordon Rd/traffic of facility?
 - Group reviewed how the parking size is determined by UDO.
 - Main entrance is off of GLP One Way, traffic not going in front of neighborhood entrance.
 - NN has done a traffic study of this area.
 - It has been sent through but no road improvements have been required so far.
 - Turn lane from Gordon onto GLP One Way is very small.
 - Neighbor noted it can only fit 3 cars.
 - Group noted we have gates set further back to allow vehicles to be clear of road when entering.
 - DOT has been in discussion with Timmons and reviewed the entrances
 - We have to officially submit driveway and encroachment permits
 - NCDOT CONTACT - Little, Tyler A <talittle2@ncdot.gov>; 919-739-5300
- Neighbor asked about the Daycare timeline and plan.
 - Donny noted there is no funding or plan for Daycare/phase 2 at this point, the project has them identified for the future.
- Neighbor brought up the request regarding ROW/Pathways
 - Group reviewed the wetlands being the majority of the area and unusable
 - Donny provided information that it is in discussion at NN, but there is no clear directive yet
 - Additional note was that there is no connection point for a trail/pathway on this property
 - Neighbor noted they understand the non-usable wetlands aspect/no connection points/etc. but felt they needed to ask again.



5410 Trinity Road
Suite 102
Raleigh, NC 27607

P 919.866.4951
F 919.859.5663
www.timmons.com

November 1st, 2024

RE: SITE PLAN SUBMITTAL NOTIFICATION
Johnston County Parcel Identification Number – [167700-57-1644]

Dear Property Owner,

We are writing to advise you that Timmons Group, Inc is preparing to submit a site plan application to the Town of Clayton for a parcel totaling approximately **82.82** acres at 1988 Gordon Road. The property is as follows:

- 57.06-acre portion of PIN # 167700-57-1644

This site application is requesting to change a portion of the property located at the intersection of Gordon Road and GLP One Way from its current zoning use of LID (Light Industrial) zoning district with a new proposed use to be a Fitness Center (Amenities) per Town of Clayton Unified Development Ordinance (TOC UDO) Section 4.2.

You are receiving this notice as a property owner within proximity of this site so that we may invite you to an informational meeting, where we will present the details of the site plan application. We will have an open discussion with you and your neighbors to address any questions or concerns you may have.

The neighborhood meeting will be held in-person and virtually via zoom meeting at 6:00 PM on November 12th, 2024. See below for physical address details.

Meeting Address:
Johnston Community College – Workforce Development Center
135 Best Wood Drive
Clayton, NC 27520
(Discovery Room)

Zoom meeting information is provided on the following page. If you would like a link to this, please send an email to Brandon McLamb @ brandon.mclamb@timmons.com and or Jalen Hayes @ jalen.hayes@timmons.com .

Respectfully,

Brandon McLamb, PE
Timmons Group
brandon.mclamb@timmons.com



5410 Trinity Road
Suite 102
Raleigh, NC 27607

P 919.866.4951
F 919.859.5663
www.timmons.com



Hi there,

Jalen.Hayes@timmons.com is inviting you to a scheduled Zoom meeting.

[Join Zoom Meeting](#)

Password 891342
:

Phone US: [+16469313860](tel:+16469313860) or [+13017158592](tel:+13017158592)
one-tap:

Meeting <https://timmons.zoom.us/j/96610865803?pwd=qEvDOeZRvbt4z68aEnGfuXAr2TFs5v>
URL: [1](#)

Join by Telephone

For higher quality, dial a number based on your current location.

Dial:

US: +1 646 931 3860 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or
+1 312 626 6799 or +1 646 558 8656 or +1 719 359 4580 or +1 253 205 0468 or +1
253 215 8782 or +1 346 248 7799 or +1 360 209 5623 or +1 386 347 5053 or +1 507
473 4847 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 9128 or +1 689 278
1000

SITE PLAN SUBMITTAL NOTIFICATION
Johnston County Parcel Identification Number – [167700-57-1644]
Zoom Meeting – November 12th, 2024, 6:00PM



5410 Trinity Road
Suite 102
Raleigh, NC 27607

P 919.866.4951
F 919.859.5663
www.timmons.com

Meeting 966 1086 5803
ID:

Password 891342
:

International numbers

Join from SIP:

Meeting 966 1086 5803
ID:

SIP: 96610865803@zoomcrc.com

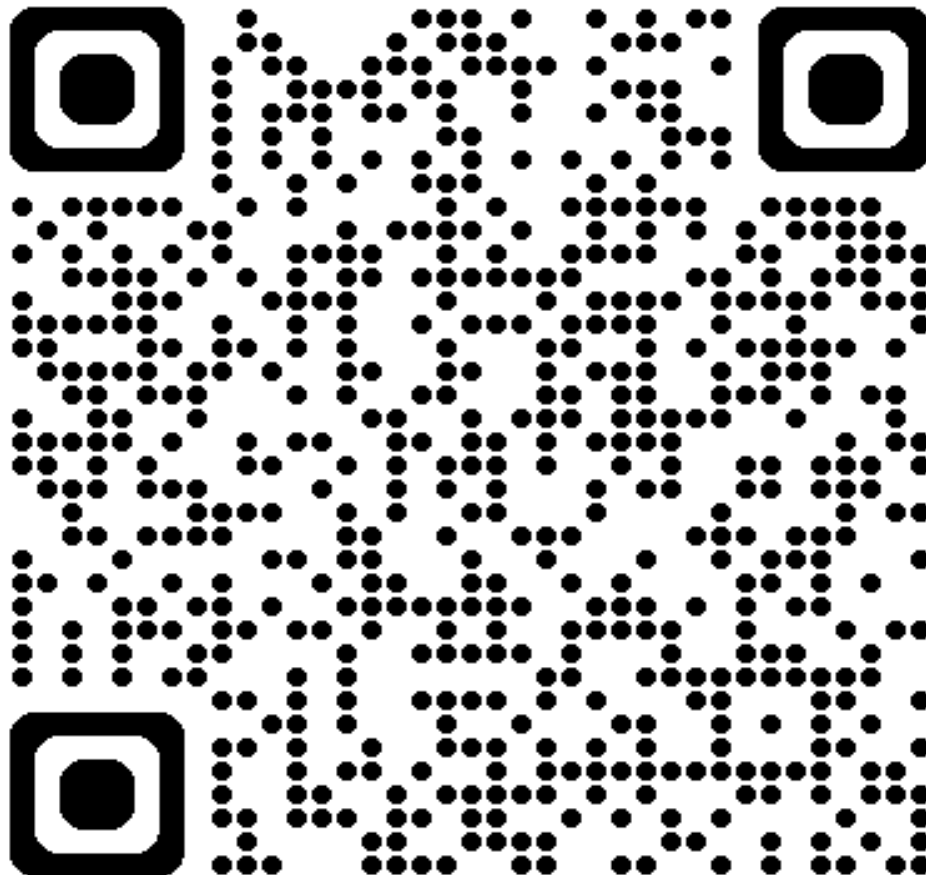
Password 891342
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SITE PLAN SUBMITTAL NOTIFICATION
Johnston County Parcel Identification Number – [167700-57-1644]
Zoom Meeting – November 12th, 2024, 6:00PM

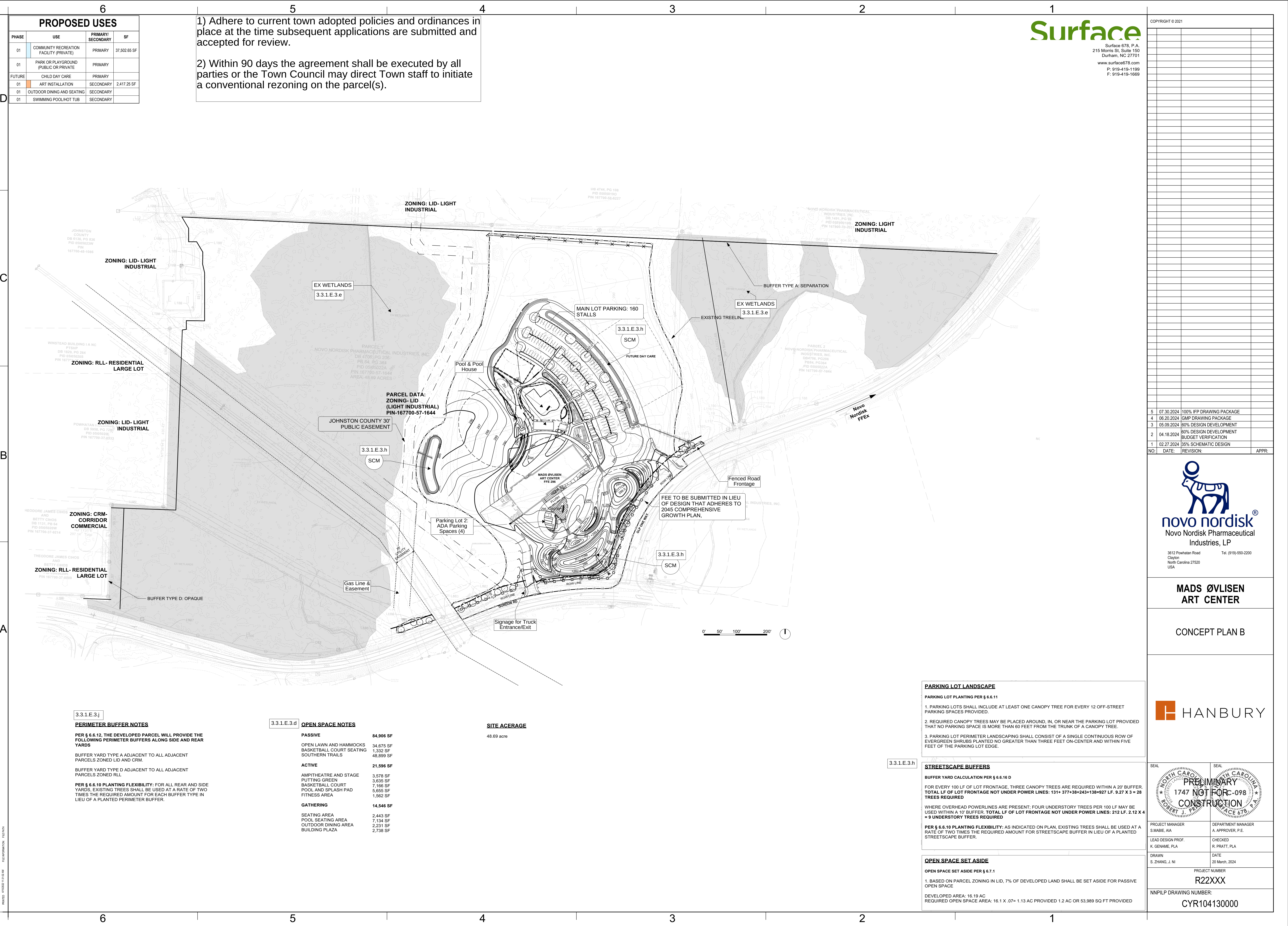


5410 Trinity Road
Suite 102
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www.timmons.com



SITE PLAN SUBMITTAL NOTIFICATION
Johnston County Parcel Identification Number – [167700-57-1644]
Zoom Meeting – November 12th, 2024, 6:00PM



PROPOSED USES			
PHASE	USE	PRIMARY SECONDARY	SF
01	COMMUNITY RECREATION FACILITY (PRIVATE)	PRIMARY	37,502.65 SF
01	PARK OR PLAYGROUND (PUBLIC OR PRIVATE)	PRIMARY	
FUTURE	CHILD DAY CARE	PRIMARY	
01	ART INSTALLATION	SECONDARY	2,417.25 SF
01	OUTDOOR DINING AND SEATING	SECONDARY	
01	SWIMMING POOL/HOT TUB	SECONDARY	

- 1) Adhere to current town adopted policies and ordinances in place at the time subsequent applications are submitted and accepted for review.
- 2) Within 90 days the agreement shall be executed by all parties or the Town Council may direct Town staff to initiate a conventional rezoning on the parcel(s).

Surface

Surface 678, P.A.
215 Morris St, Suite 150
Durham, NC 27701
www.surface678.com
P: 919-419-1199
F: 919-419-1669

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5	07.30.2024	100% IFP DRAWING PACKAGE
4	06.20.2024	GMP DRAWING PACKAGE
3	05.09.2024	80% DESIGN DEVELOPMENT
2	04.18.2024	80% DESIGN DEVELOPMENT BUDGET VERIFICATION
1	02.27.2024	35% SCHEMATIC DESIGN
NO.	DATE	REVISION
		APPR.


novo nordisk®
Novo Nordisk Pharmaceutical Industries, LP
3612 Powhatan Road
Clyton
North Carolina 27520
USA
Tel: (919) 550-2200

MADS ØVLISEN
ART CENTER

CONCEPT PLAN B

HANBURY

SEAL

SEAL

PRELIMINARY
1747 NOT FOR CONSTRUCTION
1747 NOT FOR CONSTRUCTION
1747 NOT FOR CONSTRUCTION

PROJECT MANAGER
S.MABIE, AIA

DEPARTMENT MANAGER
A. APPROVER, P.E.

LEAD DESIGN PROF.
K. GENAIME, PLA

CHECKED
R. PRATT, PLA

DRAWN
S. ZHANG, J. NI

DATE
20 March, 2024

PROJECT NUMBER
R22XXXX

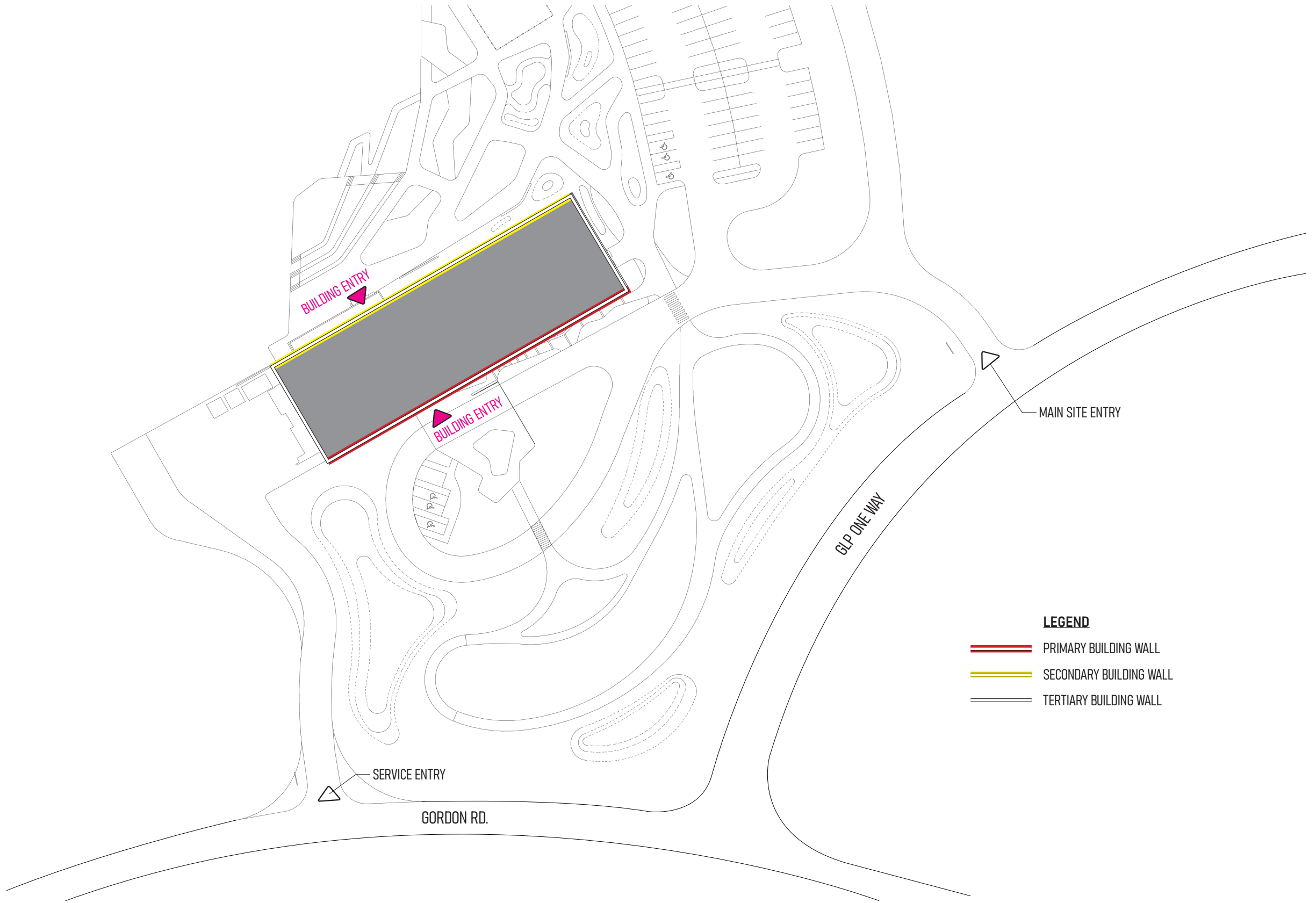
NNPILP DRAWING NUMBER:
CYR104130000

PARKING LOT LANDSCAPE
PARKING LOT PLANTING PER § 6.6.11
1. PARKING LOTS SHALL INCLUDE AT LEAST ONE CANOPY TREE FOR EVERY 12 OFF-STREET PARKING SPACES PROVIDED.
2. REQUIRED CANOPY TREES MAY BE PLACED AROUND, IN, OR NEAR THE PARKING LOT PROVIDED THAT NO PARKING SPACE IS MORE THAN 60 FEET FROM THE TRUNK OF A CANOPY TREE.
3. PARKING LOT PERIMETER LANDSCAPING SHALL CONSIST OF A SINGLE CONTINUOUS ROW OF EVERGREEN SHRUBS PLANTED NO GREATER THAN THREE FEET ON-CENTER AND WITHIN FIVE FEET OF THE PARKING LOT EDGE.

3.3.1.E.3.h
STREETSCAPE BUFFERS
BUFFER YARD CALCULATION PER § 6.6.16 D
FOR EVERY 100 LF OF LOT FRONTAGE, THREE CANOPY TREES ARE REQUIRED WITHIN A 20' BUFFER. TOTAL LF OF LOT FRONTAGE NOT UNDER POWER LINES: 131+ 377+38+243+138+927 LF. 9.27 X 3 = 28 TREES REQUIRED
WHERE OVERHEAD POWERLINES ARE PRESENT, FOUR UNDERSTORY TREES PER 100 LF MAY BE USED WITHIN A 10' BUFFER. TOTAL LF OF LOT FRONTAGE NOT UNDER POWER LINES: 212 LF. 2.12 X 4 = 8 UNDERSTORY TREES REQUIRED
PER § 6.6.10 PLANTING FLEXIBILITY: AS INDICATED ON PLAN, EXISTING TREES SHALL BE USED AT A RATE OF TWO TIMES THE REQUIRED AMOUNT FOR STREETSCAPE BUFFER IN LIEU OF A PLANTED STREETSCAPE BUFFER.

OPEN SPACE SET ASIDE
OPEN SPACE SET ASIDE PER § 6.7.1
1. BASED ON PARCEL ZONING IN LID, 7% OF DEVELOPED LAND SHALL BE SET ASIDE FOR PASSIVE OPEN SPACE
DEVELOPED AREA: 16.19 AC
REQUIRED OPEN SPACE AREA: 16.1 X .07= 1.13 AC PROVIDED 1.2 AC OR 53,989 SQ FT PROVIDED

3.3.1.E.3.j	3.3.1.E.3.d	3.3.1.E.3.d
PERIMETER BUFFER NOTES PER § 6.6.12, THE DEVELOPED PARCEL WILL PROVIDE THE FOLLOWING PERIMETER BUFFERS ALONG SIDE AND REAR YARDS BUFFER YARD TYPE A ADJACENT TO ALL ADJACENT PARCELS ZONED LID AND CRM. BUFFER YARD TYPE D ADJACENT TO ALL ADJACENT PARCELS ZONED RLL. PER § 6.6.10 PLANTING FLEXIBILITY: FOR ALL REAR AND SIDE YARDS, EXISTING TREES SHALL BE USED AT A RATE OF TWO TIMES THE REQUIRED AMOUNT FOR EACH BUFFER TYPE IN LIEU OF A PLANTED PERIMETER BUFFER.	OPEN SPACE NOTES PASSIVE OPEN LAWN AND HAMMOCKS BASKETBALL COURT SEATING SOUTHERN TRAILS ACTIVE AMPHITHEATRE AND STAGE PUTTING GREEN BASKETBALL COURT POOL AND SPLASH PAD FITNESS AREA GATHERING SEATING AREA POOL SEATING AREA OUTDOOR DINING AREA BUILDING PLAZA	SITE ACERAGE 48.69 acre 84,906 SF 34,675 SF 1,352 SF 48,899 SF 21,596 SF 3,578 SF 3,635 SF 7,186 SF 5,655 SF 1,562 SF 14,546 SF 2,443 SF 7,134 SF 2,231 SF 2,738 SF



LEGEND

- PRIMARY BUILDING WALL
- SECONDARY BUILDING WALL
- TERTIARY BUILDING WALL

SOUTH ELEVATION

6.2.5.F: PRIMARY BUILDING ENTRANCES



LEGEND

- ✓ A MATERIAL OR COLOR
- ✓ B CHANGE IN PAVING MATERIAL
- C SIGNIFICANT ARCHITECTURAL FEATURE
- ✓ D PROJECTIONS OR RECESSES
- E CANOPY, GALLERY OR ARCADE
- F ARCHITECTURAL DETAIL SUCH AS TILEWORK
- ✓ G LANDSCAPE PLANTER
- ✓ H GLAZING EXTENDING UPWARDS
- ✓ I OUTDOOR PEDESTRIAN GATHERING AREA

NORTH ELEVATION 6.2.5.F: PRIMARY BUILDING ENTRANCES



LEGEND

- ✓ A CHANGE IN MATERIAL OR COLOR
- B CHANGE IN PAVING MATERIAL
- ✓ C SIGNIFICANT ARCHITECTURAL FEATURE
- ✓ D PROJECTIONS OR RECESSES
- E CANOPY, GALLERY OR ARCADE
- F ARCHITECTURAL DETAIL SUCH AS TILEWORK
- G LANDSCAPE PLANTER
- H GLAZING EXTENDING UPWARDS
- ✓ I OUTDOOR PEDESTRIAN GATHERING AREA

SOUTH ELEVATION 6.2.5F.4 NON-RESIDENTIAL BUILDING ARTICULATION



LEGEND

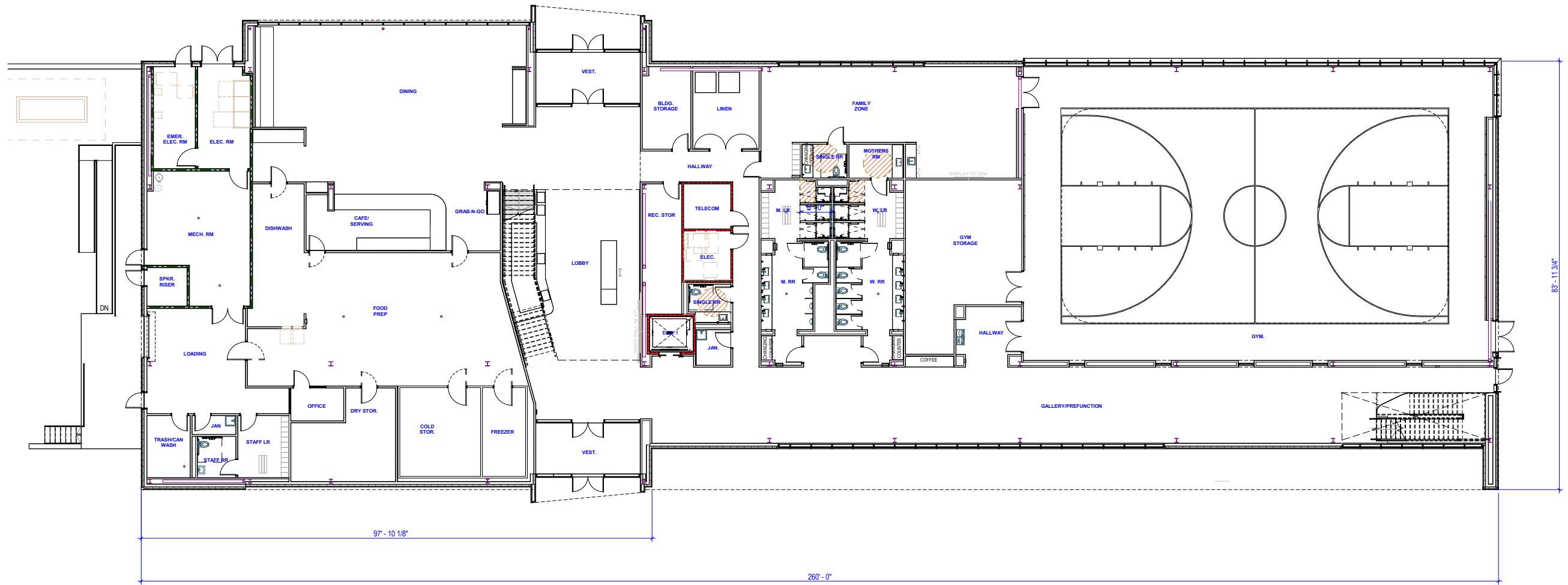
- ✓ **i** HORIZONTAL FACADE MODULATION
- ii** VERTICAL FACADE MODULATION
- iii** BOW OR CURVILINEAR FEATURE
- iv** GREEN WALL
- v** ROOF MODULATION
- ✓ **vi** PRIMARY BUILDING ENTRANCE
- ✓ **vii** OUTDOOR SEATING
- viii** WEATHER PROTECTION

NORTH ELEVATION 6.2.5F.4 NON-RESIDENTIAL BUILDING ARTICULATION



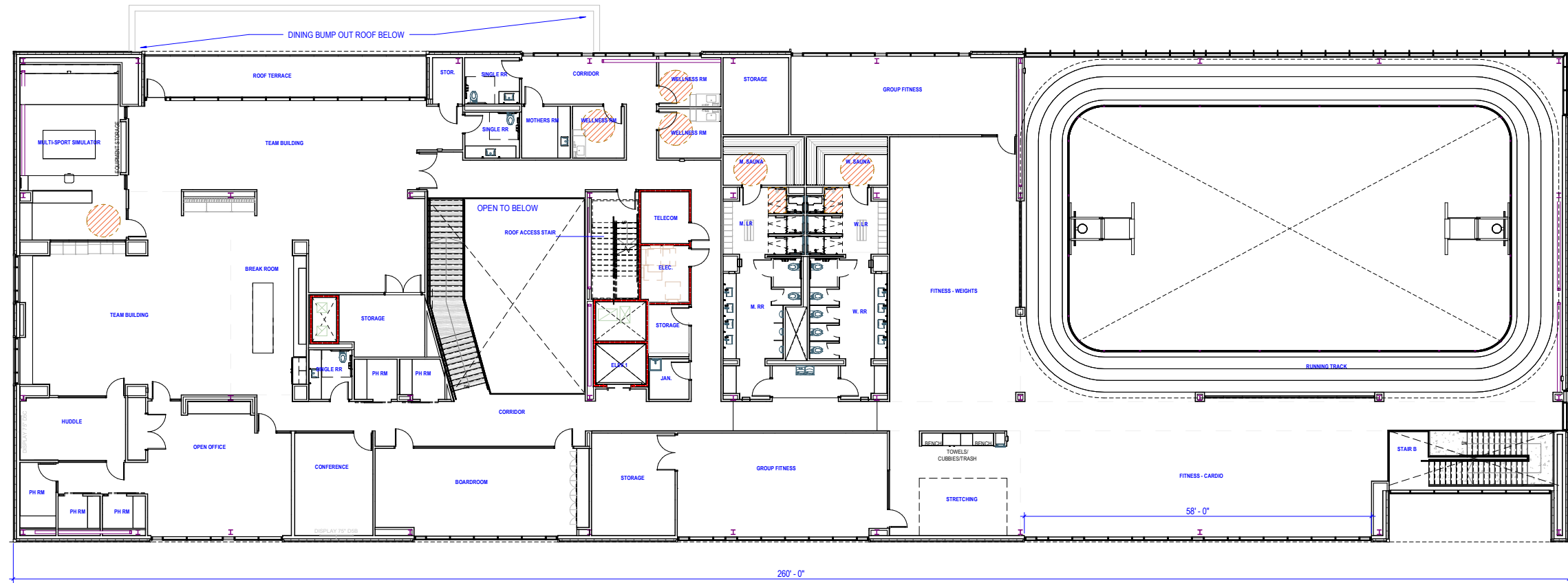
LEGEND

- i** HORIZONTAL FACADE MODULATION
- ii** VERTICAL FACADE MODULATION
- iii** BOW OR CURVILINEAR FEATURE
- iv** GREEN WALL
- v** ROOF MODULATION
- ✓ vi** PRIMARY BUILDING ENTRANCE
- ✓ vii** OUTDOOR SEATING
- viii** WEATHER PROTECTION



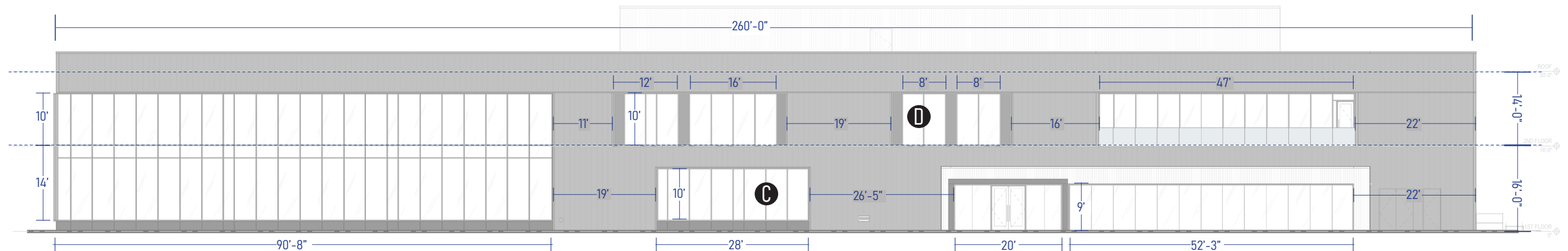
1	FLOOR PLAN - LEVEL 01 - UDO COMPLIANCE
XX-05	

SCALE: 3/32" = 1'-0"



2	FLOOR PLAN - LEVEL 02 - UDO COMPLIANCE
XX-05	

SCALE: 3/32" = 1'-0"



2
XX-004
NORTH ELEVATION - UDO COMPLIANCE
SCALE: 1/8" = 1'-0"

A LEVEL 01 PRIMARY WALL:
TOTAL AREA = 16' x 260' = 4,160 SF
FENESTRATION AREA = (9' x 20') + (10' x 95'-6") + (14.5' x 27') = 1,526.5 SF

PERCENT FENESTRATION: 1,526 SF / 4160 SF = 36.7% (MIN 30%)

B LEVEL 02 PRIMARY WALL:
TOTAL AREA = 14' x 260' = 3,640 SF (EXCLUDES PARAPET)
FENESTRATION AREA = (10' x 10') + (10' x 8') + (10' x 20') + (10' x 6') + (10' x 20') + (10' x 6') + (10' x 18') + (10' x 26') + (10' x 27') = 1,320 SF

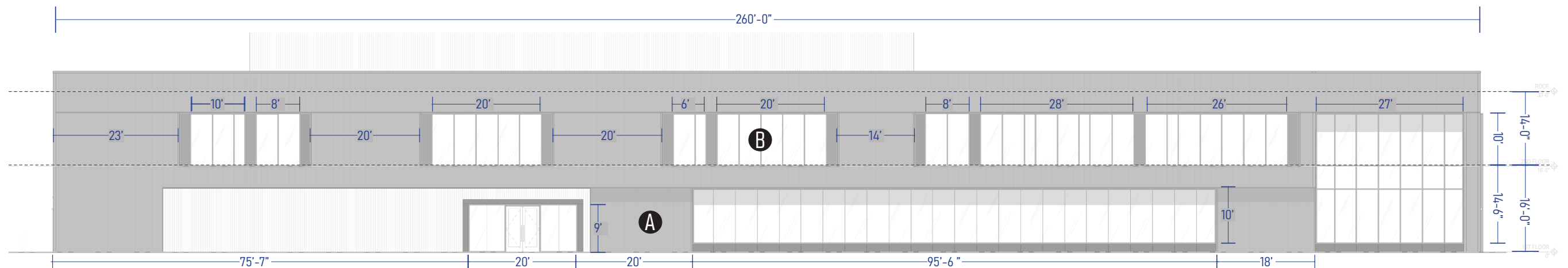
PERCENT FENESTRATION: 1,320 SF / 3,640 SF = 36.3% (MIN 20%)

C LEVEL 01 PRIMARY WALL:
TOTAL AREA = 16' x 260' = 4,160 SF
FENESTRATION AREA = (14' x 90.66') + (10' x 28') + (9' x 20') + (9' x 52.25') = 2,103 SF

PERCENT FENESTRATION: 2,103 SF / 4,160 SF = 50.6% (MIN 30%)

D LEVEL 02 PRIMARY WALL:
TOTAL AREA = 14' x 260' = 3,640 SF (EXCLUDES PARAPET)
FENESTRATION AREA = (10' x 90.66') + (10' x 12) + (10' x 16) + (10' x 8') + (10' x 8') + (10' x 47') = 1,817 SF

PERCENT FENESTRATION: 1,817 SF / 3,640 SF = 49.9% (MIN 20%)



3
XX-004
SOUTH ELEVATION - UDO COMPLIANCE
SCALE: 1/8" = 1'-0"

**Recommended Conditions of Approval
(2024-47-CZM Novo ART Center)**

1. Following Town Council approval, an electronic copy of the Master Plan and Narrative, including the Conditions of Approval shall be submitted to the Planning Department for final approval.
2. The Project shall meet all adopted Town of Clayton Unified Development Ordinance (UDO) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved master plan.
3. The Project shall be constructed in substantial conformance with the Concept Plan and Conditions of Approval as approved by the Clayton Town Council.
4. The site shall be developed using the already cleared land to not disturb the surrounding wetlands and environment.
5. The following Principal Uses, noted in UDO Table 4.2.5, are permitted by right within the building and general area identified in the Concept Plan:
 - a. Fitness Center
 - b. Child Day Care
 - c. Office, High Intensity
 - d. Community Recreation Facility (Private)
 - e. Community Garden (Private)
6. The following uses, while not expressly defined in the UDO but related to the sites operations and desires, shall be permitted: dining spaces, gang restrooms, family play zones, wellness rooms, common work spaces, and fitness rooms.
7. Unless otherwise explicitly prohibited in these Conditions or the Conditional Commercial (CZC) Zoning District, Secondary Uses per Table 4.5.4. and Temporary Uses per Table 4.6.4. shall be permitted.
8. The development shall provide item(s) from the Menu of Sustainable Development Practices (Table 6.17.6) to receive a minimum of two "A" and four "B" practices, including:
 - a. The building will be constructed to Leadership in Energy and Environmental Design (LEED) Gold certification standards.
 - b. Inclusion of off-street parking spaces devoted to electrical vehicle charging.
 - c. Structure that can accommodate installation and operation of solar photovoltaic panels.

- d. Configuration of new building with one axis at least 1.5 time longer than the other, long axis in the east-west configuration.
9. Any fencing along the Right-of-Way and within the CRM Zoning District equivalent 25-foot Street Setback, including any "Fenced Road Frontage", shall be no higher than four feet and allow for supportive columns to be no higher than five feet. Fencing located outside of the aforementioned area may be up to six feet in height with supportive columns no higher than eight feet.
10. All signage shall require a separate permit review and adhere to the Town Codes in effect at the time of sign application submittal.
11. Adhere to current town adopted policies and ordinances in place at the time subsequent applications are submitted and accepted for review.
12. Within 90 days an agreement shall be executed by all parties, or the Town Council may direct Town staff to initiate a conventional rezoning on the parcel(s).

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby certify that I have reviewed the recommended conditions of approval and am/are in agreement with the conditions as they are outlined within this letter.

Print Name

Signature of Applicant

Date

Staff Recommended Conditions of Approval to provide enhanced design and landscaping to achieve and demonstrate a higher quality development and project:

1. The principal building shall provide enhanced non-residential design standards by exceeding minimum building articulation and customer entrance requirements, as follows (6.2.5.E.4 and 6.2.5.F.2):
 - a. Primary Building Walls: to provide a minimum of three types of building articulation.
 - b. Secondary Building Walls: to provide a minimum of two building articulations.
 - c. Tertiary Building Walls: to provide a minimum of one building articulation.
 - d. Customer Entrances: to provide a minimum of two customer entrances, each having a minimum of three features, and each located on the building's north and south entrances.
2. The development shall provide an enhanced landscape Perimeter Buffer, as follows (Table 6.6.12.G):
 - a. A minimum "Type B" Perimeter Buffer abutting CRM, CZM, CZC, LID, HID, and ZCI Zoning Districts
 - b. A minimum "Type D" Perimeter Buffer abutting all other Zoning Districts.
3. The development shall provide a greater planting ratio than required for a Streetscape Buffer per (Figure 6.6.16.D), as follows:
 - a. Four canopy trees for every 100 linear feet of lot frontage; or
 - b. Two canopy trees and four understory trees for every 100 linear feet of lot frontage; or
 - c. Five understory trees for every 100 linear feet, where overhead utilities are present.

3.3 CONDITIONAL ZONING DISTRICTS

3.3.1 GENERAL PROVISIONS

A. PURPOSE AND INTENT

Conditional zoning districts are established to:

1. Provide an alternative to conventional zoning districts when a conventional zoning district may allow a range of uses that could have adverse impacts on public facilities or surrounding lands;
2. Create an adequate amount of flexibility in addressing the standards of this Ordinance to accommodate unique site-specific conditions or contexts;
3. Allow a landowner to propose, and the Town Council to consider, additional conditions or restrictions on the range of allowable uses, use-specific standards, development intensities, development standards, and other applicable regulations;
4. Allow a landowner to propose, and the Town Council to consider, a reduction in use-specific standards, development intensities, development standards, and other applicable regulations that would otherwise apply, in accordance with these standards;
5. Identify the range of development standards that may not be reduced or varied as part of a conditional rezoning application; and
6. Establish a legislative means to accommodate desirable development while avoiding or addressing anticipated problems that may arise from the proposed development.

B. CREATION

Land shall be classified into a Type 1, Type 2, or Type 3 conditional zoning district only in accordance with this section and the procedures and requirements set forth in [Section 2.3.6, Conditional Rezoning](#).

C. DISTRICTS ESTABLISHED

The conditional zoning districts are established in accordance with the summary table in [Section 3.3.1C, Districts Established](#).

D. CONDITIONS, GENERALLY

Applications for the establishment of a conditional zoning district shall include conditions proposed in accordance with [Section 2.4.10, Conditions of Approval](#), and the following standards:

1. Conditions associated with a conditional zoning district may be proposed by an applicant or the Town Council. Regardless of how proposed, only those conditions agreed to by both the applicant and the Town Council shall be included in the approved conditional rezoning.
2. All conditions of approval shall be consented to, in writing, by the applicant, prior to issuance of the conditional rezoning application approval.
3. Conditions associated with a conditional rezoning application may be either more restrictive or less restrictive than the standards applicable to the parallel conventional zoning district, subject to the provisions in [Section 3.3.1E.9, Limitations on Reductions](#).
4. In cases where a Type 3 Conditional Rezoning application is proposed, the applicant shall provide the following as part of the application materials:
 - a. A Concept Plan, prepared in accordance with [Section 3.3.1E, Concept Plans Associated with a Type 3 Conditional Rezoning](#);
 - b. An explanation as to why the proposed conditions are necessary;



- c. The ways in which approval of the less restrictive condition(s) will result in development that is in closer alignment with the provisions in [Section 1.7, Purpose and Intent of Ordinance](#), and the Town's adopted policy guidance; and
- d. Applicants are strongly encouraged to provide mitigation for any potential negative impacts anticipated to result from proposed conditions that are less restrictive than the applicable requirements.

E. CONCEPT PLANS ASSOCIATED WITH A TYPE 3 CONDITIONAL REZONING

1. GENERALLY

A Concept Plan, prepared in accordance with this section, shall be provided with an application for a Type 3 Conditional Rezoning application (see [Section 2.3.6D, Application](#)).

2. PREPARATION

A Concept Plan shall be prepared by a professional engineer, a licensed architect, or a licensed landscape architect.

3. CONTENTS

All Concept Plans shall include the following:

- a. The general location of individual development areas, identified by land use(s) and/or development density or intensity;
- b. The general configuration and relationship of the principal elements of the proposed development, including general building types;
- c. Identify, for the entire district and each development area, the acreage, types and mix of land uses, number of residential units (by use type), non-residential floor area (by use type), residential density, and non-residential intensity (floor area square footage);
- d. The general location, amount, and type (whether designated for active, passive, or gathering area) of open space set-aside;
- e. The location of environmentally sensitive lands, wildlife habitat, and resource protection lands;
- f. The on-site transportation circulation system, including the general location of all streets, existing or projected transit service, pedestrian, and vehicular circulation features, and how they will connect with existing and planned systems;
- g. The general location of on-site potable water and wastewater facilities, and how they will connect to existing systems;
- h. The general location of on-site stormwater control measures, and how they will connect to existing public systems;
- i. The general location of all other on-site public facilities serving the development, including but not limited to parks, schools, bus shelters, and facilities for fire protection, police protection, EMS, and solid waste management; and
- j. The applicable dimensional standards, including consistency with the conditional zoning district dimensional requirements or any requested deviations.

4. DEVIATIONS OR REDUCTIONS

- a. Applicants seeking a Type 3 Conditional Rezoning that includes a request for a deviation or reduction from the generally applicable Ordinance standards are responsible for demonstrating, in the concept plan or related application materials, that the proposed development will result in a higher quality development than would otherwise result from strict compliance with the standards. Alternatively, the applicant



shall demonstrate how the proposed development with the requested deviations will result in a development that is in closer alignment with the Town's adopted policy guidance than would otherwise result from a strict application of the standards. **AMENDED 4.15.24 (UDOTA1-24)**

- b. Concept Plans shall clarify the degree to which the development depicted in the Concept Plan will or will not comply with all applicable standards in Chapter 6, Standards.
- c. In cases where the application seeks a deviation from the applicable standards, the Concept Plan shall clearly identify all deviations in both narrative and graphic forms.
- d. It is insufficient to simply prepare a plan that depicts a building or site configuration that deviates from the applicable standards. Deviations from standards must be clearly noted and described in terms of their scope. Language in the narrative must match or be consistent with visual representations and vice versa.

5. METHODS OF HIGHER QUALITY DEMONSTRATION

In cases where a Type 3 conditional rezoning seeks a deviation or reduction in accordance with sub-section (4) above, the following are optional ways for an applicant to mitigate the deviation or demonstrate development quality or alignment with adopted policy guidance: **AMENDED 9.16.24 (UDOTA2-24)**

a. ENHANCED LANDSCAPING

While not required, enhanced landscaping is one technique that can be used by a development to exceed the development quality that would otherwise result from a strict application of the Ordinance requirements. Increasing the caliper size at time of planting of newly planted material by an amount 50 percent or greater beyond that required by **Section 6.6.7, Plant Material Specifications**, in combination with any of the following additional alternatives may be proposed as a means of demonstrating increased development quality:

- i. Use of planted berms (trees and shrubs) as a means of establishing increased visual and acoustical separation between uses;
- ii. Establishment of a minimum number of new trees and shrubs that exceeds what would have been required for a typical development;
- iii. Exceed a minimum percentage requirement of evergreen planted materials or inclusion of evergreen plants where none are required;
- iv. Inclusion of a greater amount of species diversity than required in **Section 6.6.7E, Species Diversity**;
- v. Utilization of plants that create year-round visual interest, including winter flowering plants, plants that bloom more than once per year, or plants with unique leaf shapes, colors, or forms; or
- vi. Other alternative configuration for consideration by the Technical Review Committee. **AMENDED 9.16.24 (UDOTA2-24)**

b. ENHANCED OFF-STREET PARKING

While not required, enhanced off-street parking that includes one or more level 2 or level 3 EV charging stations is one technique that can be used by a development to exceed the development quality that would otherwise result from a strict application of the Ordinance requirements. **AMENDED 9.16.24 (UDOTA2-24)**

c. ENHANCED TRAFFIC CONTROL DEVICES

While not required, use of metal mast arm-style traffic control signal supports, in a flat black or other neutral finish, supplemented with the ability to accommodate street lights or traffic cameras, is one technique that can be used by a development to exceed the development quality that would otherwise result from a strict application of the Ordinance requirements. **AMENDED 9.16.24 (UDOTA2-24)**



6. PRINCIPAL AND SECONDARY USES

- a. The Concept Plan shall include a list of proposed principal and secondary uses.
- b. It is insufficient to reference the table of common principal or secondary uses; Concept Plans shall list all potential allowable uses.
- c. Uses that are not listed in a Concept Plan and proposed after its approval shall be considered unlisted uses subject to the process identified in [Section 2.3.9, Determination](#).

7. PHASING

If development in conditional zoning district is proposed to be phased, the Concept Plan shall include phasing details or a phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and non-residential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the Town's capital improvements program.

8. CONSISTENCY

All Subdivisions, Site Plans, and Zoning Compliance Permit applications shall be substantially consistent with the approved Concept Plan. A Concept Plan may only be modified in accordance with [Section 2.3.6O, Amendment](#).

9. LIMITATIONS ON REDUCTIONS

In no instance shall any of the following standards in this Ordinance be waived or reduced as part of an application for a conditional rezoning:

- a. Any of the applicable overlay district standards in [Section 3.7, Overlay Zoning Districts](#);
- b. The maximum allowable residential density, unless the landowner complies with the applicable provisions in [Section 3.5, Incentives and Alternatives](#);
- c. Any applicable conservation subdivision standards in [Section 2.3.7, Conservation Subdivision](#);
- d. Any use-specific standards in [Section 4.3, Standards for Specific Principal Uses](#);
- e. Any of the standards applicable in [Section 4.4, Prohibited Uses](#);
- f. Any applicable standards in [Section 6.5, Infrastructure](#); and
- g. Any applicable standards in [Section 6.15, Stormwater](#), and [Section 6.12, Riparian Buffers](#).

10. COMPLIANCE WITH SUBDIVISION REQUIREMENTS

Divisions of land within a conditional zoning district shall be subject to all applicable subdivision requirements in [Section 2.3, Application Types](#).

11. RELATIONSHIP TO OVERLAY DISTRICT STANDARDS

Regulations governing development in an overlay zoning district shall apply in addition to all other applicable conditional zoning district standards.



3.3.2 (CZC) CONDITIONAL COMMERCIAL

A. PURPOSE AND INTENT

The Conditional Commercial (CZC) District is established to provide greater flexibility in terms of the range of allowable uses or applicable development standards than is permitted within the CRM or NCM conventional zoning districts. The CZC District creates a means for an applicant to voluntarily restrict a proposed development in order to protect community character or seek relief from otherwise applicable standards in order to produce commercial development that is in closer alignment with the Town's goals for development than would result from a strict application of the standards applicable in the CZM or NCM districts.

B. DIMENSIONAL STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the dimensional standards in Section 3.2.1, (CRM) Corridor Commercial District, shall apply to all development within a CZC District.

C. ALLOWABLE DENSITY

Unless modified as part of a Type 3 Conditional Rezoning application and Section 3.5, Incentives and Alternatives, the maximum density standards in Section 3.2.1, (CRM) Corridor Commercial District, shall apply to all development within a CZC District. **AMENDED 4.15.24 (UDOTA1-24)**

D. ALLOWABLE USES

1. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable principal uses shall be in accordance with the principal uses listed in the CZM, NCM, or CZC columns of the table in Section 4.2.5, Listing of Common Principal Uses.
2. Unless further limited by a Type 1 or Type 2 Conditional Rezoning application, the range of allowable secondary uses shall be in accordance with the secondary uses listed in the CZM, NCM, or CZC columns of the table in Section 4.5.4, Listing of Common Secondary Uses.
3. In no instance shall a principal or secondary use that is not listed in the CZM, NCM, or CZC columns of the appropriate table be permitted within a CZC District.

E. USE-SPECIFIC STANDARDS

Unless modified as part of a Type 2 or Type 3 Conditional Rezoning application, the use-specific standards in Section 4.3, Standards for Specific Principal Uses, or Section 4.5.5, Standards for Specific Secondary Uses, as appropriate shall apply to development in a CZC District.

F. DEVELOPMENT STANDARDS

Unless modified as part of a Type 3 Conditional Rezoning application, the standards in Chapter 6, Standards, shall apply to all development in the CZC district. Type 3 Conditional Rezoning applications shall comply with the standards in Section 3.3.1E.9, Limitations on Reductions.



ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF CLAYTON, NORTH CAROLINA IN ACCORDANCE WITH THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton by rezoning property from the Light Industrial (LID) to Conditional Commercial (CZC) zoning district. The property is located on the north side of Gordon Road and easterly side of GLP One Way, consists of approximately 82.82 acres, and is identified Johnston County Tax Number 05I05022A (File 2024-47-CZM Novo Nordisk Art Center); and

WHEREAS said properties are owned by NOVO NORDISK PHARMACEUTICAL INDUSTRIES INC (05I05022A); and

WHEREAS the Planning Board of the Town of Clayton has reviewed the proposed change(s) at their October 28, 2024 meeting and made a recommendation thereupon; and

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in The Johnstonian, a local newspaper, as required by Section 2.4.8(D) of the Unified Development Ordinance and by Section 160D-602 of the North Carolina General Statutes; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listing, and to the owners of all parcels of land abutting that (those) parcels(s) of land and within 300 feet of the subject parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 2.4.4(C) of the Unified Development Ordinance and by Section 160D-602 of the North Carolina General Statutes; and

WHEREAS notice of the proposed zoning classification action was posted on the property as required by Section 2.4.8(F) of the Unified Development Ordinance and by Section 160D-602 of the North Carolina General Statutes; and

WHEREAS the said public hearing was conducted at the Town Council meeting held at 6:00 p.m. on November 18, 2024, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change to make relevant comments; and

THEREFORE, after duly considering the matter, THE TOWN COUNCIL OF THE TOWN OF CLAYTON DOES HEREBY ORDAIN:

SECTION 1. That the Official Zoning Map of the Town of Clayton is hereby amended to include in the Conditional Commercial (CZC) zoning district the following described property:

General Description:

Located on the north side of Gordon Road and easterly side of GLP One Way.

Specific Description:

NC Parcel TAG Number(s): 167700-57-1644 (05I05022A)

SECTION 2. That the Town of Clayton Unified Development Ordinance is hereby amended.

SECTION 3. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of Ordinance.

SECTION 4. The applicant is requesting these recommended conditions of approval (2024-47-CZM Novo Nordisk Art Center):

1. Following Town Council approval, an electronic copy of the Master Plan and Narrative, including the Conditions of Approval shall be submitted to the Planning Department for final approval.
2. The Project shall meet all adopted Town of Clayton Unified Development Ordinance (UDO) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved master plan.
3. The Project shall be constructed in substantial conformance with the Concept Plan and Conditions of Approval as approved by the Clayton Town Council.
4. The site shall be developed using the already cleared land to not disturb the surrounding wetlands and environment.
5. The following Principal Uses, noted in UDO Table 4.2.5, are permitted by right within the building and general area identified in the Concept Plan:
 - a. Fitness Center
 - b. Child Day Care
 - c. Office, High Intensity
 - d. Community Recreation Facility (Private)
 - e. Community Garden (Private)
6. The following uses, while not expressly defined in the UDO but related to the sites operations and desires, shall be permitted: dining spaces, gang restrooms, family play zones, wellness rooms, common work spaces, and fitness rooms.

7. Unless otherwise explicitly prohibited in these Conditions or the Conditional Commercial (CZC) Zoning District, Secondary Uses per Table 4.5.4. and Temporary Uses per Table 4.6.4. shall be permitted.
8. The development shall provide item(s) from the Menu of Sustainable Development Practices (Table 6.17.6) to receive a minimum of two “A” and four “B” practices, including:
 - a. The building will be constructed to Leadership in Energy and Environmental Design (LEED) Gold certification standards.
 - b. Inclusion of off-street parking spaces devoted to electrical vehicle charging.
 - c. Structure that can accommodate installation and operation of solar photovoltaic panels.
 - d. Configuration of new building with one axis at least 1.5 time longer than the other, long axis in the east-west configuration.
9. Any fencing along the Right-of-Way and within the CRM Zoning District equivalent 25-foot Street Setback, including any “Fenced Road Frontage”, shall be no higher than four feet and allow for supportive columns to be no higher than five feet. Fencing located outside of the aforementioned area may be up to six feet in height with supportive columns no higher than eight feet.
10. All signage shall require a separate permit review and adhere to the Town Codes in effect at the time of sign application submittal.
11. Adhere to current town adopted policies and ordinances in place at the time subsequent applications are submitted and accepted for review.
12. Within 90 days an agreement shall be executed by all parties, or the Town Council may direct Town staff to initiate a conventional rezoning on the parcel(s).

SECTION 4. That the Town Council hereby adopts the following Statement of Consistency and Reasonableness for the proposed rezoning:

We find this rezoning action to be consistent with the Town of Clayton’s 2045 Comprehensive Growth Plan, Goal LU 1, Policy LU 1.3, and Goal LU 1.4 and the Future Land Use Map designation of Employment Center.

The proposed zoning amendment is reasonable and in the public interest because it supports the Town of Clayton 2045 Comprehensive Growth Plan’s policies above and because:

1. The Comprehensive Growth Plan encourages non-residential uses in this area.
2. The request is compatible with existing zoning and land uses in the area.

SECTION 5. That this ordinance shall become effective immediately upon its adoption.

Duly adopted this 18th day of November 2024, while in regular Session.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Heidi Holland, CMC, NCCMC
Town Clerk

Jim Cauley
Town Attorney

Motions for Consistency Statements | 2024-47-CZM Novo Nordisk Art Center

The Town Council may choose from one of the four suggested motions below.

Staff Recommends the Motion in Red Bold Text

Motion 1: Approval – Consistent with the 2045 Comprehensive Growth Plan

I make a motion to approve this rezoning request based on consistency with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- The properties are designated as Employment Center (EC) in the Future Land Use Map.**
- Goal LU 1 moves to preserve Clayton's character while allowing for growth and development in appropriate areas.**
- Policy LU 1.3 seeks to encourage non-residential land uses in areas consistent with the Future Land Use Map.**
- Policy LU 1.4 seeks to encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map.**

This action is reasonable and in the public interest, in that:

- The Comprehensive Growth Plan encourages non-residential uses in this area.**
- The request is compatible with existing zoning and land uses in the area.**

Motion 2: Approval – Inconsistent with the 2045 Comprehensive Growth Plan

I make a motion to approve this rezoning request. While the request is inconsistent with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- The properties are designated as Employment Center (EC) in the Future Land Use Map.
- Goal LU 1 moves to preserve Clayton's character while allowing for growth and development in appropriate areas.
- Policy LU 1.3 seeks to encourage non-residential land uses in areas consistent with the Future Land Use Map.
- Policy LU 1.4 seeks to encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map.

This action is reasonable and in the public interest, in that:

- The Comprehensive Growth Plan encourages non-residential uses in this area.
- The request is compatible with existing zoning and land uses in the area.

Motion 3: Denial – Consistent with the 2045 Comprehensive Growth Plan

I make a motion to deny this rezoning request. While the request is consistent with the adopted 2045 Comprehensive Growth Plan, in that:

- The properties are designated as Employment Center (EC) in the Future Land Use Map.
- Goal LU 1 moves to preserve Clayton's character while allowing for growth and development in appropriate areas.
- Policy LU 1.3 seeks to encourage non-residential land uses in areas consistent with the Future Land Use Map.
- Policy LU 1.4 seeks to encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map.

This action is reasonable and in the public interest, in that:

- The requested rezoning is incompatible with existing land uses in the area.
- The current zoning designation is preferable to the area.

Motion 4: Denial – Inconsistent with the 2045 Comprehensive Growth Plan

I make a motion to deny this rezoning request based on inconsistency with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- The properties are designated as Employment Center (EC) in the Future Land Use Map.
- Goal LU 1 moves to preserve Clayton's character while allowing for growth and development in appropriate areas.
- Policy LU 1.3 seeks to encourage non-residential land uses in areas consistent with the Future Land Use Map.
- Policy LU 1.4 seeks to encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map.

This action is reasonable and in the public interest, in that:

- The requested rezoning is incompatible with existing land uses in the area.
- The current zoning designation is preferable to the area.



Town Council Regular Meeting Agenda Cover Sheet

Meeting Date

November 18, 2024

Agenda Location

NEW BUSINESS

Item Title

West Clayton Church of God Purchase and Sale Agreement

Presenter(s)

Rich Cappola, Town Manager

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment



☐ Vibrant Downtown



☐ Desirable Amenities and Spaces



☐ Sustainable Infrastructure



☐ Mobility, Transportation, and Transit



☐ Diversified Economic Development



☐ Community Outreach and Engagement



☒ Public Safety

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)

☐ Newspaper Notice (Required by GS)

☐ Public Forum/Input Session

☐ E-News Distribution

☐ Social Media

☐ Special Mailing

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

☐ Press Release

☐ Website

☐ Survey

☐ None Required

Summary

The Town has entered into a purchase and sale agreement with West Clayton Church of God to acquire an 8 acre portion of property. The purpose is to promote and protect the health, safety, and welfare and to establish, organize, equip, and maintain a fire department.

Funding Source

N/A

Corresponding Documentation

[Resolution to Acquire Real Property -West Clayton Church](#)

[Signed PSA - West Clayton Church](#)

Submitted By: Heidi Holland, Administration

Reviewed By:

Heidi Holland, Town Clerk

Approved - Nov 14 2024

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CLAYTON
AUTHORIZING THE ACQUISITION OF CERTAIN
INTERESTS IN REAL PROPERTY**

WHEREAS, the Town of Clayton (the “Town”) has entered into the Purchase and Sale Agreement by and between the Town and West Clayton Church of God dated August 25, 2024 and attached hereto as Exhibit A (the “Agreement”); and

WHEREAS, the Town Council of the Town of Clayton hereby determines that it is necessary and in the public interest to acquire an 8 acre portion of the real property described as PIN 165801-16-1058 and further described in the Agreement (the “Property” or “Properties”); and

WHEREAS, the purpose for which such property is being acquired is to promote and protect the public health, safety, and welfare and; (i) to establish, organize, equip, and maintain a fire department; and (ii) for any other public purpose authorized by law;

WHEREAS, the Town of Clayton, acting by and through the Town Council, proposes to purchase said interests in real property, under the terms and conditions of the attached Agreement, to exercise the authority conferred upon the Town of Clayton by North Carolina General Statute Section 160A-291 and Section 160A-265 through voluntary acquisition.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF
THE TOWN OF CLAYTON:**

1. That the Town Council hereby approves, ratifies and affirms the Purchase and Sale Agreement attached hereto as Exhibit A.
2. That the Town Attorney to the Town of Clayton is authorized to proceed on behalf of the Town of Clayton to acquire by purchase under the terms and conditions of Agreement.
3. That the purpose for which the Properties are being acquired are (i) to establish, organize, equip, and maintain a fire department; and (ii) for any other public purpose authorized by law.
4. That the Town Attorney to the Town of Clayton is hereby authorized and directed to prepare all documents to effectuate the acquisition of the interest in the land hereinabove mentioned.

Adopted: This 18th day of November, 2024.

Town of Clayton

By: _____
Jody L. McLeod, Mayor

ATTEST:

Sam Johnson-Phillips, Deputy Town Clerk
(SEAL)

Resolution to Acquire – West Clayton Church Property
EXHIBIT A

**NORTH CAROLINA
JOHNSTON COUNTY**

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT (this "Agreement") is made this the 25th day of August 2024, (the "Effective Date") by and between **West Clayton Church of God**, a North Carolina non-profit organization and the **Church of God**, a Tennessee non-profit organization ("Seller") and **Town of Clayton**, a municipal corporation organized and existing under the laws of the State of North Carolina ("Buyers"), who for valuable consideration received, agree as follows.

1. **Purchase and Sale.** Buyers hereby agree to purchase and Seller hereby agrees to sell all of Seller's right, title and interest in that certain real estate being up to an 8 acre portion of 143 Short Johnson Road, Clayton, Johnston County NC designated as PIN 165801-16-1058; Parcel ID 05-G-03-008-A and more particularly identified on Exhibit A attached hereto and incorporated herein by reference to be more specifically defined by subdivision plat (the "Property").

2. **Purchase Price.** The total purchase price (the "Purchase Price") for the Property shall be One Million and No/100 Dollars (\$1,000,000.00) . Buyers agrees to pay the Purchase Price in immediately available funds at Closing, as hereinafter defined. Buyer shall make a deposit of Five Thousand and No/100 Dollars (\$5,000.00) payable to Cauley Pridgen, PA. as escrow agent (the "Deposit"). The Deposit shall be credited toward the Purchase Price at Closing.

3. **Title.** At Closing, Seller shall convey to Buyer fee simple title to the Property by special warranty deed, free and clear of defects or encumbrances, except for any easements of record. Seller shall satisfy at Closing any lien or unpaid delinquent taxes, deeds of trust, contractor's or materialmen's liens and any other liens that encumber the Property, except the lien of property taxes for the year of Closing, which shall be prorated at Closing.

4. **Closing Documents.**

(a) **Seller's Delivery.** At Closing, Seller shall deliver to Buyers the following:

- (i) A General Warranty Deed
- (ii) An executed affidavit regarding liens establishing that there are no lien claims of mechanics, laborers and materialmen.
- (iii) An executed settlement statement.
- (iv) A certification pursuant to the Foreign Investment and Real Property Transfer Act ("FIRPTA Certification").
- (v) Evidence of the authority of Seller to convey marketable title to the Property.
- (vi) Release, Termination or Cancellation of Deed of Trust at Book 4197, Page 164 of Johnston County Registry

(b) **Buyers's Documents.**At Closing, Buyers shall deliver to Seller the following:

- (i) The Purchase Price.
- (ii) An executed settlement statement.

5. **Closing and Closing Date.** The closing (“Closing”) shall be held on or before 30th day after the expiration of the Due Diligence Period (the “Closing Date”).

6. **Due Diligence Period.** The Due Diligence period shall commence on the Effective Date and shall terminate sixty (60) days after the Effective Date.

(a) On or before the date three (3) calendar days after the Effective Date, Seller shall deliver to Buyer, if not previously delivered, any survey of the property and all surveys, plans, specifications, environmental, engineering and mechanical data relating to the Property, and reports such as inspections, soils reports and environmental audits, which are in Seller’s possession, if any. These Due Diligence Materials will be provided to Buyer without any representation or warranty of any kind or nature whatsoever and are merely provided to Buyer for Buyer’s informational purposes. Until Closing, Buyer and Buyer’s Designees shall maintain all Due Diligence Materials as confidential information. If the purchase and sale of the Property is not consummated in accordance with this Agreement, regardless of the reason or the party at fault, Buyer shall immediately return to Seller all copies of the Due Diligence Materials, whether such copies were actually delivered by Seller or are duplicate copies made by Buyer or Buyer’s Designees.

(b) Buyer shall have the Due Diligence Period to investigate the Property, and the transaction contemplated by this Agreement, to decide whether Buyer, in Buyer’s sole discretion, will proceed with or terminate the transaction. During the Due Diligence Period, Buyer or Buyer’s agents or representatives, at Buyer’s expense, shall be entitled to conduct all desired tests, surveys, appraisals, investigations, examinations and inspections of the Property as Buyer deems appropriate. Buyer shall, at Buyer’s expense, promptly repair any damage to the Property resulting from any activities of Buyer and Buyer’s agents and contractors. This repair obligation shall survive any termination of this Agreement.

(c) Buyer shall have the right to terminate the Agreement for any reason, by delivering to Seller written notice of termination (the “Termination Notice”) during the Due Diligence Period (or any agreed-upon written extension of the Due Diligence Period). If Buyer timely delivers the Termination Notice, the Agreement shall be terminated.

7. **Risk of Loss Prior to Closing Date.** It is understood and agreed that all risk of loss with respect to the Property, except as may be caused by the acts or omissions of Buyers or its employees, agents, or contractors, shall remain with Seller through Closing. In the event that prior to the Closing Date, the Property is materially damaged, destroyed, or rendered unusable then Seller or Buyers may terminate this Agreement.

8. **Taxes, Closing Costs, Etc.** Taxes and assessments for the calendar year in which Closing occurs shall be prorated at Closing. All costs associated with the conveyance of the property and closing of this transaction shall be paid by Buyers at Closing. Notwithstanding the preceding, Seller shall pay deed preparation and Seller attorney fees at closing. Seller shall cancel its water, gas, electric and other utility accounts, if any, on the Closing Date. Any cost and/or fees incurred by Buyers or Seller in executing this Agreement shall be borne by the respective party incurring such cost and/or fee.

9. **Oral Agreements and Representations.** This Agreement represents the final and complete expression of the parties hereto with respect to the subject matter hereof. There are no oral or other agreements, including but not limited to any representations or warranties, which modify or affect this Agreement.

10. **Survival.** If any provision or indemnity herein contained which by its nature and effect is required to be observed, kept or performed after the Closing, it shall survive the Closing and remain binding upon and for the benefit of the parties herein until fully observed, kept or performed.

11. **Brokers.** Seller and Buyers each acknowledge that no broker was used in the purchase and sale of this transaction.

12. **Counterparts/Facsimile.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. A facsimile signature to this Agreement and to any amendments thereto may be deemed an original and all purposes.

13. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina.

14. **Notice.** All notices, demands and/or consents provided for in this Agreement shall be in writing and shall be delivered to the parties hereto by hand or by United States Mail with postage pre-paid, or by recognized overnight courier service such as Federal Express. Such notices shall be deemed to have been served three (3) days after same has been deposited in the United States mail as aforesaid, or the next business day after deposited with a recognized overnight courier. All such notices and communications shall be addressed to Sellers at **1008 South Lombard Street, Clayton, NC 27520**, and to Buyers at **111 East Second Street, Clayton, NC 27520** or at such other address as either may specify to the other in writing.

15. **Subdivision Plat.** During the Due Diligence Period, Buyer at Buyer's sole cost shall cause to be prepared a subdivision plat of the Property by a North Carolina certified surveyor in recordable format (the "Plat"). Buyer shall deliver said Plat to Seller for review and comment. Seller shall have ten days to review, comment and approve of the Plat after delivery to Seller by Buyer. shall cause the Plat to be recorded in the Register of Deeds of Johnston County on or before the Closing Date.

16. **Contingent Upon Town Council Approval.** This Agreement is contingent upon formal approval by the Town of Clayton Town Council at a regular meeting. Buyer shall have the right to terminate this Agreement if this Agreement is not approved by the Town of Clayton Town Council.

{Signature Pages to Follow}

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

Buyer:

TOWN OF CLAYTON

By: 

Rich Cappola, Town Manager

PRE-AUDIT CERTIFICATION

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.


Robert McKie, Town of Clayton Finance Director

Buyer Signature Page – 143 Short Johnson Road

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

SELLER:

WEST CLAYTON CHURCH OF GOD,
a North Carolina non-profit organization

By: 

Title: Lead Pastor

Seller Signature Page – 143 Short Johnson Road

Exhibit A
Legal Description

Up to 8 acre portion of:
PIN: 165801-16-1058
Parcel ID: 05-G-03-008-A

BEGINNING at a right-of-way monument marking the intersection of the rights-of-way of North Carolina Highway No. 42 and N.C.S.R. 1584, Short Johnson Road, and from said beginning point the line runs thence with the right-of-way of North Carolina Highway No. 42 North 69 degrees 48 minutes 46 seconds East 246.42 feet to an iron stake and North 72 degrees 10 minutes 44 seconds East 1197.31 feet to an iron stake, corner with Walnut Creek Subdivision; thence with the line of Walnut Creek Subdivision South 05 degrees 17 minutes 50 seconds West 378.85 feet to an iron stake set in the western line of Lot 93, Walnut Creek Subdivision, corner with the lands of the Wilson Pulley Heirs described in the deed of record in Book 557, Page 481; thence with the Pulley Line and with the line of the lands of S. Clarence Parrish as described in the deed of record in Book 645, Page 184 and in the plat of record in Plat Book 9, Page 97, North 77 degrees 58 minutes 32 seconds West 239.96 feet to an iron pipe, corner with Parrish; thence with the Parrish line South 06 degrees 37 minutes 31 seconds West 702.66 feet to an iron stake, the northeast corner of the Katie J. Liles lot described in the deed of record in Book 1045, Page 730; thence with the Liles line North 59 degrees 21 minutes 02 seconds West 351.12 feet to an iron pipe and South 21 degrees 40 minutes 56 seconds West 98.73 feet to an iron pipe set in the right-of-way of Short Johnson Road; thence with said road right-of-way North 56 degrees 16 minutes 23 seconds West 128.57 feet to a right-of way monument and North 54 degrees 10 minutes 11 seconds West 709.12 feet to the point and place of BEGINNING, containing 14.49 acres, more or less, according to a plat and survey by L. Dennis Lee, P.A., dated April 25, 2000, and styled "Estate Map 1 or 2 for Melvin J. Aiken."



Town Council Regular Meeting Agenda Cover Sheet

Meeting Date

November 18, 2024

Agenda Location

NEW BUSINESS

Item Title

Land Acquisition Reimbursement Resolution

Presenter(s)

Robert McKie - Finance Director

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment



☐
Vibrant Downtown



☐
Desirable
Amenities and
Spaces



☐
Sustainable
Infrastructure



☐
Mobility,
Transportation,
and Transit



☐
Diversified
Economic
Development



☐
Community
Outreach and
Engagement



☐
Public Safety

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)

☐ Newspaper Notice (Required by GS)

☐ Public Forum/Input Session

☐ E-News Distribution

☐ Social Media

☐ Special Mailing

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

☐ Press Release

☐ Website

☐ Survey

☒ None Required

Summary

This resolution will enable the Town to reimburse expenditures incurred to acquire land for public safety and parks and recreation purposes with the proceeds of a future borrowing.

Background/History

The Town is pursuing land banking opportunities for future public safety and parks and recreation facilities.

Recommendation

The Executive Team recommends adoption of the Ordinance

Funding Source

Fund Balance Appropriation.

Cost

Yes

Corresponding Documentation

[Clayton - Reimbursement Resolution \(Land for Public safety and parks \) \(October 2024\)\(196103902.1\)](#)

Submitted By: Robert McKie, Finance Department

Reviewed By:

Robert McKie, Finance Director
Rich Cappola, Town Manager
Heidi Holland, Town Clerk

Approved - Oct 17 2024
Approved - Nov 13 2024
Approved - Nov 14 2024

TOWN COUNCIL
OF THE TOWN OF CLAYTON, NORTH CAROLINA

Excerpt of Minutes
of Meeting on
November 18, 2024

Present: Mayor _____ presiding, and

Councilmembers : _____

Absent: _____

* * * * *

The following resolution was discussed and its title was read:

RESOLUTION OF OFFICIAL INTENT TO PURSUE
TAX EXEMPT FINANCING AND TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING

WHEREAS, the Town Council of the Town of Clayton, North Carolina (the “Town”) intends to finance the purchase of land to be used for public safety facilities (the “Public Safety Land”) and for additional parks and recreation facilities (“Parks and Recreation Land,” and together with the Public Safety Land, the “Project”);

WHEREAS, the Town may advance its own funds to pay expenditures related to the Project, may borrow funds on a short term taxable or tax exempt basis in order to pay such expenditures or may enter into contracts obligating third parties to make certain expenditures relating to the Project (the “Expenditures”) prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON,
NORTH CAROLINA:**

1. The Town intends to utilize the proceeds of tax-exempt indebtedness, including but not limited to revenue bonds or notes (the “Indebtedness”) or to incur other debt, to pay the costs of the Project in an amount not currently expected to exceed \$7,500,000.

2. The Town intends that the proceeds of the Indebtedness be used to reimburse the Town for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this resolution. The Town reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Indebtedness or other debt.

3. The Town intends that the adoption of this resolution confirms its “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

4. This resolution shall take effect immediately upon its passage.

Councilmember _____ moved the passage of the foregoing resolution, Councilmember _____ seconded the motion, and the resolution was passed by the following vote:

Ayes: _____

Nays: _____

Not Voting: _____

* * * * *

I, Heidi Holland, Town Clerk of the Town of Clayton, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Town Council at a regular meeting duly called and held October 21, 2024, as it relates in any way to the resolution hereinabove set forth. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Town Council is on file in my office.

WITNESS my hand and the common seal of the Town, this ____ day of November, 2024.

Clerk, Town Council
Town of Clayton, North Carolina

(SEAL)



Town Council Regular Meeting Agenda Cover Sheet

Meeting Date

November 18, 2024

Agenda Location

NEW BUSINESS

Item Title

Resolution by Governing Body of Recipient of Directed Project Grant SRP-W-134-0194

Suggested Action

Adoption of Resolution

Suggested Action (2): Other - Authorize Town Manger to sign funding acceptance

Strategic Priorities Alignment



☐ Vibrant Downtown



☐ Desirable Amenities and Spaces



☒ Sustainable Infrastructure



☐ Mobility, Transportation, and Transit



☐ Diversified Economic Development



☐ Community Outreach and Engagement



☐ Public Safety

Public Hearing: No

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)

☐ Newspaper Notice (Required by GS)

☐ Public Forum/Input Session

☐ E-News Distribution

☐ Social Media

☐ Special Mailing

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

☐ Press Release

☐ Website

☐ Survey

☐ None Required

Summary

The Town of Clayton has received a Directed Project Grant from Appropriation Act, Session Law 2023-134, administered through the Drinking Water Reserve and Wastewater Reserve to improve existing sewer infrastructure. Town Manger received Letter of Intent to Fund on October 24, 2024 for DWI Project SRP-W-134-0194 for a maximum funding amount of \$14,036,250.00 for Town of Clayton Wastewater System Improvements. Projects being considered for the funding are: Walmart Pump Station Abandonment and Gravity Sewer diversion, Forest Hill Pump Station and Forcemain, West Clayton Regional Sewer Improvements, Walnut Creek Pump Station Abandonment an Cornwallis Sanitary Sewer Improvements. All of these projects increase the sewer capacity to meet our current and future growth.

Recommendation

Authorize the Town Manger to execute the Offer and Acceptance Document, Resolution Adoption by the governing body accepting the funding offer and making the applicable conditions and assurance stated on the attached Resolution, Preparation of a Capital Project Budget Ordinance covering the project.

Funding Source

NC DEQ Grant Funds

Cost

Yes

Corresponding Documentation

- [2024.09.16 Clayton SL2023 134 14Mapplication](#)
- [LOIF copy Agenda](#)
- [Resolution for Acceptance](#)
- [Funding Offer](#)

Submitted By: Shannon Poole, Engineering

Reviewed By:	
Joshua Baird, Water Resources Director	Approved - Nov 13 2024
Rich Cappola, Town Manager	Approved - Nov 13 2024
Heidi Holland, Town Clerk	Approved - Nov 14 2024



North Carolina Department of Environmental Quality
Division of Water Infrastructure
Request for Funding
for S.L. 2023-134 Water/Sewer Directed Projects



(Version 1: October 16, 2023)

1. General Information

Recipient Name (Local Government) Town of Clayton	County Johnston	UEI Number ZFG6SS4UQWV6
Federal Tax ID # 56-60001203	Section 12.2.(e) Line # (see Appendix A) 40.2	PWSID # (drinking water only)
		Collection System or NPDES # (wastewater only) WQCS00110

Project Name Town of Clayton Wastewater System Improvements	Total Project Cost \$41,560,000	Funding Amount Requested \$14,000,000
---	---	---

Project Type (Select only one. Submit multiple forms if you have multiple project types).

- ☐ Drinking Water
☒ Wastewater
☐ Stormwater quality

Other Funding Sources

List all other funds that will be used for this project. Please list here the type of funds and the estimated funding amount. If the project is funded by the Division of Water Infrastructure, please provide the Project Number listed in the Letter of Intent to Fund or the funding offer.

Projects co-funded with federal funds will have federal conditions apply to the S.L. 2023-134 funds.

Other Funding Source (e.g. ARPA, SRF, CDBG-I, USDA, local funds, etc.)	DWI Project Number (if funded by the Division)	Estimated Funding Amount
Local Funds		\$21,310,000
Total		\$21,310,000

Funding Requirements (please check all three boxes).

- ☒ I accept that the project funds will not be used to pay existing debt.
☒ I accept that the project funds will only be used for allowable costs related to the water/wastewater project.
☒ I accept that if the project is co-funded with federal funds (e.g. ARPA, SRF, or CDBG-I), the federal requirements of the other funds will also apply to these S.L. 2023-134 funds.

2. Recipient (Local Government) Contact Information**Authorized Representative Name:** Richard D. Cappola, PE**Authorized Representative Title:** Town Manager**Phone Number:** 919-553-5002**Email Address:** townmanager@townofclaytonnc.org**Physical Address of the Local Government Utility Line 1:** 111 E. Second St**Physical Address Line 2:****Physical Address City:** Clayton**Physical Address State:** NC**Physical Address Zip Code:** 27520**3. Form Preparer Contact Information****Organization/Firm Name:** Town of Clayton**Contact Name:** Shannon Poole**Phone Number:** 919-553-5002**Email Address:** spoole@townofclaytonnc.org**4. Engineer Contact Information**Is the engineering firm different from the Form Preparer? ☒ Yes ☐ No (skip this section)**Engineering Firm Name:****Contact Name:** Joshua Baird, PE**Phone Number:** 919-553-5002**Email Address:** jbaird@townofclaytonnc.org

5. Project Description

Check Appendix A to determine if the S.L. 2023-134 Water/Sewer Directed Project for the local government unit has a specific project and budget identified with the appropriation.

Section 12.2 (e) Line # 40.1 – Unspecified Projects

Walmart Pump Station Abandonment – Decommission existing Walmart Pump station and installation of approximately 3,480 LF new gravity sanitary sewer to divert flow and add capacity to a commercial corridor.

Forest Hill Pump Station and Forcemain – New wastewater pump station and approximately 3,000 LF of gravity and forcemain near Little Creek Church Road to increase flow capacity to a large developing area, as well as decommission 2 existing pump stations.

West Clayton Regional Sewer Improvements – Decommission existing Johnston Memorial Hospital (JMH) wastewater Pump Station and construct a new pump station at US 70 bypass (US I-42) and NC 42W along with ~5,500 LF of new gravity sanitary sewer, and ~3.5 miles forcemain along NC 42W. Project will provide additional capacity for proposed hospital expansion and surrounding developable areas including additional medical uses.

Walnut Creek Pump Station Abandonment – Decommission of existing wastewater pump station and divert flow through installation of ~ 8,500 LF of new gravity sanitary sewer to abandon a pump station that has reached the end of its life, provide connection for proposed fire and police station, and allow additional development in the basin.

Cornwallis Sanitary Sewer Improvements – Sanitary Sewer Improvements at NC 42/Cornwallis Rd to provide additional capacity and serve the developing area.

(OVER)

6. Project Budget			
	Funding Amount Requested from S.L. 2023-134	Amount from Other Funding Source(s)	Total Cost Amount
Indicate construction costs by line item (e.g., linear feet of different-sized lines)			
<u>Construction Costs</u>			
Walmart Pump Station Abandonment	\$3,000,000	\$100,000	\$3,100,000
Forest Hills Pump Station	\$2,000,000	\$1,500,000	\$3,500,000
West Clayton Regional Sewer Improvements	\$4,000,000	\$12,000,000	\$16,000,000
Walnut Creek Pump Station Abandonment	\$4,000,000	\$4,500,000	\$8,500,000
Cornwallis Sanitary Sewer Improvements	\$1,000,000		\$1,000,000
<i>Contingency (recommend 10% of construction costs):</i>		\$3,210,000	\$3,210,000
<i>Construction Subtotal:</i>	<i>\$14,000,000</i>	<i>\$21,310,000</i>	<i>\$35,310,000</i>
<u>Engineering Costs</u>			
Walmart Pump Station Abandonment		\$500,000	\$500,000
Forest Hills Pump Station		\$600,000	\$600,000
West Clayton Regional Sewer Improvements		\$2,000,000	\$2,000,000
Walnut Creek Pump Station Abandonment		\$150,000	\$150,000
Cornwallis Sanitary Sewer Improvements			
<i>Engineering Subtotal:</i>		<i>\$4,750,000</i>	<i>\$4,750,000</i>
<u>Administration Costs</u>			
Planning			
Easement Preparation		\$1,000,000	\$1,000,000
Grant Administration (if applicable)			
Document Preparation			
Legal Costs		\$500,000	\$500,000
Other			
<i>Administration Subtotal:</i>		<i>\$1,500,000</i>	<i>\$1,500,000</i>
TOTAL PROJECT COST:	\$14,000,000	\$27,560,000	\$41,560,000

Certification by the Authorized Representative

The attached statements and exhibits are hereby made part of this Request for Funding, and the undersigned representative of the Recipient certifies that the information in this Request for Funding and any attached statements and exhibits is true, correct, and complete to the best of his/her knowledge and belief. By initialing each item and signing at the end of this Request for Funding, he/she further certifies that:

-  1. as Authorized Representative, he/she has been authorized to file this Request for Funding;
-  2. the Recipient has substantially complied with or will comply with all federal, state, and local laws, rules, and regulations and ordinances as applicable to this project;
-  3. the Recipient will adopt and place into effect on or before the completion of the project a schedule of fees and charges which will provide for the adequate and proper operation, maintenance, and administration of the project;
-  4. the Recipient agrees to provide for proper maintenance and operation of the approved project after its completion, including budgeting and generating the revenues needed for the eventual rehabilitation and/or replacement of physical infrastructure assets;
-  5. the project budget provided on Page 4 of this form includes all funding requested from all sources of funding proposed for this project (including any other state and federal funds); and
-  6. the (Town or County), North Carolina is organized and chartered under the laws of North Carolina. All officials and employees are aware of, and in full compliance with NCGS 14-234, "Public officers or employees benefiting from public contracts; exceptions." (For units of local government only. All others should initial "N/A.")

(OVER)

Completeness Checklist

Please initial next to each item to confirm that they have been included in this Request for Funding form.

- RD Section 1, Funding Amount Requested is not more than the "Funds Available to Recipient for Projects" in Appendix A.
- RD Section 1, Funding Requirements: all boxes have been checked.
- RD Section 5, Project Description: project description matches funding eligibility established by the funding source and by S.L. 2023-134 for the Directed Project (Appendix A).

If the Funding Amount Requested *is less than* the "Funds Available to Recipient for Projects" for the specified Line Item # listed on Page 1 of the form (see Appendix A), please indicate when and for what the rest of the funds will be requested. Another Request for Funding form will be required.

Submittal Information

Please save or scan the completed form, including signature, as a PDF document.

Submit the completed form online at <https://edocs.deq.nc.gov/Forms/2023DirectedProjects>.

Signature

Please note: Original signatures are required.



SIGNATURE OF AUTHORIZED REPRESENTATIVE

Richard D Cappda Jr , Town Manager , 9/16/24
TYPED NAME TYPED TITLE DATE

ROY COOPER
Governor
MARY PENNY KELLEY
Secretary
SHADI ESKAF
Director



NORTH CAROLINA
Environmental Quality

October 24, 2024

Richard Cappola, Town Manager
Town of Clayton
PO Box 879
Clayton, NC 27528

Subject: Letter of Intent to Fund
S.L. 2023-134 Appropriations Act Directed Project
Town of Clayton Wastewater System Improvements
DWI Project No.: SRP-W-134-0194

Dear Mr. Cappola:

The Division of Water Infrastructure (Division) has received your *Request for Funding* for the aforementioned project for up to \$14,036,250 from the Drinking Water/Wastewater State Reserve as established in Session Law (S.L.) 2023-134 and amended in S.L. 2024-1 (hereinafter referred to simply as S.L. 2023-134). Projects funded from the State Reserve must meet applicable State laws and guidance for expenditure of these funds. The following table shows total S.L. 2023-134 appropriations for your local government excluding the Department's administrative fee as amended in S.L. 2024-1, awarded projects and their funding amounts identified to date, and any remaining unobligated appropriations at the time of this letter.

S.L. 2023-134 Appropriations Act Approved Projects

S.L. 2023-134 Approved Projects for S.L. 2023-134 Section 12.2.(e) Line # 40.1 Appropriation		
Appropriated Funds Available for Projects (excluding administrative costs)		\$14,036,250
Project Name	Project Number	Maximum Funding Amount
Town of Clayton Wastewater System Improvements	SRP-W-134-0194	\$14,036,250
Total Appropriations requested		\$14,036,250
Total Appropriations remaining		\$0



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

Richard Cappola, Town Manager
Town of Clayton
October 24, 2024
Page 2 of 3

The first milestone for this project is the submittal of a bid-and-design package by **December 1, 2025**. Please note that this intent to fund is contingent on meeting all the following milestones:

Milestone	Milestone Date*
Apply for all Necessary Permits**	ASAP
Bid-and-Design/Permit Package Submittal	December 1, 2025
Bid-and-Design Package Approval	April 1, 2026
Advertise Project, Receive Bids, Submit Bid Information, <u>and</u> Receive Authority to Award	June 1, 2026
Execute Construction Contract(s)	September 1, 2026

* Milestone dates only apply to the S.L. 2023-134 portion of funding.

**An engineering alternatives analysis (EAA) may be required on certain projects. See: <https://deq.nc.gov/about/divisions/water-resources/water-quality-permitting/npdes-wastewater/permitting-process>

The Division will consider milestone timeline modification including extensions provided that appropriate justification for granting extension is provided.

Environmental Review Requirements

The State Environmental Policy Act exempts projects funded by the State Reserve (such as this project) from state-mandated environmental review. Federal requirements may still apply. [North Carolina General Statute (NC G.S.) 113A-12.(2).(h)]

Permitting

The NC Department of Environmental Quality (DEQ) is committed to providing efficient permit processing for your S.L. 2023-134 project(s). To better serve you, we would appreciate your assistance in telling us the type of DEQ permit(s) you will need and the timeframe of permit application(s) submittal. Please complete the online form at the following link:

<https://app.smartsheet.com/b/form/bb0d7d19b4024a548b8d1c97cdad0cd8>.

When applying for a permit(s), attach a copy of this letter to your permit application(s) and denote your DWI assigned project number on the permit application if asked. If you do not know the type of permit(s) your project may require, we offer a free permit assistance service to address any questions you may have about potential permitting requirements, pitfalls, fees, and timelines. If interested, please complete our online form at <https://deq.nc.gov/permits-rules/permit-assistance-and-guidance/permit-assistance-request-form>.

Richard Cappola, Town Manager
Town of Clayton
October 24, 2024
Page 3 of 3

Disbursement of Funds:

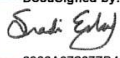
These funds will be disbursed to the local government unit after relevant costs are incurred by the local government and invoices are submitted to the Division. Up to 15% of the funds available for the project may be disbursed after costs are incurred during the pre-construction stage to cover design and planning costs. The remainder will be disbursed as invoices for incurred pre-construction and construction costs are submitted by the local government during construction, which may be submitted prior to or after paying the contractors for the incurred costs. Only costs eligible under NC G.S. 159G may be covered by these funds. Projects must be administered in accordance with all applicable federal law and guidance, as well as North Carolina statutes.

Electronic Document Submittal:

Recipients should submit all project documents via the supporting documentation submittal form located at <https://edocs.deq.nc.gov/Forms/DW-Document-Upload-Form>. The use of this form provides more seamless document tracking, processing, filing, accessibility, and security via our electronic document repository, Laserfiche. The link and a list of frequently asked questions can also be accessed from the Division's I Have Funding page, <https://www.deq.nc.gov/about/divisions/water-infrastructure/i-have-funding>.

Upon detailed review of the project during the funding process, it may be determined that portions of your project are not eligible for funding. If you have any questions concerning this matter or require general assistance, please contact the Division's project manager assigned to your project: Antonio V. Evans, P.E., either by telephone at 919.707.9168 or by e-mail at tony.evans@deq.nc.gov.

Sincerely,

DocuSigned by:

6300A872077B4C5...
Shadi Eskaf, Director
Division of Water Infrastructure

cc: Richard D. Cappola, PE, Town of Clayton, Town Manager (townmanager@townofclaytonnc.org)
Shannon Poole, Town of Clayton (spoole@townofclaytonnc.org)
Joshua Baird, PE, Town of Clayton (jbaird@townofclaytonnc.org)
Antonio V. Evans, P.E. (DWI, via DocuSign)
Mark Hubbard, P.E. (DWI, via DocuSign)
Administrative Unit (DWI, via DocuSign)
LF Project File (COM – LOIF)
DWI Agreement ID: 2000079223

North Carolina Wastewater Funding Programs Overview

Division of Water Infrastructure Website: <https://www.deq.nc.gov/about/divisions/water-infrastructure>

A) Application Filing

1. Application deadlines are twice a year. The deadlines are typically March and September.
2. If SRF and State Reserve funding are both available, an applicant will simply apply for funding and DWI will slot successful applications into the funding program that best suits the situation (most grant or principal forgiveness, most total dollars etc.)
3. Letter of Intent to Fund (LOIF) letters are mailed after DWI evaluation and State Water Infrastructure Authority approval. Recipients of LOIF letters are placed on a schedule for completing the rest of the steps to start construction.
4. Consult the website for the current application forms.

B) Engineering Report Submission and Approval (See website for guidance and details)

1. From the Date of the LOIF, an Engineering Report (ER) must be submitted within **4 months**.
2. From the Date of the LOIF, the ER must be approved within **9 months**.
3. Consult the website for submittal checklists and instructions.

C) Application Approval by the Local Government Commission

1. For projects with a loan component, the Local Government Commission must approve the ability to take on the requested debt. This is done after the Engineering Report is approved. DWI staff will transmit the required information to the LGC on behalf of the project applicant. **Note that LGC 108A & 108C forms are now not requested by DWI until the ER is approved. The ER approval letter asks the applicant to obtain the forms from the website and return them to DWI. Please do this as soon as possible.**
2. Terms:
 - a) Projects with interest bearing loans will receive the lower of two interest rates. The two rates are the current rate when applications are due and the rate when the LGC approves the loan. The Loan Offer (discussed in D, below) will reflect the lower rate. The rates are $\frac{1}{2}$ the 20-year municipal bond buyers index. Certain, qualifying applications receive 0% interest loans.
 - b) The LGC sets the loan term with a maximum term of 20 years. Applicants may want to contact the LGC earlier than this to ensure they are able to meet LGC approval requirements. Currently the LGC is not allowed to review applications for \$1,000,000 or more unless a letter to the Joint Legislative Committee on Local Government and the Fiscal Research Division has been provided.
 - c) Loan Offers can be written for as much as 110% of the LGC approved amount. The applicant must justify this, and request it in writing from the DWI.
 - d) In some rare cases a 30 year term may be available. Please consult DWI management to discuss if this is potentially available for your situation.

D) Loan Offer

1. After approval of the Engineering Report and debt capacity by the LGC (for loans), a formal Award Offer is prepared which includes the Award's details and applicable assurances and conditions.

- a) Two copies of the Award Offer are sent to recipients. Return the following to DWI:
 - b) One signed copy (keep the other copy) of the Loan Offer.
 - c) Resolution accepting the Award Offer.
 - d) Federal ID and DUNS # form.
 - e) Sales Tax Certification.
 - f) A Fiscal Sustainability Plan (FSP) Certification for certain new SRF projects. This must be returned before a project's final reimbursement will be made.
2. In the event of bids that exceed the project budget, a loan increase for up to 10% can be authorized without additional approval of the LGC. Amounts above 10% require a modified application to be approved by the LGC.
 3. Closing Fees are invoiced with the Authority to Award letter. (paragraph F below). The Award Offer contained an estimated closing fee but actual closing costs are based on the total costs after bids are received. Loan Fees are 2% and Grant Fees 1.5%.

E) Plans and Specifications Approval (see website for guidance and details)

1. Plans & Specifications must be submitted within **15 months** of the LOIF.
2. Plans and Specifications must be approved within **19 months** of the LOIF letter. This includes issuance of all permits.
3. The project's plans and specifications must be approved by the Division prior to advertising for bids. Changes by addendum must be submitted to the Division for approval. Changes by change order must also be submitted for approval.

F) Bidding and Issuance of Authority to Award (ATA) the Construction Contract

1. Issuance of the ATA letter must be within **23 months** of the LOIF letter. Awarding contracts before issuance of the ATA letter is at the risk of the owner.
2. The contracts may be advertised as soon as plans & specifications are approved and permits are issued. NC General Statutes require the project to be advertised for 7 days, however DWI prefers projects to be advertised for 30 days. For the initial advertisement period, three bids must be received in order for an award to be made. The Plans & Specifications approval letter has the Project Bid Information form attached. It, and the other information described in it, must be submitted to and approved by this office **before contracts can be awarded**. This information is:
 - a. Project Bid Information Form, signed by authorized representative
 - b. Bid tabulation, sealed by the consulting engineer
 - c. Proposals of the successful bidders
 - d. Tentative award resolution from loan recipient subject to DWI approval
 - e. Engineer's recommendation
 - f. Proof of Advertisement
 - g. American Iron and Steel Certification (SRF only)
 - h. MBE/WBE requirements. (Detailed guidance on the website).
3. In an environment where program funding is limited, costs not demonstrated to be needed by the applicant, will immediately be made available in future funding rounds (deobligated).

G) Construction Phase of Project

1. Inspections

- a) Site Inspections will be conducted for all funded projects. Coordinate the Preconstruction Conference with the Inspector assigned to project. The number of inspections performed will be determined based on the length of the project, type of project, amount of funding involved and other factors. Any duly authorized representative of the State will have access to the work site and the contractor will provide proper facilities for such access and inspection. Further, any authorized representative of the State shall have access, for the purpose of audit and examination, to any records pertinent to the funds.
- b) A primary duty of the administering State agency is to guard against fraud, waste and abuse of Federal funds. To ensure proper use of Federal funds, State personnel may review submittals, daily logs, testing reports, as-builts and other appropriate construction documentation to verify that project elements meet approved specifications. Generally, any changes to unit quantities or changes in specifications that result in substantial monetary savings for the owner, will need to be documented by change order.
- c) Conformance with SRF standard conditions is a primary program responsibility. These include Davis-Bacon and American Iron and Steel currently.
- d) Additionally, inspections may uncover unsafe construction practices and environmental compliance violations. While not necessarily in SRF staff jurisdiction, deficiencies may be referred to appropriate enforcement agencies. Expedious and timely use of SRF funds is a program goal and avoidance of any delay in construction is a concern, particularly delays associated with public health or worker safety which are of concern in their own right.

2. Disbursements (\$\$\$)

a) First Reimbursement

- i) Approval of Construction Contracts must happen with **24 months** of the LOIF letter. The following items are required for approval:
 - o Contract must be fully executed
 - o Notice to Proceed must be executed by owner and contractor
 - o The project specifications must include 100% performance and payment bonds. Bonds must be dated on or after contract date
 - o Original power of attorney must be dated on or after bonds
 - o The contractor must provide current Insurance
 - o All documents must be bound with the specifications
 - o Davis-Bacon Documents must be present in the specifications
- ii) Capital Project Ordinance submitted as required by G.S. 159-13.2. Alternately a budget ordinance that clearly identifies the project being funded by the SRF can be submitted.
- iii) All items under Item D,1.
- iv) Site Certificate
- v) Engineering Contracts and Engineering Procurement Certification (2 items)
- vi) Closing Fee must have been received

- vii) For Loans, promissory note executed and returned to the Local Government Commission (this is requested from the LGC upon receipt of the executed construction contract and is for the amount noted in the ATA letter)

b) Disbursements - General Information

- i) Forms can be found online. A sample was included with the Loan Offer
- ii) Disbursement requests should be sent to Jackie Moore; 1633 Mail Service Center; Raleigh NC 27699-1633.
- iii) All items must be approved in advance before being reimbursed.
- iv) One copy of the following information is required for reimbursements:
 - o Reimbursement request form with original signature.
 - o Contractor monthly estimates
 - o Engineering invoices
 - o Invoices for any other approved costs
 - o Eligible land costs will be reimbursed when the land has either been acquired or is under condemnation. In both cases and a copy of an offer to purchase the land must be submitted with the appraisal.
- v) Indicate cumulative totals on the reimbursement form
- vi) Check the appropriate box regarding whether or not contractors have already been paid. Note, that if the DWI funds are needed to pay the contracts, the funds must be disbursed within 3 banking days of receipt.
- vii) As noted in the Award Offer Assurances, sales taxes will be deducted from disbursements if an applicant indicates they intend to seek reimbursement for them from the Department of Revenue. A certification form is provided on our website to indicate what the owner intends to do regarding sales tax.
- viii) Note that Davis-Bacon certified payrolls and materials invoices that support the contract summary invoice **do not** need to be submitted with reimbursement requests.

c) Project Closeout and Final Disbursement

- i) Funds are held at 95% until the final payment is authorized.
- ii) Required items for final payment include:
 - o The inspector must issue final inspection report signifying that project is complete and all concerns have been satisfied and all change orders must have been submitted and approved.
 - o Final invoices must show zero retainage.
 - o Submit to Pam Whitley:
 - ✓ Engineer's certifications.
 - ✓ Owner's Certification of Completion
 - ✓ Signed Closeout Checklist.
 - ✓ Fiscal Sustainability Plan (CWSRF Only).

H) REPAYMENT (Loans Only)

1. Repayments will be reflected in the final promissory note and will be for the actual funds borrowed.
2. Repayments by the recipient begin on the May 1st or the November 1st that is between 6 months and 12 months after original project completion in the notice to proceed.
3. The May 1st payment includes principal and interest and the November 1st payment is only interest.
4. **Interest begins to accrue from the date of completion on the Notice to Proceed.** For multi-prime contracts the General contract will be used to set this date.
5. Construction Manager at Risk and Design Build Contracts, should set a date of completion in that contract.

I) Eligibility

1. Regulatory Authority - CWSRF

- a) The types of projects that can be funded are loosely defined under Sections 212, 319 and 320 of the Clean Water Act. These can be described as publically owned wastewater treatment and transport systems and stormwater pollution treatment and control projects.

2. Construction - Items Not Eligible

- a) Project elements not related to the scope of the approved project.
- b) The SRF will pay to restore project related items such as road patching, sidewalks Fences, seeding, etc. Complete paving of streets unless warranted by disturbance of construction activities, even if required by NCDOT
- c) Note that items or rework that should be covered by bonds, insurance or liquidated damages will not be covered by the SRF funds.
- d) Any installation of service lines or service laterals outside the right-of-way.
- e) Operation and maintenance type work (e.g. sludge removal not necessary for construction of the project), or items such as spare parts.
- f) Extended warranties or maintenance contracts.
- g) Drinking water facilities are not eligible for CWSRF projects unless changes are necessary to complete the sewer project (e.g. moving a water line, providing potable water to wastewater facility).

3. Engineering and Technical Services - Eligibility Considerations

- a) Planning and Design Contracts
 - i. Must include task descriptions and these tasks must be associated with the project being built
- b) Construction Administration and Inspection
 - i) Task Description must be included and tasks must be associated with eligible construction work
 - ii) Typical tasks include but are not limited to: attending meetings, provide plan copies, review testing, review shop drawings, review payment applications, prepare change orders, coordinate with DWI, as-builts
 - iii) Price should be cost plus fixed fee or per diem with a ceiling. This fee schedule should be in the contract.
 - iv) Invoices must include hours, rate and task
 - v) Contract must be amended to pay beyond the ceiling. Must be accompanied by justification such as a corresponding change order.
- c) Other eligible engineering activities include bidding, O&M manuals, soils reports, hydro-geologic reports, TVing and cleaning of lines etc.

4. Other Eligibility Notes

- a) Legal - Legal fees for contract review and for advertisements etc.
- b) Real Property and easements associated with the approved project scope are eligible expenses. All cost items associated with acquiring the property may be paid for if properly documented.
- c) Preparation of permits required by Federal, or State regulations or procedures.
- d) Permits imposed by the applicant such as building permits are not eligible.

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DISBURSEMENT REQUEST FORM									
NC Division of Water Infrastructure									
Funding Recipient: _____		Payment No. _____		Page No. _____					
DWI Project No. _____		Period Covered From: _____		To: _____					
CONSTRUCTION (Rename as appropriate)	Cumulative Cost to Date	Minus Ineligibles	Minus Overruns Not App'd By Change Order	Subtotal of Payable Cost	Minus Retainage on Payable Cost	Minus Cumulative Sales Tax	Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Requested For This Pay Request
Contract 1	\$1,200,000	(\$100,000)	(\$100,000)	\$1,000,000	(\$50,000)	(\$50,000)	(\$500,000)	(\$300,000)	\$100,000
Contract 2	\$505,000		(\$5,000)	\$500,000	(\$25,000)	(\$10,000)		(\$400,000)	\$65,000
Contract 3									
Contract 4									
Contract 5									
ENGINEERING (Rename as appropriate)	Cumulative Cost to Date						Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Requested For This Pay Request
Item 1	\$250,000							(\$250,000)	\$0
Item 2									
Item 3									
Item 4									
OTHER COSTS (Rename as appropriate)	Cumulative Cost to Date						Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Requested For This Pay Request
Item 1									
Item 2									
Item 3									
PAY REQUEST TOTALS	Cumulative Cost to Date	Minus Ineligibles	Minus Overruns Not App'd By Change Order		Minus Retainage on Payable Cost	Minus Cumulative Sales Tax	Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Total Requested For This Pay Request
	\$1,955,000	(\$100,000)	(\$105,000)		(\$75,000)	(\$60,000)	(\$500,000)	(\$950,000)	\$165,000
Certification									
- I certify that to the best of my knowledge and belief the incurred costs being requested for disbursement are in accordance with terms of the project and that this request represents the monies due which have not been previously received and that an inspection has been performed and all work is in accordance with the terms and conditions of the award.									
- For applicable SRF projects, the project remains in compliance with Davis-Bacon and American Iron and Steel conditions or is the process of remediating noncompliance.									
Grant Percentage for SRF Projects: %									
You must check ONE of the boxes below or your payment will not be processed:									
The funds requested above have already been paid to the respective vendors, consultants & contractors by the funding recipient ☐									
OR									
The funds requested above have not been paid to the respective vendors, consultants & contractors. ☐									
Funds received from the State will be disbursed to these entities within three (3) banking days.									
Type or Print Name and Title _____					Signature of Authorized Representative _____			Date _____	
DWI comments									

Instructions and notes on how to use this form

- Complete guidance for preparing disbursement requests can be found in section G.2. of the North Carolina SRF Program Overview and Guidance that was included with your Funding offer (applicable to State grants and loans too).
- The form, as downloaded, is filled out with sample numbers. It is suggested that the sample be used as a reference (saved or printed).
- Please submit ONE COPY of this form and backup documents when requesting funds.
- Only the Authorized Representative can sign this form, unless declared otherwise in a resolution.
- Construction contract line item overruns and engineering contract overruns must have approved change orders or engineering amendments before those costs will be paid.

Rev 01/12/24



CERTIFICATION REGARDING UNIFORM RELOCATION
ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES
(URLAP) ACT OF 1970

Applicant: _____

Project No.: _____

Project Name: _____

Please check appropriate boxes:

- ☐ I certify that all real property (including easements) has been acquired or condemnation proceedings have been entered into for property thereby providing legal access for this project.

AND

- ☐ I certify to the best of my knowledge and belief that the acquisition of property specifically for the above referenced project is in compliance with the URLAP Act of 1970 (the Uniform Act). The acquisition either:
- ☐ Acquisition of real property did not result in the displacement of any person, business or farm operation.
 - ☐ or relocation was involved in the land acquisition, the Federal Highway Administration (FHA) was contacted for technical assistance.

OR

- ☐ Compliance with the Uniform Act does not apply because the land and/or easements associated with the above referenced project were acquired prior to the inception of the project. Date land acquired: _____

I understand that a false statement on this certification may be grounds for rejection or termination of this loan.

Signature of Applicant's Authorized Representative or Attorney Date

Typed Name and Title

RESOLUTION BY GOVERNING BODY OF RECIPIENT

WHEREAS, the Town of Clayton has received Directed Projects grant from the 2023 Appropriations Act, Session Law 2023-134, administered through the Drinking Water Reserve and Wastewater Reserve to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered 2023 Appropriations Act funding in the amount of \$14,036,250.00 to perform work detailed in the submitted application, and

WHEREAS, the Town of Clayton intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON:

That the Town of Clayton does hereby accepts the 2023 Appropriations Act Directed Projects Grant offer of \$14,036,250.00.

That the Town of Clayton does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Rich Cappola, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Duly adopted this 18th day of November, 2024 while in regular session.

Jody L. McLeod
Mayor

Attest:

Heidi Holland
Town Clerk

ROY COOPER
Governor
MARY PENNY KELLEY
Secretary
SHADI ESKAF
Director



NORTH CAROLINA
Environmental Quality

October 24, 2024

Richard Cappola, Town Manager
Town of Clayton
PO Box 879
Clayton, NC 27528

SUBJECT: Funding Offer
Project No. SRP-W-134-0194
Town of Clayton Wastewater System
Improvements

Dear Mr. Cappola:

The Town of Clayton has been approved for funding assistance according to the subject funding offer. This offer is made subject to the Assurances and Conditions attached to this document.

Upon your acceptance, please submit the following items via Laserfiche at the following link:
<https://edocs.deq.nc.gov/Forms/DW-Document-Upload-Form>.

1. One (1) copy of the original Offer and Acceptance Document executed by the Authorized Representative for the project, along with the Conditions and Assurances. **Retain the other copy for your files.**
2. A resolution adopted by the governing body accepting the funding offer and making the applicable Conditions and Assurances contained therein. (Sample copy attached)
3. Federal Identification Number and Unique Entity ID Number of the Subrecipient (UEID required for federally funded projects)
4. Sales-Tax Certification (attached)

The Site Certification and a Capital Project Ordinance (or budget ordinance covering the project) are due before disbursements begin.

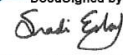
Disbursement requests are to be submitted via Laserfiche at the following link:
<https://edocs.deq.nc.gov/Forms/DW-Document-Upload-Form>. A reference copy of the Disbursement Request Form (also found on the DWI website) has been enclosed for your convenience.



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

On behalf of the Department of Environmental Quality, I am pleased to make this funding offer. Should you have any questions concerning this offer of funding, or any of the stipulations outlined in this offer package, please contact David Smith at david.smith@deq.nc.gov or (919) 707-3885.

Sincerely,

DocuSigned by:


Shadi Eskaf, Director
Division of Water Infrastructure, NCDEQ

Enclosures: Offer and Acceptance Document
Assurances & Conditions
Federal ID and UEID Number Request Memo
Resolution to Accept Funding Offer (suggested format)
Sales-Tax Certification Form
Disbursement Request Form
Guidance Document (North Carolina Wastewater Funding Programs Overview)
Site Certification
Capital Project Ordinance (Sample)

cc: Richard D. Cappola, PE, Town of Clayton, Town Manager
(townmanager@townofclaytonnc.org)
Shannon Poole, Town of Clayton (spoole@townofclaytonnc.org)
Joshua Baird, PE, Town of Clayton (jbaird@townofclaytonnc.org)
Mark Hubbard (Via DocuSign)
David Smith (Via DocuSign)
DWI Administrative Unit (Via DocuSign)
Carrie Shortt (Via DocuSign)
Teresa Tripp (Via DocuSign)
DEQ.DWI.FundingOffer@deq.nc.gov
FILE: SRP-134 Project File (COM_LOX)
Agreement ID#: 2000079223



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE**

Funding Offer and Acceptance

Legal Name and Address of Award Recipient

Town of Clayton
PO Box 879
Clayton, NC 27528

Project Number(s): SRP-W-134-0194

Assistance Listing Number: N/A

Unique Entity ID Number: ZFG6SS4UQWV6

Funding Program

Drinking Water	☐	Additional Amount for	Previous Total	Total Offered
Stormwater	☐	Funding Increases		
Wastewater	☒			
State Revolving Fund-Repayable Loan	☐			
State Revolving Fund-Principal Forgiveness	☐			
State Reserve Loan	☐			
State Reserve Grant	☐			
State Reserve Earmark (S.L. 2023-134)*	☒			\$14,036,250
American Rescue Plan Act - <i>Choose an item.</i>	☐			

Project Description:

Town of Clayton Wastewater System Improvements

Total Financial Assistance Offer:

\$14,036,250

Total Project Cost:

\$41,560,000

Estimated Closing Fee:**

\$ 0

For Loans

Interest Rate:

-- Per Annum

Maximum Loan Term:

-- Years

* Federal conditions and requirements will also apply to S.L. 2023-134 projects co-funded with federal funds.

** Estimated closing fee calculated based on grant and loan amount.

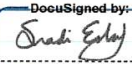
Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance.

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

**Shadi Eskaf, Director, Division of Water Infrastructure
North Carolina Department of Environmental Quality**

DocuSigned by:  Signature	10/24/2024 Date
--	-------------------------------

On Behalf of:

Town of Clayton

Name of Representative in Resolution:

Title (Type or Print):

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the attached Assurances and the Standard Conditions.

Signature	Date
-----------	------

STANDARD CONDITIONS & ASSURANCES FOR STATE RESERVE PROJECTS

Project Subrecipient: Town of Clayton Project Number(s): SRP-W-134-0194

1. The Subrecipient intends to construct the project or cause it to be constructed to final completion in accordance with the Application or Request for Funding approved for financial assistance by the Division.
2. If the project is co-funded with federal funding sources (e.g., State Revolving Funds, CDBG-Infrastructure, American Rescue Plan Act), the conditions and assurances of the federal funding program will also apply.
3. The Subrecipient acknowledges that in the event a milestone contained in the most recent Letter of Intent to Fund is missed, the Department of Environmental Quality may rescind this Funding Offer.
4. The Subrecipient is responsible for paying for the costs ineligible for DWI funding.
5. All projects must comply with North Carolina General Statute 143-64.31, Article 3D Procurement of Architectural, Engineering, and Surveying Services. Any services provided that were not selected in compliance with state requirements will be ineligible for disbursement.
6. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.
7. As of the acceptance of this Funding Award Offer, steps identified in the SRP Guidance will be complete. These Assurances, likewise, incorporate the most recent version of the SRP Guidance, and the Subrecipient hereby certifies by accepting this Funding Award Offer that it will adhere to the subsequent steps in the SRP Guidance document. The remaining steps generally govern project design, bidding, contracting, inspection, disbursements, closeout and repayment.
8. The Subrecipient will provide and maintain adequate engineering supervision and inspection.
9. The Subrecipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.
10. All SRP funds must be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements on this loan or grant will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the Subrecipient's compliance with the Standard Conditions of this Award. The Subrecipient agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.
11. The Subrecipient will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note that the State is not a party to the construction contract(s) and the Subrecipient is expected to uphold its contract obligations regarding timely payment.
12. The Subrecipient, if a local government unit or public authority, must comply with the requirements of NC GS 159-34 in having its accounts audited each fiscal year and to submit a copy of the audit report to the Secretary of the Local Government Commission by the established deadlines. Failure to comply with these requirements may result in delays in disbursement of the funds to the Subrecipient and/or the rescission of this Funding Offer.
13. The Subrecipient acknowledges that any loan funds contained in this Funding Offer requires approval from the North Carolina Local Government Commission before they can be disbursed.
14. Local government units designated as distressed must complete associated requirements of statute §159G-45(b).

FEDERAL ID & Unique Entity ID # REQUEST MEMO

TO: All Loan and Grant Recipients

SUBJECT: Federal Identification Number

Please be advised that all local government units receiving grant or loan funds from the State of North Carolina must supply their Federal Identification Number to this office upon acceptance of your loan/grant offer. Therefore, please provide the information below and return to the Division via email at DEQ.DWI.FundingOffer@deq.nc.gov.

RECIPIENT:

PROJECT NUMBER:

FEDERAL IDENTIFICATION NUMBER:

UNIQUE ENTITY ID:

(Suggested Format)

RESOLUTION BY GOVERNING BODY OF RECIPIENT

WHEREAS, the (unit of Government) has received a Directed Projects grant from the 2023 Appropriations Act, Session Law 2023-134, administered through the Drinking Water Reserve and Wastewater Reserve to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered 2023 Appropriations Act funding in the amount of \$ _____ to perform work detailed in the submitted application, and

WHEREAS, the (unit of government) intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE (GOVERNING BODY) OF THE (UNIT OF GOVERNMENT):

That (unit of government) does hereby accept the 2023 Appropriations Act Directed Projects Grant offer of \$ _____.

That the (unit of government) does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That (name and title of authorized representative), and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the (date adopted) at (place), North Carolina.

(Signature of Chief Executive Officer)

Date

SALES-TAX REIMBURSEMENT CERTIFICATION FORM
(FOR FUNDING PROGRAMS IN THE DIVISION OF WATER INFRASTRUCTURE)

Applicant: _____

Project Number: _____

☐ Check If Applicant is not a unit of government under North Carolina law

If Applicant noted above is a Unit of Government in North Carolina, check the applicable box below.

Sales Tax **IS** deducted in this scenario. Please show this on the disbursement requests.

☐ The construction contract was bid with sales taxes and the unit of government will request reimbursement from the DOR.

Sales Tax **IS NOT** deducted in either of these scenarios.

☐ The construction contract was bid with sales taxes and the unit of government will not request reimbursement from the DOR.

☐ The construction contract was bid without sales taxes

(Printed Name and Title of Authorized Representative)

(Signature of Authorized Representative)

(Date)

DISBURSEMENT REQUEST FORM									
NC Division of Water Infrastructure									
Funding Recipient: _____				Payment No. _____		Page No. _____			
DWI Project No. _____				Period Covered From: _____		To: _____			
CONSTRUCTION (Rename as appropriate)	Cumulative Cost to Date	Minus Ineligibles	Minus Overruns Not App'd By Change Order	Subtotal of Payable Cost	Minus Retainage on Payable Cost	Minus Cumulative Sales Tax	Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Requested For This Pay Request
Contract 1	\$1,200,000	(\$100,000)	(\$100,000)	\$1,000,000	(\$50,000)	(\$50,000)	(\$500,000)	(\$300,000)	\$100,000
Contract 2	\$505,000		(\$5,000)	\$500,000	(\$25,000)	(\$10,000)		(\$400,000)	\$65,000
Contract 3									
Contract 4									
Contract 5									
ENGINEERING (Rename as appropriate)	Cumulative Cost to Date						Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Requested For This Pay Request
Item 1	\$250,000							(\$250,000)	\$0
Item 2									
Item 3									
Item 4									
OTHER COSTS (Rename as appropriate)	Cumulative Cost to Date						Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Requested For This Pay Request
Item 1									
Item 2									
Item 3									
PAY REQUEST TOTALS	Cumulative Cost to Date	Minus Ineligibles	Minus Overruns Not App'd By Change Order		Minus Retainage on Payable Cost	Minus Cumulative Sales Tax	Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Total Requested For This Pay Request
	\$1,955,000	(\$100,000)	(\$105,000)		(\$75,000)	(\$60,000)	(\$500,000)	(\$950,000)	\$165,000
Certification I certify that to the best of my knowledge and belief the incurred costs being requested for disbursement are in accordance with terms of the project and that this request represents the monies due which have not been previously received and that an inspection has been performed and all work is in accordance with the terms and conditions of the award. For applicable SRF projects, the project remains in compliance with Davis-Bacon and American Iron and Steel conditions or is the process of remediating noncompliance.									%
You must check ONE of the boxes below or your payment will not be processed: The funds requested above have already been paid to the respective vendors, consultants & contractors by the funding recipient ☐ OR The funds requested above have not been paid to the respective vendors, consultants & contractors. ☐ Funds received from the State will be disbursed to these entities within three (3) banking days.									
Type or Print Name and Title _____					Signature of Authorized Representative _____			Date _____	
DWI comments									

Instructions and notes on how to use this form

- Complete guidance for preparing disbursement requests can be found in section G.2. of the North Carolina SRF Program Overview and Guidance that was included with your Funding offer (applicable to State grants and loans too).
- The form, as downloaded, is filled out with sample numbers. It is suggested that the sample be used as a reference (saved or printed).
- Please submit ONE COPY of this form and backup documents when requesting funds.
- Only the Authorized Representative can sign this form, unless declared otherwise in a resolution.
- Construction contract line item overruns and engineering contract overruns must have approved change orders or engineering amendments before those costs will be paid.



CERTIFICATION REGARDING UNIFORM RELOCATION
ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES
(URLAP) ACT OF 1970

Applicant: _____
Project No.: _____
Project Name: _____

Please check appropriate boxes:

- ☐ I certify that all real property (including easements) has been acquired or condemnation proceedings have been entered into for property thereby providing legal access for this project.

AND

- ☐ I certify to the best of my knowledge and belief that the acquisition of property specifically for the above referenced project is in compliance with the URLAP Act of 1970 (the Uniform Act). The acquisition either:
- ☐ Acquisition of real property did not result in the displacement of any person, business or farm operation.
 - ☐ or relocation was involved in the land acquisition, the Federal Highway Administration (FHA) was contacted for technical assistance.

OR

- ☐ Compliance with the Uniform Act does not apply because the land and/or easements associated with the above referenced project were acquired prior to the inception of the project. Date land acquired: _____

I understand that a false statement on this certification may be grounds for rejection or termination of this loan.

Signature of Applicant's Authorized Representative or Attorney Date

Typed Name and Title

Capital Project Ordinance

Be it ORDAINED by the Governing Board of the (Town of Anywhere), North Carolina, that pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital Project Ordinance is hereby adopted.

Section 1: The Project authorized is the (construction/rehabilitation of a wastewater treatment/collection System) to be financed by (the sale of general obligation bonds/ARRA loan /federal loan/state loan / state grants and reserves).

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the board resolution, loan documents and the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Engineering	\$ 120,000
Land	90,000
Construction	1,440,000
	<u>\$ 1,650,000</u>

Section 4: The following revenues are anticipated to be available to complete this project:

Federal/ARRA Loan	\$ 1,100,000
Proceeds from general Obligation Bonds	\$ 500,000
Transfer from Wastewater treatment capital Reserve	\$ 20,000
	<u>\$ 1,650,000</u>

Section 5: The finance officer is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations. The terms of the bond resolution also shall be met.

Section 5: Funds may be advanced from the General Fund for the purpose of making payments as due. Disbursement requests should be made to the grantor agency in an orderly and timely manner. Section

7: The finance officer is directed to report, on a quarterly basis, on the financial status of each project element in section 3 and on the total grant/loan revenues received or claimed.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this board.

Section 9: Copies of this capital project ordinance shall be furnished to the clerk to the Governing Board, and to the Budget Officer and the Finance officer for direction in carrying out this project.

Duly adopted this __ day of _____ 201__.

Signature, (Authorized Rep)

(Seal)

Attest: _____
Signature (Town Clerk)