



Town of Clayton
Regular Town Council Meeting Agenda
Monday, August 15, 2022 at 6:00 PM
Council Chambers

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
- c. Invocation

2. ADJUSTMENT OF THE AGENDA

- a. Approval or Adjustment of the Agenda

POTENTIAL ACTION: Approve or Amend the Agenda

3. CONSENT AGENDA

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

- a. Minutes:

- August 1, 2022, DRAFT Work Session Minutes
- August 1, 2022, DRAFT Regular Meeting Minutes
- August 1, 2022, DRAFT Closed Session Minutes (2 sets)

[Cover](#)

[August 1, 2022 DRAFT Work Session Minutes](#)

[August 1, 2022 DRAFT Minutes](#)

- b. Approval of Resolution Directing the Clerk to Investigate a Petition for Annexation 2022-112-ANX Barber Mill Townhomes, located at Barber Mill Road and Grovewood Drive

Presenter: Bruce Venable, Planner I

[Cover Sheet Barber Mills Townhomes Annexation](#)

[2022-112-ANX Barber Mills TH Annexation Petition](#)

[2022-112-ANX Metes and Bounds](#)

[2022-112-ANX Survey](#)

[2022-112-ANX Resolution 2022-54 Directing the Clerk to Investigate](#)

- c. Resolution 2022-57 to Accept Streets into the Town of Clayton Street System for Maintenance - Parkview, Phases 4& 6

Presenter: Jonathan Jacobs, Assistant Town Engineer

[Cover](#)

[StreetFinalAcceptanceResolution2022-57](#)

- d. Resolution 2022-58 to Accept Public Utilities into the Town of Clayton Public Utility System for maintenance - Parkview, Phases 4&6
Presenter: Jonathan Jacobs, Assistant Town Engineer
[Cover](#)
[UtilityFinalAcceptanceResolution2022-58](#)

- e. School Resource Officer Memorandum of Understanding (MOU)
Presenter: Greg Tart, Police Chief
[Town of Clayton SRO MOU 22-24](#)

POTENTIAL ACTION: Approve, Amend or Deny the Consent Agenda

4. ADMINISTRATIVE ITEMS (NONE)

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Follow-up presentation by the G Force Girls Robotic Team
Presenter: Joy Garretson, Library Director
[G Force Robotics Special Presentation August 15 Meeting](#)

POTENTIAL ACTION: Presentation

- b. Clayton Clovers Baseball - Carolina Collegiate League Winners
Presenters: Scott Barnard, Parks and Recreation Director; Louis DeCarolic, Owner; and Caleb Sharp, Owner
[Clayton Clovers Presentation](#)

POTENTIAL ACTION: Presentation

- c. Clayton Community Garden Presentation
Presenters: Scott Barnard, Parks and Recreation Director; Felice Chadwick, Garden Manager; and Marshall Warren, Extension Agent-Horticulture
[Community Garden Presentation](#)

POTENTIAL ACTION: Presentation of the Community Garden Program
Followed by Presentation of Check to the Mayor

- d. New Employee Introductions:
Presenter: Joshua Baird, Engineering Director
- Tim Robbins, Project Manager

Presenter: Ann Game, Revenue & Utility Customer Service Director

- Rhonda Thompson, Customer Service Specialist

6. PUBLIC HEARINGS

- a. Public Hearing for Annexation Petition 2022-79-ANX for O'Neil Overlook located on O'Neil Road and Oakdale Avenue
Presenter: Bruce Venable, Planner I
[Cover Sheet O'Neil Overlook Annexation 8-15](#)
[2022-79-ANX Petitions](#)
[Staff Report-2022-79-ANX](#)
[Legal Description Metes and Bounds 2022-79-ANX O'Neil Overlook Annexation Plat](#)

[Ordinance 2022-08-04 O'Neil Overlook Annexation 2022-79-ANX](#)

POTENTIAL ACTION: Approve or Deny Annexation Ordinance 2022-08-04

- b. Public Hearing for Annexation Petition 2022-9-ANX for Ashcroft Section 2 located on N. O'Neil Street and the Neuse River

Presenter: Bruce Venable, Planner I

[Cover Sheet Ashcroft Section 2 8-15](#)

[Annexation Application Ashcroft Sec 2 06302022](#)

[Staff Report-2022-9-ANX](#)

[Legal Description 2022-9-ANX](#)

[2022-9 ANX Plat Ashcroft Sec.2](#)

[Ordinance 2022-08-05 Ashcroft Section 2 Annexation 2022-9-ANX](#)

POTENTIAL ACTION: Approve or Deny Annexation Ordinance 2022-08-05

- c. Public Hearing for Annexation Petition 2022-100-ANX for River Mews located at 1603 NC HWY 42 East

Presenter: Bruce Venable, Planner I

[Cover Sheet River Mews 8-15-22](#)

[Annexation Petitions River Mews 2022-100-ANX River Mews](#)

[Staff Report](#)

[Legal Description](#)

[ANNEXATION PLAT 2022-100-ANX RIVER MEWS](#)

[Ordinance 2022-08-06 for Petition 2022-100-ANX River Mews Non-Contiguous](#)

POTENTIAL ACTION: Approve or Deny Annexation Ordinance 2022-08-06

- d. Public Hearing for the Rezoning of Multiple Town of Clayton Properties

Presenter: Bruce Venable, Planner I

[Cover Sheet 2022-92-RZ Town of Clayton Public Properties](#)

[Staff Report-2022-92-RZ](#)

[Application 2022-92-RZ Town of Clayton Public Properties](#)

[Neighbor Meeting Materials](#)

[Staff Report Companion Document](#)

[ORDINANCE 2022-08-07 AMENDING THE ZONING ORDINANCE and Zoning](#)

[Map 2022-92-RZ Town Property Rezoning](#)

POTENTIAL ACTION: Approve, Deny or Send Back to the Planning Board for Additional Consideration for Rezoning Ordinance Amendment 2022-08-07

- e. Public Hearing for Rezoning Request for 2022-69-RZ for Jason & Vilamon Carroll

Presenter: Aaron Prichard, Planner II

[Cover Sheet 2022-69-RZ Jason & Vilamon Carroll](#)

[Staff Report 2022-69-RZ Jason & Vilamon Carroll](#)

[Application 2022-69-RZ Jason & Vilamon Carroll](#)

[Neighborhood Meeting Materials 2022-69-RZ Jason & Vilamon Carroll](#)
[Survey 2022-69-RZ Jason & Vilamon Carroll](#)
[Staff Report Map 2022-69-RZ Jason & Vilamon Carroll](#)
[Ordinance 2022-08-08](#)

POTENTIAL ACTION: Approve, Deny or Send Back to the Planning Board for Additional Consideration for Rezoning Ordinance Amendment 2022-08-08

- f. Public Hearing for Three Text Amendments to Chapter 155
- Upper Story Residential (155.301(K))
 - Action After Approval - Conditional Zoning District (155.05(L)(6))
 - Burden of Proof - Variance (155.716(D))

Presenter: Aaron Prichard, Planner II

[Cover Sheet 2022-126-OA UDC Technical Amendments](#)
[TC Staff Report - 2022-126-OA UDC Technical Amendments](#)
[155.301\(K\) Current](#)
[155.301\(K\) Redlines](#)
[155.301\(K\) New](#)
[155.705\(L\)\(6\) Current](#)
[155.705\(L\)\(6\) Redlines](#)
[155.705\(L\)\(6\) New](#)
[155.716\(D\) Current](#)
[155.716\(D\) Redlines](#)
[155.716\(D\) New](#)
[Ordinance 2022-08-09](#)

POTENTIAL ACTION: Approve, Deny or Send Back to the Planning Board for Additional Consideration for Text Amendment Ordinance 2022-08-09

7. OLD BUSINESS (NONE)

8. NEW BUSINESS

- a. Revenue Bonds Findings Resolution 2022-55 for the Sam's Branch Water Reclamation Facility

Presenter: Robert McKie, Finance Director

[Cover](#)
[Clayton - 2022 W&S Bond - Findings Resolution 2022-55 \(8-15-2022\) \(revised\)\(157629793.7\)](#)

POTENTIAL ACTION: Approve or Deny Resolution 2022-55

- b. Resolution 2022-56 and Policies related to the American Rescue Plan Act (ARPA)

Presenter: Robert McKie, Finance Director

[Cover](#)
[Resolution 2022-56 for Policies Pertaining to ARPA Funds](#)
[TOC Eligible Use Policy2022-01](#)
[UG Cost Principal Policy2022-02](#)
[TOC Nondiscrimination Policy2022-03](#)
[TOC Real Property Policy2022-04](#)

[TOC Record Retention Policy2022-05](#)

[Conflicts of Interest Policy2022-06](#)

[TOC Eligibility-Form Salaries](#)

POTENTIAL ACTION: Approve or Deny Resolution 2022-56; Policy 2022-01; Policy 2022-02; Policy 2022-03; Policy 2022-04; Policy 2022-05; Policy 2022-06

c. Budget Amendments for the following:

- Budget Ordinance Amendment 2022-08-01 for American Rescue Plan Act (ARPA)
- Budget Ordinance Amendment 2022-08-02 for School Resource Officer
- Budget Ordinance Amendment 2022-08-03 for Copper District

Presenter: Robert McKie, Finance Director

[Cover](#)

[Fund 215 ARPA Grant Project Ordinance Budget Amendment 2022-08-01](#)

[General Fund Budget Ordinance Amendment 2022-08-02 ARPA Supplanting & School Resource Officer](#)

[Water & Sewer Fund Budget Amendment Ordinance 2022-08-03 Copper District](#)

POTENTIAL ACTION: Approve or Deny Ordinance 2022-08-01

POTENTIAL ACTION: Approve or Deny Ordinance 2022-08-02

POTENTIAL ACTION: Approve or Deny Ordinance 2022-08-03

9. STAFF REPORTS

- Town Manager
- Town Attorney
- Town Clerk
- Other Staff

Follow Up on Policy for Non-Profits

Presenter: Scott Barnard, Parks and Recreation Director

10. OTHER BUSINESS

- Informal Discussion & Public Comment
 - Individuals have three (3) minutes to address the Town Council.
 - Groups will designate a spokesperson. Spokesperson will have five (5) minutes to address the Town Council.
- Council Comments

11. CLOSED SESSION

- Closed session to consult with the Town Attorney in accordance with NC GS 143-318.11 (a) (3)
Presenter: Rich Cappola, Interim Town Manager
- Closed session to discuss a personnel matter in accordance with NC GS 143-318.11 (a) (6)

Presenters: Jody McLeod, Mayor and Kenya Walls, Human Resources Director

12. ADJOURNMENT



Town Council Agenda Cover Sheet

Meeting Date

August 1, 2022

Agenda Location

Consent Agenda

Item Title

Approval of the Council Meeting Minutes

Presenter:

Heidi L. Holland, Deputy Town Clerk

Summary/Description

The Town Clerk office provides a record of the meeting minutes as per NC GS 143-318.10.

The Town Council is requested to review the minutes for the Town's records.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

- July 18, 2022 DRAFT work session minutes
- July 18, 2022 DRAFT closed session minutes from the work session
- July 18, 2022 DRAFT regular meeting minutes
- July 18, 2022 DRAFT closed session minutes from the regular meeting

Meeting Timeline

Click or tap here to enter text.



**Town of Clayton
Town Council Work Session Minutes
Monday, August 1, 2022 at 3:00 PM
Wooten Room**

Council Present:

Mayor Jody McLeod,
Council Member Jason Thompson,
Council Member Andria Archer,
Council Member Avery Everett,
Council Member Michael Sims, and
Council Member Porter Casey

Council Absent:

None

Staff Present:

Heidi Holland, Deputy Town Clerk, Sherry Scoggins,
Interim Town Clerk, Dolores Gill, Deputy Town
Manager, Rich Cappola, Interim Town Manager, Jim
Cauley, Town Attorney - CauleyPridgen, Ben Howell,
Planning Director, Joshua Baird, Town Engineer,
Jonathan Jacobs, Assistant Town Engineer, Robert
McKie, Finance Director, Aaron Prichard, Planner II,
Lee Barbee, Fire Chief, Bruce Venable, Planner I, and
Kenya Walls, Human Resources Director

1 CALL TO ORDER

a) Call to Order

Mayor Pro Tem Thompson called the work session meeting of the Clayton Town Council to order at 3:05 pm.

b) Approval of the Agenda

No adjustment of the agenda; consensus to proceed with the agenda as presented.

2 ITEMS FOR DISCUSSION

a) Unified Development Code Update Discussion and Next Steps

Presenter: Ben Howell, Planning Director and Chad Meadows, Founder and Principal at CodeWrite Planners, LLC

Planning Director Ben Howell provided an overview of the Codify Clayton process:

- Launch of the project - April 2022
- Steering Committee discussion and review - ongoing
- Testing phase - summer 2023 (June and July)
- Final delivery - October 2023

He added information is available at www.codifyclayton.com.

Chad Meadows, founder and principal of CodeWright Planners, is the Town's consultant for the Codify Clayton project. Mr. Meadows stated the "Codify Clayton Diagnosis Report" is a roadmap through the re-write.

Mr. Meadows referred to the "7 Key Themes for UDC Improvement" as recommendations or concepts to promote discussion; handout incorporated into the minutes.

Mr. Meadows stated the "Codify Clayton Diagnosis Report" is being revised. He added the next step is the annotated outline. He stated this is a living document because the land use laws are ever-changing.

Mr. Meadows referred to the "Questions for Town Council" document; handout incorporated into the minutes.

Question 1 - Density and Housing Options

Mr. Meadows stated this would be in an area served by infrastructure or schools.

Council questioned who is coming to Clayton and what do they want (demographics).

Mr. Meadows stated a market analysis would take a year and a half to complete. He added incomes have not kept pace with housing prices.

Mr. Meadows stated municipalities are not permitted to have standards; however, municipalities can have guidelines.

Mayor McLeod arrived at 4:06 pm.

Question 2 - Standards in Infill/Redevelopment Contexts

Mr. Meadows stated undeveloped lots in downtown Clayton are costing the Town in revenue.

Interim Town Manager Cappola stated the downtown Clayton infrastructure is older. He added this will be an item for the Capital Improvement Projects (CIP) discussion.

Mr. Meadows questioned how flexible is the Town with other Town amenities and infrastructure in downtown Clayton.

Interim Town Manager Cappola stated the Town is working on parking standards for downtown Clayton.

Mr. Meadows stated most downtowns do not require parking standards and he cited Greenville SC as an example.

Questions 3 - Standards in Suburban / Rural Contexts

Mr. Meadows stated if it can receive sewer it can be urbanized.

Interim Town Manager Cappola stated sewer is part of the master plan.

Based on discussion about extra-territorial jurisdiction (ETJ), Mayor McLeod stated the State Legislature is looking at doing away with ETJ.

Due to time, Planning Director Howell requested each Council member complete the review of "Questions for Town Council" and remit questions and/or concerns to him by Friday, August 5.

RESULT:

- b) Closed session to discuss personnel in accordance with NC GS 143-318.11(a)(6)
Presenter: Kenya Walls, Human Resources Director

ACTION:

MOVER: Council Members Sims moved to go into Closed Session at 5:00 pm.

SECONDER: Council Member Casey.

VOTE: Unanimous

ACTION:

MOVER: Mayor Pro Tem Thompson moved to return to Open Session at 5:25 pm.

SECONDER: Council Member Casey

VOTE: Unanimous

RESULT:

3 ADJOURNMENT

- a) Adjournment

ACTION:

MOVER: Council Member Archer moved to adjourn at 5:25 pm.

SECONDER: Council Member Sims

VOTE: Unanimous

RESULT:



**Town of Clayton
Regular Town Council Meeting Minutes
Monday, August 1, 2022 at 6:00 PM
Council Chambers**

Council Present:

Mayor Jody McLeod, Council
Member Jason Thompson, Council
Member Porter Casey, Council
Member Avery Everett, Council
Member Andria Archer, and Council
Member Michael Sims

Council Absent:

None

Staff Present:

Rich Cappola, Interim Town Manager, Sherry
Scoggins, Interim Town Clerk, Heidi Holland, Deputy
Town Clerk, Jim Cauley, Town Attorney – Cauley
Pridgen, Dolores Gill, Deputy Town Manager, Lee
Barbee, Fire Chief, Robert McKie, Finance Director,
Greg Tart, Police Chief, Jonathan Jacobs, Assistant
Town Engineer, Joshua Baird, Town Engineer,
Nathanael Shelton, Communication Director, Ben
Howell, Planning Director, and Scott Barnard, Parks &
Rec Director

1. CALL TO ORDER

a. Call to Order

Mayor McLeod called the meeting to order at 6:00 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. Approval of the Agenda

Mayor Pro Tem Thompson requested the following adjustment of the agenda:

- Remove from the Consent Agenda Item 3g – Termination of State of Emergency and add to Old Business as Item 7a.
- There was also an addition to Staff Reports, presenter Chief Tart.

Approve or Amend the August 1, 2022, Agenda.

RESULT: CARRIED 5-0

MOVER:	Porter Casey
SECONDER:	Avery Everett
YES:	Porter Casey, Avery Everett, Jason Thompson, Andria Archer, and Michael Sims
NO:	None

3. CONSENT AGENDA

- a. Approval of the Minutes:
 - DRAFT July 18, 2022 Work Session Minutes
 - DRAFT July18, 2022 Closed Session Minutes from then Work Session
 - DRAFT July 18, 2022 Regular Meeting Minutes
 - DRAFT July 18, 2022 Closed Session Minutes from the Regular Meeting
- b. Approval of Resolution 2022-53 for the Hocutt-Ellington Memorial Library Strategic Plan 2022-2027
Presenter: Joy Garretson, Library Director
- c. Approval of the Advisory Board Appointment Process
Presenter: Heidi Holland, Deputy Town Clerk
- d. Resolution 2022-48 Directing the Clerk to Set Date for a Public Hearing for Annexation #2022-9-ANX for Ashcroft Section 2, located at N O'Neil Street and Covered Bridge Road near the Mountain to Sea Trail.
Presenter: Bruce Venable, Planner I
- e. Resolution 2022-49 Directing the Clerk to Set Date for Public Hearing for Annexation #2022-100-ANX River Mews located at 1603 NC HWY 42 East, Clayton.
Presenter: Bruce Venable, Planner I
- f. Amend Resolution 2022-41A Directing the Clerk to Set the Date for Public Hearing for Annexation Petition 2022-79-ANX for O'Neil Overlook located on O'Neil Street and Oakdale Drive
Presenter: Bruce Venable, Planner I
- g. Termination of State of Emergency
Presenter: Heidi Holland, Deputy Town Clerk

Approval of Consent Agenda as Presented with the Removal of Consent Agenda Item 3g – Termination of State of Emergency

RESULT:	CARRIED 5-0
MOVER:	Porter Casey
SECONDER:	Andria Archer
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

4. ADMINISTRATIVE ITEMS (NONE)

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Library Advisory Board Yearly Update
Presenter: Vanessa Flores-Watson, Vice-Chair

Vice-Chair of the Library Advisory Board Vanessa Flores-Watson presented the yearly update. She presented a slide that went into detail of the advisory board and the board makeup. She shared different activities that the board participated in from July 2021-June 2022. Shared were also goals for the year ahead such as, begin ongoing policy review, increase board involvement in library volunteer and program opportunities, work with Friends of the Library to support creation of Library Foundation for fundraising, provide support and input for building projects, and continue acting as library ambassadors in the community.

Mayor McLeod thanked Mr. Flores-Watson and Joy Garretson and her staff for the wonderful job they do.

- b. Employee Introductions
Presenter: Ann Game, Revenue & Utility Customer Service Director (*Ms. Game was not present tonight.*)

- Rhonda Thompson, Customer Service Specialist

Presenter: Cpt. Cory Beard and Cpt. Daryle Harris

- Jordan Manning, Firefighter
- Justin Jones, Firefighter

Presenter: Joshua Baird, Engineering Director

- Julia Kenkel, Stormwater Intern

Presenter: Allen Turnage, Electric Director

- Cavin Davis, Electric Line Tech I

Presenter: Greg Nelson, Property Maintenance Supervisor

- Makila Salyers, Custodian

Presenters: Scott Barnard, Parks & Recreation Director & Jimmy Bradley, Parks Operations Superintendent

- Marcus Cameron, Park Maintenance Specialist
- Blake McLean, Park Maintenance Specialist
- Hunter Baldwin, Park Maintenance Specialist
- Bobby Henn, Park Maintenance Crew Leader
- Mike Noggle, Park Maintenance Crew Leader
- Trey Meek, Athletic Supervisor
- Meaghan Rivers, Athletic Supervisor

Ms. Game was not present at this meeting and will introduce Rhonda Thompson at the August 15, 2022 meeting.

Cpt. Cory Beard introduced firefighter Jordan Manning. Cpt. Daryle Harris introduced

firefighter Justin Jones.

Joshua Baird introduced Julia Kenkel, who has started as a stormwater intern. She is a rising senior at NC State.

Allen Turnage introduced Cavin Davis, new Electric Line Tech 1. He shared some of the certifications he has.

Dolores Gill introduced Makila Salyers, new part-time custodian.

Jimmy Bradley introduced his new Park Maintenance Specialists: Marcus Cameron, Blake McLean, and Hunter Baldwin. He introduced two internal promotions: Bobby Henn promoted to Park Maintenance Crew Leader and Mike Noggle promoted to Park Maintenance Crew Leader.

Scott Barnard introduced new staff Trey Meek, Athletic Supervisor and Meaghan Rivers, Athletic Supervisor

Mayor McLeod welcomed them and stated he was glad to have everyone in Clayton.

c. Employee Retirement Recognition:

Presenter: Greg Tart, Police Chief

- Jon Gerrell, Police Major
- Jason Hutchins, Police Lieutenant

Chief Tart stated tonight he would like to honor Major Jon Gerrell and Lieutenant Jason Hutchins. He stated both officers are finishing 30 years each in law enforcement and they have a combined 50-years of service to the Town. He stated it has been a privilege to him to work with these gentleman and they will be missed. He stated this would not be possible without the support of their family as well as the Clayton Police Department and town staff. Chief Tart presented to them their guns and badges as a symbol of their honor and dedication.

Lieutenant Hutchins thanked Mayor McLeod and Council for their support of the Police Department. He stated Clayton is the best town to live and work. Mayor McLeod thanked him for his years of dedication to the town.

Major Gerrell stated he is grateful and humbled to be recognized tonight. He stated it means a lot to have the support of the town. Mayor McLeod stated he is thankful for what he has given to the town over the years.

Approve Resolution #2022-50

RESULT:	CARRIED 5-0
MOVER:	Jason Thompson
SECONDER:	Avery Everett
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

Approve Resolution #2022-51

RESULT:	CARRIED 5-0
MOVER:	Jason Thompson
SECONDER:	Avery Everett
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

6. PUBLIC HEARINGS (NONE)

7. OLD BUSINESS (NONE)

- a. Termination of State of Emergency
(*Adjustment of the Agenda to move this item from Consent*)

Mayor Pro Tem Thompson stated he has had some citizen input and wants to recognize that over last few weeks, COVID numbers have spiked. He stated he does not want to be hasty and terminate this State of Emergency and then a few weeks later we may need staff to work overtime because we lose a shift of people to being quarantined. We then would not be able to get reimbursed by possible funds that could be out there.

His recommendation is to keep in place to see how this current situation will ebb and flow.

Council Member Archer stated she thinks this is logical and agrees.

8. NEW BUSINESS

- a. Sam's Branch Water Reclamation Facility (WRF) Construction Administration Contract
Presenter: Louis Duffie, Project Manager

Mr. Duffie stated he is bringing the construction administration contract for the duration of the Sam's Branch Water Reclamation Facility. He stated we are moving on from the design builder Gannett-Fleming and with that we need to retain the engineering arm of Gannett-Fleming. He stated they are a separate company to be the engineer of record and with that comes assistance through the bid phase. They will oversee construction and through to commissioning so they can certify the plant was built correctly and the town can apply for the permit to operate it.

He stated all the tasks are broken down in the proposal in the agenda packet

Approve or Deny

RESULT:	CARRIED 5-0
MOVER:	Avery Everett
SECONDER:	Andria Archer
YES:	Avery Everett, Andria Archer, Jason Thompson, Porter Casey, and Michael Sims
NO:	None

9. STAFF REPORTS

a. Town Manager

Mr. Cappola stated the construction bids for the Water Reclamation Facility project did get posted Friday and the six prequalified bidders that are interested have been notified. Bids are due September 2nd pending review. The next step is to have this on the LGC agenda for October. An update will be provided at the next meeting. Council Member Sims asked if this keeps us on a good timeline, Mr. Cappola stated assuming the item is on the October LGC agenda, he hoped to have a notice proceed for the contractor so they could start working on site before the end of the calendar year, but with holidays may push it to January 1st. The intent is for the new contractor to be mobilized by January 1st.

b. Town Attorney

c. Town Clerk

d. Other Staff

Presenter: Chief Tart

Chief Tart stated a couple days ago he was contacted by Johnston County Public Schools and was told of a situation that happened with the County and SRO's. The Sheriff's Department has been covering many of the schools in the County and due to manpower issues and recent changes, the Sheriff's office has been asked to cover more schools. As a result, Chief Tart was asked if Clayton would take over SRO duties at Clayton High School.

He stated we enter a MOU with Johnston County Public Schools each school year, they pay the salary of our SRO's. He stated right now we cover six schools. He stated in that contract is reimbursement for the salaries of the two SRO's that cover those six schools. He stated today the department added a third SRO to be able to cover Clayton High School.

After discussing with Mr. Cappola, he stated being this position is being funded by the County, he would like to ask for another position. He stated after taking on this duty, he has had to move pieces around to cover certain areas in the department.

It was consensus of the council to continue with the MOU and to have Finance Director Robert McKie draft a budget amendment for this position and have that amendment at the next council meeting.

10. OTHER BUSINESS

- a. Informal Discussion & Public Comment
 - Individuals have 3 minutes to address the Town Council.
 - Groups will designate a spokesperson. Spokesperson will have 5 minutes to address the Town Council.
- b. Council Comments

Mayor Pro Tem Thompson stated over weekend he had an opportunity to see our fire department mitigate a tricky situation with our law enforcement community. Under the leadership of Cpt. Carter, they did a good job of mitigating a difficult situation. He wanted to commend Cpt. Carter, the men on his shift and Chief Barbee for their leadership.

Council Member Sims stated he had a conversation with Mr. Cappola in concerns to Parks & Rec. as far as the rental of fields. He stated he would like to have staff look at non-profit rates for the fields. Mr. Cappola stated he would get Finance Director Robert McKie and Parks & Rec. Director Scott Barnard to bring that back possibly at the next meeting.

11. CLOSED SESSION

- a. Closed session to discuss an economic development opportunity in accordance with NC GS 143-318.11 (a)(4)
Presenter: Rich Cappola, Interim Town Manager

Move to go into Closed Session at 6:47 p.m.

RESULT:	CARRIED 5-0
MOVER:	Jason Thompson
SECONDER:	Andria Archer
YES:	Jason Thompson, Andria Archer, Porter Casey, Avery Everett, and Michael Sims
NO:	None

Move to return to Open Session at 7:14 p.m.

RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Porter Casey
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

12. **ADJOURNMENT**

a.

Motion To Adjourn at 7:14 p.m.

RESULT:	CARRIED 5-0
MOVER:	Porter Casey
SECONDER:	Jason Thompson
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

Duly adopted this 15th day of August 2022 in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Heidi L. Holland, NCCMC
Deputy Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

August 15, 2022

Agenda Location

Consent Agenda

Item Title

Resolution Directing the Clerk to Investigate a Petition for Annexation #2022-112-ANX Barber Mill Townhomes which is located at Barber Mill Rd and Grovewood Dr.

Presenter:

Bruce Venable - Planner I

Summary/Description

Applicant is seeking to annex +- 4.218 Acres on contiguous real property into the town limits of Clayton. Current zoning is Single-Family-Residential 10 (R-10) This Resolution is to allow Town Council to direct the Town Clerk to Investigate this annexation petition for sufficiency.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Petition For Annexation

Legal Description of Metes and Bounds

Plat

Resolution Directing Clerk to Investigate for Sufficiency

Meeting Timeline

Click or tap here to enter text.



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

PETITION FOR VOLUNTARY ANNEXATION

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

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

REQUEST INFORMATION



Contiguous Annexation



Non-Contiguous Annexation

The following items must accompany an annexation petition:

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

PROCESS:

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

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

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

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

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

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

**PETITION FOR VOLUNTARY ANNEXATION APPLICATION – PROPERTY INFORMATION
COMPLETE IF A LIMITED LIABILITY COMPANY:**

Submittal Date: _____

Petition No.: _____

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

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

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

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

Total acreage to be annexed:	4.03	_____
Existing housing units:	0	_____
Population of acreage to be annexed:	0	_____
Existing Zoning District*:	R-10	_____
Proposed Town Zoning District*:	R-10	_____
Reason for petitioner to annex:	☒ Receive Town Services	Fire District: N/A, CTD6 PLANNING AREA
	_____ Other (please specify):	_____

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

In witness whereof, MTR Properties, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 17 day of May, 2022.

Name of Limited Liability Company: _____

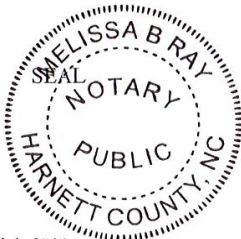
MTR PROPERTIES, LLC

By: _____

Signature of Member/Manager

**STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON**

Sworn and subscribed before me, Melissa B. Ray, a Notary Public for the above State and County, this 17th day of May, 2022.



Melissa B. Ray
Notary Public

My Commission Expires: 5/9/2024

July 2018

Page 2 of 3

Voluntary Annexation Plat Checklist

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

MORRIS & RITCHIE ASSOCIATES OF NC, PC

AN AFFILIATE OF MORRIS & RITCHIE ASSOCIATES, INC. WHICH
PROVIDES ENGINEERING, ARCHITECTURE, PLANNING, SURVEYING &
LANDSCAPE ARCHITECTURE THROUGHOUT THE MID-ATLANTIC REGION
AND LANDSCAPE ARCHITECTS



Contiguous Annexation Description – Westpark Subdivision 4.218 Acre Parcel of Land Clayton Township – Johnston County, North Carolina

Beginning at a point located on the northerly right-of-way line of Barber Mill Road (SR 1555 – 60 feet wide), said point being designated as “EIS” on the Existing Conditions Survey recorded in plat book among the Land Records of Johnston County, North Carolina, said “EIS” having coordinates of N 687,290.08 E 2,156,199.41. Thence, South 76°47’17” East 29.38 feet to a point in the center of Barber Mill Road; thence, with said centerline, South 22°03’40” West 379.60 feet to a point; thence, leaving the centerline, North 58°02’35” West 31.06 feet to an existing iron stake on the Northerly right-of-way line of Barber Mill Road; thence, leaving said right-of-way line, North 58°02’35” West 617.50 feet to an existing iron stake; thence, North 57°23’09” East 395.43 feet to an existing iron stake; thence, South 49°34’36” East 255.75 feet to an existing iron stake; thence, South 76°47’17” East 169.56 feet to the point of beginning.

Containing an area of 4.218 acres of land, more or less.

Subject to any and all matters of which a current title package would disclose, including but not limited to the right-of-way of the aforementioned Barber Mill Road.

For further description see map entitled “EXISTING CONDITIONS SURVEY PREPARED BY R&R DEVELOPMENT, LLC” prepared by RWK, PA.



5605 Chapel Hill Road, Suite 112, Raleigh, NC 27607 (984) 200-2103 www.mragta.com

Abingdon, MD ♦ Baltimore, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ New Castle, DE ♦ Leesburg, VA ♦ Raleigh, NC
(410) 515-9000 (443) 490-7201 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (703) 994-4047 (984) 200-2103

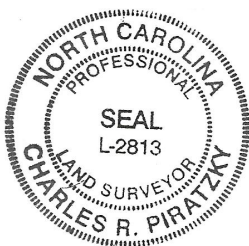
METADATA TABLE
CLASS OF SURVEY: A
POSITIONAL ACCURACY: 0.10' @ 95% CONFIDENCE
TYPE OF GPS FIELD PROCEDURE: MULTIPLE OBS VRS
DATUM/EPOCH: NAD'83-2011 / 2
GEOID MODEL: 12B
UNITS: US SURVEY FEET
VERTICAL DATUM (IF SHOWN): NAVD'88
DATE(S) OF SURVEY: NOV 22-DEC 07, 2021
COMBINED GRID FACTOR: 0.99988051

WAKE COUNTY, NORTH CAROLINA

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM PUBLIC SOURCES REFERENCED, THAT THE RATIO OF PRECISION IS 1/10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

Charles R. Piratzky
CHARLES R. PIRATZKY, P.L.S.
L-2813

12-15-2021
DATE



SITE DATA:

PN: 165811-57-9203
DB 2214 PG 269
ADDRESS: BARBER MILL ROAD
LAND USE: VACANT
ZONING: R-10

OWNER:
MTR PROPERTIES LLC
PO BOX 934
CLAYTON, NC 27520

SCALE: 1" = 40'
CONTOUR INTERVAL = 1'
VERTICAL DATUM PER NAVD '88

DRAWN: NOVEMBER 3, 2021 BY TC [D]S
FILE P:\CLAYTON TOWNHOMES\CLAYTON TOWNHOMES.DWG
SURVEYED: Q:\FIELD\LOC\CLAYTON\TOWNHOMES 102721.TXT
Q:\FIELD\LOC\CLAYTON\TOWNHOMES2.TXT
Q:\FIELD\LOC\CLAYTON\TOWNHOMES3.TXT

EXISTING CONDITIONS SURVEY FOR
R & R DEVELOPMENT, LLC
TRACT 3 OF LOTS 5 & 6
WESTPARK SUBDIVISION
CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

OWNER(S)
MTR PROPERTIES LLC

REFERENCES:
DB 2214 PG 269
PB 65 PG 376

RWK, PA
ENGINEERING & SURVEYING
CORPORATE LICENSE C-1771
101 W. MAIN ST., SUITE 202
GARNER, NC 27529
PHONE (919) 779-4854
FAX (919) 779-4056

SHEET 1 OF 1

NOTES

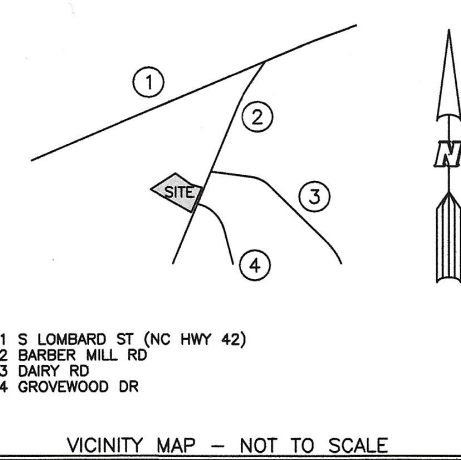
1. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
2. ALL DISTANCES SHOWN HAVE BEEN MEASURED HORIZONTALLY ON THE GROUND.
3. THE LAND SHOWN ON THIS PLAT IS NOT IN A 100-YEAR FLOOD HAZARD PER FIRM NUMBER 3720165800K, EFFECTIVE 06/20/2016
4. WATERLINE SHOWN ON SURVEY WAS LOCATED BY THE TOWN OF CLAYTON. IT IS EXPECTED THAT THE WATERLINE RUNS WITH BARBER MILL ROAD ALONG THE PROPERTY LINE AND HAS A "T" CONNECTION WITH THE WATERLINE CROSSING THE ROAD.
5. OTHER UNDERGROUND UTILITIES EXIST, BUT ARE NOT SHOWN.

LINE TYPES

ADJOINING PROPERTY LINE
PROPERTY LINE IN R/W
CONTOUR
CONTOUR INDEX
EASEMENT
SANITARY SEWER
STORM PIPES
WATERLINE

LEGEND

AIR CONDITIONER
BACK OF CURB
BACK FLOW PREVENTER
CLEANOUT
CURB INLET
DRILL HOLE SET
EXISTING CONCRETE MONUMENT
EXISTING DRILL HOLE
EXISTING IRON STAKE
EXISTING IRON PIPE
ELECTRIC METER
EXISTING PK NAIL
ELECTRIC STUB
FLARED END SECTION
FIRE HYDRANT
FIRE OPTIC PEDESTAL
GUY
GAS METER
INVERT
IRON PIPE SET
IRON ROD SET
LIGHT POLE
MANS
MAGNETIC NAIL SET
MANHOLE SANITARY SEWER
MANHOLE STORM SEWER
OVERHEAD WIRES
PK NAIL SET
POINT NOT SET
RAIL ROAD SPIKE
TELEPHONE PEDESTAL
TRANSFORMER
CABLE TV PEDESTAL
UTILITY POLE
WATER METER
WATER VALVE
YARD INLET
FIELD MEASUREMENT



**TOWN OF CLAYTON
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER NC G.S. 160A-31**

RESOLUTION 2022-54

WHEREAS, a petition requesting annexation of an area described in said petition was received on August 15, 2022 by the Clayton Town Council; and

WHEREAS, NC G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

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

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

The Town Clerk is hereby directed to investigate the sufficiency of the below described petition and to certify as soon as possible to the Town of Clayton the result of her investigation.

Duly adopted this 15 day of August 2022, while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Sherry L. Scoggins, MMC
Interim Town Clerk

DESCRIPTION/ADDRESS:

Pin #: 05G04199I for **2022-112-ANX** Barber Mill Townhomes

Contiguous; 4.218 acres



Town Council Agenda Cover Sheet

Meeting Date

August 15, 2022

Agenda Location

Consent Agenda

Item Title

Resolution 2022-57 to Accept Streets into the Town of Clayton Street System for Maintenance – Parkview, Phase 4 & 6

Presenter:

Jonathan K. Jacobs, PE - Assistant Town Engineer

Summary/Description

Streets and rights-of-way are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications, and Design. The subject streets have been verified through inspections to have been installed per the Town's Manual of Standards, Specifications, and Design. A warranty period for the subject streets has expired and a final inspection was performed by Engineering staff. Engineering staff recommends acceptance of the subject streets. Upon final acceptance, the subject streets are eligible for funding through NCDOT's Powell Bill Program.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Resolution

Meeting Timeline

Click or tap here to enter text.

**RESOLUTION TO ACCEPT STREETS INTO THE TOWN OF CLAYTON STREET SYSTEM FOR
MAINTENANCE – PARKVIEW, PHASES 4 & 6**

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 public street segments listed below were placed under a warranty period for one-year to monitor for construction deficiencies, with said warranty subsequently expiring with all workmanship being deemed satisfactory for final acceptance; and

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

NOW, THEREFORE, BE IT RESOLVED Town of Clayton Engineering staff has inspected the public street segments listed and recommends final acceptance by Town Council for this list of streets and right-of-way into the Town of Clayton Street System.

SUBDIVISION	STREET NAME	BEGINNING DESCRIPTION	END DESCRIPTION	LENGTH
Parkview, Phases 4 & 6	Humboldt Way	City Road	Cullen Court	0.04mi
Parkview, Phases 4 & 6	Cullen Court	Humboldt Way	Parkview Drive	0.18mi
TOTAL				0.22mi

Duly adopted this the 15th day of August 2022.

Jody McLeod
Mayor

ATTEST:

Sherry L. Scoggins, MMC
Interim Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

August 15, 2022

Agenda Location

Consent Agenda

Item Title

Resolution 2022-58 to Accept Public Utilities into the Town of Clayton Public Utility System for Maintenance – Parkview, Phase 4 & 6

Presenter:

Jonathan K. Jacobs, PE – Assistant Town Engineer

Summary/Description

Public Utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications, and Design. The subject public utilities have been verified through testing and inspections to be installed per the Town's Manual of Standards, Specifications, and Design and have been certified and approved by the appropriate regulatory agencies. A warranty period for the subject public utilities has expired and a final acceptance inspection has been performed by Engineering staff. Engineering staff recommends final acceptance of the subject public utility infrastructure into the Town of Clayton Public Utility System for maintenance.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Resolution

Meeting Timeline

Click or tap here to enter text.

**RESOLUTION TO ACCEPT PUBLIC UTILITIES INTO THE TOWN OF CLAYTON PUBLIC UTILITY SYSTEM
FOR MAINTENANCE – PARKVIEW SUBDIVISION, PHASES 4 & 6**

WHEREAS, public utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications and Design; and

WHEREAS, the public utility segments listed below have been certified and approved by the appropriate regulatory agencies; and

WHEREAS, the public utility segments listed below were placed under a warranty period for one-year to monitor for construction deficiencies, with said warranty subsequently expiring with all workmanship being deemed satisfactory for final acceptance; and

WHEREAS, Town of Clayton Engineering staff has inspected the public utility segments listed and recommends final acceptance by Town Council for operation and 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 public utilities and their apparatuses into the Town of Clayton Public Utility System.

SUBDIVISION	LOCATION DESCRIPTION	UTILITY TYPE AND SIZE	LENGTH
Parkview, Phases 4 & 6	Cullen Court	6-Inch PVC Waterline	864.00LF
Parkview, Phases 4 & 6	Cullen Court	6-Inch DIP Waterline	72.00LF
Parkview, Phases 4 & 6	Cullen Court	8-Inch SDR-35 Sewer	873.00LF
Total			1809.00 LF

Duly adopted this the 15th day of August 2022.

Jody McLeod
Mayor

ATTEST:

Sherry L. Scoggins, MMC
Interim Town Clerk

**STATE OF NORTH CAROLINA
COUNTY JOHNSTON**

CONTRACT FOR SCHOOL RESOURCE OFFICER SERVICES

This Contract for School Resource Officer Services ("Agreement") is made and entered into this _____, 2022, by and between the Johnston County Board of Education (hereinafter "Board"), the governing body of the Johnston County Public Schools (hereinafter "JCPS" or "District"), and the Town of Clayton, the governing body of the Clayton Police Department ("Town"), (collectively, the "Parties").

WITNESSETH:

WHEREAS, the Board desires to have the Town assign sworn law enforcement officers to serve as School Resource Officers at certain schools owned and operated by the Board; and

WHEREAS, the Town is willing to provide sworn law enforcement officers to serve as School Resource Officers within the School System;

WHEREAS, the Board and Town have entered into a separate School Resource Officer Memorandum of Understanding ("MOU"), describing the respective roles and responsibilities of school administrators and law enforcement officers pursuant to the MOU;

NOW, THEREFORE, in consideration of the promises and covenants of the parties hereto herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Board and Town do hereby agree as follows:

1. The Town shall provide three (3) sworn law enforcement officers from the Clayton Police Department to serve as School Resource Officers (SROs) for the 2022-2023 school year.
2. Each of the officers shall be assigned to the following school or groups of schools:
 - a) Clayton Middle Schools, West Clayton Elementary School, Cooper Academy
 - b) Riverwood Middle School, Riverwood Elementary School, Powhatan Elementary School
 - c) Clayton High School
3. During the term of this Agreement, the Board shall pay to the Town **\$50,000.00** per (SRO) School Resource Officer for an amount not to exceed **\$150,000** for the 2022-2023 school year. Payment shall be made by the Board in equal amounts on a monthly basis commencing with the effective date of this Agreement and continuing each month thereafter, with each monthly payment to be issue by the Board no later than thirty (30) days after receipt of an invoice from the Town reflecting the amount due.

4. The assignment of and services provided by the School Resource Officers shall be consistent with the terms of the School Resource Officer Memorandum of Understanding (MOU) between the Board and the Town, effective [REDACTED], 2022. The MOU is hereby incorporated in this Agreement by reference and attached as Exhibit A. To the extent the MOU is amended or modified during the term of this Agreement, any such modified terms shall govern. To the extent any terms of this Agreement conflict with terms of the MOU, the MOU shall prevail.
5. It is understood and agreed between the Parties that although it is the intent of both Parties to provide the officers and funding described herein, there may arise circumstances in which one or both Parties are unable to discharge their respective obligations pursuant to the Agreement and MOU. It is understood and agreed between the Parties that the payment obligation of the Board under this Agreement is contingent upon the availability of appropriated funds from which payment for Agreement purposes can be made. To the extent the Board is unable to issue funding as described herein, the Board acknowledges that the Town may decline to provide further SRO services. It is understood by the Board that the services provided by the Town under this Agreement are contingent upon ongoing employment of a sufficient number of officers to meet the needs of the Town at large, which includes the needs of the School System pursuant to this Agreement. To the extent the Town is at any time unable to provide SRO services as described in this Agreement and the MOU, the Board shall not be responsible for further payment, and payment made for services not rendered shall be refunded by the Town to the Board.
6. The Town shall pay all federal, state, and FICA taxes, and maintain minimum insurance requirements for all sworn law enforcement officers assigned as School Resource Officers pursuant to the attached Exhibit A.
7. The Town shall be an independent contractor of the Board, and nothing herein shall be construed as creating a partnership or joint venture; nor shall any employee of the Town be construed as an employee, agent, or principal of the Board.
8. This Agreement shall be governed by the laws of the State of North Carolina. The venue for initiation of any such action shall be Johnston County, North Carolina.

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seal the day and year indicated below.

JOHNSTON COUNTY BOARD OF EDUCATION

By: _____
Name, Title

Date: _____

This instrument has been pre-audited in the manner required by the School Budget and Fiscal Control Act.

JCPS Finance Director Date

TOWN OF CLAYTON

By: _____
Name, Title

Date: _____

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

Finance Director Date

EXHIBIT A TO CONTRACT FOR SRO SERVICES

SCHOOL RESOURCE OFFICER PROGRAM
MEMORANDUM OF UNDERSTANDING (MOU)

This Memorandum of Understanding (hereinafter “MOU”) effective [REDACTED] 2022, is made and entered into by and between the Johnston County Board of Education (hereinafter “Board”), the governing body of the Johnston County Public Schools (hereinafter “JCPS” or “District”), and the Town of Clayton, governing body of the local law enforcement agency (“Agency”) on the attached signature pages.

WITNESSETH

WHEREAS, the Board and the Agency recognize the benefits of the School Resource Officer Program to the citizens of Johnston County, North Carolina, and particularly to the students, parents and staff of the public school system of Johnston County, North Carolina;

WHEREAS, the Board desires to have the Agency provide School Resource Officers to certain schools within the JCPS;

WHEREAS, the Agency is willing to provide School Resource Officers to certain schools within JCPS; and

WHEREAS, it is in the best interest of the Board, the Agency, and the citizens of Johnston County to establish the School Resource Officer Program as hereinafter described.

NOW, THEREFORE, in consideration of the promises and covenants of the parties hereto herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Board and the Agency do hereby agree as follows:

Article I

Purpose of SRO Program and MOU

This MOU outlines the goals and guiding principles as agreed to by and between the Board and the Agency in order to foster an efficient and cohesive SRO program. The primary goal of the program is to provide for school safety and articulate the distinct, and at times overlapping, roles of school staff and SROs in responding to student misconduct as part of the SRO program. In addition, the program strives to foster positive relationships between students and law enforcement officials that further deters criminal and/or unsafe behaviors.

Article II

Duties of the Agency

The Agency shall provide School Resource Officers (each, an “SRO” collectively “SROs”) as follows:

1. Qualifications of SROs. The Agency shall assign regularly employed law enforcement officers to serve as SROs in certain JCPS schools. Each assigned SRO will be a certified law enforcement officer by the State of North Carolina and must complete a forty (40) hour School Resource Officer training curriculum developed by the North Carolina Justice Academy, and Crisis Intervention Training (CIT) certification through a CIT provider approved by the Agency. If an officer does not possess requisite SRO training and/or CIT certification at the time of assignment, the Agency will ensure that the officer participates in any necessary coursework to receive the training and certification at the next available course offering and no later than one year after being assigned as a School Resource Officer. The Agency will ensure that all SROs complete refresher training as required by state law. In addition, the Agency shall ensure that its SROs maintain minimum in-service training and certification requirements as would normally apply to all other certified officers in the Agency in addition to any training and certification required under this MOU
2. Assignment of SROs. SRO positions shall be filled by the providing Agency’s directives and selection process. SROs should have no substantiated evidence of harassment, discrimination, disproportionate minority contact, improper use of force, or other serious performance issues in their work history that would make the officer inappropriate for performing duties as a SRO. In addition, SROs should have positive experience working with youth and/or in a school setting and should be willing and able to serve as mentors for students. JCPS may provide feedback to the Agency regarding SRO selection. The Agency shall ensure that all SROs participate in an orientation process conducted in collaboration between the Agency and the JCPS to provide an overview of the School Resource Officer Program and review JCPS policies and procedures.
3. SRO Work Hours and Absences. The Agency shall not utilize the SROs during the designated workday for duties other than set forth herein, except in emergency situations that necessitate removal of one or more SROs from their normal duties pursuant to this MOU. In the event a SRO is temporarily unavailable on campus due to training, illness, approved leave, court hearing, or other reasons, the Agency shall provide a replacement officer, whenever possible. The Agency agree to use all reasonable efforts to prioritize the assignment of replacement officers at high school campus sites.

Article III

Board Expectations of the SRO While Serving on Campus

1. SRO Work Hours, Uniforms and Visibility on Campus. The SRO shall remain on the school grounds during normal school hours, except when necessary to attend to a law enforcement emergency, to attend any meetings or trainings described in this MOU, or on limited occasions to attend to official law enforcement business off-campus. With the exception of emergency situations out of the SRO's control, the SRO shall give the school principal or designee reasonable advance notice of any times when the SRO is not expected to be on campus during normal school hours, and the Agency will provide replacement officers to the extent possible in accordance with Article II, Section 3, of this MOU. The SRO shall wear the official law enforcement uniform or other apparel issued by the Agency at all times while serving on District property and shall make best efforts to maintain high visibility at all times when practical and safe to do so, especially in areas where incidents of crime or violence are most likely to occur. The SRO shall, whenever possible and in accordance with guidance from the school principal or designee, participate in or attend school functions during the SRO's regular duty hours, in order to assure the peaceful operation of school-related programs. Security services for extracurricular activities held outside of school hours shall be addressed through a separate contract between the Board and each Agency for law enforcement officer services.
2. SRO Mentoring and Outreach. Each SRO shall conduct himself or herself as a role model at all times and in all facets of the job; shall seek to establish a strong rapport with staff, faculty, students, and others associated with the school; and shall encourage students to develop positive attitudes towards the school, education, law enforcement officers, and positive living in general. The SRO shall be familiar with community agencies that offer assistance to youths and their families, including but not limited to mental health clinics and drug treatment centers, and shall provide information on such agency to students, parents, and/or school administrators when appropriate. In addition, the SRO shall provide information to the school principal, students, and parents regarding additional resources offered by community agencies or the Agency providing afterschool and summer programs and opportunities for youth.
3. Law Enforcement Actions and Safety Interventions. The SRO may initiate appropriate law enforcement actions to address criminal matters, including matters that threaten the safety and security of the school or its occupants, and/or intervene with staff or students (with or without a referral from school staff) when necessary to ensure the immediate safety of persons in the school environment in light of an actual or imminent threat to health or safety. Any such intervention shall be reasonable in scope and duration in light of the nature of the circumstances presented and shall be reasonably calculated to protect the physical safety of members within the school community, while minimizing, to the extent possible, any unintended negative effects on students. All law enforcement

actions and

interventions to protect the safety of others shall be consistent with all applicable laws, regulations, and policies. Use of force may be implemented pursuant to Agency procedures and protocol as well as all applicable laws, if objectively reasonable based on the totality of the circumstances, and shall not be excessive, arbitrary, or malicious. The SRO also shall, whenever possible, advise the principal before requesting additional law enforcement assistance on campus and shall request such assistance only when necessary to protect the safety or security of those present on the school campus. Non-SRO law enforcement who are asked to report to schools for any reason, by an SRO or other official, shall, whenever possible, advise the principal in advance before coming on campus.

- a) *Investigations and Arrests.* Criminal investigations and arrests by SROs will be conducted in accordance with all applicable legal requirements, including all applicable laws, regulations, and policies governing the use of force, interrogations, searches, and arrests. The SRO shall promptly notify appropriate school authorities whenever a SRO asks a student questions of an investigative nature or takes any direct law enforcement action against a student; however, notification may be withheld until deemed appropriate by the SRO if such notification would endanger a student or any other person or compromise an ongoing criminal investigation. The appropriate school authorities shall promptly notify the parent(s) or guardian of any student suspected of criminal wrongdoing, whenever a SRO asks a student questions of an investigative nature or takes any direct action against any student suspected of criminal wrongdoing. SROs and school administrators shall collaborate and determine how such notice should be given in each individual circumstance.
- b) *Searches.* SROs shall be aware of and comply with all laws and standards regarding searches of persons and property while performing services pursuant to this MOU. In particular, SROs shall be aware of the differing standards governing searches by law enforcement officers for law enforcement purposes as compared with searches by school administrators in connection with student discipline. At no time shall any SRO request that any JCPS employee lead or conduct a search of a student for law enforcement purposes.
- c) *Interrogations.* In cases where the parent(s) or guardian cannot be reached and any questioning of a student is conducted without parental notification, the school principal or designee must be present during the questioning unless the SRO directs otherwise for safety or investigative reasons. Presence of the principal/designee does not in any way impact the SRO's duty, if applicable in the situation, to comply with the student's Miranda or juvenile Miranda rights. At no time shall the SRO request that any JCPS employee act as an agent of the SRO or law enforcement in any interrogation.

- d) *Non-school Investigations.* The SRO shall refrain from questioning students at school regarding non-school related matters unless the SRO has a warrant or unless questioning, searching or arresting a student on school property at that time is necessary, in the discretion of the SRO, for the success of a law enforcement investigation or to prevent injury or crime.
4. School Discipline. The school administrator shall be solely responsible for implementing the student Code of Conduct and discipline policies. The school administration, not the SRO, has primary responsibility for maintaining order in the school environment and for investigating and responding to school disciplinary matters. The SRO shall refer any reports or concerns relating to student discipline to the principal or designee and shall not independently investigate or administer consequences for violations of the Student Code of Conduct or any school disciplinary rules. The SRO should generally not have any further involvement in routine disciplinary matters, such as tardiness, loitering, noncompliance, the use of inappropriate language, dress code violations, minor classroom disruptions, and disrespectful behaviors and other similar minor infractions of school rules. School officials shall only request SRO assistance when necessary to protect the physical safety of staff, students, or others in the school environment.
- a) *Searches.* The SRO shall not conduct or participate in searches of students or their belongings in school disciplinary investigations unless their assistance is requested by school personnel to maintain a safe and secure school environment.
- b) *Interrogations.* The SRO will not be involved in questioning of students initiated and conducted by school personnel in disciplinary matters unless requested by the school personnel to maintain a safe and secure school environment. If the SRO's presence is requested under these circumstances, the SRO shall confine his or her involvement to what is reasonably necessary to protect the safety and security of members of the school community and shall not lead the investigation or actively question students.
5. Joint Law Enforcement and School Discipline Investigations. In cases where school disciplinary investigations and law enforcement investigations into criminal activity overlap and relate to matters affecting health or safety (e.g., when both the school administration and SRO are investigating matters related to the presence of drugs or weapons on campus), it may be appropriate for school administrators and SROs to work in tandem. In such events, the criminal investigation takes precedence over school disciplinary issues. In such circumstances, the SRO shall be mindful of and clarify his or her role as a law enforcement officer conducting a law enforcement investigation when

interviewing student witnesses, particularly students suspected of criminal wrongdoing. The SRO shall also adhere to all appropriate laws and standards governing law enforcement investigations and not assume that laws and standards that govern school disciplinary investigations will also apply to him or her in the course of conducting a criminal investigation.

6. Confidentiality; Access to Student Records. The SRO shall comply with all applicable laws, regulations, and Board policies, including but not limited to laws, regulations and policies regarding access to confidential student records, provided that SROs shall under no circumstances be required or expected to act in a manner inconsistent with their duties as law enforcement officers. The SRO may have access to confidential student records or to any personally identifiable information of any JCPS student as defined in 34 CFR 99.3, only to the extent allowed under the Family Educational Rights and Privacy Act (FERPA) and applicable Board policies and procedures. SROs shall not automatically have access to confidential student records or personally identifiable information in those records simply because they are conducting a criminal investigation involving a student or for general non-specific purposes. School officials may, however, share relevant confidential student records and personally identifiable information contained in those records with SROs under any of the following circumstances:
 - a. The SRO is acting as a “school official” (as it relates to accessing student records) as defined in 34 CFR 99.31 because he or she is exercising a function that would otherwise be performed by school personnel and has legitimate educational interests in the information to be disclosed. For example, a SRO may be authorized to review the Behavior Intervention Plan of a student with a disability if the principal or designee has requested the SRO’s assistance in deescalating physical conflicts and ensuring the physical safety of the student and others when the student becomes involved in interpersonal conflicts.
 - b. The SRO has written consent from a parent or eligible student to review the records or information in question.
 - c. The principal or designee reasonably determines that disclosure to the SRO without parental consent is necessary in light of a significant and articulable threat to one or more person’s health or safety.
 - d. The disclosure is made pursuant to a valid subpoena or court order, provided that school officials provide advance notice of compliance to the parent or eligible student so that they may seek protective action from the court, unless the court has ordered the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
 - e. The information disclosed is “directory information” as defined by Board Policy 8700, and the parent or eligible student has not opted out of the disclosure of directory information.
 - f. The disclosure is otherwise authorized under FERPA, its implementing regulations, and applicable JCPS policies and procedures.
7. Development of School Safety Plans. The SRO shall report any safety concerns to the school principal and or designee and shall confer with the school principal to develop

plans and strategies to prevent and/or minimize dangerous situations on or near the campus or involving students at school-related activities. The school principal will contact any other school system personnel who should be involved in these discussions.

Article IV

Duties of the Board and the JCPS

1. Provision of Office Space and Access to School Community. The Board, Superintendent, and school principals agree to provide to each full-time SRO:
 - a) Access to suitable accommodations at the school, which shall include a lockable room with limited access, telephone, desk, chair, computer and filing cabinet;
 - b) A radio for use on campus;
 - c) Keys to the assigned school; and
 - d) Reasonable opportunity to address students, teachers, school administrators, and parents about criminal justice, safety, and security issues relating to school-aged students.
2. Referrals to the SRO. Maintaining order in the school environment and investigating and responding to school discipline matters shall be the responsibility of the school administration. School administrators are expected to adhere to the student discipline procedures outlined in applicable state and federal law and Board policies. JCPS shall refrain from involving the SRO in the response to student disciplinary incidents and the enforcement of disciplinary rules that do not constitute violations of law, except when necessary to support staff in maintaining a safe school environment. JCPS shall provide training to school administrators regarding the role of the SRO and the appropriate involvement of the SRO in student matters that pose a threat to the safe school environment, at least on an annual basis. Such trainings shall include information on how to distinguish between disciplinary infractions appropriately handled by school officials versus threats to school safety that warrant a referral to law enforcement.

Article V

Financing the School Resource Officer Program

The Board agrees to enter into a separate service contract with the governing body of each individual Agency to address the assignment of SROs to specific JCPS schools and payment for SRO services during each fiscal year. The terms of any separate service contract shall not be inconsistent with the terms of this MOU. In the event of any conflict between any separate service contract regarding SRO services and the terms of this MOU, the terms of this MOU shall prevail, except that the service contract will prevail only with respect to the issue of payment for SRO services. Notwithstanding the foregoing, continuation of the School Resource Officer Program shall be contingent upon available funding from the JCPS and the Agency.

In the event the Board and the governing board of an individual Agency are unable to agree on a separate service contract, then such individual Agency shall be relieved of any and all obligations hereunder, and such Agency's execution of this MOU shall be null and void, having no further effect.

Article VI

Employment Status of School Resource Officers; Suspension or Reassignment

Each individual SRO shall remain an employee of his or her respective assigning Agency, and shall not be an employee of the Board. Each Agency shall provide their SROs with the same type benefits, equipment, supplies, and training as that provided to their regularly employed law enforcement officers.

If, in the discretion of the Superintendent, an SRO is not effectively performing his or her duties or responsibilities, based on the Superintendent's experience and/or a complaint from a staff member, student or parent about actions of the SRO, the Superintendent should report concerns he has regarding SRO performance to the SRO supervisor to address the performance concerns. In the event concerns continue or persist, the Superintendent may request that the SRO be removed from the program. After receiving the recommendation from the Senior Director, the Superintendent or his/her designee, if s/he agrees, shall advise the individual Agency of the request. The Agency shall contact the Superintendent or his/her designee and shall agree to remove the SRO from serving JCPS if, upon review by the Agency, there is verifiable, documented evidence of ongoing performance issues that have persisted despite the SRO being provided notice and an opportunity to improve.

In addition, if the District documents SRO misconduct that threatens the health or safety of students or staff, the JCPS will immediately notify the SRO supervisor and provide copies of such documentation, and the Agency shall promptly remove the SRO from serving JCPS until the completion of the Agency's review of the misconduct, consistent with the Agency's policies and ordinances and this MOU.

In the event of the resignation, dismissal, removal or reassignment of a SRO, the responsible Agency shall provide a replacement for the SRO within a reasonable period of time, to be discussed between the parties when a vacancy occurs. During such interim period, as much as reasonably possibly, the Agency shall assign an alternate law enforcement officer temporarily to carry out the duties of the SRO until a replacement can be secured. The Agency agree to use all reasonable efforts to prioritize the assignment of replacement officers at high school campus sites.

Notwithstanding the foregoing, nothing in this MOU shall prohibit the Superintendent from preventing the access of any individual, including any assigned SRO, to Board property if the Superintendent determines it is in the best interest of the health and safety of JCPS students. Likewise, the Agency reserves the right to suspend a SRO from duty with the JCPS. During any period of suspension under this section, the Agency shall provide a replacement SRO pursuant to Article II, Section 3 herein

Article VII

Term and Termination of MOU

The term of this MOU shall begin on **August 1, 2022**, and end on June 30, 2024, unless terminated earlier as provided herein. However, the parties shall review the terms of this MOU at least annually and may amend it at any time in writing and by mutual agreement.

Any party's participation in this MOU may be terminated by that party, with or without cause, upon sixty (60) days written notice to the other parties.

Article VIII

Notice

Any notice, consent or other communication in connection with this Agreement shall be in writing and may be delivered in person, by mail or by facsimile transmission (provided sender confirms notice by written copy). If hand-delivered, the notice shall be effective upon delivery. If by facsimile copy, the notice shall be effective when sent. If served by mail, the notice shall be effective three (3) business days after being deposited in the United States Postal Service by certified mail, return receipt requested, addressed appropriately to each Agency at its address listed on their respective signature page, and to the Board at the address listed on its respective signature page. The Agency shall conduct criminal background checks on each of its employees who, pursuant to the Agreement, engaged in any services on Board property or at Board events. Upon request, the Agency shall provide

Article IX

Miscellaneous Provisions

1. Sex Offender Registry and Criminal Background Checks. The parties acknowledge that the requirements of G.S. 115C-332.1 apply to this MOU. The Agency shall conduct an annual check of all sworn law enforcement officers assigned as SROs on the North Carolina Sex Offender and Public Protection Registration Program, The North Carolina Sexually Violent Predator Registration Program, and the National Sex Offender Registry, and certifies that no individual appearing on any such registry shall be assigned as, or provide services pursuant to this Agreement as, an SRO. The Agency shall also conduct criminal background checks on each of its officers who shall be assigned as, or provide services pursuant to this Agreement as, an SRO. The Agency shall not assign an officer to provide services pursuant to this MOU if said officer has been convicted of a felony or any crime, whether misdemeanor or felony, involving violence, illegal drugs, theft, child abuse, sexual harassment, sexual abuse, or personal impropriety of a sexual nature with regard to any other person or if said officer has engaged in any crime or conduct indicating that the officer may pose a threat to the safety or well-being of students or school personnel. The Agency agrees to conduct the background checks articulated above no earlier than 30 days prior to provision of services articulated in this Agreement, to maintain documentation of the checks, and to provide such documentation of the checks to the District upon its request. The Board reserves the right to prohibit any individual officer of the Agency from providing services on Board property or at Board events if the Board determines, in its sole discretion, that such officer poses a threat to the safety or

well-being of students, school personnel or others, or that the officer has not undergone the background checks articulated in this Paragraph.

2. Relationship of Parties. The Agency and the Board shall be independent contractors, and nothing herein shall be construed as creating a partnership or joint venture; nor shall any employee of either party be construed as employees, agents, or principals of any other party hereto. Each Agency maintains control over its personnel and any employment rights of personnel assigned under this MOU shall not be abridged. Each party agrees to assume the liability for its own acts or omissions, or the acts or omissions of their employees or agents, during the term of this Agreement to the extent permitted under North Carolina law.
3. Governing Law; Venue. This MOU shall be governed by the laws of the State of North Carolina. The venue for initiation of any such action shall be Johnston County, North Carolina.
4. Amendments and Modifications; Additional Policies and Procedures. This MOU may be modified or amended by mutual consent of the parties as long as the amendment is executed in the same fashion as this MOU. Notwithstanding the foregoing, the parties may develop additional policies and procedures by consent to implement this MOU, including but not limited to policies and procedures regarding reporting requirements and sharing information between JCPS and the Agency. Further, each party may develop internal policies and procedures to implement their respective obligations under this MOU.
5. Entire Agreement. This MOU constitutes the entire agreement between the parties and supersedes all prior agreements and understandings, whether written or oral, relating to the subject matter of this MOU.
6. Severability. In the event that any provision of this MOU shall be invalid, illegal or otherwise unenforceable, the validity, legality and enforceability of the remaining provisions shall in no way be affected or impaired thereby.
7. No Third Party Benefits. There are no third-party beneficiaries to this MOU. Nothing in this MOU shall create or give to third parties any claim or right of action against an Agency or a SRO.
8. Counterparts. This MOU may be executed in one or more counterparts, each of which shall be deemed an original, but all of which taken together constitute one and the same instrument. The Parties agree that computer scanned and/or faxed signatures or copies of this Contract will have the same validity and force as an "original."
9. E-verify. All parties shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," and will provide documentation reasonably requested by the other demonstrating such compliance.
10. Authority to Enter Contract. The person(s) executing this Agreement on behalf of any party to it has authority to do so as an official, binding act of the party.

The Town of Clayton /Clayton Police Department, with a mailing address at 315 East 2nd Street, Clayton NC 27520, hereby agrees to the terms of the School Resource Officer Program Memorandum of Understanding (MOU) with the Johnston County Board of Education, effective _____, 2022.

Town of Clayton, Police Chief

Date

Town of Clayton, Interim Town Manager

Date

The Johnston County Board of Education, with a mailing address at 2320 US 70 Business Hwy East, Clayton, NC 27577, hereby agrees to the terms of the School Resource Officer Program Memorandum of Understanding (MOU), effective _____, 2022.

Chair, Johnston County Board of Education

Date



Town Council Agenda Cover Sheet

Meeting Date

August 15, 2022

Agenda Location

Introductions & Special Presentations

Item Title

G Force Girls Robotics Team

Presenter:

Joy Garretson,
Girls from the G Force Robotics Team

Summary/Description

The girls will have a robot to display in the lobby from 5-6pm. At the council meeting, they will give a quick update about launching the all-girl team in Johnston County and will also outline their plan for the library funds appropriated towards G Force programming in this year's budget.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet**Meeting Timeline**

When the girls previously presented to council, the council members asked if they would display their robot. This would work best in the lobby from 5-5:45 pm. The girls will then give a short presentation on their work in the special presentations section of the meeting



Town Council Agenda Cover Sheet

Meeting Date

August 15, 2022

Agenda Location

Introductions & Special Presentations

Item Title

Clayton Clovers-Carolina Collegiate League Winners

Presenter:

Scott Barnard, Parks and Recreation Director

Louis DeCarolus, Owner

Caleb Sharp, Owner

Summary/Description

Clovers would like to share a brief 'thank you Clayton' video and make comments to Council re season. Parks Director will provide summary stats from Placer.ai to quantify and attendance.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

none

Meeting Timeline

5 Mins



Town Council Agenda Cover Sheet

Meeting Date

August 15, 2022

Agenda Location

Introductions & Special Presentations

Item Title

Clayton Community Garden Presentation to Town

Presenter:

Felice Chadwick, Garden Manager and Marshall Warren, Extension Agent-Horticulture

Summary/Description

Presentation of check to Town from Johnston County Cooperative Extension-proceeds from Garden Sale. Cooperative Extension Staff and Volunteers would like to make brief remarks re impact garden has had on community this past year.

Requested Action

Informational Only

Photo requested w/ Extension presenting check to Mayor

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

none

Meeting Timeline

5 Mins



Town Council Agenda Cover Sheet

Meeting Date

August 15, 2022

Agenda Location

Public Hearings

Item Title

Public Hearing for item #2022-79-ANX Voluntary Annexation. Located near O'Neil St and Oakdale Ave.

Presenter:

Bruce Venable - Planner I

Summary/Description

Applicant is seeking to annex +- 15.5 Acres real property into the town limits of Clayton. Current zoning is Single-Family Residential (R-8). This public hearing is to provide Town Council with the opportunity to make a decision on the petition for annexation and receive public comment.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Cover Sheet

Staff Report

Annexation Petition

Legal Description of Metes and Bounds

Annexation Plat

Annexation Ordinance

Meeting Timeline

Click or tap here to enter text.

**PETITION FOR VOLUNTARY ANNEXATION APPLICATION – PROPERTY INFORMATION
COMPLETE IF A LIMITED LIABILITY COMPANY:**

Submittal Date: _____

Petition No.: _____

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

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

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

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

Total acreage to be annexed:	<u>15.546</u>	
Existing housing units:	<u>0</u>	
Population of acreage to be annexed:	<u>0</u>	
Existing Zoning District*:	<u>R-8</u>	
Proposed Town Zoning District*:	<u>n/a</u>	Fire District: <u>Claytex</u>
Reason for petitioner to annex:	<u>X</u> Receive Town Services	
	_____ Other (please specify): _____	

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

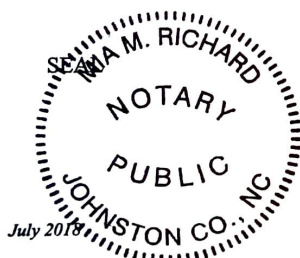
In witness whereof, J&B Real Estate Consulting Services, LLC _____ a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 9th day of May, 2022.

Name of Limited Liability Company: J&B Real Estate Consulting Services, LLC

By: [Signature]
Signature of Member/Manager

**STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON**

Sworn and subscribed before me, Mia M. Richard a Notary Public for the above State and County, this 9th day of May, 2022.



[Signature]
Notary Public

My Commission Expires: 6-29-2024

**PETITION FOR VOLUNTARY ANNEXATION APPLICATION – PROPERTY INFORMATION
COMPLETE IF A LIMITED LIABILITY COMPANY:**

Submittal Date: 6/10/2022

Petition No.: _____

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

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

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

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

Total acreage to be annexed: 15.546 acres
Existing housing units: 0
Population of acreage to be annexed: 0
Existing Zoning District*: R-8
Proposed Town Zoning District*: n/a Fire District: Claytex
Reason for petitioner to annex: X Receive Town Services
_____ Other (please specify): _____

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

In witness whereof, O'Neil Overlook, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 10 day of June, 2022.

Name of Limited Liability Company:

O'Neil Overlook, LLC

By:

[Signature]
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Rebecca L. Mountz, a Notary Public for the above State and County, this 10th day of June, 2022.

SEAL



Rebecca L. Mountz
Notary Public

My Commission Expires: 10-13-2026

July 2018

Page 2 of 3

Voluntary Annexation Plat Checklist

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



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

PETITION FOR VOLUNTARY ANNEXATION

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

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

REQUEST INFORMATION

☒ **Contiguous Annexation**

☐ **Non-Contiguous Annexation**

The following items must accompany an annexation petition:

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

PROCESS:

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

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

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

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

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

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



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

Town Council, 8/15/2022

STAFF REPORT

Application Number: 2022-79-ANX
Project Name: O'Neil Overlook- ANNEXATION

TAG #(s): 05H02207W, 05H02199I

Town Limits/ETJ: ETJ

Contiguous or Non-Contiguous: Contiguous

Applicant: O'Neil Overlook, LLC

Owner: O'Neil Overlook, LLC

Location: O'Neil St. and Oakdale Ave.

Project Planner: Bruce Venable, Planner I

Public Noticing Dates:

- **Legal Ad Publish Date:** August 3, 2022
- **Town Council Meeting:** August 15, 2022

REQUEST: Applicant is seeking to annex +/- 15.546 acres of contiguous real property into the town limits of Clayton.

Total Acreage: +/- 15.546 acres

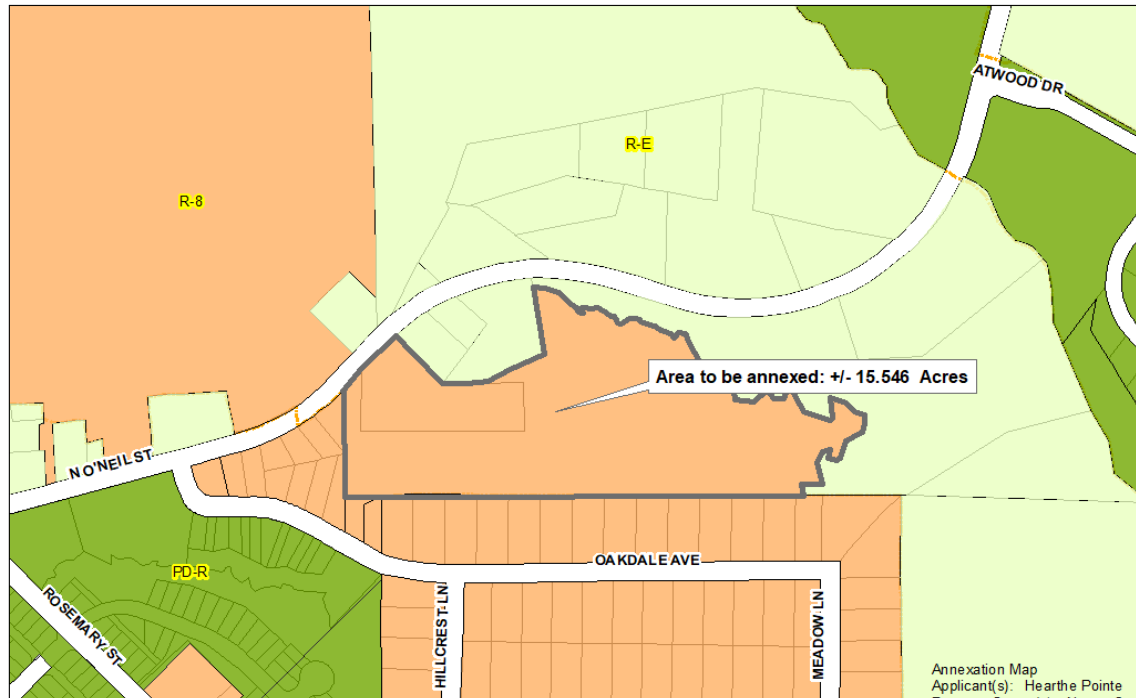
SUMMARY OF ANNEXATION:

Applicant is seeking to annex +/- 15.546 acres of contiguous real property into the town limits of Clayton. Should this petition be granted the newly annexed property would receive the following services: Fire, Police, Water and Sewer.

Contiguous or Non-Contiguous: Contiguous

Fire District: Claytex

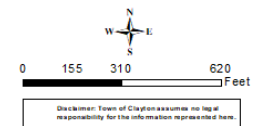
Existing Zoning District: Sing-Family-Residential R-8



2022-79-ANX O'Neil Overlook



Applicant(s):	O'Neil Overlook LLC
Property Owner(s):	J & B Real Estate Consultants LLC
Parcel Number(s):	05H02199I, 05H02207W
File Number(s):	2022-79-ANX O'NEIL OVERLOOK



STAFF RECOMMENDATION:

- ◆ Staff recommends **APPROVAL** of the proposed Annexation request.

ATTACHMENTS:

- 1) Staff Report
- 2) Petition for Annexation
- 3) Legal Description of Metes and Bounds
- 4) Annexation Plat
- 5) Annexation Ordinance

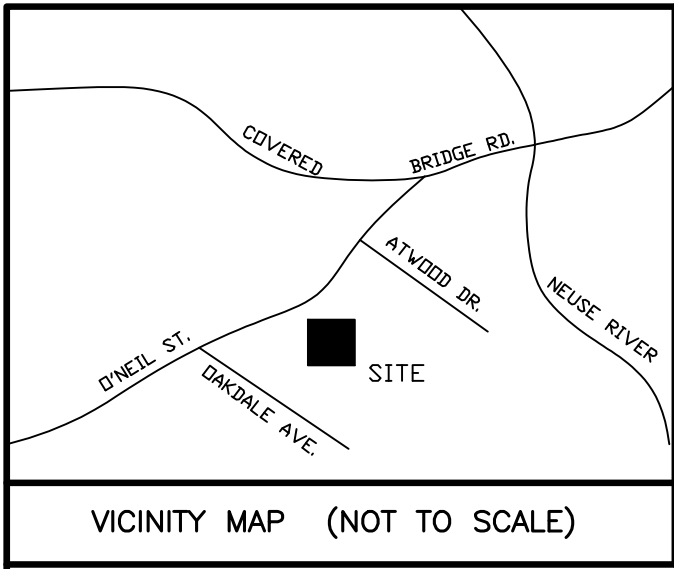
DB 5748 Pg 448 Legal Description

Beginning at an Iron Pipe Found having GPS NAD 83/2011 coordinates of Northing 695389.1073 and Easting of 2163633.9465, being the Southwest corner of DB 5748 Pg 448 and the Northwest corner of Lot 1 Rolling Woods Subdivision as found in PB 12 Pg 29 said point being the **Point of Beginning**; Thence N01°16'14"W a distance of 134.25' to an iron pipe found; Thence N01°32'29"W a distance of 206.33' to an iron pipe found; Thence N44°56'28"E a distance of 0.54' to an iron pipe found; Thence N42°53'11"E a distance of 97.74' to an iron pipe found; Thence S01°02'16"W a distance of 201.68' to an iron pipe found; Thence S89°46'00"E a distance of 503.11' to an iron pipe found; Thence N00°01'17"W a distance of 149.68' to an iron pipe found; Thence N89°38'48"W a distance of 136.25' to an iron pipe found; Thence N72°29'26"E a distance of 43.81' to an iron pipe found; Thence N62°20'57"E a distance of 151.30' to an iron pipe found; Thence N69°48'46"E a distance of 35.40' to an iron pipe found; Thence N10°06'00"W a distance of 217.34' to an iron pipe found; Thence Southeast along the centerline of a branch S82°24'13"E a distance of 15.13' to a point; Thence S82°46'35"E a distance of 19.04' to a point; Thence S73°34'28"E a distance of 23.40' to a point; Thence S76°45'09"E a distance of 5.92' to a point; Thence S71°24'17"E a distance of 20.21' to a point; Thence S43°51'56"E a distance of 29.90' to a point; Thence S51°01'57"E a distance of 28.22' to a point; Thence S59°50'16"E a distance of 15.63' to a point; Thence S24°30'59"E a distance of 11.73' to a point; Thence S56°08'06"E a distance of 12.20' to a point; Thence N82°03'03"E a distance of 6.07' to a point; Thence N23°42'53"W a distance of 8.93' to a point; Thence N01°58'09"E a distance of 7.63' to a point; Thence N82°04'23"E a distance of 11.49' to a point; Thence S69°36'34"E a distance of 15.56' to a point; Thence N84°05'34"E a distance of 20.77' to a point; Thence S69°39'37"E a distance of 15.34' to a point; Thence S62°58'36"E a distance of 12.33' to a point; Thence S44°32'18"E a distance of 21.51' to a point; Thence S88°00'09"E a distance of 11.46' to a point; Thence S38°31'51"E a distance of 11.90' to a point; Thence S19°36'14"E a distance of 13.48' to a point; Thence S84°09'43"E a distance of 10.08' to a point; Thence N61°05'04"E a distance of 31.40' to a point; Thence N83°28'47"E a distance of 16.83' to a point; Thence S74°29'03"E a distance of 14.75' to a point; Thence S34°30'27"E a distance of 9.12' to a point; Thence S67°36'29"E a distance of 20.40' to a point; Thence S74°49'39"E a distance of 23.93' to a point; Thence S56°57'27"E a distance of 23.97' to a point; Thence S72°51'13"E a distance of 21.81' to a point; Thence S56°22'35"E a distance of 11.28' to a point; Thence S45°44'03"E a distance of 15.93' to a point; Thence N46°53'31"E a distance of 8.67' to a point; Thence N15°58'58"E a distance of 8.06' to a point; Thence N52°37'23"E a distance of 7.74' to a point; Thence S73°52'11"E a distance of 22.99' to a point; Thence S21°59'07"E a distance of 31.07' to a point; Thence S27°30'09"E a distance of 66.34' to a point; Thence S60°08'20"E a distance of 26.14' to a point; Thence S09°02'40"E a distance of 35.69' to a point; Thence S52°37'25"E a distance of 27.36' to a point; Thence S76°14'38"E a distance of 43.95' to a point; Thence S42°55'45"E a distance of 23.31' to a point; Thence S05°29'52"E a distance of 33.14' to a point; Thence S82°37'30"E a distance of 58.01' to a point; Thence N46°32'36"E a distance of 59.78' to a point; Thence S37°59'24"E a distance of 37.02' to a point; Thence N89°43'46"E a distance of 27.53' to a point; Thence N22°21'37"E a distance of 48.39' to a point; Thence S29°55'37"E a distance of 30.15' to a point; Thence S28°06'17"E a distance of 43.97' to a point; Thence S25°42'07"E a distance of 23.59' to a point; Thence S69°36'34"E a distance of 45.83' to a point; Thence S71°47'18"E a distance of 42.75' to a point; Thence N35°42'21"E a distance of 9.77' to a point; Thence N05°56'34"W a distance of 69.35' to a point; Thence S69°51'39"E a distance of 53.12' to a point; Thence S42°32'06"E a distance of 39.09' to a point; Thence S68°01'24"E a distance of 33.59' to a point;

Thence S02°08'17"E a distance of 27.23' to a point; Thence S14°21'04"W a distance of 27.95' to a point; Thence S62°27'58"W a distance of 27.94' to a point; Thence S60°57'31"W a distance of 30.45' to a point; Thence S16°57'10"W a distance of 36.42' to a point; Thence S21°20'52"W a distance of 20.24' to a point; Thence S48°20'51"W a distance of 19.85' to a point; Thence N68°57'29"W a distance of 30.91' to a point; Thence N21°38'55"E a distance of 32.17' to a point; Thence S69°43'19"W a distance of 20.08' to a point; Thence S35°16'41"W a distance of 41.27' to a point; Thence S10°33'20"E a distance of 47.99' to a point; Thence S26°18'23"E a distance of 25.77' to a point; Thence S80°17'51"W a distance of 20.64' to a point; Thence S88°21'39"W a distance of 44.06' to a point; Thence S00°08'52"E a distance of 31.76' to an Iron Pipe Found along the northern property line of said Rolling Wood Subdivision; Thence S89°59'31"W a distance of 1437.42' to an iron pipe found; which is the point of beginning, containing 13.3096 Acres as found in DB 5748 Pg 448.

DB 5388 Pg 816 Legal Description

Commencing at an Iron Pipe Found having GPS NAD 83/2011 coordinates of Northing 695389.1073 and Easting of 2163633.9465; thence N01°16'14"W a distance of 134.25' to an iron pipe found; thence N01°32'29"W a distance of 206.33' to an iron pipe found; thence N44°56'28"E a distance of 0.54' to an iron pipe found; thence N42°53'11"E a distance of 97.74' to an iron pipe found; said point being the **Point of Beginning**; thence N42°53'11"E a distance of 38.10' to an iron pipe found; thence N42°53'11"E a distance of 49.84' to an iron pipe found; thence with a curve turning to the right with an arc length of 56.37', with a radius of 690.00', with a chord bearing of N45°13'36"E, with a chord length of 56.35', to an iron pipe found; thence S43°40'06"E a distance of 216.50' to an iron pipe found; thence S89°38'48"E a distance of 113.81' to an iron pipe found; thence S89°38'48"E a distance of 136.25' to an iron pipe found; thence S00°01'17"E a distance of 149.68' to an iron pipe found; thence N89°46'00"W a distance of 503.11' to an iron pipe found; thence N01°02'16"E a distance of 201.68' to an iron pipe found; which is the point of beginning containing 2.237 Acres as found in DB 5388 Pg 816.



THIS SURVEY:

- ☐ A. CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- ☐ B. IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- ☒ C. IS ONE OF THE FOLLOWING:
- 1) IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
 - 2) IS OF AN EXISTING FEATURE, SUCH AS A BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH SUCH AS A WATERCOURSE.
 - 3) IS A CONTROL SURVEY
 - 4) IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN G.S. 62-3.
- ☐ D. IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.
- ☐ E. THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

04-22-22
DATE SURVEYOR

PROPERTY SHOWN HEREON IS XXXX IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE. FEMA FLOOD HAZARD PANEL NO. 3720166900 K EFFECTIVE DATE: JUNE 20, 2018

04-22-22
DATE SURVEYOR

SURVEYOR'S DISCLAIMER: NO ATTEMPT WAS MADE TO LOCATE ANY CEMETERIES, WETLANDS, HAZARDOUS MATERIAL SITES, UNDERGROUND UTILITIES OR ANY OTHER FEATURES ABOVE OR BELOW GROUND OTHER THAN THOSE SHOWN.

04-22-22
DATE SURVEYOR

STATE OF NORTH CAROLINA, JOHNSTON COUNTY

I, CURK T. LANE, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 5748, PAGE 448, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 5748, PAGE 448; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000±; THAT THE GLOBAL POSITIONING ACCURACY (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE 1 CM ACCURACY CLASSIFICATION (95% CONFIDENCE) USING RTK NETWORK; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 22nd DAY OF APRIL, A.D. 2022

SURVEYOR
L - 3990
LICENSE NUMBER

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER SITES AND EASEMENTS TO PUBLIC AND PRIVATE USE AS NOTED. FURTHERMORE, I DEDICATE ALL ELECTRICAL SYSTEMS TO AND SEWER LINES TO THE TOWN OF CLAYTON, AND ALL WATER LINES TO THE TOWN OF CLAYTON.

DATE OWNER
DATE OWNER

ANNEXATION #

I, PLANNING DIRCECTOR, CLAYTON, NORTH CAROLINA CERTIFY THIS IS A TRUE AND EXACT MAP OF ANEXATION ADOPTED THE DAY OF, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL TO THE TOWN OF CLAYTON,

DATE PLANNING DIRECTOR
TOWN OF CLAYTON, N.C.

NOTES:

- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
- 2) AREAS COMPUTED BY COORDINATE METHOD.
- 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- 4) NO. 5 REBAR IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
- 5) NO HORIZONTAL CONTROL WAS FOUND WITHIN 2000 FEET OF THIS SURVEY.
- 6) PARENT TRACT PIN: 166910-45-4651
- 7) PARENT TRACT DEED: DB 5748 PG 448
- 8) PARENT TRACT PN: 05H02207W
- 9) GRID TIE BY GPS.
- 10) ZONING: R-8
- 11) PROPERTIES ARE LOCATED WITHIN TOWN ETJ
- 12) ALL RESOURCE CONSERVATION AREAS ARE WITHIN THE RIPARIAN BUFFER

REFERENCES:

DB 5748 PG 448 PB 71 PG 87
DB 5388 PG 816 PB 82 PG 203
DB 4391 PG 416 PB 43 PG 333
DB 5925 PG 346 PB 73 PG 404
DB 5638 PG 412 PB 12 PG 29
DB 5337 PG 727 PB 91 PG 391
DB 4448 PG 320 PB 93 PG 147
DB 1879 PG 51
DB 4969 PG 742
DB 1307 PG 563

SITE DATA TABLE

PN 05H02207W.....579757 SF 13.309 AC
PN 05H02199.....97458 SF 2.237 AC

LOT STANDARDS FOR R-8 ZONING

MIN. LOT AREA.....8000 SF
MIN. LOT WIDTH.....60 FEET
MAX. LOT COVERAGE %.....35%
MAX. IMPERVIOUS SURFACE %.....55%

BUILDING SETBACKS FOR R-8 ZONING

FRONT.....25 FEET
SIDE INTERIOR.....10 FEET
SIDE STREET.....15 FEET
REAR.....25 FEET

ANNEXATION MAP FOR THE TOWN OF CLAYTON
FOR

J & B REAL ESTATE
CONSULTANTS, LLC

CLAYTON TOWNSHIP, JOHNSTON COUNTY

NORTH CAROLINA

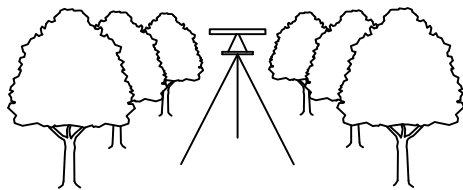
APRIL 22, 2022

SHEET 1 OF 2

OWNER: J & B REAL ESTATE
CONSULTANTS, LLC
328 E MAIN STREET
CLAYTON, NC 27520

SURVEYED BY:
FERNANDO
DRAWN BY:
KAMAL
CHECKED BY:
CURK
DRAWING NAME:
ANNEX.DWG
SURVEY DATE:
3/5/2020
JOB NO.
522.041

TRUE LINE SURVEYING, P.C.



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

C-1859

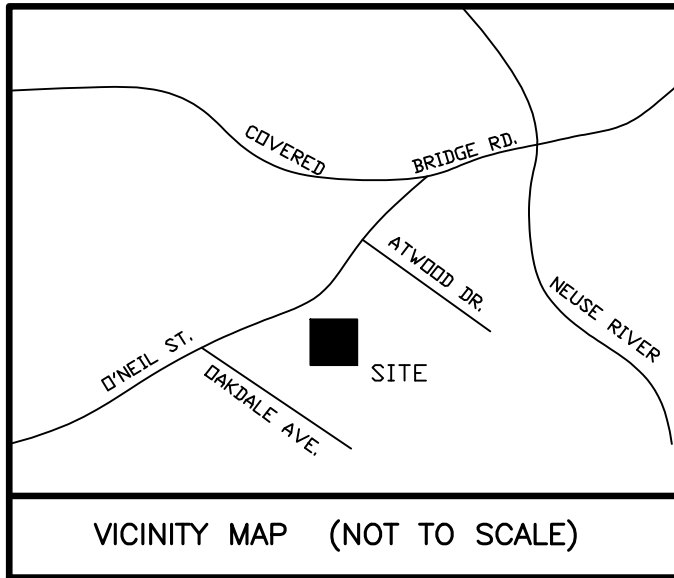
LEGEND

IPF IRON PIPE FOUND
IPF IRON PIPE SET
CMF CONCRETE MONUMENT FOUND
PKNF PARKER-KALON NAIL FOUND
PKNF PARKER-KALON NAIL SET
RRS RAILROAD SPIKE
CSF COTTON SPIKE FOUND
CSS COTTON SPIKE SET
CC CONTROL CORNER
CP COMPUTED POINT
P/P POWER POLE
OPW OVERHEAD POWER LINE
R/W RIGHT OF WAY
S.F. SQUARE FEET
AC ACRE
DB DEED BOOK
PB PLAT BOOK
BOM BOOK OF MAPS
PG PAGE
LF LINEAR FEET
15S LOT HAS OFFSITE SEWER
15SL OFFSITE SEWER LOT
15R RECOMBINATION LOT
TOD STREET ADDRESS
--- LINES NOT SURVEYED

REVIEW OFFICER'S CERTIFICATE

I, REVIEW OFFICER OF JOHNSTON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE REVIEW OFFICER



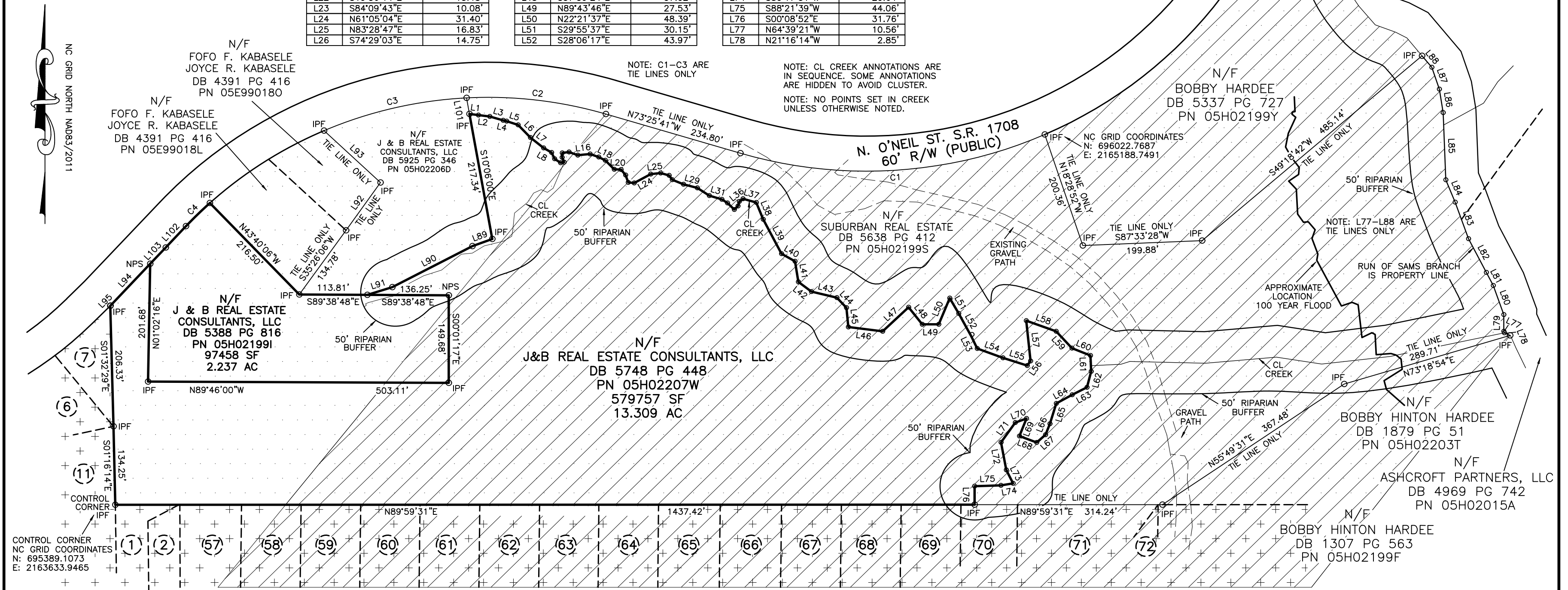
LINE	BEARING	DISTANCE
L1	S82°24'13"E	15.13'
L2	S82°46'35"E	19.04'
L3	S73°34'28"E	23.40'
L4	S76°45'09"E	5.92'
L5	S71°24'17"E	20.21'
L6	S43°51'56"E	29.90'
L7	S51°01'57"E	28.22'
L8	S59°50'16"E	15.63'
L9	S24°30'59"E	11.73'
L10	S56°08'06"E	12.20'
L11	N82°03'03"E	6.07'
L12	N23°42'53"W	8.93'
L13	N01°58'09"E	7.63'
L14	N82°04'23"E	11.49'
L15	S69°36'34"E	15.56'
L16	N84°05'34"E	20.77'
L17	S69°39'37"E	15.34'
L18	S62°58'36"E	12.33'
L19	S44°32'18"E	21.51'
L20	S88°00'09"E	11.46'
L21	S38°31'51"E	11.90'
L22	S19°36'14"E	13.48'
L23	S84°09'43"E	10.08'
L24	N61°05'04"E	31.40'
L25	N83°28'47"E	16.83'
L26	S74°29'03"E	14.75'

LINE	BEARING	DISTANCE
L27	S34°30'27"E	9.12'
L28	S67°36'29"E	20.40'
L29	S74°49'39"E	23.93'
L30	S56°57'27"E	23.97'
L31	S72°51'13"E	21.81'
L32	S56°22'35"E	11.28'
L33	S45°44'03"E	15.93'
L34	N46°53'31"E	8.67'
L35	N15°58'58"E	8.06'
L36	N52°37'23"E	7.74'
L37	S73°52'11"E	22.99'
L38	S21°59'07"E	31.07'
L39	S27°30'09"E	66.34'
L40	S60°08'20"E	26.14'
L41	S09°02'40"E	35.69'
L42	S52°37'25"E	27.36'
L43	S76°14'38"E	43.95'
L44	S42°55'45"E	23.31'
L45	S05°29'52"E	33.14'
L46	S82°37'30"E	58.01'
L47	N46°32'36"E	59.78'
L48	S37°59'24"E	37.02'
L49	N89°43'46"E	27.53'
L50	N22°21'37"E	48.39'
L51	S29°55'37"E	30.15'
L52	S28°06'17"E	43.97'

LINE	BEARING	DISTANCE
L53	S25°42'07"E	23.59'
L54	S69°36'34"E	45.83'
L55	S71°47'18"E	42.75'
L56	N35°42'21"E	9.77'
L57	N05°56'34"W	69.35'
L58	S69°51'39"E	53.12'
L59	S42°32'06"E	39.09'
L60	S68°01'24"E	33.59'
L61	S02°08'17"E	27.23'
L62	S14°21'04"W	27.95'
L63	S62°27'58"W	27.94'
L64	S60°57'31"W	30.45'
L65	S16°57'10"W	36.42'
L66	S21°20'52"W	20.24'
L67	S48°20'51"W	19.85'
L68	N68°57'29"W	30.91'
L69	N21°38'55"E	32.17'
L70	S69°43'19"W	20.08'
L71	S35°16'41"W	41.27'
L72	S10°33'20"E	47.99'
L73	S26°18'23"E	25.77'
L74	S80°17'51"W	20.64'
L75	S88°21'39"W	44.06'
L76	S00°08'52"E	31.76'
L77	N64°39'21"W	10.56'
L78	N21°16'14"W	2.85'

LINE	BEARING	DISTANCE
L79	N00°10'45"E	28.50'
L80	N19°34'48"W	52.91'
L81	N27°32'45"W	25.12'
L82	N27°20'42"W	64.92'
L83	N19°33'10"W	66.44'
L84	N22°20'26"W	41.28'
L85	N02°12'14"W	115.13'
L86	N08°58'57"W	40.71'
L87	N18°41'08"W	39.49'
L88	N39°39'41"W	25.56'
L89	S69°48'46"W	35.40'
L90	S62°20'57"W	151.30'
L91	S72°29'26"W	43.81'
L92	S35°11'38"W	100.09'
L93	S46°44'41"E	129.50'
L94	S42°53'11"W	97.74'
L95	S44°56'28"W	0.54'
L101	S 10°06'00" E	27.93'
L102	S42°53'11"W	49.84'
L103	S42°53'11"W	38.10'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	740.00'	520.85'	510.17'	S86°24'29"W
C2	690.00'	235.85'	234.71'	N83°13'13"W
C3	690.00'	246.10'	244.79'	S76°46'11"W
C4	690.00'	56.37'	56.35'	S45°13'36"W



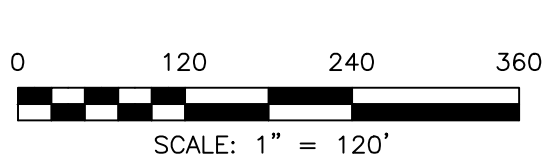
STATE OF NORTH CAROLINA, JOHNSTON COUNTY

I, CURK T. LANE, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 5748, PAGE 448, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 5748, PAGE 448, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THE GLOBAL POSITIONING ACCURACY (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE 1 CM ACCURACY CLASSIFICATION (95% CONFIDENCE) USING RTK NETWORK; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 22nd DAY OF APRIL, A.D. 2022

SURVEYOR

L - 3990

LICENSE NUMBER



REVIEW OFFICER'S CERTIFICATE

I, REVIEW OFFICER OF JOHNSTON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE REVIEW OFFICER

I, CURK T. LANE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION, FOR THE PURPOSE OF HORIZONTAL CONTROL IN ORDER TO TIE THIS SURVEY TO NC GRID; AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

CLASS OF SURVEY: CLASS AA

POSITION ACCURACY: 0.042 FEET, ELLIPTICAL ERROR AXIS

TYPE OF GPS FIELD PROCEDURE: VRS SESSION 2 CONTROL POINTS

DATES OF SURVEY: 03-05-2020

DATUM/EPOCH: NAD 83(2011)/EPOCH 2010.0000

PUBLISHED/FIXED-CONTROL USED: NC GNSS CORRS AND RTK

GEOD MODEL: NAVD88 USING GEOID 18

COMBINED GRID FACTOR: 0.99987461(AVG.)

REPORTING UNITS: US FEET

LINE LEGEND	HATCH LEGEND
BOUNDARY LINES	WATERSHED PROTECTION OVERLAY
ADJOINER LINES	CITY LIMITS
ROW LINES	NON CITY LIMITS
FORMER PROP. LINES (TO BE ABANDONED)	
GRAVEL	
RIPIARIAN BUFFER	
C/L CREEK	
FLOOD LINE	
LEGEND	
IPF	IRON PIPE FOUND
IPS	IRON PIPE SET
CMF	CONCRETE MONUMENT FOUND
PKNF	PARKER-KALON NAIL FOUND
PKNS	PARKER-KALON NAIL SET
RNS	RAILROAD SPIKE
CSF	COTTON SPIKE FOUND
CSS	COTTON SPIKE SET
CC	CONTROL CORNER
CP	COMPUTED POINT
P/P	POWER POLE
OPW	OVERHEAD POWER LINE
R/W	RIGHT OF WAY
S.F.	SQUARE FEET
AC	ACRE
DB	DEED BOOK
PB	PLAT BOOK
BOM	BOOK OF MAPS
PG	PAGE
LF	LINEAR FEET
15S	LOT HAS OFFSITE SEWER
15SL	OFFSITE SEWER LOT
15R	RECOMBINATION LOT
[100]	STREET ADDRESS
---	LINES NOT SURVEYED

J & B REAL ESTATE CONSULTANTS, LLC

CLAYTON TOWNSHIP, JOHNSTON COUNTY

NORTH CAROLINA

APRIL 22, 2022

SHEET 2 OF 2

SURVEYED BY: FERNANDO

DRAWN BY: KAMAL

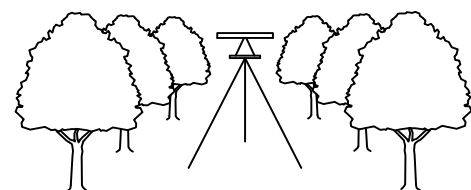
CHECKED BY: CURK

DRAWING NAME: ANNEX.DWG

SURVEY DATE: 3/5/2020

JOB NO. 522.041

TRUE LINE SURVEYING, P.C.



205 WEST MAIN STREET

CLAYTON, N.C. 27520

TELEPHONE: (919) 359-0427

FAX: (919) 359-0428

www.truelinesurveying.com

OWNER: J & B REAL ESTATE CONSULTANTS, LLC

328 E MAIN STREET

CLAYTON, NC 27520

C-1859

Ordinance 2022-08-04

Return to:

Town of Clayton - Town Clerk
POBOX 879
Clayton, NC 27528

Annexation Petition 2022-79-ANX
O'Neil Overlook, LLC
O'Neil Overlook - O'Neil Road and Oakdale Avenue
Contiguous; 15.546 acres

**TOWN OF CLAYTON
ORDINANCE TO EXTEND THE CORPORATE LIMITS**

WHEREAS, the Clayton Town Council has been petitioned under NC GS 160A-31 to annex the area described below; and

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Clayton Town Hall, 111 E Second Street at 6 p.m. on August 15, 2022, after due notice by publication in the Johnstonian on August 3, 2022; and

WHEREAS, the Clayton Town Council finds that the petition meets the requirements of NC GS 160A-31;

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

SECTION 1 By virtue of the authority granted by NC GS 160A-31, the following described territory is hereby annexed and made part of the Town of Clayton as of (August 15, 2022):

Beginning at an Iron Pipe Found having GPS NAD 83/2011 coordinates of Northing 695389.1073 and Easting of 2163633.9465, being the Southwest corner of DB 5748 Pg 448 and the Northwest corner of Lot 1 Rolling Woods Subdivision as found in PB 12 Pg 29 said point being the **Point of**

Beginning; Thence N01°16'14"W a distance of 134.25' to an iron pipe found; Thence N01°32'29"W a distance of 206.33' to an iron pipe found; Thence N44°56'28"E a distance of 0.54' to an iron pipe found; Thence N42°53'11"E a distance of 97.74' to an iron pipe found; Thence S01°02'16"W a distance of 201.68' to an iron pipe found; Thence S89°46'00"E a distance of 503.11' to an iron pipe found; Thence N00°01'17"W a distance of 149.68' to an iron pipe found; Thence N89°38'48"W a distance of 136.25' to an iron pipe found; Thence N72°29'26"E a distance of 43.81' to an iron pipe found; Thence N62°20'57"E a distance of 151.30' to an iron pipe found; Thence N69°48'46"E a distance of 35.40' to an iron pipe found; Thence N10°06'00"W a distance of 217.34' to an iron pipe found; Thence Southeast along the centerline of a branch S82°24'13"E a distance of 15.13' to a point; Thence S82°46'35"E a distance of 19.04' to a point; Thence S73°34'28"E a distance of 23.40' to a point; Thence S76°45'09"E a distance of 5.92' to a point; Thence S71°24'17"E a distance of 20.21' to a point; Thence S43°51'56"E a distance of 29.90' to a point; Thence S51°01'57"E a distance of 28.22' to a point; Thence S59°50'16"E a distance of 15.63' to a point; Thence S24°30'59"E a distance of 11.73' to a point; Thence S56°08'06"E a distance of 12.20' to a point; Thence N82°03'03"E a distance of 6.07' to a point; Thence N23°42'53"W a distance of 8.93' to a point; Thence N01°58'09"E a distance of 7.63' to a point; Thence N82°04'23"E a distance of 11.49' to a point; Thence S69°36'34"E a distance of 15.56' to a point; Thence N84°05'34"E a distance of 20.77' to a point; Thence S69°39'37"E a distance of 15.34' to a point; Thence S62°58'36"E a distance of 12.33' to a point; Thence S44°32'18"E a distance of 21.51' to a point; Thence S88°00'09"E a distance of 11.46' to a point; Thence S38°31'51"E a distance of 11.90' to a point; Thence S19°36'14"E a distance of 13.48' to a point; Thence S84°09'43"E a distance of 10.08' to a point; Thence N61°05'04"E a distance of 31.40' to a point; Thence N83°28'47"E a distance of 16.83' to a point; Thence S74°29'03"E a distance of 14.75' to a point; Thence S34°30'27"E a distance of 9.12' to a point; Thence S67°36'29"E a distance of 20.40' to a point; Thence S74°49'39"E a distance of 23.93' to a point; Thence S56°57'27"E a distance of 23.97' to a point; Thence S72°51'13"E a distance of 21.81' to a point; Thence S56°22'35"E a distance of 11.28' to a point; Thence S45°44'03"E a distance of 15.93' to a point; Thence N46°53'31"E a distance of 8.67' to a point; Thence N15°58'58"E a distance of 8.06' to a point; Thence N52°37'23"E a distance of 7.74' to a point; Thence S73°52'11"E a distance of 22.99' to a point; Thence S21°59'07"E a distance of 31.07' to a point; Thence S27°30'09"E a distance of 66.34' to a point; Thence S60°08'20"E a distance of 26.14' to a point; Thence S09°02'40"E a distance of 35.69' to a point; Thence S52°37'25"E a distance of 27.36' to a point; Thence S76°14'38"E a distance of 43.95' to a point; Thence S42°55'45"E a distance of 23.31' to a point; Thence S05°29'52"E a distance of 33.14' to a point; Thence S82°37'30"E a distance of 58.01' to a point; Thence N46°32'36"E a distance of 59.78' to a point; Thence S37°59'24"E a distance of 37.02' to a point; Thence N89°43'46"E a distance of 27.53' to a point; Thence N22°21'37"E a distance of 48.39' to a point; Thence S29°55'37"E a distance of 30.15' to a point; Thence S28°06'17"E a distance of 43.97' to a point; Thence S25°42'07"E a distance of 23.59' to a point; Thence S69°36'34"E a distance of 45.83' to a point; Thence S71°47'18"E a distance of 42.75' to a point; Thence N35°42'21"E a distance of 9.77' to a point; Thence N05°56'34"W a distance of 69.35' to a point; Thence S69°51'39"E a distance of 53.12' to a point; Thence S42°32'06"E a distance of 39.09' to a point; Thence S68°01'24"E a distance of 33.59' to a point; Thence S02°08'17"E a distance of 27.23' to a point; Thence S14°21'04"W a distance of 27.95' to a point; Thence S62°27'58"W a distance of 27.94' to a point; Thence S60°57'31"W a distance of 30.45' to a point; Thence S16°57'10"W a distance of 36.42' to a point; Thence S21°20'52"W a distance of 20.24' to a point; Thence S48°20'51"W a distance of 19.85' to a point; Thence N68°57'29"W a distance of 30.91' to a point; Thence N21°38'55"E a distance of 32.17' to a point; Thence S69°43'19"W a distance of 20.08' to a point; Thence S35°16'41"W a distance of 41.27' to a point; Thence S10°33'20"E a distance of 47.99' to a point; Thence S26°18'23"E a distance of 25.77' to a point; Thence S80°17'51"W a distance of 20.64' to a point; Thence S88°21'39"W a distance of 44.06' to a point; Thence S00°08'52"E a distance of 31.76' to an Iron Pipe Found along the northern property line of said Rolling Wood Subdivision; Thence

S89°59'31"W a distance of 1437.42' to an iron pipe found; which is the point of beginning, containing 13.3096 Acres as found in DB 5748 Pg 448.

DB 5388 Pg 816 Legal Description

Commencing at an Iron Pipe Found having GPS NAD 83/2011 coordinates of Northing 695389.1073 and Easting of 2163633.9465; thence N01°16'14"W a distance of 134.25' to an iron pipe found; thence N01°32'29"W a distance of 206.33' to an iron pipe found; thence N44°56'28"E a distance of 0.54' to an iron pipe found; thence N42°53'11"E a distance of 97.74' to an iron pipe found; said point being the **Point of Beginning**; thence N42°53'11"E a distance of 38.10' to an iron pipe found; thence N42°53'11"E a distance of 49.84' to an iron pipe found; thence with a curve turning to the right with an arc length of 56.37', with a radius of 690.00', with a chord bearing of N45°13'36"E, with a chord length of 56.35', to an iron pipe found; thence S43°40'06"E a distance of 216.50' to an iron pipe found; thence S89°38'48"E a distance of 113.81' to an iron pipe found; thence S89°38'48"E a distance of 136.25' to an iron pipe found; thence S00°01'17"E a distance of 149.68' to an iron pipe found; thence N89°46'00"W a distance of 503.11' to an iron pipe found; thence N01°02'16"E a distance of 201.68' to an iron pipe found; which is the point of beginning containing 2.237 Acres as found in DB 5388 Pg 816.

SECTION 2 Upon and after August 15, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes in according to NC GS 160A-58.10.

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

ADOPTED this 15th day of August 2022.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry L. Scoggins, MMC;
Interim Town Clerk

Jim Cauley
Town Attorney

.....

**NORTH CAROLINA
JOHNSTON COUNTY**

This the _____ day of _____, 2022, personally appeared before me Sherry L. Scoggins, Interim Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Sherry L. Scoggins, signed her name in attestation of said instrument in the presence of said Mayor.

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

Notary Public - Signature

Notary Public - Printed Name

Commission Expires: _____

County of Commission: _____



Town Council Agenda Cover Sheet

Meeting Date

August 15, 2022

Agenda Location

Public Hearings

Item Title

Public Hearing for item #2022-9-ANX Ashcroft Section 2 Voluntary Annexation. Located at N. O'Neil Street and Covered Bridge Road Near the Mountain to Sea Trail.

Presenter:

Bruce Venable - Planner I

Summary/Description

Applicant is seeking to annex +- 221.112 Acres of contiguous real property into the town limits of Clayton. Current zoning is Planned-Development-Mixed Use (PD-MU) This public hearing is to provide Town Council with the opportunity to decide on the petition for annexation and receive public comment.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Cover Sheet

Staff Report

Annexation Petition

Legal Description of Metes and Bounds

Annexation Plat

Annexation Ordinance

Meeting Timeline

Click or tap here to enter text.



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

PETITION FOR VOLUNTARY ANNEXATION

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

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

REQUEST INFORMATION

☒ **Contiguous Annexation**

☐ **Non-Contiguous Annexation**

The following items must accompany an annexation petition:

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

PROCESS:

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

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

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

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

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

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

**PETITION FOR VOLUNTARY ANNEXATION APPLICATION – PROPERTY INFORMATION
COMPLETE IF A PARTNERSHIP**

Submittal Date: _____

Petition No.: _____

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

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

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

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

Total acreage to be annexed:	221.112	
Existing housing units:	0	
Population of acreage to be annexed:	0	
Existing Zoning District*:	PD-MU	
Proposed Town Zoning District*:	PD-MU	Fire District: Claytex
Reason for petitioner to annex:	☒ Receive Town Services	
	☐ Other (please specify):	

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

In witness whereof, Ashcroft Partners LLC a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 30th day of June, 2022.

Name of Partnership: Ashcroft Partners, LLC

By: [Signature]
Signature of General Partner

**STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON**

Sworn and subscribed before me, Rebecca L. Mountz, a Notary Public for the above State and County, this 30th day of, June, 2022.

Rebecca L. Mountz
Notary Public

SEAL



My Commission Expires: 10-13-2026

VOLUNTARY ANNEXATION PLAT CHECKLIST

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



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

Town Council, 8/15/2022

STAFF REPORT

Application Number: 2022-9-ANX
Project Name: ASHCROFT 2- ANNEXATION

TAG #(s): 05H02009A, 05H02010A, 05H02012, 05H02013, 05H02015,
05H02013A

Contiguous or Non-Contiguous: Contiguous

Town Limits/ETJ: ETJ

Applicant: Ashcroft Partners, LLC

Owner: Ashcroft Partners, LLC

Location: at N. O'Neil Street and Covered Bridge Road

Project Planner: Bruce Venable, Planner I

Public Noticing Dates:

- **Legal Ad Publish Date:** August 3, 2022
- **Town Council Meeting:** August 15, 2022

REQUEST: Applicant is seeking to annex +/- 221.112 Acres of contiguous real property into the town limits of Clayton.

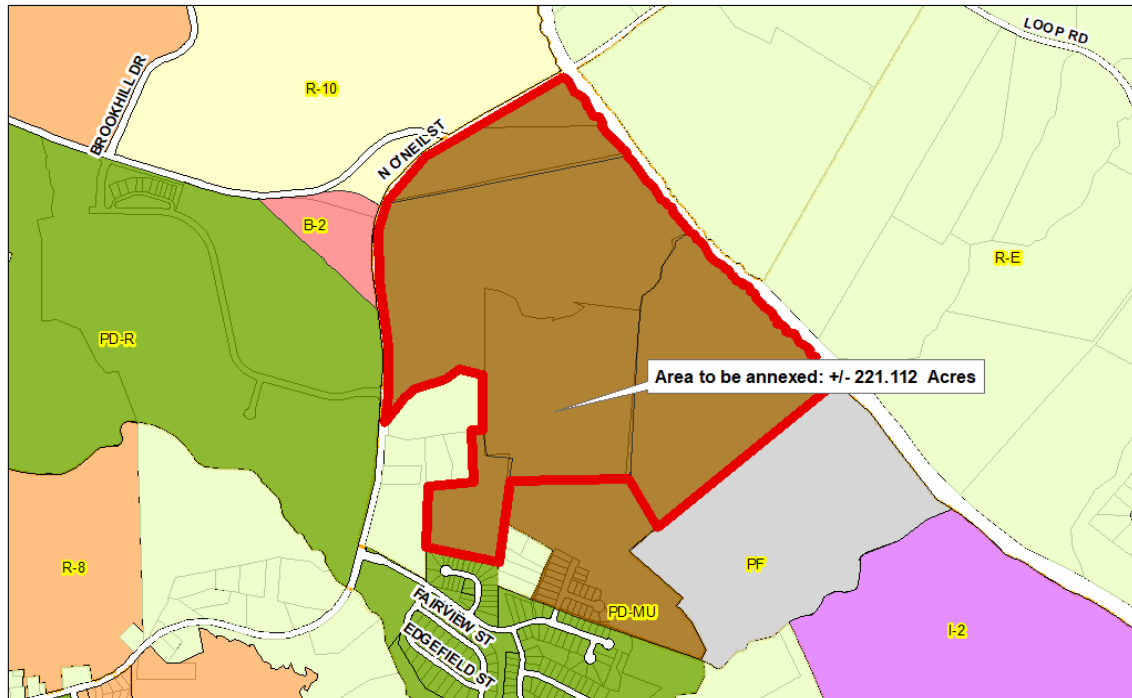
Total Acreage: +/- 221.112 acres

SUMMARY OF ANNEXATION:

Applicant is seeking to annex +/- 221.112 Acres of contiguous real property into the town limits of Clayton. Should this petition be granted the newly annexed property would receive the following services: Fire, Police, Water and Sewer.

Fire District: Claytex

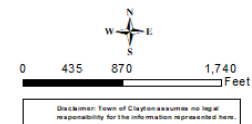
Existing Zoning District: PD-MU



2022-9-ANX Ashcroft 2 Annexation



Applicant(s):	Ashcroft Partners LLC
Property Owner(s):	Ashcroft Partners LLC
Parcel Number(s):	05H02009A, 05H02010A, 05H02012, 05H02013, 05H02015, 05H022008, 05H02013A
File Number(s):	2022-9-ANX Ashcroft Section 2



STAFF RECOMMENDATION:

- ◆ Staff recommends **APPROVAL** of the proposed Annexation request.

ATTACHMENTS:

- 1) Staff Report
- 2) Petition for Annexation
- 3) Legal Description of Metes and Bounds
- 4) Annexation Plat
- 5) Annexation Ordinance



STEWART
STRONGER BY DESIGN

Raleigh – Geomatics
T 919.380.8750

5410 Old Poole Road
Raleigh, NC 27610

DATE: 06-29-2022

BEGINNING AT A POINT ON THE EAST MARGIN OF THE RIGHT OF WAY OF N. O'NEIL STREET, SAID POINT BEING LOCATED N34°19'50"W A DISTANCE OF 0.65 FEET FROM AN EXISTING IRON PIPE HAVING NC83(2011) GRID COORDINATES N:699897.95, E:2165916.28, AND THE POINT AND PLACE OF BEGINNING, AND PROCEEDING WITH AND ALONG THE EAST MARGIN OF THE RIGHT OF WAY OF N. ONEIL STREET ALONG A CURVE TO THE RIGHT, HAVING A CHORD BEARING OF N30°18'19"E, A CHORD DISTANCE OF 174.75 FEET, AND A RADIUS OF 950.06 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A CHORD BEARING OF N47°03'44"E, A CHORD DISTANCE OF 488.83 FEET, AND A RADIUS OF 1180.60 FEET TO A POINT; THENCE N59°00'38"E A DISTANCE OF 347.47 FEET TO A POINT; THENCE CONTINUING N59°00'38"E A DISTANCE OF 866.12 FEET TO A POINT ON THE SOUTH TOP OF BANK OF THE NEUSE RIVER; THENCE WITH AND ALONG THE SOUTH TOP OF BANK OF THE NEUSE RIVER S41°12'02"E A DISTANCE OF 246.87 FEET TO A POINT; THENCE S31°39'43"E A DISTANCE OF 286.71 FEET TO AN EXISTING IRON ROD; THENCE S40°39'56"E A DISTANCE OF 332.43 FEET TO A POINT; THENCE S38°30'18"E A DISTANCE OF 178.17 FEET TO A POINT; THENCE S35°55'51"E A DISTANCE OF 59.21 FEET TO A POINT; THENCE S35°55'51"E A DISTANCE OF 405.32 FEET TO A POINT; THENCE S43°16'21"E A DISTANCE OF 81.04 FEET TO A POINT; THENCE S42°28'50"E A DISTANCE OF 193.90 FEET TO A POINT; THENCE S45°05'07"E A DISTANCE OF 58.89 FEET TO A POINT; THENCE S43°08'01"E A DISTANCE OF 106.87 FEET TO A POINT; THENCE S44°41'25"E A DISTANCE OF 109.19 FEET TO A POINT; THENCE S43°06'04"E A DISTANCE OF 166.93 FEET TO A POINT; THENCE S49°00'24"E A DISTANCE OF 190.78 FEET TO A POINT; THENCE S44°43'31"E A DISTANCE OF 207.58 FEET TO A POINT; THENCE S46°28'30"E A DISTANCE OF 234.36 FEET TO A POINT; THENCE S39°56'21"E A DISTANCE OF 192.42 FEET TO A POINT; THENCE S44°16'27"E A DISTANCE OF 385.93 FEET TO A POINT; THENCE S45°44'36"E A DISTANCE OF 274.60 FEET TO A 16 INCH DIAMETER EASTERN SYCAMORE TREE AND A COMMON CORNER WITH THE PROPERTY OF THE TOWN OF CLAYTON, FOUND IN DEED BOOK 4697, ON PAGE 849, JOHNSTON COUNTY REGISTRY; THENCE LEAVING THE SOUTH TOP OF BANK OF THE NEUSE RIVER S51°28'44"W A DISTANCE OF 2049.33 FEET TO AN EXISTING IRON PIPE THE COMMON CORNER WITH ASHCROFT PARTNERS, FOUND IN DEED BOOK 5318, ON PAGE 64; THENCE N31°38'54"W A DISTANCE OF 544.46 FEET TO AN EXISTING IRON ROD; THENCE S87°44'38"W A DISTANCE OF 1042.21 FEET TO AN EXISTING IRON ROD; THENCE S05°21'25"W A DISTANCE OF 386.27 FEET TO AN EXISTING IRON ROD; THENCE S05°21'46"W A DISTANCE OF 355.40 FEET TO AN EXISTING IRON ROD; THENCE N76°59'28"W A DISTANCE OF 654.30 FEET TO AN EXISTING IRON ROD; THENCE N00°12'03"W A DISTANCE OF 551.25 FEET TO AN EXISTING IRON PIPE; THENCE N86°18'51"E A DISTANCE OF 211.72 FEET TO AN EXISTING IRON ROD; THENCE CONTINUING N86°18'51"E A DISTANCE OF 188.05 FEET TO AN EXISTING IRON PIPE; THENCE N01°40'58"W A DISTANCE OF 458.32 FEET TO AN EXISTING IRON PIPE; THENCE N81°41'41"E A DISTANCE OF 124.32 FEET TO A POINT; THENCE N00°20'01"E A DISTANCE OF 488.07 FEET TO AN EXISTING IRON ROD; THENCE N77°42'30"W A DISTANCE OF 205.89 FEET TO AN EXISTING IRON PIPE; THENCE S48°25'55"W A DISTANCE OF 141.54 FEET TO AN EXISTING PINCHED IRON PIPE; THENCE S70°46'02"W A DISTANCE OF 292.14 FEET TO AN EXISTING IRON PIPE; THENCE S51°26'14"W A DISTANCE OF 115.56 FEET TO AN EXISTING IRON PIPE; THENCE S42°07'14"W A DISTANCE OF 272.97 FEET TO A POINT ON THE EAST MARGIN OF THE RIGHT OF WAY OF N. O'NEIL STREET; THENCE CONTINUING S42°07'14"W A DISTANCE OF 48.53 FEET TO A POINT IN THE CENTERLINE OF THE RIGHT OF WAY OF N. O'NEIL STREET; THENCE WITH AND ALONG THE CENTERLINE OF SAID RIGHT OF WAY N03°56'27"E A DISTANCE OF 407.93 FEET TO A POINT; THENCE N03°41'35"E A DISTANCE OF 99.97 FEET TO A POINT; THENCE N01°10'50"E A DISTANCE OF 99.97 FEET TO A POINT; THENCE N02°39'22"W A DISTANCE OF 99.98 FEET TO A POINT; THENCE N05°35'20"W A DISTANCE OF 99.93 FEET TO A POINT; THENCE N07°14'25"W A DISTANCE OF 176.25 FEET TO A POINT; THENCE N07°29'06"W A DISTANCE OF 402.73 FEET TO A POINT; THENCE N04°53'44"W A DISTANCE OF 100.00 FEET TO A POINT; THENCE N00°47'08"W A DISTANCE OF 99.99 FEET TO A POINT; THENCE N04°07'48"E A DISTANCE OF 99.93 FEET TO A POINT; THENCE N09°56'26"E A DISTANCE OF 99.96 FEET TO A POINT; THENCE N14°50'31"E A DISTANCE OF 99.92 FEET TO A POINT; THENCE N18°44'37"E A DISTANCE OF 100.00 FEET TO A POINT; THENCE N23°54'52"E A DISTANCE OF 47.35 FEET TO A POINT; THENCE N78°02'54"E A DISTANCE OF 37.13 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING 9,631,635 SQUARE FEET OR 221.112 ACRES, MORE OR LESS.

LOT #	PIN	OWNER	DEED BOOK & PAGE	PLAT BOOK & PAGE	ADDRESS
112	05H02018G	DEBORAH HILL	D.B. 5291, PG. 935	P.B. 86, PG. 76	88 HIGHMEADOW LN.
113	05H02018H	SHARON HOUTMAN FAMILY TRUST	D.B. 5234, PG. 802	P.B. 86, PG. 76	96 HIGHMEADOW LN.
114	05H02019C	JERRY C. & FAITH H. LAYTON	D.B. 5228, PG. 700	P.B. 87, PG. 408	106 HIGHMEADOW LN.
115	05H02018I	BRIAN E. PRUSANK LIVING TRUST	D.B. 5520, PG. 762	P.B. 87, PG. 408	116 HIGHMEADOW LN.
116	05H02018K	WEAVER HOMES, INC.	D.B. 5249, PG. 562	P.B. 87, PG. 408	128 HIGHMEADOW LN.
117	05H02018L	ROSEMARY LENNON	D.B. 5921, PG. 816	P.B. 87, PG. 408	142 HIGHMEADOW LN.
118	05H02018M	MARY & BRANDON RAFFEL	D.B. 5609, PG. 928	P.B. 87, PG. 408	156 HIGHMEADOW LN.
119	05H02018N	ANJOLINA W. & TERRELLE C. CAPERS	D.B. 5584, PG. 196	P.B. 86, PG. 76	170 HIGHMEADOW LN.
120	05H02018O	CHRIS D. MITCHELL & DUANE ANTONY GOTT	D.B. 5538, PG. 125	P.B. 86, PG. 76	180 HIGHMEADOW LN.
121	05H02018P	BLAINE T. DUDLEY	D.B. 5247, PG. 951	P.B. 86, PG. 76	190 HIGHMEADOW LN.
122	05H02018Q	ARULCHELVAN KASINATHAN & ARCHANA KRISHNAN	D.B. 6023, PG. 187	P.B. 86, PG. 76	196 HIGHMEADOW LN.

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	BEARING
C1	175.00'	950.06'	10°33'13"	87.75'	174.75'	N30°18'19"E
C2	492.39'	1180.60'	23°53'47"	249.83'	488.83'	N47°03'44"E

PARCELS TO BE ANNEXED

PIN	SQ. FT.	ACRES
05H02009A	697,518	16.013
05H02010A (PARCEL)	3,481,854	79.474
05H02010A (RIGHT OF WAY)	60,614	1.392
05H02012	1,956,286	44.910
05H02013	542,892	12.463
05H02015	2,677,205	61.460
05H02013A	235,235	5.400
TOTAL	9,631,604	221.112

SITE DATA

PARCEL =	9,571,021 SF / 219.720 AC
RIGHT OF WAY =	60,614 SF / 1.392 AC
TOTAL =	9,631,635 SF / 221.112 AC

GENERAL NOTES

- THIS SURVEY MAP IS INTENDED TO REPRESENT AN ANNEXATION MAP ON THE PROPERTIES SHOWN HEREON AND IS NOT A BOUNDARY SURVEY. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE ALL ENCUMBRANCES UPON THE PROPERTY MAY NOT BE SHOWN.
- THE PROPERTY LINES SHOWN HEREON HAVE BEEN CONFIRMED FROM A SURVEY BY STEWART INC. PROPERTY LINES SHOWN TAKEN FROM REFERENCES SHOWN HEREON.
- HORIZONTAL DATUM IS NAD 83. NO NGS NGS MONUMENT WITHIN 2000'.
- THE INITIAL STATE PLANE POSITIONS FOR THIS SURVEY WERE SCALED FROM GRID TO GROUND FROM A PROJECT LOCATION TRAV.2 N:698550.13 E:2165903.96, AN ELEVATION OF 255.30, USING A COMBINED FACTOR OF 0.99988797.
- THE SUBJECT PROPERTIES ARE ZONED "PF", "PD-R", & "RE" PER JOHNSTON COUNTY GIS. PROPERTIES ARE ZONED "PUBLIC FACILITY", "PLANNED DEVELOPMENT RESIDENTIAL" & "RESIDENTIAL ESTATE" PER TOWN OF CLAYTON DEVELOPMENT MAP.
- THE SUBJECT PROPERTY LIES IN ZONES X (AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE AND FUTURE CONDITIONS 1% ANNUAL CHANCE FLOODPLAIN), X (SHADED) (AREA OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF FUTURE CONDITIONS 1% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS OF LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD), AE (AREA DETERMINED TO BE INSIDE THE 1% ANNUAL CHANCE FLOOD, BASE FLOOD ELEVATIONS DETERMINED), AND FLOODWAY (DELINEATED FLOODWAY OF A STREAM), BASED ON THE FLOOD INSURANCE RATE MAP COMMUNITY MAP NUMBER 3720178000K DATED 06/20/18 AND MAP NUMBER 3720166900K DATED 06/20/18. FLOOD HAZARD LINES SHOWN HEREON ARE FROM FRIS.NC.GOV.
- AREAS COMPUTED BY COORDINATE GEOMETRY. ALL HORIZONTAL DISTANCES ARE HORIZONTAL GROUND IN U.S. SURVEY FEET.

TOWN CLERK OF THE TOWN OF CLAYTON DO HEREBY CERTIFY THAT THIS MAP IS THE CORRECT MAP REPRESENTING THE PROPERTY WHICH WAS ANNEXED TO THE TOWN OF CLAYTON BY ORDINANCE NO. _____ PASSED _____ AND RECORDED IN ORDINANCE BOOK _____ PAGES _____ DATED THIS _____ DAY OF _____.

TOWN CLERK [CITY SEAL]

ANNEXATION # _____

I, _____, PLANNING DIRECTOR, CLAYTON, NORTH CAROLINA CERTIFY THIS IS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____ DAY OF _____ BY THE TOWN COUNCIL. I SET MY HAND AND SEAL TO THE TOWN OF CLAYTON.

PLANNING DIRECTOR SIGNATURE

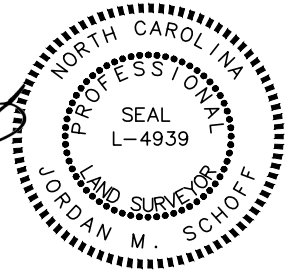
I, JORDAN M. SCHOFF, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK _____ SEE _____ PAGE _____ PLAT _____) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ SEE _____ PAGE _____ PLAT _____; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G. S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 29th DAY OF JUNE, A.D., 2022.

FURTHERMORE, I CERTIFY THAT

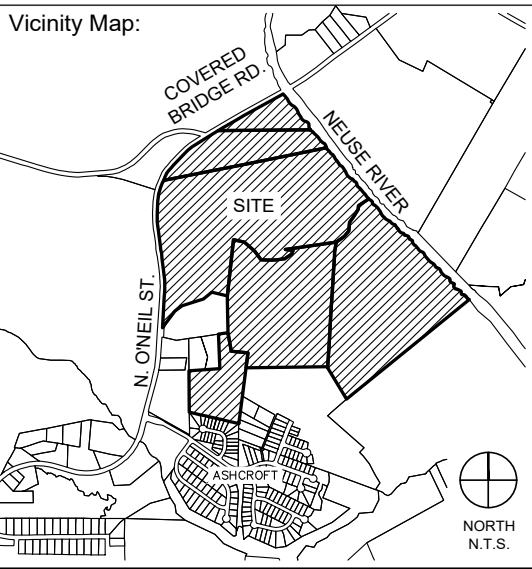
THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET

DocuSigned by:

Jordan M. Schoff
JORDAN M. SCHOFF, FLS L-4939
E13E49EF03AC48B...



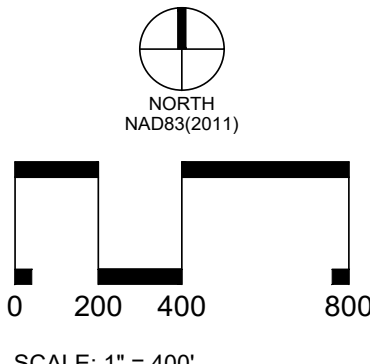
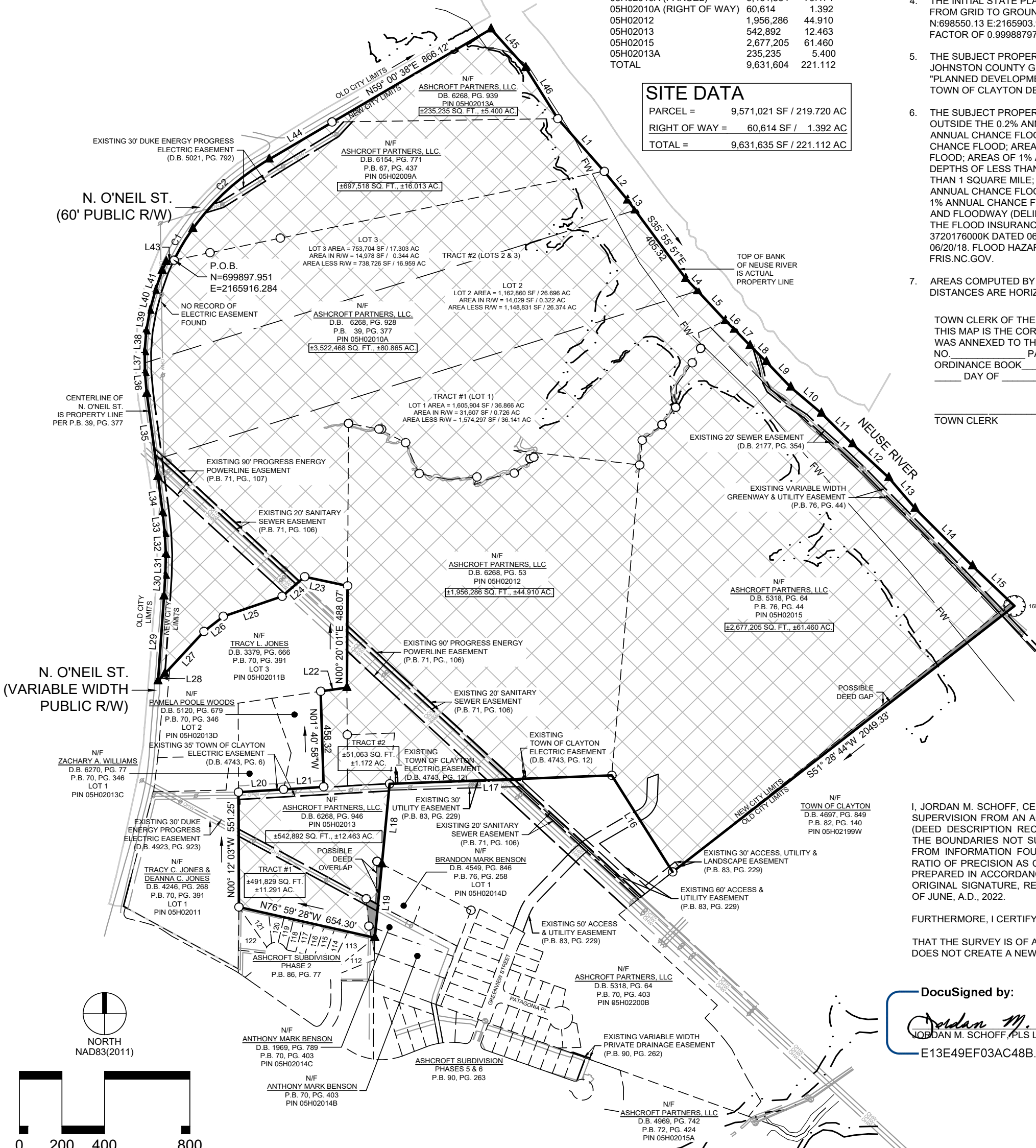
Vicinity Map:



LEGEND

○	EXISTING IRON PIPE
▲	COMPUTED POINT
⊙	SANITARY SEWER MANHOLE
⊙	UTILITY POLE
⊙ 16PO	16" DIAMETER SYCAMORE
---	0.2% CHANCE FLOOD LINE
---	1% CHANCE FLOOD LINE
FW	FLOODWAY LINE
SS	SANITARY SEWER LINE
OH	OVERHEAD WIRES
---	CITY LIMITS
---	EASEMENT LINE
---	ANNEXATION LIMIT
---	PROPERTY LINE
---	ANNEXATION AREA

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S40°39'56"E	332.43'
L2	S38°30'18"E	178.17'
L3	S35°55'51"E	59.21'
L4	S43°16'21"E	81.04'
L5	S42°28'50"E	193.90'
L6	S45°05'07"E	58.89'
L7	S43°08'01"E	106.87'
L8	S44°41'25"E	109.19'
L9	S43°06'04"E	166.93'
L10	S49°00'24"E	190.78'
L11	S44°43'31"E	207.58'
L12	S46°28'30"E	234.36'
L13	S39°56'21"E	192.42'
L14	S44°16'27"E	385.93'
L15	S45°44'36"E	274.60'
L16	N31°38'54"W	544.46'
L17	S87°44'38"W	1042.21'
L18	S05°21'25"W	386.27'
L19	S05°21'46"W	355.40'
L20	N86°18'51"E	211.72'
L21	N86°18'51"E	188.05'
L22	N81°41'41"E	124.32'
L23	N77°42'30"W	205.89'
L24	S48°25'55"W	141.54'
L25	S70°46'02"W	292.14'
L26	S51°26'14"W	115.56'
L27	S42°07'14"W	272.97'
L28	S42°07'14"W	48.53'
L29	N03°56'27"E	407.93'
L30	N03°41'35"E	99.97'
L31	N01°10'50"E	99.97'
L32	N02°39'22"W	99.98'
L33	N05°35'20"W	99.93'
L34	N07°14'25"W	176.25'
L35	N07°29'06"W	402.73'
L36	N04°53'44"W	100.00'
L37	N00°47'08"W	99.99'
L38	N04°07'48"E	99.93'
L39	N09°56'26"E	99.96'
L40	N14°50'31"E	99.92'
L41	N18°44'37"E	100.00'
L42	N23°54'52"E	47.35'
L43	N78°02'54"E	37.13'
L44	N59°00'38"E	347.47'
L45	S41°12'02"E	246.87'
L46	S31°39'43"E	286.71'



L:\Projects\2020\L20017 - Ashcroft 2\SURVEY\DWG\L20017ANNEX.dwg Jun 29, 2022 - 4:19pm

Title:

ANNEXATION MAP FOR: ASHCROFT SUBDIVISION

TOWN OF CLAYTON
JOHNSTON COUNTY, NORTH CAROLINA
DATE: 05/07/2022 SCALE: 1" = 400'

Revisions:

No.	Date	Description
01	06-29-2022	REMOVED 05H02200B



STEWART

5410 OLD POOLE ROAD
RALEIGH, NC 27610
T 919.380.8750

FIRM LICENSE # C-1051
www.stewartinc.com
PROJECT # G19079

Ordinance 2022-08-05

Return to:

Town of Clayton - Town Clerk
POBOX 879
Clayton, NC 27528

Annexation Petition 2022-9-ANX
Ashcroft Partners, LLC
Ashcroft Section 2 - North O'Neil Street and the Neuse River
Contiguous; 221.112

**TOWN OF CLAYTON
ORDINANCE TO EXTEND THE CORPORATE LIMITS**

WHEREAS, the Clayton Town Council has been petitioned under NC GS 160A-31 to annex the area described below; and

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Clayton Town Hall, 111 E Second Street at 6 p.m. on August 15, 2022, after due notice by publication in the Johnstonian on August 3, 2022; and

WHEREAS, the Clayton Town Council finds that the petition meets the requirements of NC GS 160A-31;

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

SECTION 1 By virtue of the authority granted by NC GS 160A-31, the following described territory is hereby annexed and made part of the Town of Clayton as of (August 15, 2022):

BEGINNING AT A POINT ON THE EAST MARGIN OF THE RIGHT OF WAY OF N. O'NEIL STREET, SAID POINT BEING LOCATED N34°19'50"W A DISTANCE OF 0.65 FEET FROM AN EXISTING IRON PIPE HAVING NC83(2011) GRID COORDINATES N:699897.95, E:2165916.28, AND THE POINT AND PLACE OF BEGINNING, AND PROCEEDING WITH AND ALONG THE EAST MARGIN OF THE RIGHT OF WAY OF N. ONEIL STREET ALONG A CURVE TO THE RIGHT, HAVING A CHORD BEARING OF N30°18'19"E, A CHORD DISTANCE OF 174.75 FEET, AND A RADIUS OF 950.06 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A CHORD BEARING OF N47°03'44"E, A CHORD DISTANCE OF 488.83 FEET, AND A RADIUS OF 1180.60 FEET TO A POINT; THENCE N59°00'38"E A DISTANCE OF 347.47 FEET TO A POINT; THENCE CONTINUING N59°00'38"E A DISTANCE OF 866.12 FEET TO A POINT ON THE SOUTH TOP OF BANK OF THE NEUSE RIVER; THENCE WITH AND ALONG THE SOUTH TOP OF BANK OF THE NEUSE RIVER S41°12'02"E A DISTANCE OF 246.87 FEET TO A POINT; THENCE S31°39'43"E A DISTANCE OF 286.71 FEET TO AN EXISTING IRON ROD; THENCE S40°39'56"E A DISTANCE OF 332.43 FEET TO A POINT; THENCE S38°30'18"E A DISTANCE OF 178.17 FEET TO A POINT; THENCE S35°55'51"E A DISTANCE OF 59.21 FEET TO A POINT; THENCE S35°55'51"E A DISTANCE OF 405.32 FEET TO A POINT; THENCE S43°16'21"E A DISTANCE OF 81.04 FEET TO A POINT; THENCE S42°28'50"E A DISTANCE OF 193.90 FEET TO A POINT; THENCE S45°05'07"E A DISTANCE OF 58.89 FEET TO A POINT; THENCE S43°08'01"E A DISTANCE OF 106.87 FEET TO A POINT; THENCE S44°41'25"E A DISTANCE OF 109.19 FEET TO A POINT; THENCE S43°06'04"E A DISTANCE OF 166.93 FEET TO A POINT; THENCE S49°00'24"E A DISTANCE OF 190.78 FEET TO A POINT; THENCE S44°43'31"E A DISTANCE OF 207.58 FEET TO A POINT; THENCE S46°28'30"E A DISTANCE OF 234.36 FEET TO A POINT; THENCE S39°56'21"E A DISTANCE OF 192.42 FEET TO A POINT; THENCE S44°16'27"E A DISTANCE OF 385.93 FEET TO A POINT; THENCE S45°44'36"E A DISTANCE OF 274.60 FEET TO A 16 INCH DIAMETER EASTERN SYCAMORE TREE AND A COMMON CORNER WITH THE PROPERTY OF THE TOWN OF CLAYTON, FOUND IN DEED BOOK 4697, ON PAGE 849, JOHNSTON COUNTY REGISTRY; THENCE LEAVING THE SOUTH TOP OF BANK OF THE NEUSE RIVER S51°28'44"W A DISTANCE OF 2049.33 FEET TO AN EXISTING IRON PIPE THE COMMON CORNER WITH ASHCROFT PARTNERS, FOUND IN DEED BOOK 5318, ON PAGE 64; THENCE N31°38'54"W A DISTANCE OF 544.46 FEET TO AN EXISTING IRON ROD; THENCE S87°44'38"W A DISTANCE OF 1042.21 FEET TO AN EXISTING IRON ROD; THENCE S05°21'25"W A DISTANCE OF 386.27 FEET TO AN EXISTING IRON ROD; THENCE S05°21'46"W A DISTANCE OF 355.40 FEET TO AN EXISTING IRON ROD; THENCE N76°59'28"W A DISTANCE OF 654.30 FEET TO AN EXISTING IRON ROD; THENCE N00°12'03"W A DISTANCE OF 551.25 FEET TO AN EXISTING IRON PIPE; THENCE N86°18'51"E A DISTANCE OF 211.72 FEET TO AN EXISTING IRON ROD; THENCE CONTINUING N86°18'51"E A DISTANCE OF 188.05 FEET TO AN EXISTING IRON PIPE; THENCE N01°40'58"W A DISTANCE OF 458.32 FEET TO AN EXISTING IRON PIPE; THENCE N81°41'41"E A DISTANCE OF 124.32 FEET TO A POINT; THENCE N00°20'01"E A DISTANCE OF 488.07 FEET TO AN EXISTING IRON ROD; THENCE N77°42'30"W A DISTANCE OF 205.89 FEET TO AN EXISTING IRON PIPE; THENCE S48°25'55"W A DISTANCE OF 141.54 FEET TO AN EXISTING PINCHED IRON PIPE; THENCE S70°46'02"W A DISTANCE OF 292.14 FEET TO AN EXISTING IRON PIPE; THENCE S51°26'14"W A DISTANCE OF 115.56 FEET TO AN EXISTING IRON PIPE; THENCE S42°07'14"W A DISTANCE OF 272.97 FEET TO A POINT ON THE EAST MARGIN OF THE RIGHT OF WAY OF N. O'NEIL STREET; THENCE CONTINUING S42°07'14"W A DISTANCE OF 48.53 FEET TO A POINT IN THE CENTERLINE OF THE RIGHT OF WAY OF N. O'NEIL STREET; THENCE WITH AND ALONG THE CENTERLINE OF SAID RIGHT OF WAY N03°56'27"E A DISTANCE OF 407.93 FEET TO A POINT; THENCE N03°41'35"E A DISTANCE OF 99.97 FEET TO A POINT; THENCE N01°10'50"E A DISTANCE OF 99.97 FEET TO A POINT; THENCE N02°39'22"W A DISTANCE OF 99.98 FEET TO A POINT; THENCE N05°35'20"W A DISTANCE OF 99.93 FEET TO A POINT;

THENCE N07°14'25"W A DISTANCE OF 176.25 FEET TO A POINT; THENCE N07°29'06"W A DISTANCE OF 402.73 FEET TO A POINT; THENCE N04°53'44"W A DISTANCE OF 100.00 FEET TO A POINT; THENCE N00°47'08"W A DISTANCE OF 99.99 FEET TO A POINT; THENCE N04°07'48"E A DISTANCE OF 99.93 FEET TO A POINT; THENCE N09°56'26"E A DISTANCE OF 99.96 FEET TO A POINT; THENCE N14°50'31"E A DISTANCE OF 99.92 FEET TO A POINT; THENCE N18°44'37"E A DISTANCE OF 100.00 FEET TO A POINT; THENCE N23°54'52"E A DISTANCE OF 47.35 FEET TO A POINT; THENCE N78°02'54"E A DISTANCE OF 37.13 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING 9,631,635 SQUARE FEET OR 221.112 ACRES, MORE OR LESS.

SECTION 2 Upon and after August 15, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes in according to NC GS 160A-58.10.

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

ADOPTED this 15th day of August 2022.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry L. Scoggins, MMC;
Interim Town Clerk

Jim Cauley
Town Attorney

.....

**NORTH CAROLINA
JOHNSTON COUNTY**

This the _____ day of _____, 2022, personally appeared before me Sherry L. Scoggins, Interim Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Sherry L. Scoggins, signed her name in attestation of said instrument in the presence of said Mayor.

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

Notary Public - Signature

Notary Public - Printed Name

Commission Expires: _____

County of Commission: _____



Town Council Agenda Cover Sheet

Meeting Date

August 15, 2022

Agenda Location

Public Hearings

Item Title

Public Hearing for item #2022-100-ANX River Mews Voluntary Annexation. Located at 1603 NC HWY 42 E, Clayton, NC 27527

Presenter:

Bruce Venable - Planner I

Summary/Description

Applicant is seeking to annex +- 147.977 Acres on non-contiguous real property into the town limits of Clayton. Current zoning is Planned-Development-Residential (PD-R) This public hearing is to provide Town Council with the opportunity to decide on the petition for annexation receive public comment.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Cover Sheet
Staff Report
Annexation Petition
Legal Description of Metes and Bounds
Annexation Plat
Annexation Ordinance

Meeting Timeline

Click or tap here to enter text.



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

PETITION FOR VOLUNTARY ANNEXATION

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

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

REQUEST INFORMATION

☐ Contiguous Annexation

☐ Non-Contiguous Annexation

The following items must accompany an annexation petition:

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

PROCESS:

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

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

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

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

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

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

**PETITION FOR VOLUNTARY ANNEXATION APPLICATION – PROPERTY INFORMATION
COMPLETE IF A LIMITED LIABILITY COMPANY:**

Submittal Date: _____

Petition No.: _____

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

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

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

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

Total acreage to be annexed: 147.977
Existing housing units: 1
Population of acreage to be annexed: 0
Existing Zoning District*: PD-R
Proposed Town Zoning District*: residential conditional district Fire District: Claytex
Reason for petitioner to annex: ☒ Receive Town Services
_____ Other (please specify): _____

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

In witness whereof, Falcon's Ridge LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 8th day of JUNE, 2022.

Name of Limited Liability Company: _____

Falcon's Ridge LLC

By: _____

[Signature]
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF ~~JOHNSTON~~ WAKE

Sworn and subscribed before me, Russell E. Meinert, a Notary Public for the above State and County, this 8th day of JUNE, 2022.

SEAL



[Signature]
Notary Public

My Commission Expires: 11-09-23

Voluntary Annexation Plat Checklist

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



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

PETITION FOR VOLUNTARY ANNEXATION

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PROCESS:

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

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

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

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

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

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

Voluntary Annexation Plat Checklist

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

**PETITION FOR VOLUNTARY ANNEXATION APPLICATION – PROPERTY INFORMATION
COMPLETE IF A LIMITED LIABILITY COMPANY:**

Submittal Date: _____

Petition No.: _____

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

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

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

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

Total acreage to be annexed: 147.977
Existing housing units: 1
Population of acreage to be annexed: 0
Existing Zoning District*: PD-R
Proposed Town Zoning District*: residential conditional district Fire District: Claytex
Reason for petitioner to annex: ☒ Receive Town Services
_____ Other (please specify): _____

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

In witness whereof, River Mews Estate LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 8th day of June, 2022.

Name of Limited Liability Company: _____

River Mews Estate LLC

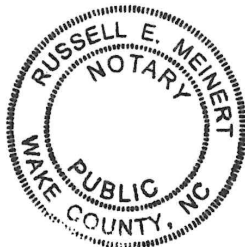
By: _____

[Signature]
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON WAKE

Sworn and subscribed before me, Russell E. Meinert, a Notary Public for the above State and County, this 8th day of June, 2022.

SEAL



[Signature]
Notary Public

My Commission Expires: 11-09-23

July 2018

Page 2 of 3



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

PETITION FOR VOLUNTARY ANNEXATION

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

Applications are accepted on a rolling basis and can be submitted to the Town of Clayton Planning Department.

Request Information

☐ Contiguous Annexation

☒ Non-Contiguous Annexation

The following items must accompany an annexation petition:

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

PROCESS:

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

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

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

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

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

Voluntary Annexation Plat Checklist

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

Petition for Voluntary Annexation Application – Property Information
COMPLETE IF PROPERTY IS OWNED BY INDIVIDUAL (S)

Submittal Date: _____

Petition No.: _____

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

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

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

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

Total acreage to be annexed:	147.977
Existing housing units:	1
Population of acreage to be annexed:	0
Existing Zoning District*:	PD-R
Proposed Town Zoning District*:	residential conditional district
Reason for petitioner to annex:	<u>X</u> Receive Town Services
	Other (please specify): _____

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

Gregory A. Moore

Please Print

Gregory A. Moore
Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF ~~JOHNSTON~~ WAKE

Sworn and subscribed before me, Russell E. Meinert, a Notary Public for the above State and County, this 8th day of JUNE, 20 22.

SEAL



[Signature]
Notary Public

My Commission Expires: 11-09-23



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

OWNER'S CONSENT FORM

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

Project Name: River Mews Estate **Address or PIN #:** 167900-52-5319, 167900-43-2205
167900-43-7307, 167900-32-2667

AGENT/APPLICANT INFORMATION:

McAdams / Parker Poe
(Name - type, print clearly)

2905 Meridian Parkway
(Address)
Durham, NC 27713
(City, State, Zip)

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

Annexation

Special Use Permit

Rezoning

Preliminary Plat / Construction Drawings

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

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

OWNER AUTHORIZATION:

Gregory R. Moore
(Name - type, print clearly)

(Address)

Gregory R. Moore
(Owner's Signature)

(City, State, Zip)

STATE OF

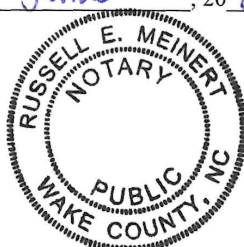
NC

COUNTY OF

WAKE

Sworn and subscribed before me Russell E. Meinert, a Notary Public for the above State and County, this
the 8th day of June, 2022.

SEAL



[Signature]
Notary Public

My Commission
Expires:

11-09-23

July 2018



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

Town Council, 8/15/2022

STAFF REPORT

Application Number: 2022-100-ANX
Project Name: River Mews- ANNEXATION

TAG #(s): 05J05001D, 05J05001E, 05J05001F

Contiguous or Non-Contiguous: Non-Contiguous

Town Limits/ETJ: ETJ

Applicant: Falcon's Ridge, LLC, River Mews, LLC, Gregory A. Moore

Owner: Falcon's Ridge, LLC, River Mews, LLC, Gregory A. Moore

Location: 1603 NC HWY 42, Clayton, NC

Project Planner: Bruce Venable, Planner I

Public Noticing Dates:

- **Legal Ad Publish Date:** August 3, 2022
- **Town Council Meeting:** August 15, 2022

REQUEST: Applicant is seeking to annex +/- 147.977 acres of non-contiguous real property into the town limits of Clayton.

Total Acreage: +/- 147.977 acres

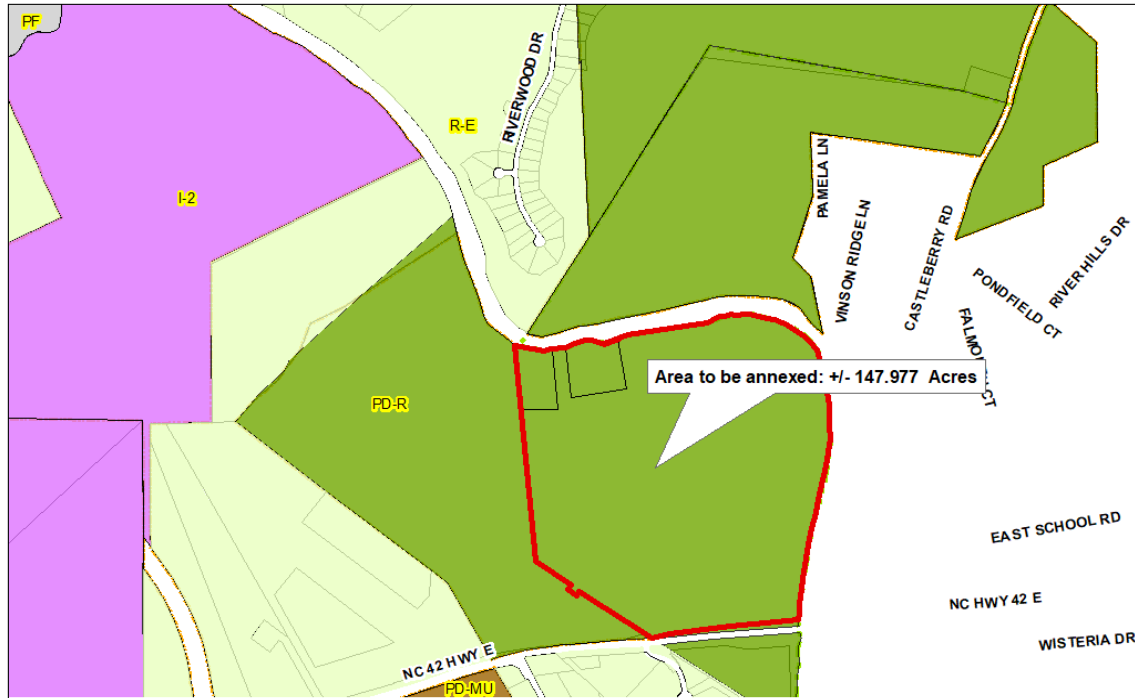
SUMMARY OF ANNEXATION:

Applicant is seeking to annex +/- 147.977 acres of non-contiguous real property into the town limits of Clayton.

Should this petition be granted the newly annexed property would receive the following services: Fire, Police, Water and Sewer.

Fire District: Claytex

Existing Zoning District: PD-R

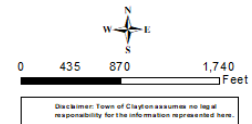


2022-100-ANX River Mews Annexation



Produced by: TDC Planning
August 8, 2022

2022-100-ANX River Mews Annexation	
Applicant(s):	Gregory A. Moore, Falcon's Ridge LLC, River Mews Estate LLC,
Property Owner(s):	Gregory A. Moore, Falcon's Ridge LLC, River Mews Estate LLC,
Parcel Number(s):	051050010, 05105001F, 05105001E
File Number(s):	2022-100-ANX River Mews



STAFF RECOMMENDATION:

- ◆ Staff recommends **APPROVAL** of the proposed Annexation request.

ATTACHMENTS:

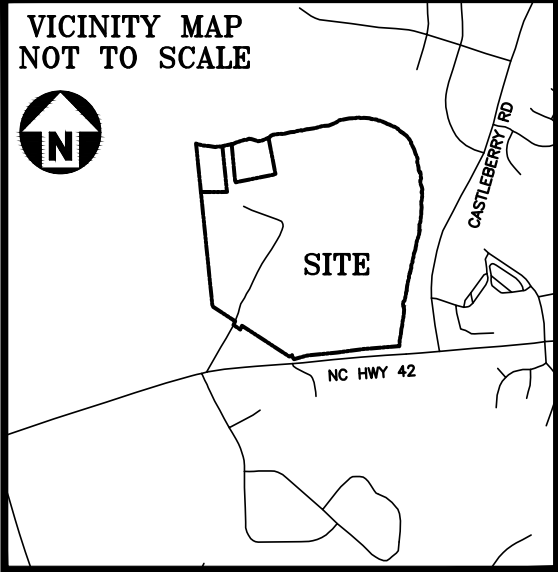
- 1) Staff Report
- 2) Petition for Annexation
- 3) Legal Description of Metes and Bounds
- 4) Annexation Plat
- 5) Annexation Ordinance

EXHIBIT A: ANNEXATION LEGAL DESCRIPTION (RIVER MEWS)

BEGINNING AT A IRON PIPE SET IN THE NORTHERN RIGHT OF WAY OF HIGHWAY 42 (VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE WITH SAID RIGHT OF WAY NORTH 32°45'32" WEST 42.39 FEET TO A IRON PIPE SET; THENCE SOUTH 85°22'58" WEST 37.21 FEET TO A IRON PIPE SET; THENCE LEAVING SAID RIGHT OF WAY ALONG A COMMON LINE WITH FALCON HAMLETT LLC NORTH 57°30'27" WEST 683.84 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 25°17'24" WEST 49.89 FEET TO A CONCRETE MONUMENT; THENCE NORTH 57°18'00" WEST 99.84 FEET TO A CONCRETE MONUMENT; THENCE NORTH 25°26'15" EAST 50.00 FEET TO A IRON PIPE SET; THENCE NORTH 57°31'43" WEST 329.95 FEET TO A CONCRETE MONUMENT; THENCE NORTH 05°53'35" WEST 1959.61 FEET TO A POINT IN THE SOUTHERN NEUSE RIVER; THENCE WITH SAID RIVER SOUTH 57°41'58" EAST 1.48 FEET TO A POINT; THENCE SOUTH 75°33'54" EAST 83.93 FEET TO A POINT; THENCE SOUTH 84°32'15" EAST 68.76 FEET TO A POINT; THENCE SOUTH 81°42'47" EAST 86.80 FEET TO A POINT; THENCE NORTH 77°20'30" EAST 31.71 FEET TO A POINT; THENCE SOUTH 88°07'16" EAST 45.06 FEET TO A POINT; THENCE NORTH 74°18'08" EAST 52.14 FEET TO A POINT; THENCE NORTH 78°44'46" EAST 78.02 FEET TO A POINT; THENCE SOUTH 88°23'30" EAST 11.99 FEET TO A POINT; THENCE NORTH 61°55'03" EAST 37.83 FEET TO A POINT; THENCE NORTH 72°22'58" EAST 115.58 FEET TO A POINT; THENCE SOUTH 86°55'29" EAST 24.85 FEET TO A POINT; THENCE NORTH 64°51'05" EAST 32.26 FEET TO A POINT; THENCE SOUTH 79°58'47" EAST 38.15 FEET TO A POINT; THENCE SOUTH 72°18'22" EAST 75.94 FEET TO A POINT; THENCE NORTH 82°18'55" EAST 42.08 FEET TO A POINT; THENCE NORTH 68°47'32" EAST 74.49 FEET TO A POINT; THENCE NORTH 67°19'22" EAST 28.70 FEET TO A POINT; THENCE NORTH 43°46'41" EAST 29.93 FEET TO A POINT; THENCE NORTH 64°45'21" EAST 27.83 FEET TO A POINT; THENCE NORTH 82°00'01" EAST 86.68 FEET TO A POINT; THENCE SOUTH 86°43'11" EAST 41.97 FEET TO A POINT; THENCE NORTH 76°16'04" EAST 91.10 FEET TO A POINT; THENCE NORTH 85°38'51" EAST 55.02 FEET TO A POINT; THENCE NORTH 62°51'20" EAST 17.79 FEET TO A POINT; THENCE NORTH 79°48'20" EAST 58.31 FEET TO A POINT; THENCE SOUTH 69°22'41" EAST 11.66 FEET TO A POINT; THENCE NORTH 73°17'43" EAST 42.00 FEET TO A POINT; THENCE NORTH 75°37'05" EAST 26.78 FEET TO A POINT; THENCE SOUTH 66°24'54" EAST 6.84 FEET TO A POINT; THENCE NORTH 81°01'14" EAST 95.06 FEET TO A POINT; THENCE NORTH 73°45'55" EAST 82.47 FEET TO A POINT; THENCE NORTH 85°42'38" EAST 81.75 FEET TO A POINT; THENCE NORTH 68°51'52" EAST 69.95 FEET TO A POINT; THENCE NORTH 64°39'16" EAST 39.78 FEET TO A POINT; THENCE NORTH 53°20'22" EAST 34.78 FEET TO A POINT; THENCE NORTH 78°49'27" EAST 71.94 FEET TO A POINT; THENCE NORTH 79°42'11" EAST 54.97 FEET TO A POINT; THENCE NORTH 87°18'49" EAST 78.78 FEET TO A POINT; THENCE NORTH 76°05'24" EAST 31.28 FEET TO A POINT; THENCE SOUTH 75°51'26" EAST 41.40 FEET TO A POINT; THENCE NORTH 78°51'14" EAST 28.23 FEET TO A POINT; THENCE SOUTH 84°59'51" EAST 69.18 FEET TO A POINT; THENCE SOUTH 76°25'47" EAST 19.82 FEET TO A POINT; THENCE SOUTH 23°30'31" EAST 3.12 FEET TO A POINT; THENCE SOUTH 82°30'24" EAST 71.54 FEET TO A POINT; THENCE SOUTH 55°38'40" EAST 8.62 FEET TO A POINT; THENCE SOUTH 13°47'22" EAST 6.17 FEET TO A POINT; THENCE NORTH 87°08'33" EAST 17.40 FEET TO A POINT; THENCE SOUTH 78°19'43" EAST 23.17 FEET TO A POINT; THENCE SOUTH 66°59'35" EAST 45.70 FEET TO A POINT; THENCE SOUTH 69°31'22" EAST 22.14 FEET TO A POINT; THENCE SOUTH 50°15'39" EAST 13.92 FEET TO A POINT; THENCE SOUTH 72°47'42" EAST 35.01 FEET TO A POINT; THENCE SOUTH 63°07'34" EAST 41.70 FEET TO A POINT; THENCE SOUTH 74°10'23" EAST 31.55 FEET TO A POINT; THENCE SOUTH 57°17'18" EAST 31.05 FEET TO A POINT; THENCE SOUTH 22°00'32" EAST 7.63 FEET TO A POINT; THENCE SOUTH 70°53'41" EAST 12.67 FEET TO A POINT; THENCE SOUTH 42°55'11" EAST 40.21 FEET TO A POINT; THENCE SOUTH 80°15'30" EAST 10.96 FEET TO A POINT; THENCE SOUTH 44°42'45" EAST 15.05 FEET TO A POINT; THENCE SOUTH 73°19'31" EAST 12.48 FEET TO A POINT; THENCE SOUTH 36°58'27" EAST 13.64 FEET TO A POINT; THENCE SOUTH 55°58'24" EAST 34.88 FEET TO A POINT; THENCE SOUTH 39°31'30" EAST 49.85 FEET TO A POINT; THENCE SOUTH 37°33'24" EAST 28.71 FEET TO A POINT; THENCE SOUTH

26°47'08" EAST 26.16 FEET TO A POINT; THENCE SOUTH 28°39'18" WEST 8.61 FEET TO A POINT; THENCE SOUTH 28°04'55" EAST 81.53 FEET TO A POINT; THENCE SOUTH 16°37'53" EAST 56.02 FEET TO A POINT; THENCE SOUTH 27°50'39" EAST 39.51 FEET TO A POINT; THENCE SOUTH 19°18'43" EAST 18.63 FEET TO A POINT; THENCE SOUTH 02°59'40" EAST 18.58 FEET TO A POINT; THENCE SOUTH 10°00'33" WEST 26.95 FEET TO A POINT; THENCE SOUTH 14°29'31" EAST 68.09 FEET TO A POINT; THENCE SOUTH 03°12'39" EAST 31.24 FEET TO A POINT; THENCE SOUTH 23°24'33" EAST 24.84 FEET TO A POINT; THENCE SOUTH 78°35'57" EAST 8.79 FEET TO A POINT; THENCE SOUTH 11°48'34" EAST 29.96 FEET TO A POINT; THENCE SOUTH 15°48'00" WEST 13.88 FEET TO A POINT; THENCE SOUTH 18°32'11" EAST 23.19 FEET TO A POINT; THENCE SOUTH 04°38'20" EAST 16.22 FEET TO A POINT; THENCE SOUTH 79°45'25" WEST 5.54 FEET TO A POINT; THENCE SOUTH 25°17'41" WEST 10.18 FEET TO A POINT; THENCE SOUTH 02°02'14" WEST 39.62 FEET TO A POINT; THENCE SOUTH 22°38'05" EAST 50.68 FEET TO A POINT; THENCE SOUTH 14°23'50" EAST 27.60 FEET TO A POINT; THENCE SOUTH 04°24'07" WEST 8.49 FEET TO A POINT; THENCE SOUTH 23°28'37" WEST 17.15 FEET TO A POINT; THENCE SOUTH 09°17'54" WEST 14.47 FEET TO A POINT; THENCE SOUTH 33°33'25" EAST 7.93 FEET TO A POINT; THENCE SOUTH 14°29'00" EAST 20.69 FEET TO A POINT; THENCE SOUTH 06°00'20" WEST 66.87 FEET TO A POINT; THENCE SOUTH 23°14'44" WEST 18.14 FEET TO A POINT; THENCE SOUTH 01°28'00" WEST 19.22 FEET TO A POINT; THENCE SOUTH 08°30'23" EAST 18.29 FEET TO A POINT; THENCE SOUTH 05°39'51" EAST 31.76 FEET TO A POINT; THENCE SOUTH 04°37'25" WEST 33.08 FEET TO A POINT; THENCE SOUTH 19°59'11" WEST 6.54 FEET TO A POINT; THENCE SOUTH 00°17'37" WEST 47.93 FEET TO A POINT; THENCE SOUTH 05°57'19" WEST 20.85 FEET TO A POINT; THENCE SOUTH 28°49'51" WEST 5.78 FEET TO A POINT; THENCE SOUTH 02°49'31" WEST 35.87 FEET TO A POINT; THENCE SOUTH 10°29'03" WEST 40.75 FEET TO A POINT; THENCE SOUTH 27°19'47" WEST 19.35 FEET TO A POINT; THENCE SOUTH 12°05'35" EAST 9.76 FEET TO A POINT; THENCE SOUTH 01°22'03" WEST 57.26 FEET TO A POINT; THENCE SOUTH 50°04'15" EAST 5.71 FEET TO A POINT; THENCE SOUTH 13°18'19" WEST 29.20 FEET TO A POINT; THENCE SOUTH 03°36'43" WEST 16.03 FEET TO A POINT; THENCE SOUTH 18°04'50" WEST 54.09 FEET TO A POINT; THENCE SOUTH 31°18'40" WEST 9.11 FEET TO A POINT; THENCE SOUTH 13°31'38" WEST 59.97 FEET TO A POINT; THENCE SOUTH 02°46'15" WEST 13.86 FEET TO A POINT; THENCE SOUTH 11°02'22" WEST 27.52 FEET TO A POINT; THENCE SOUTH 08°02'05" WEST 26.16 FEET TO A POINT; THENCE SOUTH 20°13'15" WEST 40.07 FEET TO A POINT; THENCE SOUTH 39°26'49" WEST 8.49 FEET TO A POINT; THENCE SOUTH 06°04'06" WEST 47.01 FEET TO A POINT; THENCE SOUTH 16°23'23" WEST 9.41 FEET TO A POINT; THENCE SOUTH 29°54'55" WEST 14.72 FEET TO A POINT; THENCE SOUTH 02°14'43" WEST 40.99 FEET TO A POINT; THENCE SOUTH 35°24'15" WEST 16.00 FEET TO A POINT; THENCE SOUTH 14°14'09" WEST 28.34 FEET TO A POINT; THENCE SOUTH 02°18'37" EAST 27.82 FEET TO A POINT; THENCE SOUTH 22°49'16" WEST 21.71 FEET TO A POINT; THENCE SOUTH 03°19'14" WEST 16.27 FEET TO A POINT; THENCE SOUTH 16°12'33" WEST 12.40 FEET TO A POINT; THENCE SOUTH 55°48'01" WEST 5.85 FEET TO A POINT; THENCE SOUTH 06°16'11" WEST 19.38 FEET TO A POINT; THENCE SOUTH 45°03'15" WEST 6.24 FEET TO A POINT; THENCE SOUTH 10°43'12" WEST 27.10 FEET TO A POINT; THENCE SOUTH 07°03'50" EAST 11.10 FEET TO A POINT; THENCE SOUTH 14°44'11" WEST 68.31 FEET TO A POINT; THENCE SOUTH 06°01'43" EAST 7.82 FEET TO A POINT; THENCE SOUTH 12°31'31" WEST 28.26 FEET TO A POINT; THENCE SOUTH 07°38'34" WEST 43.43 FEET TO A POINT; THENCE SOUTH 06°18'16" EAST 11.37 FEET TO A POINT; THENCE SOUTH 20°08'40" WEST 26.07 FEET TO A POINT; THENCE SOUTH 00°05'00" WEST 13.47 FEET TO A POINT; THENCE SOUTH 11°37'12" WEST 81.69 FEET TO A POINT; THENCE SOUTH 42°49'09" WEST 27.18 FEET TO A POINT; THENCE SOUTH 06°41'35" WEST 22.60 FEET TO A POINT; THENCE SOUTH 09°23'27" EAST 27.13 FEET TO A POINT; THENCE SOUTH 69°24'57" EAST 7.94 FEET TO A POINT; THENCE SOUTH 12°46'35" WEST 11.98 FEET TO A POINT; THENCE SOUTH 11°27'43" EAST 27.10 FEET TO A POINT; THENCE SOUTH 05°03'23" WEST 49.52 FEET TO A POINT; THENCE SOUTH 07°56'40" WEST 61.14 FEET TO A POINT; THENCE SOUTH 11°02'59" WEST 41.57 FEET TO A POINT; THENCE SOUTH 05°52'29" WEST 49.70 FEET TO A POINT; THENCE SOUTH 16°24'41" WEST 29.55 FEET

TO A POINT; THENCE SOUTH 05°16'16" WEST 69.09 FEET TO A POINT; THENCE SOUTH 11°55'03" WEST 73.06 FEET TO A POINT; THENCE SOUTH 00°54'57" WEST 40.74 FEET TO A POINT; THENCE SOUTH 05°17'13" WEST 27.69 FEET TO A POINT IN THE NORTHERN RIGHT OF WAY OF HIGHWAY 42 (VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE WITH SAID RIGHT OF WAY SOUTH 85°22'25" WEST 448.93 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 82°38'50" WEST 315.33 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 84°18'45" WEST 372.07 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 74°52'44" WEST 166.64 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 147.977 ACRES, 6,445,889 SQUARE FEET.



LEGEND

- ▲ CALCULATED POINT
- CONCRETE MONUMENT
- EXISTING IRON PIPE
- IRON PIPE SET
- ADJOINER
- ===== ANNEXATION LINE
- BOUNDARY
- BUFFER
- DRAINAGE EASEMENT
- EASEMENT
- FLOODWAY BOUNDARY
- 1% ANNUAL CHANCE FLOODWAY
- RIGHT OF WAY

GENERAL NOTES

1. THIS IS A SURVEY OF AN EXISTING PARCEL(S) OF LAND. THIS IS AN ANNEXATION SURVEY.
2. BEARINGS FOR THIS SURVEY ARE BASED ON NC GRID NAD 83(2011).
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
4. AREA BY COORDINATE GEOMETRY.
5. FLOOD NOTE: THIS PROPERTY IS PARTIALLY LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONES "AE" & "X" AS DEFINED BY F.E.M.A F.I.R.M COMMUNITY PANEL #3720167900K DATED JUNE 20, 2018.

LINE TABLE			LINE TABLE			LINE TABLE		
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 25°17'24" E	49.89	L71	N 26°47'08" W	26.16	L141	N 07°38'34" E	43.43
L2	S 57°18'00" E	99.84	L72	N 28°39'18" E	8.61	L142	N 06°18'16" W	11.37
L3	S 25°28'15" W	50.00	L73	N 28°04'55" W	81.53	L143	N 20°08'40" E	26.07
L4	N 57°41'58" W	1.48	L74	N 16°37'53" W	56.02	L144	N 00°05'00" E	13.47
L5	N 75°33'54" W	83.93	L75	N 27°50'39" W	39.51	L145	N 11°37'12" E	81.69
L6	N 84°32'15" W	68.76	L76	N 19°18'43" W	18.53	L146	N 42°49'09" E	27.18
L7	N 81°42'47" W	86.80	L77	N 02°59'40" W	18.58	L147	N 06°41'35" E	22.60
L8	S 77°20'30" W	31.71	L78	N 10°00'33" E	26.95	L148	N 09°23'27" W	27.13
L9	N 86°07'16" W	45.05	L79	N 14°29'51" W	68.09	L149	N 69°24'51" W	7.84
L10	S 74°18'08" W	52.14	L80	N 03°12'39" W	31.24	L150	N 12°46'35" E	11.98
L11	S 78°44'46" W	78.02	L81	N 23°24'33" W	24.84	L151	N 11°27'43" W	27.10
L12	N 86°23'30" W	11.99	L82	N 76°35'51" W	6.79	L152	N 05°03'29" E	49.50
L13	S 61°55'03" W	37.83	L83	N 11°48'34" W	29.96	L153	N 07°56'40" E	61.14
L14	S 72°22'58" W	115.58	L84	N 15°48'00" E	13.88	L154	N 11°05'59" E	41.97
L15	N 86°55'29" W	24.85	L85	N 16°32'11" W	23.19	L155	N 05°55'29" E	49.70
L16	S 64°51'05" W	32.26	L86	N 04°38'20" W	16.22	L156	N 16°24'41" E	29.55
L17	N 79°38'47" W	38.15	L87	N 79°45'25" E	5.54	L157	N 05°16'16" E	69.09
L18	N 74°18'22" W	75.94	L88	N 25°17'41" E	10.18	L158	N 11°55'03" E	73.06
L19	S 82°19'55" W	42.08	L89	N 02°02'14" E	39.62	L159	N 00°54'57" E	40.74
L20	S 68°47'52" W	74.49	L90	N 22°38'05" W	50.68	L160	N 05°17'13" E	27.69
L21	S 67°19'22" W	28.70	L91	N 14°23'50" W	27.60	L161	N 82°38'50" E	315.33
L22	S 43°46'41" W	29.93	L92	N 04°24'07" E	8.49	L162	N 74°52'44" E	166.64
L23	S 64°45'21" W	27.83	L93	N 23°26'37" E	17.15	L163	S 32°45'32" E	42.39
L24	S 82°00'01" W	86.68	L94	N 09°17'44" E	14.47	L164	N 69°22'58" E	17.21
L25	N 86°43'11" W	41.97	L95	N 33°33'25" W	7.93			
L26	S 76°16'04" W	51.10	L96	N 14°29'00" W	20.69			
L27	S 85°38'51" W	55.02	L97	N 06°00'20" W	68.97			
L28	S 62°51'20" W	17.79	L98	N 23°14'44" E	18.14			
L29	S 79°48'20" W	58.51	L99	N 01°28'00" E	19.22			
L30	N 69°22'41" W	11.66	L100	N 08°30'23" W	18.29			
L31	S 73°17'43" W	42.00	L101	N 05°39'51" W	31.76			
L32	S 75°37'05" W	26.78	L102	N 04°37'25" E	33.08			
L33	N 66°24'54" W	6.84	L103	N 19°59'11" E	6.54			
L34	S 81°01'14" W	95.06	L104	N 00°17'37" E	47.93			
L35	S 73°45'55" W	82.47	L105	N 03°59'19" E	20.85			
L36	S 85°42'38" W	81.75	L106	N 28°49'51" E	5.78			
L37	S 68°51'52" W	69.95	L107	N 02°49'31" E	35.67			
L38	S 64°39'16" W	39.78	L108	N 10°29'03" E	40.75			
L39	S 53°20'22" W	34.78	L109	N 27°19'47" E	19.35			
L40	S 78°49'27" W	71.94	L110	N 12°05'35" W	9.76			
L41	S 78°42'11" W	54.97	L111	N 01°22'03" E	57.26			
L42	S 87°18'49" W	78.78	L112	N 50°04'15" W	5.71			
L43	S 76°05'24" W	31.28	L113	N 13°18'19" E	29.20			
L44	N 75°51'28" W	41.40	L114	N 03°36'43" E	16.03			
L45	S 78°51'14" W	28.23	L115	N 18°04'50" E	54.09			
L46	N 84°59'51" W	69.18	L116	N 31°18'40" E	9.11			
L47	N 76°25'47" W	19.62	L117	N 13°31'38" E	59.97			
L48	N 23°30'31" W	3.12	L118	N 02°46'15" E	13.86			
L49	N 82°30'24" W	71.54	L119	N 11°02'22" E	27.52			
L50	N 55°38'40" W	5.62	L120	N 08°02'05" E	26.16			
L51	N 13°47'22" W	6.17	L121	N 20°13'15" E	40.07			
L52	S 87°08'33" W	17.40	L122	N 39°26'49" E	8.49			
L53	N 78°19'43" W	23.17	L123	N 06°04'06" E	47.01			
L54	N 66°59'35" W	45.70	L124	N 16°23'23" E	9.41			
L55	N 69°31'22" W	22.14	L125	N 25°54'55" E	14.72			
L56	N 50°15'39" W	13.92	L126	N 02°14'43" E	40.99			
L57	N 72°47'42" W	35.01	L127	N 35°24'15" E	16.00			
L58	N 63°07'54" W	41.70	L128	N 14°14'09" E	26.54			
L59	N 74°10'23" W	51.55	L129	N 02°18'37" W	27.82			
L60	N 57°17'18" W	31.05	L130	N 22°49'16" E	21.71			
L61	N 22°00'32" W	7.63	L131	N 03°19'14" E	16.27			
L62	N 76°25'41" W	12.67	L132	N 16°12'33" E	12.40			
L63	N 42°55'11" W	40.21	L133	N 55°48'01" E	5.85			
L64	N 80°15'30" W	10.38	L134	N 08°18'11" E	19.38			
L65	N 44°42'45" W	15.05	L135	N 45°03'15" E	6.24			
L66	N 73°19'31" W	12.48	L136	N 10°43'12" E	27.10			
L67	N 36°58'27" W	13.64	L137	N 07°03'50" W	11.10			
L68	N 55°58'24" W	34.88	L138	N 14°44'11" E	68.31			
L69	N 39°31'30" W	49.85	L139	N 06°01'43" W	7.82			
L70	N 37°33'24" W	28.71	L140	N 12°31'31" E	28.26			

SURVEYOR'S CERTIFICATE

I, RONALD T. FREDERICK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK _____, PAGE _____); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____, PAGE _____; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS _____ ±; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS _____ DAY OF _____, A.D., _____.

TYPE OF PLAT

I HEREBY CERTIFY THIS PLAT OF THE FOLLOWING TYPE: G.S. 47-30 (F)(11)(D). THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

RONALD T. FREDERICK, PROFESSIONAL LAND SURVEYOR L-4720



McADAMS

The John R. McAdams Company, Inc.
2905 Meridian Parkway
Durham, NC 27713

phone 919. 361. 5000
fax 919. 361. 2269
license number: C-0293, C-187

www.mcadamsco.com

CLIENT

DURANCO

THE RIVER MEWS
ANNEXATION PLAT
CLAYTON, NORTH CAROLINA



REVISIONS

NO. DATE

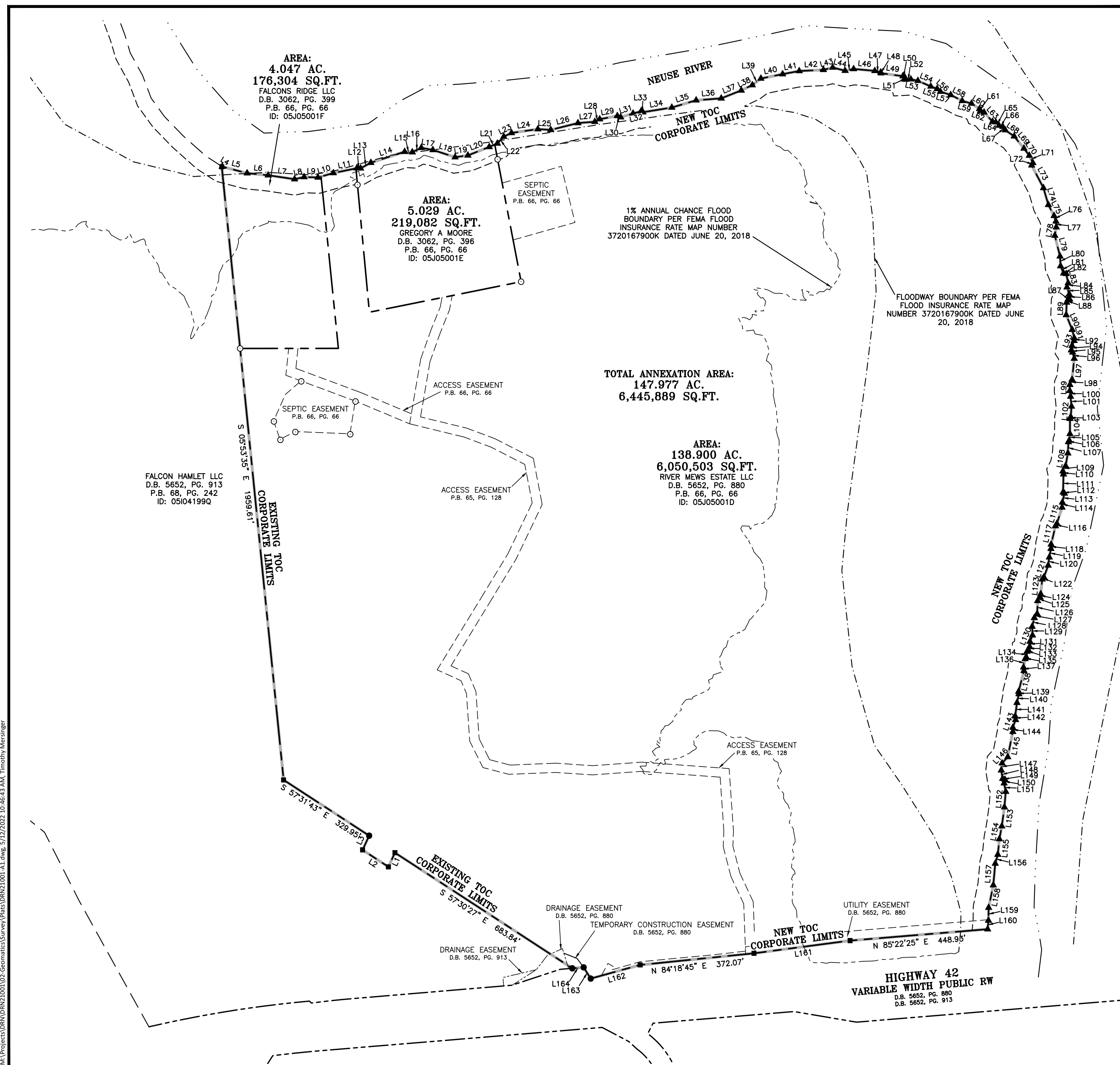
PLAN INFORMATION

PROJECT NO. DRN-21001
FILENAME DRN21001-A1
CHECKED BY RTF
DRAWN BY TAM
SCALE N/A
DATE 05-12-2022

SHEET

SHEET TITLE

1-2



www.mcadamsco.com

CLIENT

DURANCO

THE RIVER MEWS
ANNEXATION PLAT
CLAYTON, NORTH CAROLINA



REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO.	DRN-21001
FILENAME	DRN21001-A1
CHECKED BY	RTF
DRAWN BY	TAM
SCALE	1"=200'
DATE	05-12-2022

SHEET

SHEET TITLE

2-2

Ordinance 2022-08-06

Return to:

Town of Clayton - Town Clerk
POBOX 879
Clayton, NC 27528

Annexation Petition 2022-100-ANX

River Mews Estate, LLC; Falcon's Ridge, LLC; and Gregory A Moore

Location: 1603 NC HWY 42 E, Clayton, NC 27527

Non-Contiguous; 147.977 acres

**TOWN OF CLAYTON
ORDINANCE TO EXTEND THE CORPORATE LIMITS**

WHEREAS, the Clayton Town Council has been petitioned under NC GS 160A-58.1.
to annex the area described below; and

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on
the question of this annexation was held at Clayton Town Hall, 111 E Second Street at 6 p.m. on
August 15, 2022, after due notice by publication in the Johnstonian on August 3, 2022; and

WHEREAS, the Clayton Town Council finds that the petition meets the requirements of NC GS
160A-58.1:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from
the corporate limits of the Town of Clayton; and
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the
Town of Clayton; and
- c. The area described is so situated that the Town of Clayton will be able to provide the same
services within the proposed satellite corporate limits; and
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, the Clayton Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Clayton Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town of Clayton and the area proposed for annexation will best be served by annexing the area described;

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

1. **SECTION 1** By virtue of the authority granted by NC GS 160A-58.2, the following described territory is hereby annexed and made part of the Town of Clayton as of August 15, 2022:

BEGINNING AT A IRON PIPE SET IN THE NORTHERN RIGHT OF WAY OF HIGHWAY 42 (VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE WITH SAID RIGHT OF WAY NORTH 32°45'32" WEST 42.39 FEET TO A IRON PIPE SET; THENCE SOUTH 85°22'58" WEST 37.21 FEET TO A IRON PIPE SET; THENCE LEAVING SAID RIGHT OF WAY ALONG A COMMON LINE WITH FALCON HAMLETT LLC NORTH 57°30'27" WEST 683.84 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 25°17'24" WEST 49.89 FEET TO A CONCRETE MONUMENT; THENCE NORTH 57°18'00" WEST 99.84 FEET TO A CONCRETE MONUMENT; THENCE NORTH 25°26'15" EAST 50.00 FEET TO A IRON PIPE SET; THENCE NORTH 57°31'43" WEST 329.95 FEET TO A CONCRETE MONUMENT; THENCE NORTH 05°53'35" WEST 1959.61 FEET TO A POINT IN THE SOUTHERN NEUSE RIVER; THENCE WITH SAID RIVER SOUTH 57°41'58" EAST 1.48 FEET TO A POINT; THENCE SOUTH 75°33'54" EAST 83.93 FEET TO A POINT; THENCE SOUTH 84°32'15" EAST 68.76 FEET TO A POINT; THENCE SOUTH 81°42'47" EAST 86.80 FEET TO A POINT; THENCE NORTH 77°20'30" EAST 31.71 FEET TO A POINT; THENCE SOUTH 88°07'16" EAST 45.06 FEET TO A POINT; THENCE NORTH 74°18'08" EAST 52.14 FEET TO A POINT; THENCE NORTH 78°44'46" EAST 78.02 FEET TO A POINT; THENCE SOUTH 88°23'30" EAST 11.99 FEET TO A POINT; THENCE NORTH 61°55'03" EAST 37.83 FEET TO A POINT; THENCE NORTH 72°22'58" EAST 115.58 FEET TO A POINT; THENCE SOUTH 86°55'29" EAST 24.85 FEET TO A POINT; THENCE NORTH 64°51'05" EAST 32.26 FEET TO A POINT; THENCE SOUTH 79°58'47" EAST 38.15 FEET TO A POINT; THENCE SOUTH 72°18'22" EAST 75.94 FEET TO A POINT; THENCE NORTH 82°18'55" EAST 42.08 FEET TO A POINT; THENCE NORTH 68°47'32" EAST 74.49 FEET TO A POINT; THENCE NORTH 67°19'22" EAST 28.70 FEET TO A POINT; THENCE NORTH 43°46'41" EAST 29.93 FEET TO A POINT; THENCE NORTH 64°45'21" EAST 27.83 FEET TO A POINT; THENCE NORTH 82°00'01" EAST 86.68 FEET TO A POINT; THENCE SOUTH 86°43'11" EAST 41.97 FEET TO A POINT; THENCE NORTH 76°16'04" EAST 91.10 FEET TO A POINT; THENCE NORTH 85°38'51" EAST 55.02 FEET TO A POINT; THENCE NORTH 62°51'20" EAST 17.79 FEET TO A POINT; THENCE NORTH 79°48'20" EAST 58.31 FEET TO A POINT; THENCE SOUTH 69°22'41" EAST 11.66 FEET TO A POINT; THENCE NORTH 73°17'43" EAST 42.00 FEET TO A POINT;

THENCE NORTH 75°37'05" EAST 26.78 FEET TO A POINT; THENCE SOUTH 66°24'54" EAST 6.84 FEET TO A POINT; THENCE NORTH 81°01'14" EAST 95.06 FEET TO A POINT; THENCE NORTH 73°45'55" EAST 82.47 FEET TO A POINT; THENCE NORTH 85°42'38" EAST 81.75 FEET TO A POINT; THENCE NORTH 68°51'52" EAST 69.95 FEET TO A POINT; THENCE NORTH 64°39'16" EAST 39.78 FEET TO A POINT; THENCE NORTH 53°20'22" EAST 34.78 FEET TO A POINT; THENCE NORTH 78°49'27" EAST 71.94 FEET TO A POINT; THENCE NORTH 79°42'11" EAST 54.97 FEET TO A POINT; THENCE NORTH 87°18'49" EAST 78.78 FEET TO A POINT; THENCE NORTH 76°05'24" EAST 31.28 FEET TO A POINT; THENCE SOUTH 75°51'26" EAST 41.40 FEET TO A POINT; THENCE NORTH 78°51'14" EAST 28.23 FEET TO A POINT; THENCE SOUTH 84°59'51" EAST 69.18 FEET TO A POINT; THENCE SOUTH 76°25'47" EAST 19.82 FEET TO A POINT; THENCE SOUTH 23°30'31" EAST 3.12 FEET TO A POINT; THENCE SOUTH 82°30'24" EAST 71.54 FEET TO A POINT; THENCE SOUTH 55°38'40" EAST 8.62 FEET TO A POINT; THENCE SOUTH 13°47'22" EAST 6.17 FEET TO A POINT; THENCE NORTH 87°08'33" EAST 17.40 FEET TO A POINT; THENCE SOUTH 78°19'43" EAST 23.17 FEET TO A POINT; THENCE SOUTH 66°59'35" EAST 45.70 FEET TO A POINT; THENCE SOUTH 69°31'22" EAST 22.14 FEET TO A POINT; THENCE SOUTH 50°15'39" EAST 13.92 FEET TO A POINT; THENCE SOUTH 72°47'42" EAST 35.01 FEET TO A POINT; THENCE SOUTH 63°07'34" EAST 41.70 FEET TO A POINT; THENCE SOUTH 74°10'23" EAST 31.55 FEET TO A POINT; THENCE SOUTH 57°17'18" EAST 31.05 FEET TO A POINT; THENCE SOUTH 22°00'32" EAST 7.63 FEET TO A POINT; THENCE SOUTH 70°53'41" EAST 12.67 FEET TO A POINT; THENCE SOUTH 42°55'11" EAST 40.21 FEET TO A POINT; THENCE SOUTH 80°15'30" EAST 10.96 FEET TO A POINT; THENCE SOUTH 44°42'45" EAST 15.05 FEET TO A POINT; THENCE SOUTH 73°19'31" EAST 12.48 FEET TO A POINT; THENCE SOUTH 36°58'27" EAST 13.64 FEET TO A POINT; THENCE SOUTH 55°58'24" EAST 34.88 FEET TO A POINT; THENCE SOUTH 39°31'30" EAST 49.85 FEET TO A POINT; THENCE SOUTH 37°33'24" EAST 28.71 FEET TO A POINT; THENCE SOUTH 26°47'08" EAST 26.16 FEET TO A POINT; THENCE SOUTH 28°39'18" WEST 8.61 FEET TO A POINT; THENCE SOUTH 28°04'55" EAST 81.53 FEET TO A POINT; THENCE SOUTH 16°37'53" EAST 56.02 FEET TO A POINT; THENCE SOUTH 27°50'39" EAST 39.51 FEET TO A POINT; THENCE SOUTH 19°18'43" EAST 18.63 FEET TO A POINT; THENCE SOUTH 02°59'40" EAST 18.58 FEET TO A POINT; THENCE SOUTH 10°00'33" WEST 26.95 FEET TO A POINT; THENCE SOUTH 14°29'31" EAST 68.09 FEET TO A POINT; THENCE SOUTH 03°12'39" EAST 31.24 FEET TO A POINT; THENCE SOUTH 23°24'33" EAST 24.84 FEET TO A POINT; THENCE SOUTH 78°35'57" EAST 8.79 FEET TO A POINT; THENCE SOUTH 11°48'34" EAST 29.96 FEET TO A POINT; THENCE SOUTH 15°48'00" WEST 13.88 FEET TO A POINT; THENCE SOUTH 18°32'11" EAST 23.19 FEET TO A POINT; THENCE SOUTH 04°38'20" EAST 16.22 FEET TO A POINT; THENCE SOUTH 79°45'25" WEST 5.54 FEET TO A POINT; THENCE SOUTH 25°17'41" WEST 10.18 FEET TO A POINT; THENCE SOUTH 02°02'14" WEST 39.62 FEET TO A POINT; THENCE SOUTH 22°38'05" EAST 50.68 FEET TO A POINT; THENCE SOUTH 14°23'50" EAST 27.60 FEET TO A POINT; THENCE SOUTH 04°24'07" WEST 8.49 FEET TO A POINT; THENCE SOUTH 23°28'37" WEST 17.15 FEET TO A

POINT;THENCE SOUTH 09°17'54" WEST 14.47 FEET TO A POINT; THENCE SOUTH 33°33'25" EAST 7.93 FEET TO A POINT; THENCE SOUTH 14°29'00" EAST 20.69 FEET TO A POINT; THENCE SOUTH 06°00'20" WEST 66.87 FEET TO A POINT; THENCE SOUTH 23°14'44" WEST 18.14 FEET TO A POINT; THENCE SOUTH 01°28'00" WEST 19.22 FEET TO A POINT; THENCE SOUTH 08°30'23" EAST 18.29 FEET TO A POINT; THENCE SOUTH 05°39'51" EAST 31.76 FEET TO A POINT; THENCE SOUTH 04°37'25" WEST 33.08 FEET TO A POINT; THENCE SOUTH 19°59'11" WEST 6.54 FEET TO A POINT; THENCE SOUTH 00°17'37" WEST 47.93 FEET TO A POINT; THENCE SOUTH 05°57'19" WEST 20.85 FEET TO A POINT; THENCE SOUTH 28°49'51" WEST 5.78 FEET TO A POINT; THENCE SOUTH 02°49'31" WEST 35.87 FEET TO A POINT; THENCE SOUTH 10°29'03" WEST 40.75FEET TO A POINT; THENCE SOUTH 27°19'47" WEST 19.35 FEET TO A POINT; THENCE SOUTH 12°05'35" EAST 9.76 FEET TO A POINT; THENCE SOUTH 01°22'03" WEST 57.26 FEET TO A POINT; THENCE SOUTH 50°04'15" EAST 5.71 FEET TO A POINT; THENCE SOUTH 13°18'19" WEST 29.20 FEET TO A POINT; THENCE SOUTH 03°36'43" WEST 16.03 FEET TO A POINT; THENCE SOUTH 18°04'50" WEST 54.09 FEET TO A POINT; THENCE SOUTH 31°18'40" WEST 9.11 FEET TO A POINT; THENCE SOUTH 13°31'38" WEST 59.97 FEET TO A POINT; THENCE SOUTH 02°46'15" WEST 13.86 FEET TO A POINT; THENCE SOUTH 11°02'22" WEST 27.52 FEET TO A POINT; THENCE SOUTH 08°02'05" WEST 26.16 FEET TO A POINT; THENCE SOUTH 20°13'15" WEST 40.07 FEET TO A POINT; THENCE SOUTH 39°26'49" WEST 8.49 FEET TO A POINT; THENCE SOUTH 06°04'06" WEST 47.01 FEET TO A POINT; THENCE SOUTH 16°23'23" WEST 9.41 FEET TO A POINT; THENCE SOUTH 29°54'55" WEST 14.72 FEET TO A POINT; THENCE SOUTH 02°14'43" WEST 40.99 FEET TO A POINT; THENCE SOUTH 35°24'15" WEST 16.00 FEET TO A POINT; THENCE SOUTH 14°14'09" WEST 28.34 FEET TO A POINT; THENCE SOUTH 02°18'37" EAST 27.82 FEET TO A POINT; THENCE SOUTH 22°49'16" WEST 21.71 FEET TO A POINT; THENCE SOUTH 03°19'14" WEST 16.27 FEET TO A POINT; THENCE SOUTH 16°12'33" WEST 12.40 FEET TO A POINT; THENCE SOUTH 55°48'01" WEST 5.85 FEET TO A POINT; THENCE SOUTH 06°16'11" WEST 19.38 FEET TO A POINT; THENCE SOUTH 45°03'15" WEST 6.24 FEET TO A POINT; THENCE SOUTH 10°43'12" WEST 27.10 FEET TO A POINT; THENCE SOUTH 07°03'50" EAST 11.10 FEET TO A POINT; THENCE SOUTH 14°44'11" WEST 68.31 FEET TO A POINT; THENCE SOUTH 06°01'43" EAST 7.82 FEET TO A POINT; THENCE SOUTH 12°31'31" WEST 28.26 FEET TO A POINT; THENCE SOUTH 07°38'34" WEST 43.43 FEET TO A POINT; THENCE SOUTH 06°18'16" EAST 11.37 FEET TO A POINT; THENCE SOUTH 20°08'40" WEST 26.07 FEET TO A POINT; THENCE SOUTH 00°05'00" WEST 13.47 FEET TO A POINT; THENCE SOUTH 11°37'12" WEST 81.69 FEET TO A POINT; THENCE SOUTH 42°49'09" WEST 27.18 FEET TO A POINT; THENCE SOUTH 06°41'35" WEST 22.60 FEET TO A POINT; THENCE SOUTH 09°23'27" EAST 27.13 FEET TO A POINT; THENCE SOUTH 69°24'57" EAST 7.94 FEET TO A POINT; THENCE SOUTH 12°46'35" WEST 11.98 FEET TO A POINT; THENCE SOUTH 11°27'43" EAST 27.10 FEET TO A POINT; THENCE SOUTH 05°03'23" WEST 49.52 FEET TO A POINT; THENCE SOUTH 07°56'40" WEST 61.14 FEET TO A POINT; THENCE SOUTH 11°02'59" WEST 41.57 FEET TO A POINT;

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SECTION 2 Upon and after August 15, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes in according to NC GS 160A-58.10.

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

ADOPTED this 15 day of August 2022.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry L. Scoggins, MMC;
Interim Town Clerk

Jim Cauley
Town Attorney

.....

**NORTH CAROLINA
JOHNSTON COUNTY**

This the _____ day of _____, 2022, personally appeared before me Sherry L. Scoggins, Interim Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Sherry L. Scoggins, signed her name in attestation of said instrument in the presence of said Mayor.

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

Notary Public - Signature

Notary Public - Printed Name

Commission Expires: _____

County of Commission: _____



Town Council Agenda Cover Sheet

Meeting Date

August 15, 2022

Agenda Location

Public Hearings

Item Title

2022-92-RZ Town Property Rezoning

Presenter:

Bruce Venable – Planner I

Summary/Description

Staff is seeking to remedy zoning irregularities on 63 Town owned properties that require a rezoning to Public Facilities (PF). Per the Town of Clayton's UDC: All Town owned property must be in a Public Facilities (PF) Zoning District. The properties current zoning varies in zoning from residential, Business, Industrial and Planned Development. This public hearing is to provide Town Council with the opportunity to make a decision on the rezoning(s) and receive public comment.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Staff Report
Application
Neighborhood Meeting Material
Staff Report Companion Document

Meeting Timeline

Click or tap here to enter text.



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

*Planning Board, 7/25/2022
Town Council, 8/15/2022*

STAFF REPORT

Application Number: 2022-99-RZ
Project Name: Town of Clayton Public Properties – Rezoning

TAG #(s): See Attachment
Town Limits/ETJ: Town Limits
Applicant: Town of Clayton
Owner: Town of Clayton
Location: See Attachment
Project Planner: Bruce Venable, Planner I

Public Noticing Dates:

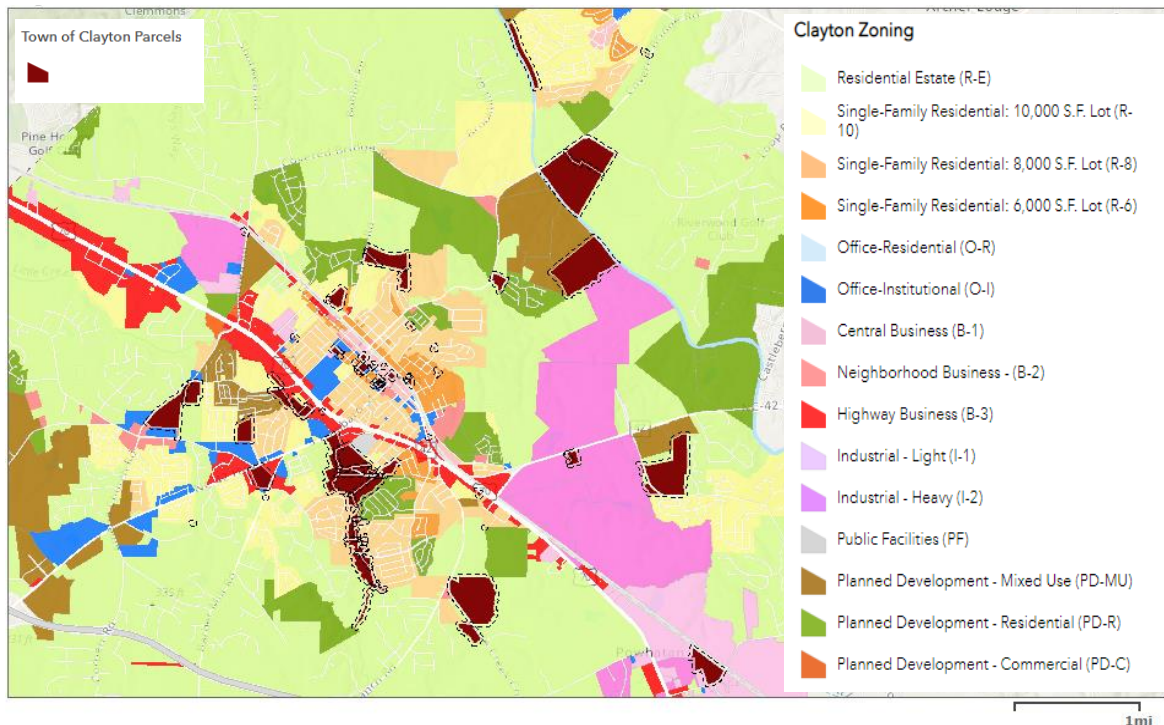
- **Neighborhood Meeting:** June 23, 2022
- **Sign posted:** July 14, 2022
- **PB Adjacent Property Letters Mailed:** July 13, 2022
- **TC Adjacent Property Letters Mailed:** August 2, 2022

REQUEST: To rezone 63 Town properties to the Public Facilities (PF) Zoning District

Total Acreage: +/- 586.585 acres; 63 total properties

ADJACENT ZONING AND LAND USES:

List of properties and map are included in the Staff Report Companion Document.



Esri, NASA, NGA, USGS, FEMA | Wake County, State of North Carolina DOT, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

STAFF ANALYSIS AND COMMENTARY:

Overview

Staff is seeking to remedy zoning irregularities on 63 Town-owned properties by rezoning the properties to the Public Facilities (PF) Zoning District. The properties current zoning varies in zoning from residential, Business, Industrial and Planned Development. The properties are made up of a variety of different uses, such as parks, cemeteries, fire stations, police stations, libraries, public squares and undeveloped land. The current uses are Permitted Uses in the PF Zoning District.

For more information and images related to the 63 sites please refer to “Staff Report Companion Document”.

Amended July 25, 2022: The originally proposal included 65 Town owned properties. Two properties were removed prior to the Planning Board meeting on July 25, 2022. Planning Board was made aware of these changes and continued to recommend this proposal for approval.

1. 05015004A - E Front St. Vacant Lot -
 - a. Reason for removal: Economic Development Department is current working on project related to this parcel.



2. 05H04046H - Little Creek Church Road at Ranch Rd Vacant Lot
 - a. Reason for removal: Economic Development Department is current working on project related to this parcel.



REZONING APPROVAL CRITERIA

In connection with its legislative decision on a rezoning request, the Town Council may consider factors including, but not limited to, the following:

(1) Consistency with the adopted plans and policies of the Town;

Applicant's / Staff's Response: The rezoning(s) will correct existing zoning inconsistencies for all Town of Clayton owned properties that are not under the Public Facilities Zoning District.

(2) Suitability of the subject property for uses permitted by the current versus the proposed district;

Applicant's / Staff's Response: The properties proposed for rezoning are owned by the Town, and some are sites of existing Town facilities, some of which may not be permitted in the existing Zoning District. The proposed rezoning will ensure that any existing Town facilities are in compliance with the Unified Development Code, and future development of these properties by the Town can occur in accordance with the Unified Development Code.

(3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town;

Applicant's / Staff's Response: The proposed rezoning will allow the Town to continue to improve existing facilities and develop new facilities on property owned by the Town, in accordance with the Unified Development Code.

(4) The capacity of adequate public facilities and services including schools, transportation infrastructure, recreation facilities, wastewater treatment, water supply facilities, and stormwater drainage facilities for the proposed use;

Applicant's / Staff's Response: This rezoning will have no impact on infrastructure, capacity or function of current Town facilities/services.

(5) It has been determined that the legal purposes for which zoning exists are not contravened;

Applicant's / Staff's Response: Staff believe that this request is not contravened and is aligned with the comprehensive future land use plan of 2045 and will serve the community.

(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;

Applicant's / Staff's Response: There should be no adverse effect upon any of the adjoining property owners.

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

Applicant's / Staff's Response: Rezoning serves to correct zoning irregularities and bring the properties into compliance.

Consistency with the Comprehensive Growth Plan 2045

The rezoning request would be consistent with the 2045 Comprehensive Growth Plan.

Comprehensive Growth Plan Goals supporting the rezoning request include:

Goal LU 1: Preserve Clayton's character while allowing for growth and development in appropriate areas.

Policy LU 1.1: Manage future growth and encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code (UDC), and other plans and regulations adopted by the Town Council.

Strategy LU 1.1.1: Review development proposals for consistency with the Future Land Use Map.

Goal SI 3: Plan for maintenance and replacement of governmental facilities.

Policy SI 3.4.1: Regularly study building maintenance and replacement needs for public facilities that provide key services.

Goal SI 4: Coordinate the timing and location of electric utilities to minimize cost and service disruptions.

Policy SI 4.1.1: Encourage new development to utilize the Town's electric system.

CONSIDERATIONS:

- ◆ Approval of the rezoning would allow any permitted use within the PF Zoning District to be constructed on the site. Town Council should consider all potential uses of the site when considering the rezoning

STAFF RECOMMENDATION:

- ◆ Staff recommends **APPROVAL** of the proposed rezoning request.
- ◆ The Planning Board recommends **APPROVAL** of the proposed rezoning request. The request is consistent with Goal LU 1, Policy LU 1.1, Strategy LU 1.1.1, Goal SI 3, Policy SI 3.4.1, Goal SI 4, Policy SI 4.1.1 and Strategy of the Comprehensive Growth Plan 2045 of the Comprehensive Growth Plan 2045.

ATTACHMENTS:

- 1) Staff Report
- 2) Staff Report Maps Supplement
- 3) Application/Owner's Consent Form
- 4) Neighborhood Meeting Materials
- 5) Staff Power Point



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

REZONING APPLICATION COVER SHEET

Name of Project: Town of Clayton Public Properties **Date:** 05/17/2022

Applicant Name: TOWN OF CLAYTON

Applicants will need to submit **ONE hardcopy** of the completed application packet and **ONE digital copy** of the completed application packet (on a USB) to the Planning Department.

Items on the following checklist constitutes a complete application (to be completed by applicant):

- [x] Pre-Application Meeting on: N/A
- [x] Review Fee
- [x] Advertisement Fee
- [x] Completed Application
- [x] Owner's Consent Form
- [x] Adjacent Property Owner's List
- [x] Neighborhood Meeting Notice Letter (1 copy)
- [x] 2 Sets of stamped, addressed, empty envelopes for adjacent property owner notification
- [x] Signed & Sealed Boundary Survey
- [x] Copy of signed & sealed boundary survey in PDF on USB

Reviewed by: Ben Howell 



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

REZONING APPLICATION

- ☒ Standard Rezoning Fee: \$500.00
☐ Planned Development Rezoning Fee: \$1,000 + \$5.00 per acre
☒ Advertisement Fee: \$200.00

SITE INFORMATION

Name of Project: Town of Clayton Public Properties
Acreage of Property: 653.765 Zoning District: Multiple
County Tag #: See Attachment NC Pin #: See Attachment
Address/Location: See Attachment
Existing Zoning District: R-6,-R-8,-R-10,R-E, O-I, I-1,I-2
Proposed Zoning District: PF (Public Facilities)

APPLICANT INFORMATION

Applicant: TOWN OF CLAYTON
Mailing Address: 111 E 2nd Street, Clayton, NC, 27520
Phone Number: (919) 553-5002 Fax: (919) 553-1720
Contact Person: Ben Howell
Email Address: Planning@townofclaytonnc.org

PROPERTY OWNER INFORMATION

Name: _____
Mailing Address: 111 E 2nd Street, Clayton, NC, 27520
Phone Number: (919) 553-5002 Fax: (919) 553-1720
Email Address: Planning@townofclaytonnc.org

RECEIVED

OFFICE USE ONLY

Date Received: JUN 03 2022 Amount Paid: _____ File Number: 2022-92-R2

TOWN OF CLAYTON
PLANNING DEPARTMENT

EXPLANATION OF PROJECT

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

The Town of Clayton wishes to rezone all town owned properties to their proper zoning district of PF (Public Facilities)

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

The Rezoning(s) will correct existing zoning areas for all TOC owned properties. Current zonings are not consistent with the adopted plans of the TOC

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

Currently these properties are incorrectly zoned and are technically out of compliance with the TOC's Unified Development Code.

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

The rezoning will align all town properties to their proper zoning districts. Removing their noncompliance issues.

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

No changes to use or infrastructure are being made nor will the rezoning affect the capacity or function of current facilities or services of the Town.

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

Rezoning brings all properties back into legal compliance with the Unified Development Code

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.

Proposed changes will have no effect on other properties, nor will it have any negative effect on the public good or welfare.

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.

No one property owner will benefit from this rezoning.

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.

Benjamin Howell
Print Name

Benjamin Howell
Signature of Applicant

6/3/2022
Date

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the Neighborhood Meeting is to inform the surrounding property owners of the nature of the proposed land use and/or development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The neighborhood meeting must be held prior to the 1st scheduled public meeting date. It is recommended to hold the meeting at least 10 days prior to the 1st scheduled public meeting date, however, it is **not** a requirement.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request. The meeting space must be able to comfortably accommodate everyone that receives an invitation.

Meeting Notice Mailing requirements:

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

Information required to be provided at the Neighborhood Meeting:

At a minimum, the following materials must be present and discussed at a 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 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 least ten (10) calendar days prior to the 1st scheduled public meeting in electronic or hard copy format:

- ☐ Adjacent Property Owner's List (aka "mailing list") *Should be submitted with original application packet*
- ☐ Copy of the letter mailed *Should be submitted with original application packet*
- ☐ Attendance Roster (aka "sign-in sheet") *Submit no later than 10 days prior to 1st public meeting date*
- ☐ Neighborhood Meeting Summary Form with minutes (see below) *Submit no later than 10 days prior to the 1st public meeting date*

ADJACENT PROPERTY OWNERS LIST

Project Name: Town of Clayton Mass Rezoning for Town Owned Properties

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 ID	NAME	Address
05E99198H	11183 US 70 ASSOCIATES, LLC	7610 SIX FORKS RD RALEIGH, NC 27615-5047
5011016	113 E FIRST ST., LLC	PO BOX 6309 RALEIGH, NC 27628-6309
5015021	121 MAIN, LLC	10024 OLD STAGE RD RALEIGH, NC 27603-9558
05E01078	2018-2 IH BORROWER LP	1717 MAIN ST STE 2000 DALLAS, TX 75201-4657
05H04038	2018-4 IH BORROWER LP	PO BOX 4900 SCOTTSDALE, AZ 85261-4900
M		
05G02009P	45 SHOTWELL, LLC	45 SHOTWELL RD CLAYTON, NC 27520-5501
5011032	4GK INC	254 N BROAD ST E ANGIER, NC 27501-8952
05026095B	501 ATKINSON STREET, LLC	11524 WILMAR BLVD CHARLOTTE, NC 28273-6448
5019055	ADAMS, E O JR	1178 OLD DRUG STORE RD GARNER, NC 27529-7609
05H02199	ADAMS, QUAYSHAWN F.	139 SMART CT CLAYTON, NC 27520-1849
O		
05G02012K	AFFORDABLE AUTO REPAIR, LLC	103 LEE CT CLAYTON, NC 27520-7927
05G02009G	AFFORDABLE AUTO REPAIR, LLC	103 LEE CT CLAYTON, NC 27520-7927
05G02010V	ALCANTARA, SAMANTHA	300 GARRISON AVE CLAYTON, NC 27520-6771
	FRAZIER	
05024012Q	ALCORDO, RENE	912 HEATHRIDGE CT RALEIGH, NC 27609-2898
5020047	ALFORD, BETTIE	309 W HORNE ST CLAYTON, NC 27520-2319
05034069Z	ALSTON, CANDICE	98 SHAKESPEARE DR CLAYTON, NC 27520-1889
16I02007H	ALTO ASSET COMPANY 2, LLC	5001 PLAZA ON THE LK STE 200 AUSTIN, TX 78746-1053
5019047	AMAON, MARCIA H.	109 W 2ND ST CLAYTON, NC 27520-2333
05G02058X	AMELIA POINT INVESTMENTS, LLC	PO BOX 189 CLAYTON, NC 27528-0189
05G02053X	AMELIA POINT INVESTMENTS, LLC	PO BOX 189 CLAYTON, NC 27528-0189

05G02053Y	AMELIA POINT INVESTMENTS, LLC	PO BOX 189 CLAYTON, NC 27528-0189
05G02053W	AMELIA POINT INVESTMENTS, LLC	PO BOX 189 CLAYTON, NC 27528-0189
05G02053Z	AMELIA POINT INVESTMENTS, LLC	PO BOX 189 CLAYTON, NC 27528-0189
05G02053V	AMELIA POINT INVESTMENTS, LLC	PO BOX 189 CLAYTON, NC 27528-0189
05G02053U	AMELIA POINT INVESTMENTS, LLC	PO BOX 189 CLAYTON, NC 27528-0189
05G02066Z	AMELIA POINT INVESTMENTS, LLC	PO BOX 189 CLAYTON, NC 27528-0189
05G02058Z	AMELIA POINT INVESTMENTS, LLC	PO BOX 189 CLAYTON, NC 27528-0189
05G02058Y	AMELIA POINT INVESTMENTS, LLC	PO BOX 189 CLAYTON, NC 27528-0189
05G02010E	AMELIA VILLAGE PHASE I, LLC	701 EXPOSITION PL STE 101 RALEIGH, NC 27615-3356
16I02038C	AMH 2014 3 BORROWER LLC	23975 PARK SORRENTO STE 300 CALABASAS, CA 91302-4012
16I02038D	AMH 2015-2 BORROWER, LP	23975 PARK SORRENTO STE 300 CALABASAS, CA 91302-4012
05E01198P	AMH 2015 1 BORROWER LLC	23975 PARK SORRENTO STE 300 CALABASAS, CA 91302-4012
05H03038L	AMH NC PROPERTIES TWO L.P.	23975 PARK SORRENTO FL 3 CALABASAS, CA 91302-4015
05H04039J	AMH NC PROPERTIES TWO L.P.	23975 PARK SORRENTO FL 3 CALABASAS, CA 91302-4015
05H04039C	AMH NC PROPERTIES, LP	23975 PARK SORRENTO STE 300 CALABASAS, CA 91302-4012
05H04039O	AMH NC PROPERTIES, LP	23975 PARK SORRENTO STE 300 CALABASAS, CA 91302-4012
16I02045G	AMH NC PROPERTIES, LP	23975 PARK SORRENTO STE 300 CALABASAS, CA 91302-4012
05H02202	ANAGBOGU, MERCY	208 GEORGETOWNE DRIVE CLAYTON, NC 27520-0000
05G03039U	ANDERSON, BRITTANY K.	33 LAKEMONT DR CLAYTON, NC 27520-3049
05I04039U	ANDERSON, JUSTIN PHILLIP	34 W SMOKETREE CT CLAYTON, NC 27527-9668
05G02009F	ANDREWS LIVING TRUST	45 E WALKER WOODS LN CLAYTON, NC 27527-6902
05G02016U	ANDREWS, JERRY W	1946 SHOTWELL RD CLAYTON, NC 27520-6506
05G02046U	ANTKOWIAK, DENNIS M	211 WORTHINGTON DR TRUSSVILLE, AL 35173-1052
05I05020V	APPCOMM INC	PO BOX 785 CLAYTON, NC 27528-0000
05E01207	ARBELAEZ, MICHAEL S.	205 HOCUTT DR CLAYTON, NC 27520-7254
05005067K	ARBUTINA PROPERTIES LLC	6736 FALLS OF NEUSE RD STE 200 RALEIGH, NC 27615-5300

5019052	ARLIDGE, TAMMY	3909 CEANOTHUS PL APT P CALABASAS, CA 91302-2905
05H03038 G	ARMSTRONG, JAMES H	230 LAKEMONT DR CLAYTON, NC 27520-3054
05H02016	ASHCROFT PARTNERS, LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520- 2397
05H02019B	ASHCROFT PARTNERS, LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520- 2397
05H02200B	ASHCROFT PARTNERS, LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520- 2397
05H02015A	ASHCROFT PARTNERS, LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520- 2397
05H02019A	ASHCROFT PARTNERS, LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520- 2397
05H02015	ASHCROFT PARTNERS, LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520- 2397
05H02009A	ASHCROFT PARTNERS, LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520- 2397
5020053	ASHLEY LYNN GRAHAM LIVING TRUST	313 W HORNE ST CLAYTON, NC 27520-2319
5016067	ATCHISON, RUBY C	304 S LOMBARD ST CLAYTON, NC 27520-2519
5015087	AUSTIN, JESSE H JR	6237 CORNWALLIS RD GARNER, NC 27529- 8216
05036072A	AVERY, LINDA	321 E STALLINGS ST CLAYTON, NC 27520-1954
5036073	AVERY, LINDA	321 E STALLINGS ST CLAYTON, NC 27520-1954
5015047	AVESTA PROPERTIES, LLC	7720 HARPS MILL RD RALEIGH, NC 27615- 5427
5015019	B3 II, LLC	11600 SIX FORKS RD RALEIGH, NC 27614-9505
5011012	B3 II, LLC	11600 SIX FORKS RD RALEIGH, NC 27614-9505
5021009	BAGLEY, JUDY A	7501 LEAD MINE RD APT 209 RALEIGH, NC 27615-5850
5015042	BAKER, ROBERT A	43 OAKFIELD TERRACE CLAYTON, NC 27520- 0000
05H04199Z	BANKS, RILLA HEIRS	5675 LITTLE CREEK CH RD CLAYTON, NC 27520-6127
05H02202C	BARBER, KENNETH E	105 SMART COURT CLAYTON, NC 27520-0000
05029008A	BARBOUR, CREGG J.	104 WARREN ST CLAYTON, NC 27520-1648
5029059	BARBOUR, CREGG J.	104 WARREN ST CLAYTON, NC 27520-1648
5036050	BARBOUR, GLENN C	P O BOX 1054 CLAYTON, NC 27528-0000
5036091	BARBOUR, GLENN C	P O BOX 1054 CLAYTON, NC 27528-0000
5033009	BARBOUR, JOSEPH MORRIS	246 FRONT ST CLAYTON, NC 27520-0000
5015025	BARBOUR, MARY ALICE CANADY	218 HARDEE ST CLAYTON, NC 27520-2511
05029199E	BARBOUR, ROY R.	125 BOBBITT RD CLAYTON, NC 27520-6501
5029008	BARBOUR, ROY R.	125 BOBBITT RD CLAYTON, NC 27520-6501
05H03028 U	BARCLIFT, ALBERT	343 LAKEMONT DR CLAYTON, NC 27520

05H02203V	BARFIELD, MELVIN	10 RANDOLPH DRIVE CLAYTON, NC 27560-0000
05G02011J	BARHAM, KIMBERLY R. EXECUTOR	8137 LAKISTA POINT LN GARNER, NC 27529-9096
05G02046V	BARNES, ALTON	70 SPORTING CLUB DR GARNER, NC 27529-6560
05H03046	BARNES, CARLISE ARMETRA	603 LAKEMONT DR CLAYTON, NC 27520-3076
5015069	BASS, THOMAS R DR	4050 CARDINAL AT NORTH HILLS ST APT 209 RALEIGH, NC 27609
05G02061	BATKIN, ROBERT	123 GRACIE LN CLAYTON, NC 27520-7948
05I04001Y	BAYER CROPSCIENCE LP	P O BOX 80615 INDIANAPOLIS, IN 46280
05E99102A	BAYNO, MARK	2740 BRIGADOON DR CLAYTON, NC 27520-9416
05H01015R	BEAVER, MARTIN	434 CHRISTOPHER DR CLAYTON, NC 27520-5573
05H01011K	BECKER, WILLIAM M	128 CHRISTOPHER DR CLAYTON, NC 27520-5503
05G02067	BEGNOCHE, MICHAEL	257 SCOTCH BUSH RD BURNT HILLS, NY 12027-9786
5024002	BELVIN, BRYAN	2020 CAROL DR CLAYTON, NC 27520-9510
5024005	BELVIN, BRYAN E	2020 CAROL DR CLAYTON, NC 27520-9510
5015040	BELVIN, LARRY E	321 E MAIN ST CLAYTON, NC 27520-2463
05H03044S	BENJAMIN, REBECCA	527 LAKEMONT DR CLAYTON, NC 27520-3075
05034069O	BERRY, JOSEPH A.	157 E WILSON ST CLAYTON, NC 27520-1809
05I04046G	BERRY, KEVIN S	74 BELLEFIELD LN CLAYTON, NC 27527-8312
5020037	BICK, COLIN	1265 CAROLINA AVE LONGMONT, CO 80501-4206
05H04039 G	BIEGEL, KEITH	677 AVERASBORO DRIVE CLAYTON, NC 27520-0000
5036049	BILLY GLENN GILL IRA	199 OLIVIA WAY SELMA, NC 27576
05H01016L	BLACK, AMANDA KORENGAY	534 CHRISTOPHER DR CLAYTON, NC 27520-5582
05H03044 Q	BLACK, LISA ANN	511 LAKEMONT DR CLAYTON, NC 27520-3075
5015079	BLACKBURN, DANIEL WILLIAM	229 AMERICA DR SELMA, NC 27576-0000
05015032A	BLACKLEY, JOYCE L	2133 SHOTWELL RD CLAYTON, NC 27520-8222
5036051	BLACKMON, MAGNOLIA	PO BOX 213 CLAYTON, NC 27520-0000
05I05020U	BLACKMON, WILSON EARL	PO DRAWER 2318 SMITHFIELD, NC 27577-2318
05H03037B	BOISSEAU, MARK R.	4300 SE SAINT LUCIE BLVD LOT 129 STUART, FL 34997-6847
16I02040Z	BOMGARDNER, MATTHEW	441 HARDAWAY PT CLAYTON, NC 27527-5572
05I04039A	BOUKHRIS, YOUSSEF	12 ROLLING MEADOWS DR CLAYTON, NC 27527-8303
05H01011 N	BOUSMAHA, ROBERT	140 CHRISTOPHER DR CLAYTON, NC 27520-5503

05H03046A	BOWMAN, SAMUEL	611 LAKEMONT DR CLAYTON, NC 27520-3076
16I03023B	BOYETTE, BONNIE S	1387 LOOP RD CLAYTON, NC 27527-6230
16I03024	BOYETTE, JAMES EARL	1630 LOOP RD CLAYTON, NC 27520-6234
16I03024E	BOYETTE, LARRY S	611 LOOP RD ARCHER LODGE, NC 27527-6958
16I03015	BOYETTE, LARRY S	611 LOOP RD ARCHER LODGE, NC 27527-6958
05G02198 H	BRADFORD, REBECCA LEE	1024 AMELIA CHURCH ROAD CLAYTON, NC 27520-0000
05H03046B	BRIDGES, NORRIS	621 LAKEMONT DR CLAYTON, NC 27520-3076
05E99020Y	BRISTOL AT COBBLESTONE HOMEOWNERS ASSOCIATION, INC.	4112 BLUE RIDGE RD STE 100 RALEIGH, NC 27612-4652
05G03039S	BRISTOL AT COBBLESTONE HOMEOWNERS ASSOCIATION, INC.	4112 BLUE RIDGE RD STE 100 RALEIGH, NC 27612-4652
05G03039R	BRISTOL AT COBBLESTONE HOMEOWNERS ASSOCIATION, INC.	4112 BLUE RIDGE RD STE 100 RALEIGH, NC 27612-4652
05H03037A	BRISTOL AT COBBLESTONE HOMEOWNERS ASSOCIATION, INC.	4112 BLUE RIDGE RD STE 100 RALEIGH, NC 27612-4652
05H03044 U	BRISTOL AT COBBLESTONE HOMEOWNERS ASSOCIATION, INC.	4112 BLUE RIDGE RD STE 100 RALEIGH, NC 27612-4652
05H03028Z	BRISTOL AT COBBLESTONE HOMEOWNERS ASSOCIATION, INC.	4112 BLUE RIDGE RD STE 100 RALEIGH, NC 27612-4652
05H03044V	BRISTOL AT COBBLESTONE HOMEOWNERS ASSOCIATION, INC.	4112 BLUE RIDGE RD STE 100 RALEIGH, NC 27612-4652
05H03041K	BRISTOL AT COBBLESTONE HOMEOWNERS ASSOCIATION, INC.	4112 BLUE RIDGE RD STE 100 RALEIGH, NC 27612-4652
05H03043P	BRISTOL AT COBBLESTONE HOMEOWNERS ASSOCIATION, INC.	4112 BLUE RIDGE RD STE 100 RALEIGH, NC 27612-4652
05H03048 Q	BRISTOL AT COBBLESTONE HOMEOWNERS ASSOCIATION, INC.	4112 BLUE RIDGE RD STE 100 RALEIGH, NC 27612-4652
05G03034 H	BRISTOL AT COBBLESTONE HOMEOWNERS ASSOCIATION, INC.	4112 BLUE RIDGE RD STE 100 RALEIGH, NC 27612-4652
05H03027	BRISTOL AT COBBLESTONE HOMEOWNERS ASSOCIATION, INC.	4112 BLUE RIDGE RD STE 100 RALEIGH, NC 27612-4652
05H03044 W	BRISTOL AT COBBLESTONE HOMEOWNERS ASSOCIATION, INC.	4112 BLUE RIDGE RD STE 100 RALEIGH, NC 27612-4652
05020045A	BROOKS DENMARK LLC	2104 BREEZE RD RALEIGH, NC 27608-1436

5020045	BROOKS DENMARK LLC	2104 BREEZE RD RALEIGH, NC 27608-1436
5020046	BROOKS DENMARK LLC	2104 BREEZE RD RALEIGH, NC 27608-1436
05H04031	BROWN, BEVERLY RENE	5675 LITTLE CREEK CHURCH RD CLAYTON, NC 27520-0000
05G02010T	BROWN, DAVID	1009 POPLAR CREEK TRAIL RALEIGH, NC 27610-0000
05H03044L	BROWN, DEVIKA S.	46 ONYX CT CLAYTON, NC 27520-3080
05H02015E	BROWN, LINDSEY	21 FAIRVIEW ST CLAYTON, NC 27520-5706
5016054	BROWNING, HELEN M	306 S BARBOUR ST CLAYTON, NC 27520-2406
05H03192 U	BROWNING, ROBERT L	65 GLEN RD STE 182 GARNER, NC 27529-7943
05G02010R	BRYANT, TRACY E	P O BOX 1723 CLAYTON, NC 27528-0000
05H03046 H	BUCHANAN, ASHLEY LAUREN	671 LAKEMONT DR CLAYTON, NC 27520-3076
5034023	BUENO, JAIME F	813 E 14TH ST ROANOKE RAPID, NC 27870-4626
05030045E	BUNN, GARY L	1025 RIDGE DR CLAYTON, NC 27520-9664
5033010	BUNN, TONY	120 LOOP ROAD CLAYTON, NC 27527-0000
5029058	BURGOS, MARGARITO	328 MCCULLERS ST CLAYTON, NC 27520-1631
5029057	BURGOS, MARGARITO	328 MCCULLERS ST CLAYTON, NC 27520-0000
05I04039T	BURKE, JEFFREY L	33 W SMOKETREE CT CLAYTON, NC 27527-9668
05G02010N	CALAMARI PROPERTIES LLC	1321 OBERLIN ROAD RALEIGH, NC 27608-0000
05E01198O	CALHOUN, KATHLEEN H	313 HOCUTT DR CLAYTON, NC 27520-7256
05H01016 O	CAMPBELL, CHASE LEE	592 CHRISTOPHER DR CLAYTON, NC 27520-5582
5036061	CAMPBELL, MAE BELLE	11617 S LOOMIS ST CHICAGO, IL 60643-5034
5015066	CANADY, PRISCILLA DODDS	212 S BARBOUR ST CLAYTON, NC 27520-0000
05H02201Y	CANCHE, WILLIAM ABAN SR	216 GEORGETOWNE DR CLAYTON, NC 27520-1847
05I05019T	CAPITAL PROPERTIES OF RALEIGH	3724 NATIONAL DR STE 220 RALEIGH, NC 27612-4070
05E99022 W	CAPPS, BILLY WADE	1119 N ONEIL STREET EXT CLAYTON, NC 27520-6240
05022001A	CAROLINA POWER & LIGHT	P O BOX 1551 RALEIGH, NC 27602-0000
5022001	CAROLINA POWER & LIGHT	P O BOX 1551 RALEIGH, NC 27602-0000
5022002	CAROLINA POWER & LIGHT CO DBA	PO BOX 1551 RALEIGH, NC 27602-0000
5015004	CARROLL BUILDING INVESTMENTS, LLC	224 PERCY DR CLAYTON, NC 27520-7346
5008014	CARROLL, JASON GENE	210 WYNDFALL LN ARCHER LODGE, NC 27527-6297
05H01015 Q	CASEY, CHRISTOPHER JAMES	410 CHRISTOPHER DR CLAYTON, NC 27520-5573
5016043	CASEY, PORTER W. JR.	326 PAGE ST CLAYTON, NC 27520-2452
05I04002A	CATERPILLAR INC	100 NE ADAMS STREET PEORIA, IL 61629-4295
05H02200	CATERPILLAR INC	100 NE ADAMS STREET PEORIA, IL 61629-4295

G		
05H02015C	CATERPILLAR INC	100 NE ADAMS STREET PEORIA, IL 61629-4295
05I04046F	CELA, ARTENIDA	70 BELLEFIELD LN CLAYTON, NC 27527-8312
16P99030D	CEMETERY	, 00000-0000
05034070D	CHANCE, BENITTA MICHELLE JOINT TENANTS (WROS)	72 SHAKESPHEARE DR CLAYTON, NC 27520-1889
05H03037Z	CHARKHESHT, COURTNEY	24 MYSTERY HILL CT CLAYTON, NC 27520-3056
05G02210T	CHELLAMMAL, SIMY	1009 CHESSWAY DR MORRISVILLE, NC 27560-6018
05034069I	CHEN, ADAM S.	1408 ARDSLEY CT FUQUAY VARINA, NC 27526-3239
16I02045I	CHONG, LEWIS	629 MCCARTHY DR CLAYTON, NC 27527-5578
5019013	CHOWAN HOLDINGS LLC	205 W MAIN ST CLAYTON, NC 27520-2322
05G02201D	CHRIST COMMUNITY UNITED	1082 AMELIA CHURCH RD CLAYTON, NC 27520-0000
05G02201C	CHRIST COMMUNITY UNITED	1082 AMELIA CHURCH RD CLAYTON, NC 27520-0000
05G02010L	CHRIST COMMUNITY UNITED	1082 AMELIA CHURCH RD CLAYTON, NC 27520-0000
05H02018S	CINTRON, JUSTO L.	183 HIGHMEADOW LN CLAYTON, NC 27520-5713
05E01208	CLARK, CHENICE ALEXANDER	201 HOCUTT DR CLAYTON, NC 27520-7254
5029002	CLAYTON CIVITAN HOLDINGS INC	PO BOX 385 CLAYTON, NC 27528-0385
5030055	CLAYTON CIVITAN HOLDINGS INC	PO BOX 385 CLAYTON, NC 27528-0385
05025002E	CLAYTON CROSSINGS ASSOCIATION	PO BOX 534 KITTRELL, NC 27544-0534
05025002D	CLAYTON CROSSINGS HOLDINGS LLC	11407 US 70 BUSINESS HWY W CLAYTON, NC 27520-2207
05H03016 D	CLAYTON EAST ASSOCIATES	P O BOX 17022 RALEIGH, NC 27619-0000
05H03024	CLAYTON PROPERTIES GROUP, INC.	441 WESTERN LN IRMO, SC 29063-9230
05H04002 M	CLAYTON PROPERTIES GROUP, INC.	441 WESTERN LN IRMO, SC 29063-9230
05H03051V	CLAYTON PROPERTIES GROUP, INC.	441 WESTERN LN IRMO, SC 29063-9230
05H03009	CLAYTON PROPERTIES GROUP, INC.	441 WESTERN LN IRMO, SC 29063-9230
05H04002A	CLAYTON PROPERTIES GROUP, INC.	441 WESTERN LN IRMO, SC 29063-9230
05E99198G	CLEVELAND VILLAGE LLC	P O BOX 388 GARNER, NC 27529-0000
05H02203 W	COBB, KIMBERLY	22 RANDOLPH DR CLAYTON, NC 27520-0000
05G03034I	COBBLESTONE HOME OWNERS ASSN OF CLAYTON	PO BOX 97243 RALEIGH, NC 27624-7243

05G03034G	INC COBBLESTONE HOME OWNERS ASSN OF CLAYTON INC	PO BOX 97243 RALEIGH, NC 27624-7243
05005067I	COLLINS, JENNIFER SUZANNE	401 DAMON ST CLAYTON, NC 27520-2900
05H04037Z	COLON, CARLOS	223 HEATHER SPRINGS DR GARNER, NC 27529-4770
05G02024U	COLVILLE, CARRIE	252 WALNUT CREEK DR CLAYTON, NC 27520- 7241
05H03205C	COMINSKIE, DEREK J.	108 E BROWNING CT CLAYTON, NC 27520
05I05019U	COMMERCIAL PROPERTIES	736 PARKRIDGE DR CLAYTON, NC 27527-5304
05H02203 M	CONDE, JUAN	232 GEORGETOWNE DR CLAYTON, NC 27520- 1847
05H04039 M	CONRAD, DANIEL B	749 AVERASBORO DR CLAYTON, NC 27520- 2977
05G02046 W	COOPER CROSSINGS LLC	3485 NE STATE ROAD 6 MADISON, FL 32340- 5798
5030076	COOPER, TIMOTHY	707 W STALLINGS ST CLAYTON, NC 27520-1632
5034056	CORBETT, VERNON HEIRS	1020 RIDGE DR CLAYTON, NC 27520-9667
05G03026S	COUNTRY LANE INVESTORS LLC	5121 KINGDOM WAY STE 200 RALEIGH, NC 27607-6063
05020048D	COUNTY OF JOHNSTON	PO BOX 1049 SMITHFIELD, NC 27577-0000
05G02013T	COUNTY OF JOHNSTON	PO BOX 1049 SMITHFIELD, NC 27577-0000
05I04002B	COUNTY OF JOHNSTON	PO BOX 1049 SMITHFIELD, NC 27577-0000
16I02008Z	COUNTY OF JOHNSTON	PO BOX 1049 SMITHFIELD, NC 27577-0000
05G03199C	COX, JACOB	5389 BARBER MILL RD CLAYTON, NC 27520- 7439
05I05044A	COX, JASON RALPH	8851 US 70 BUS HWY W CLAYTON, NC 27520- 9296
05H04032F	COX, JIMMY R	8851 US 70 BUS HWY W CLAYTON, NC 27520- 9296
05I05043	COX, JIMMY R	8851 US 70 BUS HWY W CLAYTON, NC 27520- 9296
16I02040Y	COX, JOHN W.	437 HARDAWAY PT CLAYTON, NC 27527-5572
05I04030G	CPI/AMHERST SFR PROGRAM II OWNER, L.L.C.	5001 PLAZA ON THE LK STE 200 AUSTIN, TX 78746-1053
16I02007G	CPI/AMHERST SFR PROGRAM OWNER, L.L.C.	5001 PLAZA ON THE LK STE 200 AUSTIN, TX 78746-1053
16I02045M	CPI/AMHERST SFR PROGRAM OWNER, L.L.C.	5001 PLAZA ON THE LK STE 200 AUSTIN, TX 78746-1053
16I02045K	CPI/AMHERST SFR PROGRAM OWNER, L.L.C.	5001 PLAZA ON THE LK STE 200 AUSTIN, TX 78746-1053
05H03038 O	CRAFT, YESENIA R	130 LAKEMONT DR CLAYTON, NC 27520-3053
5019045	CRAWFORD, CAROLYN J	203 W SECOND STREET CLAYTON, NC 27520- 0000
05H02018R	CROPPER, MAKESHA L.	193 HIGHMEADOW LN CLAYTON, NC 27520- 5713

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5005003	CUTUCACHE, SILVIA	909 POND ST CLAYTON, NC 27520-2938
05G021990	DABINETT, JOHN P	845 AMELIA CHURCH RD CLAYTON, NC 27520-0000
05H03044Y	DAVIS, DREW CLAYTON	583 LAKEMONT DR CLAYTON, NC 27520-3075
16I02007I	DELORME, ALISON M	804 SARAZEN DR CLAYTON, NC 27527-0000
05I04041B	DEVINNEY, APRIL F	58 ROLLING MEADOWS DRIVE CLAYTON, NC 27527-0000
16I03028C	DEVITO, MICHELLE SUZANNE	2641 COVERED BRIDGE RD CLAYTON, NC 27527-9637
05H04031 D	DEVRA S MASSEY TRUST	3440 S JEFFERSON ST APT 826 FALLS CHURCH, VA 22041-3127
05I04024Z	DEWICK, LEANN	204 BLACK FOREST DR CLAYTON, NC 27527-5314
05025043A	DHANYA PROPERTIES LLC	4004 NC 55 HWY CARY, NC 27519-8372
5030051	DIMAS, FIDENCIO E.	320 KILGO ST CLAYTON, NC 27520-1651
05H04002J	DING, WEN	603 ROLLING CREEK CIR CLAYTON, NC 27520-5138
05H04003C	DIRIENZO, JENNIFER V	2833 HORSEMANS RIDGE DRIVE CLAYTON, NC 27520-0000
5036072	DML PROPERTIES LLC	204 W MAIN ST CLAYTON, NC 27520-2323
5019007	DML PROPERTIES LLC	204 W MAIN ST CLAYTON, NC 27520-2323
05H04031A	DOBBIN, WILLIE SILAS JR	P O BOX 861 CLAYTON, NC 27520-0861
05H03205F	DONNELLY, JESSICA ANN	109 DARFIELD CT CLAYTON, NC 27520-5993
05G02198D	DOUGLAS M. HOBBS LLC	343 E SIX FORKS RD STE 300 RALEIGH, NC 27609-7888
05G01199	DOUGLAS M. HOBBS LLC	343 E SIX FORKS RD STE 300 RALEIGH, NC 27609-7888
05H02202F	DOVLO, RUDOLPH BEN	117 SMART CT CLAYTON, NC 27520-1849
5011038	DOWNTOWN INVESTMENT GROUP LLC	PO BOX 133 CLAYTON, NC 27528-0133
05G02008D	DRAUGHON, CINDY L	119 GRACIE LANE CLAYTON, NC 27520-0000
05I04046D	DRIVER, BEVERLY J	52 BELLEFIELD LN CLAYTON, NC 27527-8312
5020052	DUNCAN, CARLTON DUANE	308 S ELLINGTON ST CLAYTON, NC 27520-2310
05005067J	DUNCAN, DAVID J	404 DAMON STREET CLAYTON, NC 27520-0000
5015045	DUNCAN, PATSY LOUISE	2317 STEPHANIE LN CLAYTON, NC 27520-8447
16I03027B	DUPREE, DANNY L	250 BRAMBLE LN CLAYTON, NC 27527-8916
05H02203K	DURHAM, DEVELL	224 GEORGETOWNE DR CLAYTON, NC 27520-0000
05H03011A	DURHAM, MARILYN P	6026 LITTLE CREEK CHURCH RD CLAYTON, NC 27520-0000
5037011	EAST VILLAGE INVESTMENTS LLC	227 E FRONT ST NEW BERN, NC 28560-2145
05037013R	EAST VILLAGE INVESTMENTS LLC	227 E FRONT ST NEW BERN, NC 28560-2145
05H03071R	EASTERLING, FRANK JR.	396 BLACK OAK CT CLAYTON, NC 27520-3084
5034068	EASTERN REGIONAL HOUSING AUTH	, 00000-0000

05G02024T	ECA INVESTMENTS, LLC	6416 RESERVE PINE DR CARY, NC 27519-1102
05E01199E	ELLINGTON HOMEOWNERS ASSOC INC	129 SLEEPY CREEK DR CLAYTON, NC 27520-0000
05033009A	EMORY, LEE C.	104 WEATHERSBY LN CLAYTON, NC 27520-5827
05H01016M	ERPENBECK, STEPHEN A	560 CHRISTOPHER DR CLAYTON, NC 27520-0000
5007021	EVANS, ISAAC M.	707 POND ST CLAYTON, NC 27520-2843
05G020100	EVANS, KEVIN JEROME SR.	100 GARRISON AVE CLAYTON, NC 27520-6767
05H04037Y	EVANS, MARKO	577 AVERASBORO DRIVE CLAYTON, NC 27520-0000
05H03071T	EVERETTE, JOSEPH DANIEL JR.	423 BLACK OAK CT CLAYTON, NC 27520-3085
16I03028F	EVERHART, REX M	2699 COVERED BRIDGE RD CLAYTON, NC 27527
16I03028B	EVERHART, REX M	2699 COVERED BRIDGE RD CLAYTON, NC 27527-0000
05G02077A	FAILOR, MATTHEW	37 YELLOW JACKET RDG CLAYTON, NC 27520-9692
05H03044H	FAISON, JIMMY L. II	73 ONYX CT CLAYTON, NC 27520-3080
05H02203O	FANDI, ABDELWAHED	241 GEORGETOWNE DR CLAYTON, NC 27520-1848
5036044	FELLOWS, EARL	320 E STALLINGS ST CLAYTON, NC 27520-0000
5008016	FERNANDEZ, ELDA RINA	6053 BEALE LOOP RALEIGH, NC 27616-3473
05H01010M	FERRELL, PATRICK	135 MICHAEL WAY CLAYTON, NC 27520-0000
05H04031E	FIDLER, PAUL ALEXANDER	5615 LITTLE CREEK CHURCH RD CLAYTON, NC 27520-6127
05E99102E	FITZSIMMONS, CHRISTOPHER S	410 S LOMBARD ST CLAYTON, NC 27520-2521
05E99017Q	FLETCHER, JACK	409 CAMEL ST CLAYTON, NC 27520-1812
05034069K	FLOYD, SHANNON	189 E WILSON ST CLAYTON, NC 27520-1809
05I04024B	FOREST GLEN BY THE NEUSE HOME OWNERS ASSOC INC	208 BLACK FOREST DR CLAYTON, NC 27527-5314
05E99200	FOREVER FORTUNE MANAGEMENT LLC	990 US HIGHWAY 64 W PLYMOUTH, NC 27962-8845
05H02016V	FORNEY, ANGELA RENEE	34 FAIRVIEW ST CLAYTON, NC 27520-5706
05E99020X	FORREST HILL CEMETERY	, 00000-0000
05H03040F	FORTIS HOLDINGS LLC	11229 CONLEY COVE CT RALEIGH, NC 27613-6609
05015015B	FOUR OAKS BANK & TRUST	PO BOX 398 FOUR OAKS, NC 27524-0398
5011034	FOX-WOOD PROPERTIES, LLC	424 E MAIN ST CLAYTON, NC 27520-2529
05H04004D	FRANKS, MATTHEW	2849 HORSEMANS RIDGE DR CLAYTON, NC 27520-7203
05H02016F	FREEMAN, KIMBERLY CHAPMAN	107 EDGEFIELD ST CLAYTON, NC 27520-5710
05H03205B	FROST, JONATHAN D.	112 BROWNING CT CLAYTON, NC 27520-5992

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16I02056C	FSC RANCH LLC	400 RIVERWOOD DR CLAYTON, NC 27527-5500
05G02210Y	FULLERTON, TERRA	174 W LUMBER CT CLAYTON, NC 27520
05019049A	GALVAN, JUAN M	1261 MEDLIN RD CLAYTON, NC 27527-6385
5019049	GALVAN, JUAN M	1261 MEDLIN RD CLAYTON, NC 27527-6385
05H03037J	GAMBLE, YOLANDA NICOLE	225 LAKEMONT DR CLAYTON, NC 27520-3054
05H03205 D	GARDNER, JOSHUA RYAN	104 BROWNING CT CLAYTON, NC 27520-5992
5015009	GELABERT, BERNARDO	PO BOX 884 GARNER, NC 27529-0884
05H02203I	GEORGETOWN COMMUNITY ASSOC	2530 MERIDIAN PKWY DURHAM, NC 27713- 0000
05G02046Y	GIANOPULOS, GEORGE A.	1834 PARKSIDE VILLAGE DR CLAYTON, NC 27520-4143
05034070C	GIBSON, SHADONNA ADOFI	78 SHAKESPHEARE DR CLAYTON, NC 27520- 1889
5036080	GIGANTE, LAURA	304 E FRONT ST CLAYTON, NC 27520-1935
05I04025L	GLATZ, MICHAEL S.	300 BLACK FOREST DR CLAYTON, NC 27527- 5317
05E99012C	GLENWOOD HOMES, LLC	PO BOX 90427 RALEIGH, NC 27675-0427
05034069M	GONZALEZ, LUIS ANGEL SOSA	173 E WILSON ST CLAYTON, NC 27520-1809
5008008	GORDON, CHARLES B	PO BOX 327 CLAYTON, NC 27528-0327
05H04033Y	GORDON, TREVOR	1012 BIRCHWOOD CT CLAYTON, NC 27520- 7857
5022003	GRACE RIDGE OF RED SPRINGS, LLC	1400 EASTCHESTER DR STE 104 HIGH POINT, NC 27265-2669
05I04046P	GRANITE LAND AND TIMBER LLC	3820 BLAND RD RALEIGH, NC 27609-6239
05H03037R	GRIFFIN, SHANNON M.	97 MYSTERY HILL CT CLAYTON, NC 27520- 3056
05I05017F	GRIFOLS THERAPEUTICS LLC	4201 RESEARCH COMMONS79 TW ALEXANDER DR DURHAM, NC 27709
05I05001D	GRIFOLS THERAPEUTICS LLC	4201 RESEARCH COMMONS79 TW ALEXANDER DR DURHAM, NC 27709
05H03031	GROVEWOOD HOMEOWNERS ASSOC INC	39 BERWICK PL CLAYTON, NC 27520-0000
05H03035E	GROVEWOOD HOMEOWNERS ASSOC INC	39 BERWICK PL CLAYTON, NC 27520-0000
05H03030	GROVEWOOD HOMEOWNERS ASSOC INC	39 BERWICK PL CLAYTON, NC 27520-0000
5015030	GUBITOSI LIVING TRUST	217 E MAIN ST CLAYTON, NC 27520-2449
05I04030K	GUERRERO, RONALD RAY	328 BLACK FOREST DR CLAYTON, NC 27527- 5317
05H03205 H	GUION, ALAN DARNELL	112 DARFIELD CT CLAYTON, NC 27520-5993
05030051A	GUZMAN, FIDEL C	509 MCIVER ST SANFORD, NC 27330-4544
5007007	GUZMAN, ROSA EMILIA	705 HOLDING ST CLAYTON, NC 27520-2831
05029199B	HACKNEY, BROOKE	133 PLANTATION CIR PONTE VEDRA, FL 32082

5029021	HACKNEY, BROOKIE G.	133 PLANTATION CIR S PONTE VEDRA BEACH, FL 32082-3971
05029021B	HACKNEY, BROOKIE G.	133 PLANTATION CIR S PONTE VEDRA BEACH, FL 32082-3971
05E99007 M	HACKNEY, BROOKIE G.	133 PLANTATION CIR S PONTE VEDRA BEACH, FL 32082-3971
05H04038S	HALL, ELAINE	594 AVERASBORO DRIVE CLAYTON, NC 27520-0000
05G02210 W	HALL, HARRISON JR.	188 W LUMBER CT CLAYTON, NC 27520-8664
05H03044P	HAMMOND, JAMES	503 LAKEMONT DR CLAYTON, NC 27520-3075
05H03038 N	HANDY, CHRISTOPHER C.	140 LAKEMONT DR CLAYTON, NC 27520-3053
05H02199Y	HARDEE, BOBBY	2019 HARDEE LN CLAYTON, NC 27520-9822
05H02199 H	HARDEE, JOSEPH T	2019 HARDEE LN CLAYTON, NC 27520-9822
05H01011J	HARITOS, JASON P	124 CHRISTOPHER DRIVE CLAYTON, NC 27520-5503
05E01198N	HARRIS, BETTY N	317 HOCUTT DR CLAYTON, NC 27520
05I04024T	HARTMANN, OLIVER JOINT TENANTS (WROS)	11 TRAILING OAK TRL CLAYTON, NC 27527-5307
05G02060	HAUSCHILD, MICAH	125 GRACIE LN CLAYTON, NC 27520-7948
05H04038J	HAYDEN, MICHELLE	553 AVERASBORO DRIVE CLAYTON, NC 27520-0000
05H03044R	HAYES, CARRIE LYNN	519 LAKEMONT DR CLAYTON, NC 27520-3075
05G02011E	HEALTH SYSTEMS MANAGEMENT INC	1804 KING RD TIFTON, GA 31793-0000
5030077	HEFLIN, WESLEY B.	209 NORTHCLIFT DR RALEIGH, NC 27609-3720
5008018	HERITAGE COURT APARTMENTS	PO BOX 450233 ATLANTA, GA 31145-0233
05E99024Z	HERNANDEZ, PERLA	500 CAMEL ST CLAYTON, NC 27520-1815
05H03037C	HEWETT, BEVAN	329 LAKEMONT DR CLAYTON, NC 27520
05G02210U	HIATT, LAWRENCE	113 W LUMBER CT CLAYTON, NC 27520-8664
05H03046F	HICKS, ZACHARY CALEB	653 LAKEMONT DR CLAYTON, NC 27520-3076
05029008B	HIGGINS, BONNIE B.	5872 CORNWALLIS RD GARNER, NC 27529-7725
05E01076	HILL, ALEXANDER JR.	58 SLEEPY CREEK DR CLAYTON, NC 27520-7238
05I04024U	HILL, CHANNING B	10 TRAILING OAK TRAIL CLAYTON, NC 27527-0000
05G02201E	HILL, STEVEN E	835 AMELIA CHURCH RD CLAYTON, NC 27520-0000
05H03044 N	HILL, VALERIE A.	24 ONYX CT CLAYTON, NC 27520-3080
05023001A	HOCUTT BAPTIST CHURCH	314 W HORNE ST CLAYTON, NC 27520-0000
5018036	HOCUTT BAPTIST CHURCH	314 W HORNE ST CLAYTON, NC 27520-0000
05019035A	HOCUTT BAPTIST CHURCH	314 W HORNE ST CLAYTON, NC 27520-0000

5023001	HOCUTT BAPTIST CHURCH	314 W HORNE ST CLAYTON, NC 27520-0000
05005067E	HOGUE, DANIEL	410 OLIVIA WAY SELMA, NC 27576-7625
05H01015S	HOLBROOK, ROBERT P.	464 CHRISTOPHER DR CLAYTON, NC 27520-5573
05E99015W	HOLDING STREET RENTALS, LLC	1051 PEMBERTON HILL RD STE 102 APEX, NC 27502-4267
05E99015V	HOLDING STREET RENTALS, LLC	1051 PEMBERTON HILL RD STE 102 APEX, NC 27502-4267
5030008	HOLLAND, TINA D	713 W STALLINGS STREET CLAYTON, NC 27520-0000
05015002B	HOMETOWNE INVESTMENTS LLC	PO BOX 133 CLAYTON, NC 27520-0000
5015006	HOMETOWNE INVESTMENTS LLC	PO BOX 133 CLAYTON, NC 27520-0000
05015002H	HOMETOWNE INVESTMENTS LLC	PO BOX 133 CLAYTON, NC 27520-0000
05I04030F	HOO, ANN MARIE	308 BLACK FOREST DRIVE CLAYTON, NC 27527-0000
5033023	HOOD HOLDINGS LLC	230 E FRONT ST CLAYTON, NC 27520-1914
05G02046Z	HOPE CHURCH	PO BOX 296 CLAYTON, NC 27520-0296
5015067	HORBELT, RACHEL EILEEN	232 E HORNE ST CLAYTON, NC 27520-2444
5015059	HORNE MEMORIAL METHODIST CHRCH	, 00000-0000
5016041	HORNE MEMORIAL UNITED METHODIST CH TRUSTEE	PO BOX 475 CLAYTON, NC 27528-0475
16I03028E	HOUSE, JEFFREY L	2757 COVERED BRIDGE ROAD CLAYTON, NC 27527-0000
16I03028D	HOUSE, JOHNNY R	2975 COVERED BRIDGE RD CLAYTON, NC 27527-0000
16I03028	HOUSE, MAVIS C	2873 COVERED BRIDGE RD CLAYTON, NC 27527-0000
05H04003D	HOWARD, MARY BETH	2837 HORSEMANS RIDGE DR CLAYTON, NC 27520-7203
05H02016E	HPA USI LLC	120 S RIVERSIDE PLZ STE 2000 CHICAGO, IL 60606-6995
05H03197G	IGLESIA PRIMEROS FRUTOS, INC	40 DAIRY RD CLAYTON, NC 27520-7210
05I04024X	IH6 PROPERTY NORTH CAROLINA L.P.	1717 MAIN ST STE 2000 DALLAS, TX 75201-4657
05H04039E	IH6 PROPERTY NORTH CAROLINA L.P.	1717 MAIN ST STE 2000 DALLAS, TX 75201-4657
05H04039L	IH6 PROPERTY NORTH CAROLINA L.P.	9335 HARRIS CORNERS PKWY STE 150 CHARLOTTE, NC 28269-3818
05H02203N	IH6 PROPERTY NORTH CAROLINA, LP	1717 MAIN ST STE 2000 DALLAS, TX 75201-4657
5001051	ISENHOOR, JOHNNY BOLAN	9861 US 70 BUS HWY WEST CLAYTON, NC 27520-0000
5001020	ISENHOOR, RONNIE LEE	1001 HOUSE RD MIDDLESEX, NC 27557-8609

05015003A	J & B REAL ESTATE CONSULTANTS, LLC	328 E MAIN ST CLAYTON, NC 27520-2464
5015075	J AND B REAL ESTATE CONSULTANTS, LLC	328 E MAIN ST CLAYTON, NC 27520-2464
5036065	J. SIDING MASTERS LLC	1123 N ROXBORO ST DURHAM, NC 27701-2352
05H04039K	JACKSON, LISA CHERI	723 AVERASBORO DR CLAYTON, NC 27520-2977
5020036	JAMES, JEREMIAH ROSCOE JOINT TENANTS (WROS)	304 S ONEIL ST CLAYTON, NC 27520-2353
05H04003A	JANIS, ERIC M	2829 HORSEMANS RIDGE DRIVE CLAYTON, NC 27520-0000
5016056	JANKE, DOROTHY	315 BARBOUR ST CLAYTON, NC 27520-2405
05005067M	JIMENEZ, ELPIDIO GARCIA	405 DURHAM STREET CLAYTON, NC 27520-0000
5019008	JJARR, LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2397
5019059	JJARR, LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2397
5015010	JOCO RENTALS LLC	204 UWHARRI CT GARNER, NC 27529-7743
05I04041D	JOHNSON, BARBARA MARIA	88 ROLLING MEADOWS DRIVE CLAYTON, NC 27527-0000
5015076	JOHNSON, RACHELLE RENEE	951 MARINA WAYS STE G RICHMOND, CA 94804-3769
05H04037 U	JOHNSON, ROWENA	625 AVERASBORO DRIVE CLAYTON, NC 27520-0000
5020048	JOHNSTON COUNTY BOARD OF	PO BOX 1336 SMITHFIELD, NC 27577-0000
05E99021V	JOHNSTON COUNTY BOARD OF	P O BOX 1336 SMITHFIELD, NC 27577-1336
05I04024W	JONES, JACQUELINE	18 TRAILING OAK TRAIL CLAYTON, NC 27527-0000
05G02010S	JONES, NANCY C	204 GARRISON AVENUE CLAYTON, NC 27520-6769
05H03044T	JONES, NECOLE STOKES	535 LAKEMONT DR CLAYTON, NC 27520-3075
05H02011	JONES, TRACY L.	1504 N ONEIL STREET EXT CLAYTON, NC 27520-6959
05H04033	JONES, WILLIAM EDWARD III	5337 LITTLE CREEK CHURCH ROAD CLAYTON, NC 27520-0000
5015003	JOYCE LIPSCOMB CANADY LIVING TRUST	315 CRESCENT DR CLAYTON, NC 27520-2609
05H03038P	JOYNER, CHELSEA LYNN	112 LAKEMONT DR CLAYTON, NC 27520-3053
05E01206	KEHOE, EUGENE B	209 HOCUTT DRIVE CLAYTON, NC 27520-0000
05H03038K	KENAN, DARIUS L	178 LAKEMONT DR CLAYTON, NC 27520-3053
05I04041G	KENNERLY, TENIQUA	130 ROLLING MEADOWS DR CLAYTON, NC 27527-8304
5030075	KEPLEY, JAMES LAWRENCE	705 W STALLINGS ST CLAYTON, NC 27520-1632
05H02202A	KING, TERESA H	204 GEORGETOWNE DRIVE CLAYTON, NC 27520-0000
05H03192T	KINNEER, MEREDITH	2752 BRIGADOON DR CLAYTON, NC 27520-9416

05H04034A	KNISH, RICHARD	415 TALL PINES CLAYTON, NC 27520-0000
05G022100	KOONTS, JOSHUA	15 W LUMBER CT CLAYTON, NC 27520-8663
05H04033Z	KPA, NAN	411 TALL PINES LN CLAYTON, NC 27520-6405
16I02038B	KRAMER, DONALD P	108 PEARSON PL CLAYTON, NC 27527-0000
05011031D	KRISTOFF, LAWRENCE E II	P O BOX 495 CLAYTON, NC 27520-0495
05I05019Q	LAMM MEDIA GROUP, INC.	2191 VINSON RD CLAYTON, NC 27527-9278
05005067A	LANE, ANTHONY G	906 E JOYNER ST CLAYTON, NC 27520-2935
05005067C	LANE, ANTHONY G	906 E JOYNER ST CLAYTON, NC 27520-2935
05H04034D	LANE, WILLIAM ROGER JR	401 TALL PINE LN CLAYTON, NC 27520-6405
16I03025	LANGDON, HAMPTON S	1185 MARIETTA DR KERNERSVILLE, NC 27284-0000
05I04016B	LANGLEY PROPERTY MANAGEMENT, LLC	326 NEUSE LANDING DR CLAYTON, NC 27527-9049
05H03193A	LANIER, CHRISTOPHER A	3002 BRITTANY DR CLAYTON, NC 27520-8459
5019044	LARKIN AND KAREN BELL REVOCABLE TRUST	311 FRASER RD SPARTA, NC 28675-9797
5036046	LAROCHE, RALEIGH III	330 E STALLINGS ST CLAYTON, NC 27520-1955
05H03044K	LAWRENCE, RAY	58 ONYX CT CLAYTON, NC 27520-3080
05H01010L	LAWTHER, GEOFFREY P	139 MICHAEL WAY CLAYTON, NC 27520-0000
5034021	LCI REAL ESTATE LLC	4805 STONEYOAK LN RALEIGH, NC 27610-8008
05H04037X	LEBRON, MEGAN	589 AVERASBORO DR CLAYTON, NC 27520-2696
05025002C	LEE BROTHERS RENTAL	400 W MAIN STREET CLAYTON, NC 27520-0000
05G02019S	LEE, FOLDEN W III	5400 BARBER MILL ROAD CLAYTON, NC 27520-0000
05011042A	LEE, HUBERT	2236 SHOTWELL RD CLAYTON, NC 27520-8223
5011040	LEE, HUBERT	2236 SHOTWELL RD CLAYTON, NC 27520-8223
5011042	LEE, HUBERT	2236 SHOTWELL RD CLAYTON, NC 27520-8223
5011041	LEE, HUBERT	2236 SHOTWELL RD CLAYTON, NC 27520-8223
5015031	LEE, HUBERT L	2236 SHOTWELL RD CLAYTON, NC 27520-8223
5015052	LEE, KEVIN	225 E 2ND ST CLAYTON, NC 27520-2461
05005067D	LEE, PERCEY Y	2149 SHOTWELL RD CLAYTON, NC 27520-0000
5008013	LEE, PERCY Y	2149 SHOTWELL RD CLAYTON, NC 27520-0000
5030066	LEE, RAYMOND E	2117 SHOTWELL RD CLAYTON, NC 27520-8222
5015043	LEE, SARAH ANN	8279 CLEVELAND RD CLAYTON, NC 27520-7163
5026006	LEE, SHERALD L	2098 SHOTWELL RD CLAYTON, NC 27520-9591
05E99012	LEE, TERRY R	2041 CROOKED CREEK RD CLAYTON, NC 27520-0000
16I02045H	LEFEVER, JOHN P.	633 MCCARTHY DR CLAYTON, NC 27527-5578
5025001	LEIGH S. HUDSON REVOCABLE TRUST	7021 FARMDALE RD RALEIGH, NC 27610-9732
05005067G	LEON, EDISON ALEXANDER	406 DAMON ST CLAYTON, NC 27520-2900
05H02205Z	LEVINSON, JAMES R.	P O BOX 117 BENSON, NC 27504-0117
05G02210S	LEWANDOWSKI, ROBIN PRICE	93 W LUMBER CT CLAYTON, NC 27520-8663

05H03044 M	LEWIS, MARILYN FAY	34 ONYX CT CLAYTON, NC 27520-3080
5035041	LIGHT CHURCH OF CLAYTON	PO BOX 1590 CLAYTON, NC 27528-1590
05E01199C	LIONSGATE COMMUNITY ASSOCIATION, INC.	400 RIVERWOOD DR CLAYTON, NC 27527-5500
05G02210Q	LIONSGATE COMMUNITY ASSOCIATION, INC.	400 RIVERWOOD DR CLAYTON, NC 27527-5500
05G02078	LIONSGATE COMMUNITY ASSOCIATION, INC.	400 RIVERWOOD DR CLAYTON, NC 27527-5500
05G02206S	LIONSGATE COMMUNITY ASSOCIATION, INC.	400 RIVERWOOD DR CLAYTON, NC 27527-5500
05G02212A	LIONSGATE COMMUNITY ASSOCIATION, INC.	400 RIVERWOOD DR CLAYTON, NC 27527-5500
5008071	LIPSCOMB LLC	3407 BARBER MILL RD CLAYTON, NC 27520-8574
5030050	LIPSCOMB LLC	3407 BARBER MILL RD CLAYTON, NC 27520-8574
05015003C	LIPSCOMB, JAMES H	107 STONE LN CLAYTON, NC 27520-9387
05H04039 H	LOCKLEAR, ANTHONY	687 AVERASBORO DRIVE CLAYTON, NC 27520-0000
5015056	LOCKLEAR, HARVEY D	205 E 2ND ST CLAYTON, NC 27520-2461
05029199X	LONG, CHARLES LUCAS	2057 DOVE LN CLAYTON, NC 27527-9177
16I02045L	LONG, JUSTIN	617 MCCARTHY DR CLAYTON, NC 27527-5578
05I04030I	LOPES, WHITNEY CLINE GRANTHAM	320 BLACK FOREST DR CLAYTON, NC 27527-5317
05I04030H	LOPEZ, VICTOR M ARIAS	316 BLACK FOREST DR CLAYTON, NC 27527-5317
05H03037X	LUBERTO, LISA	46 MYSTERY HILL CT CLAYTON, NC 27520-3056
05H04039 N	LUCAS, DERRICK	763 AVERASBORO DR CLAYTON, NC 27520-2977
05I04023Y	LWB CLAYTON APARTMENTS II, LLC	341 KILMAYNE DR STE 201 CARY, NC 27511-4490
05I04003V	LWB CLAYTON APARTMENTS, LLC	PO BOX 1328 CARY, NC 27512-1328
5019006	M CLAYTON RENTALS, LLC	2564 VALLEY DR CLAYTON, NC 27520-9108
05H03193B	MACHIN, KEVIN M.	3000 BRITTANY DR CLAYTON, NC 27520-8459
05H03037V	MAI, TONY	70 MYSTERY HILL CT CLAYTON, NC 27520-3056
5015002	MAIN STREET DVLPMNT GROUP LLC	338 E MAIN ST CLAYTON, NC 27520-0000
05015002G	MAIN STREET DVLPMNT GROUP LLC	338 E MAIN ST CLAYTON, NC 27520-0000
05015002A	MAIN STREET DVLPMNT GROUP LLC	338 E MAIN ST CLAYTON, NC 27520-0000
05E99020Z	MAPLEWOOD CEMETERY	, 00000-0000
5036066	MARES-CHAVEZ, MARCOS	420 FRONT ST CLAYTON, NC 27520-0000
5029006	MARMOLEJOS, LEIDY	322 MCCULLERS ST CLAYTON, NC 27520-1631

5007028	MASSENBURG, CONSTANCE	714 PARRISH DR CLAYTON, NC 27520-2842
05H04031Y	MASSEY, ANDREA LYNN	133 ELLIOTT AVE CHARLOTTESVLE, VA 22902-6183
05H02013A	MASSEY, JOHN WESLEY	8041 ST ANDREWS DR LAURINBURG, NC 28352-0000
05E99198F	MATTHEWS, DALE S.	11315 US 70 BUSINESS HWY W CLAYTON, NC 27520-2205
05G02065	MATUSZEWSKI, ROMAN	711 BEDDINGFIELD DR KNIGHTDALE, NC 27545-9253
05H04034I	MAYFIELD, MISTIE MICHELLE	314 SANDY BOTTOM CT CLAYTON, NC 27520-6403
05G02200I	MAYO, MARY SCOTT	1000 RIDGE DR CLAYTON, NC 27520-9667
5015014	MCADAMS, EMILY	267 VINSON FARM LN CLAYTON, NC 27520-7544
05034069F	MCCAUSLEY, KRISTIN	227 E WILSON ST CLAYTON, NC 27520-1888
05G02008C	MCCLOSKEY, BROCK C	195 RIVER HILLS DR CLAYTON, NC 27527-5719
5034025	MCCOY, CAROLYN A	603 N FAYETTEVILLE ST CLAYTON, NC 27520-1803
05H04199	MCCRAE, DEIDRA W.	3983 ENGLISH VALLEY DR ELLENWOOD, GA 30294-6526
U		
05H03192S	MCDOUGALD, DARICE ELAINE	2748 BRIGADOON DR CLAYTON, NC 27520-9416
05H04037	MCH SFR NC OWNER 1 LP	14355 COMMERCE WAY MIAMI LAKES, FL 33016-1502
Q		
05H03038	MCKONE, THOMAS D JR	214 LAKEMONT DR CLAYTON, NC 27520-3054
H		
05E01202	MCKOY, DEBORAH	301 HOCUTT DR CLAYTON, NC 27520-0000
5011031	MCLEOD, BERNARD F III	PO BOX 1313 CLAYTON, NC 27528
05H03192Y	MCLEOD, JAMES	3209 NEUSE BANKS CT WAKE FOREST, NC 27587-6782
5015041	MCLEOD, JODY	210 S SMITH ST CLAYTON, NC 27520
5015037	MCLEOD, JODY L	210 S SMITH ST CLAYTON, NC 27520-2537
5015081	MCLEOD, JODY L	210 S SMITH ST CLAYTON, NC 27520-2537
5011033	MCLEOD, W. STEWART	PO BOX 1313 CLAYTON, NC 27528-0000
05I04046E	MCNEIL, MICHAEL K	62 BELLEFIELD LN CLAYTON, NC 27527-8312
05G02011B	MEEHAN LLC	100 GUY RD CLAYTON, NC 27520-0000
05I04025J	MEJIA, RODOLFO A	216 BLACK FOREST DRIVE CLAYTON, NC 27527-0000
05G02024S	MENARD, CHAD M	245 WALNUT CREEK DRIVE CLAYTON, NC 27520-0000
05G02066	MENTEER, ROBERT E II	113 GRACIE LANE CLAYTON, NC 27520-0000
05H03046E	MICHAEL, HOWARD F	645 LAKEMONT DR CLAYTON, NC 27520-3076
05I04030L	MIDGETT, VICKIE A	105 MACBETH CIR CLAYTON, NC 27520
05H03040	MILLENIUM DEVELOPMENTS	301 PINNER WEALD WAY STE 201 CARY, NC 27513-2618
G	LLC	
05H03044J	MILLS, KIMBERLY L.	68 ONYX CT CLAYTON, NC 27520-3080
05H02017B	MIMS, ALLEN L JR	920 CITY RD CLAYTON, NC 27520-0000

05H03071S	MINCEY, WILLIAM	420 BLACK OAK CT CLAYTON, NC 27520-3085
5015020	MINTER, MILTON L	579 RANCH RD CLAYTON, NC 27520-6465
5019061	MITCHELL, KATIE E	250 HARDEE ST CLAYTON, NC 27520-2511
5011044	MITCHINER, HERMAN A	427 BARBOUR ST CLAYTON, NC 27520-2407
05E99017R	MITCHINER, HERMAN A.	3195 BARBER MILL RD CLAYTON, NC 27520-8569
05H02016 W	MONDAY, WILLIAM D.	16 FAIRVIEW ST CLAYTON, NC 27520-5706
16I02008G	MONK, JOSEPH HAMPTON III	3783 COVERED BRIDGE RD CLAYTON, NC 27527-9643
05H04038R	MONK, TA TASHA SHYRAN	572 AVERASBORO DR CLAYTON, NC 27520-0000
05024012P	MONTANO, VIRGILIO S	852 STROUD CIR WAKE FOREST, NC 27587-4304
5026021	MOORE, CHRISTOPHER TODD	1947 SHOTWELL RD CLAYTON, NC 27520-0000
5026020	MOORE, JERRY E	2030 SHOTWELL ROAD CLAYTON, NC 27520-0000
05H03037S	MOSER, MATTHEW JOSEPH	96 MYSTERY HILL CT CLAYTON, NC 27520-3056
05020002A	MOTA, DAWN MARIE	311 S FAYETTEVILLE ST CLAYTON, NC 27520-2434
5020002	MOTA, DAWN MARIE	311 S FAYETTEVILLE ST CLAYTON, NC 27520-2434
05I04041F	MOTIL, CONNIE LOU	116 ROLLING MEADOWS DR CLAYTON, NC 27527-8304
05H04033 M	MOYNIHAN, JAMES F III	412 TALL PINES LANE CLAYTON, NC 27520-0000
05G02011L	MTR PROPERTIES LLC	P O BOX 934 CLAYTON, NC 27520-0000
05G02012A	MTR PROPERTIES LLC	P O BOX 934 CLAYTON, NC 27520-0000
05G02012	MTR PROPERTIES LLC	P O BOX 934 CLAYTON, NC 27520-0000
05G04199I	MTR PROPERTIES LLC	P O BOX 934 CLAYTON, NC 27520-0000
16I03028A	MUCHMORE, LYNN R	2725 COVERED BRIDGE ROAD CLAYTON, NC 27527-0000
05H03044I	MUNGANI, WAMUNGANI JOINT TENANTS (WROS)	74 ONYX CT CLAYTON, NC 27520-3080
05I04039I	MUTHUKARUPPAN, NATARAJAN	17 OAK ALLEY TRL CLAYTON, NC 27527-7534
05I04046C	MWANI, IRENE ABIDJA	36 BELLEFIELD LN CLAYTON, NC 27527-8312
5015077	MY GIRLFRIENDS PROPERTIES, LLC	126 REEDY CREEK RD FOUR OAKS, NC 27524-8957
05G02046L	N E M E, L L C	3705 WILLIAM J COWAN WYND RALEIGH, NC 27612-5399
05H04002I	NASH, WILLIAM MAURICE	621 ROLLING CREEK CIR CLAYTON, NC 27520-5138
5007001	NATARAJAN, SREEKUMAR	604 DURHAM ST CLAYTON, NC 27520-2926
05H03192 W	NEIGHBORHOOD SELECT PROPERTIES	58 AUSTIN POND ROAD CLAYTON, NC 27520-0000
05H01016K	NETKO, ADAM J	508 CHRISTOPHER DR CLAYTON, NC 27520-

		5582
05H03038I	NEWSOME, GRETCHEN	200 LAKEMONT DR CLAYTON, NC 27520-3054
05025013A	NGUYEN, TAI	308 PARISH HOUSE CARY, NC 27513-0000
05H03100C	NORTH CAROLINA RAILROAD COMPAN	3200 ATLANTIC ADVNUE SUITE 110 RALEIGH, NC 27604-0000
05E99010N	NOVO NORDISK PHARM IND	3612 POWHATAN RD CLAYTON, NC 27527-0000
05E99010G	NOVO NORDISK PHARMACEUTICAL	3612 POWHATAN RD CLAYTON, NC 27527-0000
05H02203L	ODONNELL NAUGHTON FAMILY TRUST	718 ALAMEDA DE LAS PULGAS BELMONT, CA 94002-1607
05E01202 M	OFORI, AARON	414 FIELDSPAR LN CLAYTON, NC 27520-5705
05H03016K	OLDE TOWNE SQUARE LLC	2045 WALDEN WAY CLAYTON, NC 27527-9555
05H03016 G	OLDE TOWNE SQUARE LLC	2045 WALDEN WAY CLAYTON, NC 27527-9555
05H03016 H	OLDE TOWNE SQUARE LLC	2045 WALDEN WAY CLAYTON, NC 27527-9555
05H03016	OLDE TOWNE SQUARE LLC	2045 WALDEN WAY CLAYTON, NC 27527-9555
05H03016I	OLDE TOWNE SQUARE LLC	2045 WALDEN WAY CLAYTON, NC 27527-9555
16I03024A	OLIVE, STEPHANIE L.	3708 WHISPERING WIND DR APEX, NC 27539- 7329
05H03037 W	OLYMPUS BORROWER 1, LLC	PO BOX 4090 SCOTTSDALE, AZ 85261-4090
05G02058R	ONEAL, WILLIAM R V	5 NICKLAUS WAY CLAYTON, NC 27520-6532
05G02198X	OQUENDO, ANGEL GUILLERMO DIAZ	1001 RIDGE DR CLAYTON, NC 27520-9664
05I04046A	OQUENDO, NICOLE	16 BELLEFIELD LANE CLAYTON, NC 27527
05E99198D	ORKA REALTY, LLP	10030 GREEN LEVEL CHURCH RD STE 802#130 CARY, NC 27519-8168
5015068	ORRINGER, DAVID S	3508 QUEEN ANN DR CLAYTON, NC 27527-0000
5015023	ORRINGER, DAVID S.	3508 QUEEN ANN DR CLAYTON, NC 27527-8713
05H04039I	PAGAYA SMARTRESI F1 FUND PROPERTY OWNER II, LLC	90 PARK AVE FL 31 NEW YORK, NY 10016-1317
05H03022 D	PARKER, MARK EDWARD	5861 LITTLE CREEK CHURCH RD CLAYTON, NC 27520-6128
05H03205	PARKER, PETER J	113 BROWNING COURT CLAYTON, NC 27520- 0000
05H03194I	PARKER, STEPHEN PAUL	109 BROWNING COURT CLAYTON, NC 27520- 0000
05G02009U	PARKSIDE COMMERCIAL ASSOCIATES	1826 PARKSIDE VILLAGE DRIVE CLAYTON, NC 27520-0000
05G02009K	PARKSIDE VILLAGE INVESTORS LLC	1420 WALNUT ST STE 1011 PHILADELPHIA, PA 19102-4010
5030069	PARKVIEW COMMUNITY ASSOCIATION	400 RIVERWOOD DR CLAYTON, NC 27527-5500
05030081Z	PARKVIEW COMMUNITY ASSOCIATION	400 RIVERWOOD DR CLAYTON, NC 27527-5500
05030070Q	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-

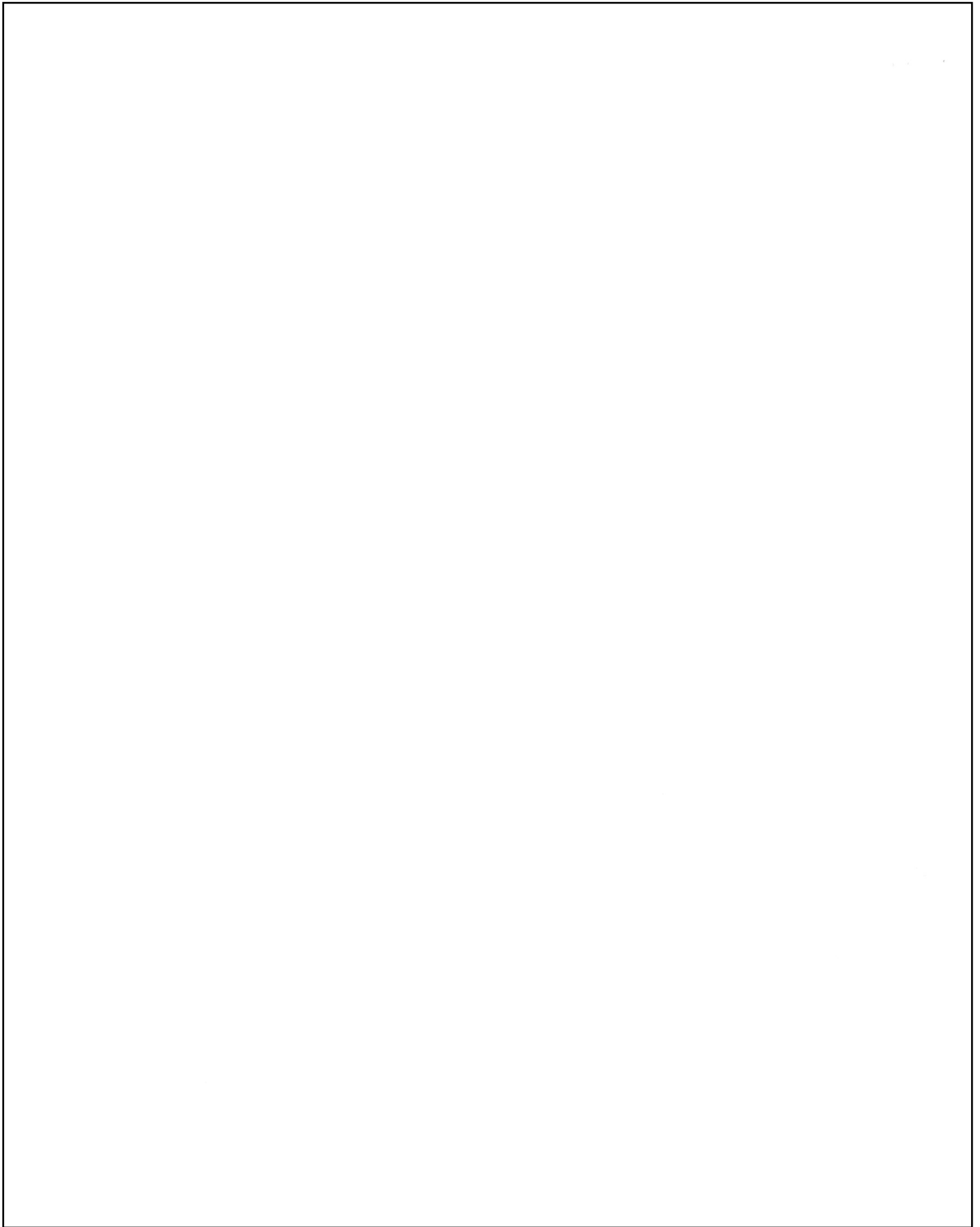
October 2019

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05030071B	PARKVIEW TOWNHOMES LLC	2321 114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030071J	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030070S	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030070V	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030071M	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030070W	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030071N	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030070Z	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030071P	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030071E	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030071C	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030071D	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030070T	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030070Y	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030071O	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030070X	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030071G	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030071H	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030071K	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030071L	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030070R	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030070U	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030071F	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321
05030071I	PARKVIEW TOWNHOMES LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2321

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Property Rezoning Neighborhood Meeting
Sign-in Sheet:
Project 2022-92-RZ
June 23, 2022 6:00PM

Name	Address
CAROLYN McCoy	603 N. Fayetteville St. Clayton
BQ Durham	224 GEORGETOWN DR
Richard & Mary Beth Knish	415 Tall Pines Lane
Tracy Bryant	202 Garrison Ave Clayton
Anne & Eugene Kehoe	209 HOCUTT DR. Clayton
Belinda & Margaret Fallow	300 OCUT STALLING ST. Clayton
Jennifer Evette	423 Black Oak Ct Clayton
ROBERT Goushara	140 CHRISTOPHER DR. CLAYTON
Jonnie Sanders / The Way of Ch.	428 East Front St. Clayton
Terry & Joanne Lee	2041 Crooked Creek Rd Clayton
Mary Beth & Anthony Knight	2837 Horseshans Ridge DR.
Philip Senborn & Howard Michael	645 Lakemont Dr. Clayton
Oscar Gonzalez	208 Black Forest Drive
Michele Sanders	407 Tall Pines Ln. Clayton, NC
Joinda B. Bberry	321 E. Stallings Clayton
Shelia Wood	318 E. Stallings SA Clayton
Michael Grooms (Clayton Citizen)	340 McCune Dr, CLAYTON 27520
Limothy C. Hodge	347 S. Moore Street
Licardo Staller	400 Tall Pines Lane Clayton 27520
Brad Shurr	1265 Portlino Dr Clayton 27527
Perla Hernandez	500 Camel St Clayton 27520
Cynthia Taylor	615 Averasboro DR Clayton 27520
Rebecca Bradford	1024 Amelia Church Road
William Billy III	1024 Amelia Church Road
Chris Casey	410 Christopher DR.
Bill Brewer	Horne Memorial
John L. House	2975 COVERED BRIDGE RD, CLAYTON, NC



Town of Clayton Property Rezoning Neighborhood Meeting Minutes
Project 2022-92-RZ
June 23, 2022, 6:00PM

1. Meeting Started at 6:01pm
2. Staff provided a description of the Town of Clayton Property Rezoning to attendees.
3. Q & A Started: 6:10 PM:

Attendees listed concerns about the following topics:

1. How will this affect property values?
2. What will be built here?
3. How will this affect Local wildlife?

After addressing the questions staff provided time to use an online map of the rezoning project to go one by one and show the property owner's where their property was in relation to the rezoning proposal.

4. Meeting ended at approximately 7:10PM



Town of Clayton

Planning Department

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-1545

Planning Board, 7/25/2022

Town Council, 8/15/2022

STAFF REPORT COMPANION DOCUMENT

Application Number: 2022-92-RZ

Project Name: Town of Clayton Public Properties – Rezoning

2022-92-RZ Town Properties Rezoning Companion Document.

Table 1. Tax ID Numbers for rezoning

Table 2. Relation to Landmarks and Current Zoning

Table 1. Tax ID Numbers for Rezoning

1. 16I02009A Along Neuse River in Riverwood Subdivision	2. 16I02026C Drainage area along Payton Rd and Covered Bridge Rd	3. 16I03029A Vacant Land near Loop and Covered Bridge Rd	4. 16I03029 Neuse River Walk Parking area at Covered Bridge Rd	5. 05H02015D Park at N'Oneil Atwood Dr.	6. 05E99021R Legend Park parcel 1 off City Rd	7. 05E99027Q Legend Park parcel 2 off City Rd	8. 05H02203H Vacant Land behind homes at Georgetown Dr.	9. 05E99020S Municipal Park parcel 1
10. 05G02002M Water Tower off of Shotwell Rd	11. 05025012 Vacant Lot off S. Moore St.	12. 05020048C Clayton Fire Station 1 Robertson St and W Horne	13. 05020050 Parcel adjacent to Fire Station 1	14. 05019012 Town Square	15. 05019051 Vacant Lot S. O' Neil and W. Horne	16. 05015074 Downtown Library Parcel 1	17. 05015022 Downtown Library Parcel 2	18. 05015004A E Front St. Vacant Lot 7/25/22 REMOVED FROM PROPOSAL
19. 05015001 Horne Square	20. 05015050 Police Station Parcel 1	21. 05015070 Police Station Parcel 2	22. 05015049 Police Station Parcel 3	23. 05015071 Police Station Parcel 4	24. 05016055 Parking Lot Across from Police Station	25. 05032003B Clyde "Allstar Park" 1	26. 05032003A Clyde Sinclair All Star Park 2	27. 05H02199U Vacant Lot off Camel St
28. 05035013A Vacant Lot off Washington St.	29. 05E99198E Little Creek At Amelia Church Rd 1	30. 05E01201C Little Creek At Amelia Church Rd 2	31. 05E99198 Little Creek between Amelia Church and S Fayetteville St.	32. 05022006 Outdoor Storage on S Fayetteville St.	33. 05G02053T Clayton Community Center	34. 05G02009J Clayton Community Park	35. 05G03004D Vacant Land Off of Hocutt Dr. and Timothy Ridge	36. 05H03029S Wooded Area parcel adjacent to Wastewater plant and Trailer Park located on Lombard Rd.
37. 05H03036T Wooded Area between Durham St. and Damon St.	38. 05H03036S Wooded area along little creek near Cobblestone and The Village at Little Creek near Mystery Hill Ct Adjacent parcel to wastewater plant on Durham road.	39. 05H03197B Wooded area and easement near Browning Ct.	40. 05E99009D Wooded area along little creek near Cobblestone and The Village at Little Creek near Mystery Hill Ct	41. 05H03036W Wooded area along little creek near Cobblestone near Mystery Hill Ct	42. 05H03036V Wooded area along little creek near Cobblestone	43. 05H03036X Wooded area between Cobblestone Village and The Village at Little Creek.	44. 05H03036Z Wooded Area on Lakemont Drive	45. 05H03037 Wooded area off Lakemont Dr.

46. 05H03036U Wood Area on Lakemont Dr.	47. 05018005X Power Station HWY 70 and S Fayetteville St	48. 05030067 W. Stallings St. Municipal Park Parcel 2	49. 05G03039P Wooded area near Lakemont Dr and S. Connector Blvd.	50. 05G03039Q Wooded area between Cobblestone Village and Horsemans Ridge Subdivision	51. 05H04038N Easement Along Averasboro Dr in Cobblestone Village	52. 05H04034H Wood Area between Horsemans Ridge and Huntsbury Subdivision	53. 05H04046H Little Creek Church Rd and Road 7/25/22 REMOVED FROM PROPOSAL	54. 05E99020X Forest Hill Cemetery
55. 05I05019E Powhatan Rd and Best Rd.	56. 05I04016H East Clayton Community Park Off of Glen Laurel Rd	57. 05H03100M Fire Station # 2 Parcel 2 HWY 42 E	58. 05H03016E Vacant Land off US HWY 70 Near Rose St.	59. 05034019 E. Wilson Water Tower	60. 05H03010A Wooded area Southwest of Peele Subdivision closest street is Iris St.			
61. 05F01005D Vacant lot on Barber Mill Road at Grovewood Dr.	62. 05H03100F Fire Station # 2 Parcel 1 HWY 42 E	63. 05G02031J Wooded Area Near Walnut Creek Drive	64. 05008015 Empty Lot on E. Main St and Durham St.	65. 05036071 Clyde "All Star" Park parcel 3.				

Table 2 Parcels in relation to TOC Landmarks.

Municipal Park: • 05E99020S; R-10 • 05030067; R-10	Covered Bridge and Loop Rd: • 16I03029A; R-E • 16I03029; R-E	Clayton Fire Station 1: • 05020048C; I-2 • 05020050; R-6	Library: • 05015074; B-1 • 05015022; B-1
Fire Station 2: • 05H03100M; I-2 • 05H03100F; I-2	Legend Park • 05E99021R; R-E • 05E99027Q; R-10 • 05H02203H; R-8	Clyde Sinclair Park: • 05032003B; R-6 • 05032003A; R-6 • 05036071; R-6	Clayton Community Park & Center: • 05G02053T; R-10 • 05G02009J; R-10
Little Creek near Amelia Church Rd: • 05E99198E; B-3 • 05E01201C; PD-MU • 05E99198; R-10 • 05022006; B-3	Little Creek Between Cobble Brittany Woods: • 05E99009D; R-8 • 05H03036W; R-8 • 05H03036V; R-8 • 05H03036X; R-8 • 05H03036Z; R-8 • 05H03037; R-8 • 05H03036U; R-8 • 05H03197B; R-8	Little Creek Between Horsemen's Ridge and Cobblestone Village: • 05H04034H; R-E • 05G03039P; R-8 • 05G03039Q; R-8 • 05H04038N; R-8 • 05H03197; R-8 • 05H03036S; PD-R • 05H04033Z; R-8	Police Station: • 05015050; B-1 • 05015070; B-1 • 05015049; B-1 • 05015071; O-I • 05016055; O-I Vacant Lot S. O'Neil W. Horne: • 05019051; R-6
Town Square: • 05019012; B-1 Horne Square: • 05015001; B-1	Water Tower Shotwell Rd: • 05G02002M; R-E Water Tower E. Wilson St.: • 05034019; R-8	Vacant Lot off S. Moore St.: • 05025012; R-10 Vacant lot Barber Mill Road: • 05F01005D; R-10	Vacant Lot E Main & Durham • 05008015; B-3 East Clayton Community Park • 05I04016H
Vacant Lot Timothy Ridge: • 05G03004D; PD-MU Vacant Lot Washington St.: • 05035013A; R-6	Utility HWY 70 BUS.: • 05018005X; B-3 Easement Neuse River: • 16I02009A; R-10	Vacant Lot Payton Rd.: • 16I02026C; R-E Vacant Lot Camel St. • 05H02199U; R-8	Little Creek Near Lombard St.: 05H03029S; R-E Little Creek Durham & Pond St: • 05H03036T; R-8
Easement Walnut Creek Dr.: • 05G02031J; R-10	Vacant Lot Peele Subdivision: • 05H03010A; PD-R	Vacant Lot US HWY 70 BUS.: • 05H03016E; B-3	Soccer Fields Powhatan Rd. • 05I05019E; I-1

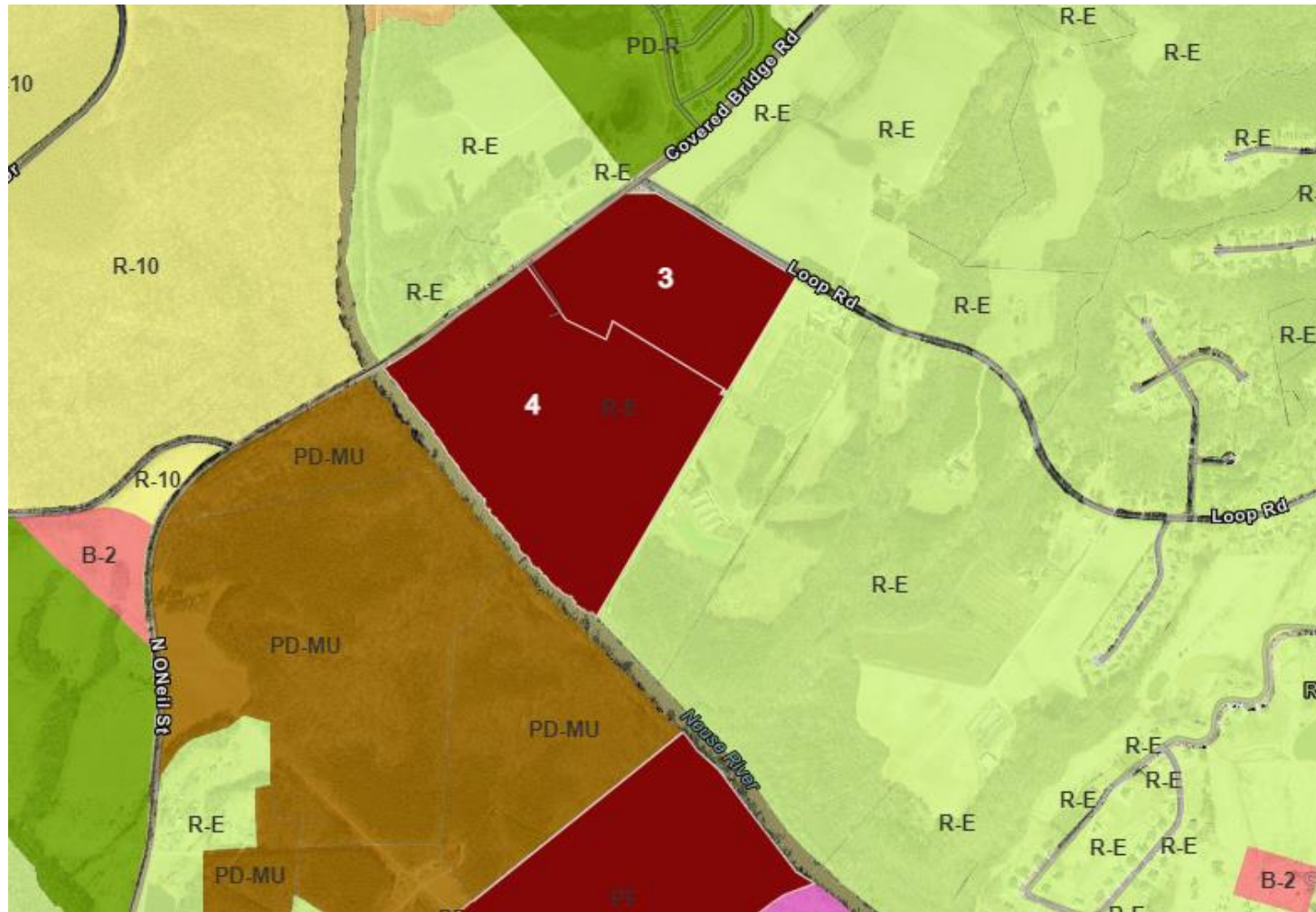
1. Location: Neuse River In Riverwood Subdivision Current Zoning R-10



2. Location: Payton Rd and Covered Bridge Rd Current Zoning R-E



3 & 4. Location: Covered Bridge Rd and Loop Rd Current Zoning R-E



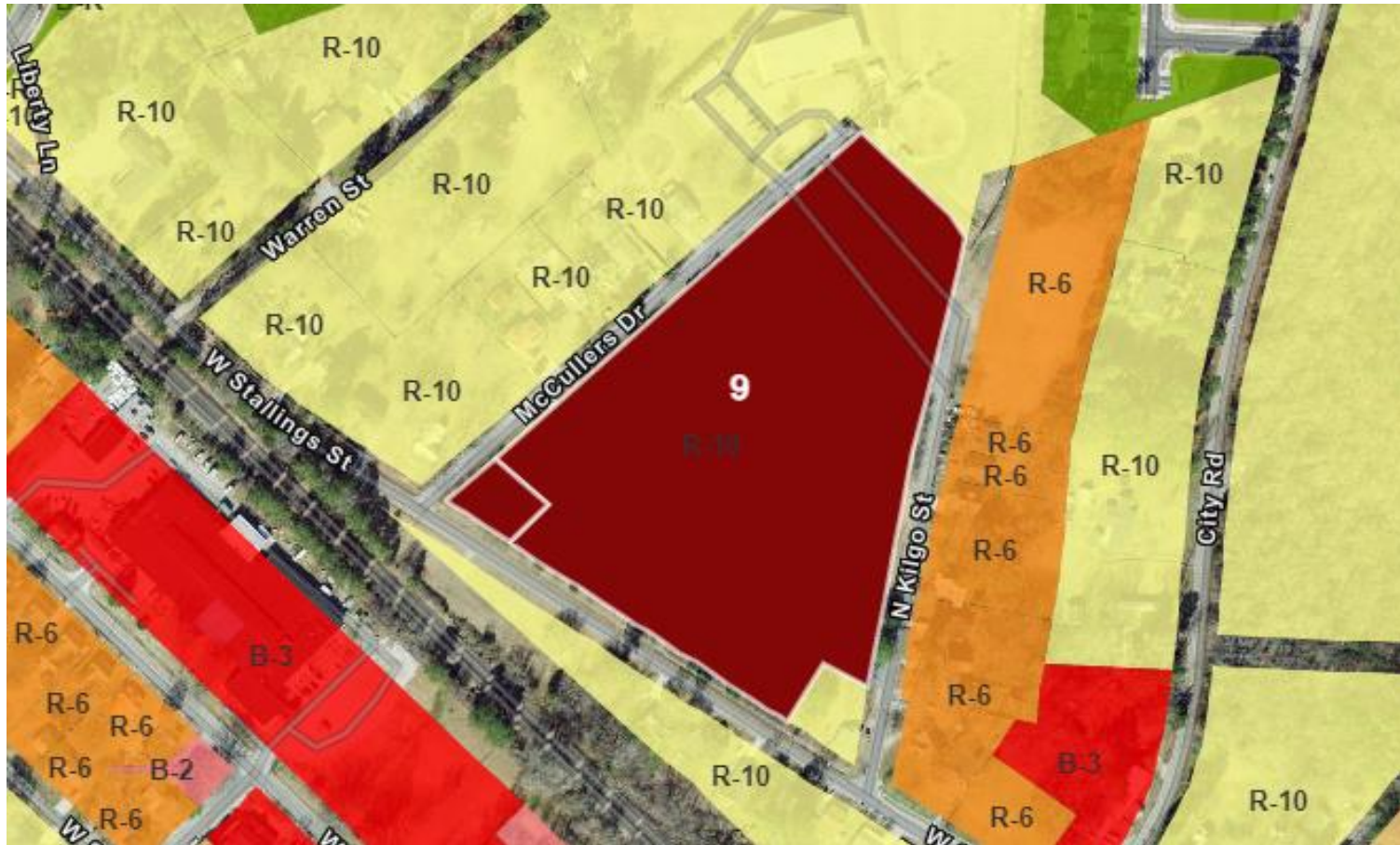
5. Location: N. O'Neil St. & Atwood Dr. Current Zoning PD-R



6,7. & 8. Current Zoning 6: R-E, 7: R-10, 8: R-8



9. Location: W Stallings St. Current Zoning: R-10



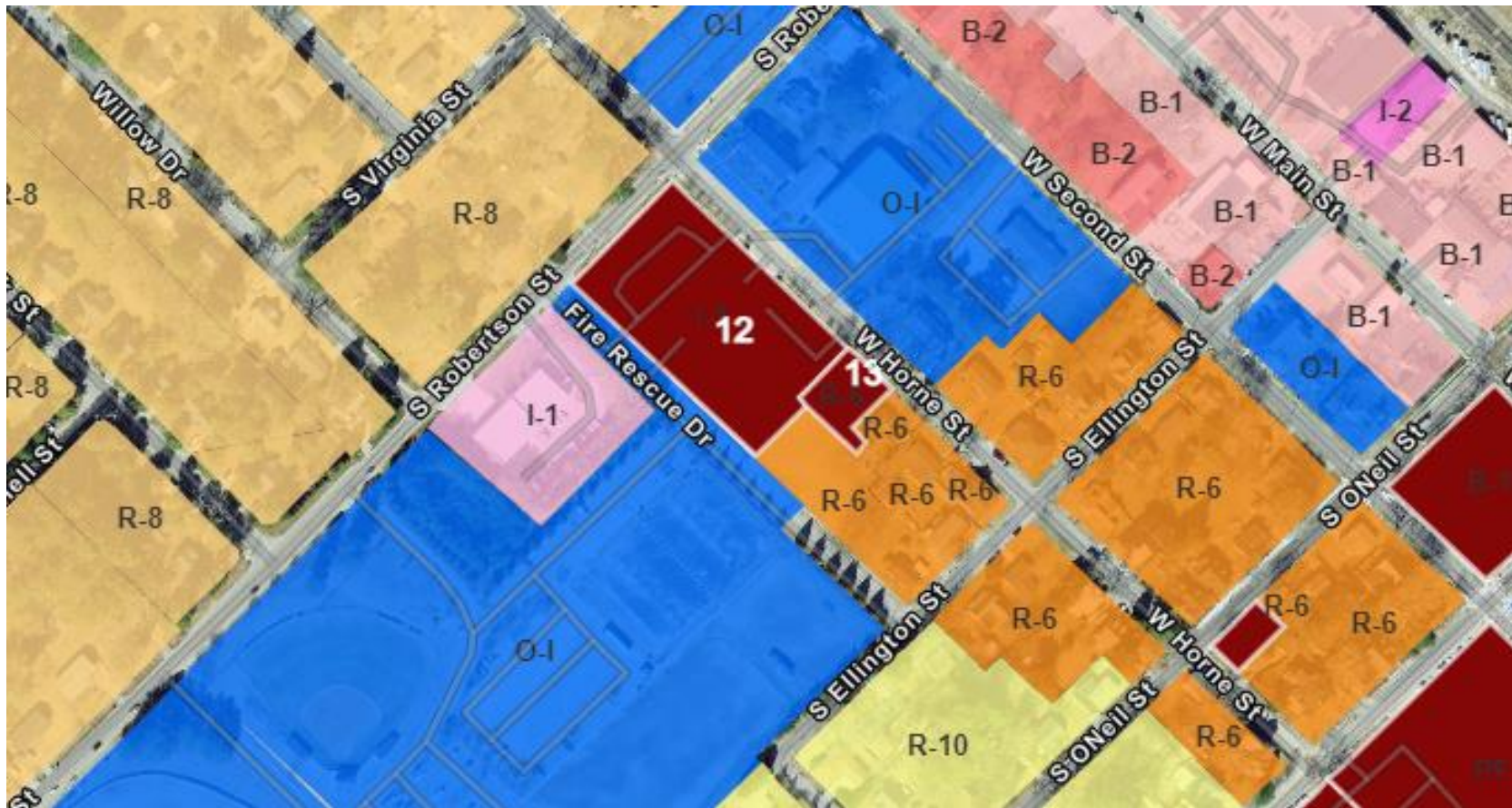
10. Location: Shotwell Rd Near Old US HWY 70 W. Current Zoning: R-E



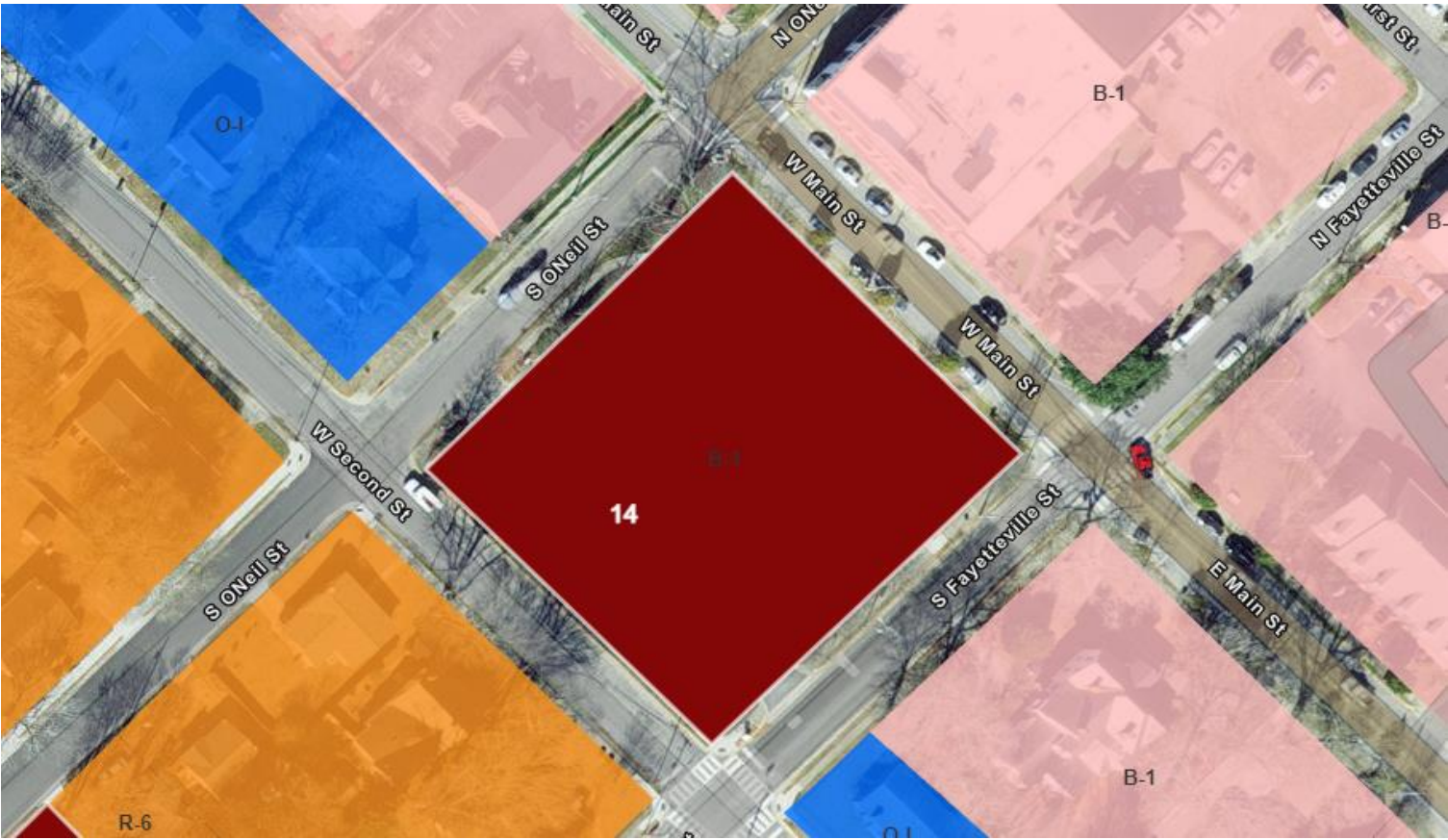
11. Location: S. Moore St. Current Zoning: R-10



12. & 13. Location: S. Robertson & W Horne St. Dr. Current Zoning: 12: I-1, 13: R-6



14. Location: Town Square. Current Zoning: B-1



15. Location: S. O'Neil St. and W. Horne St. Dr. Current Zoning: R-6



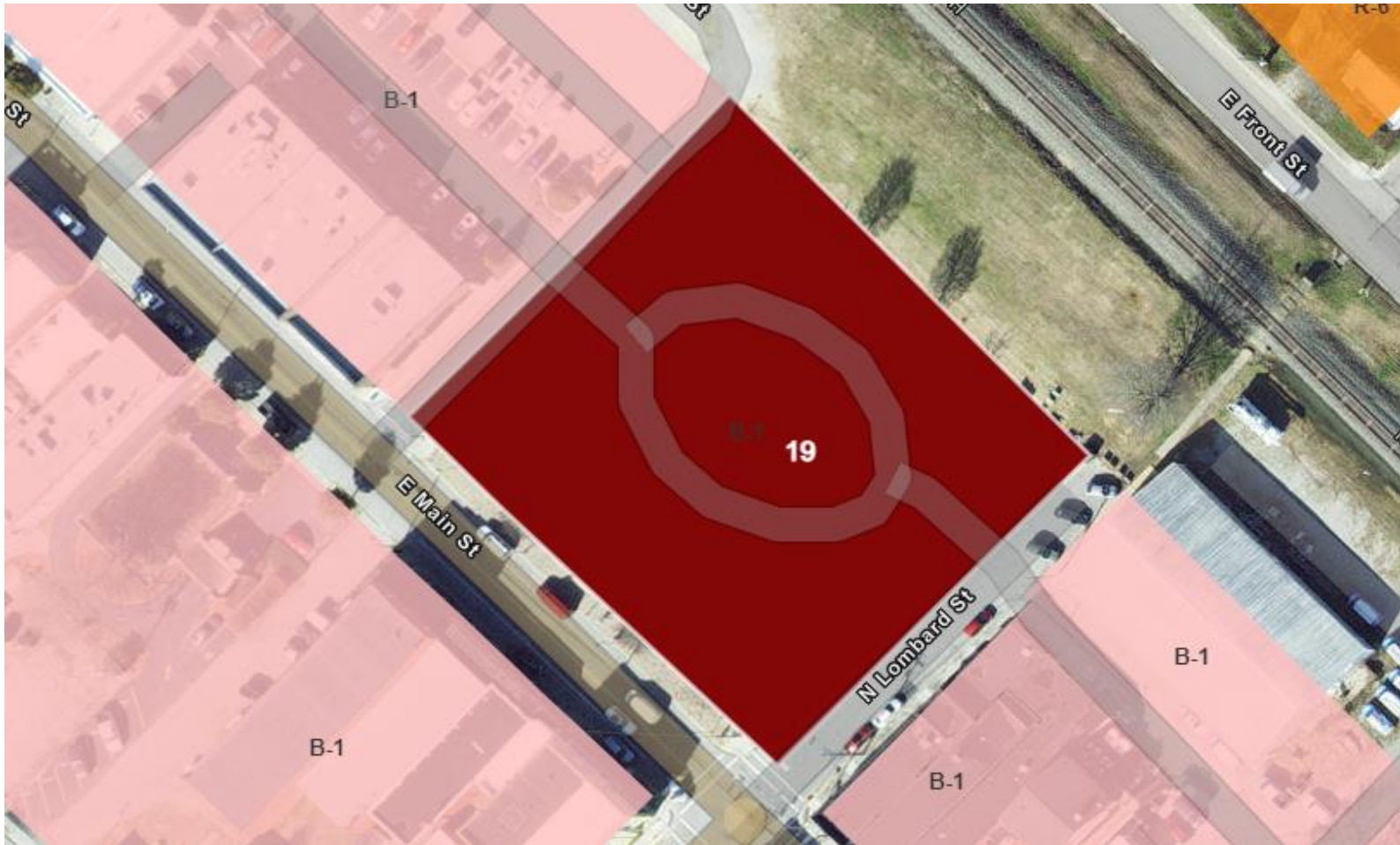
16. & 17. Location: S. E. Second St. and S. Church St. Current Zoning: B-1



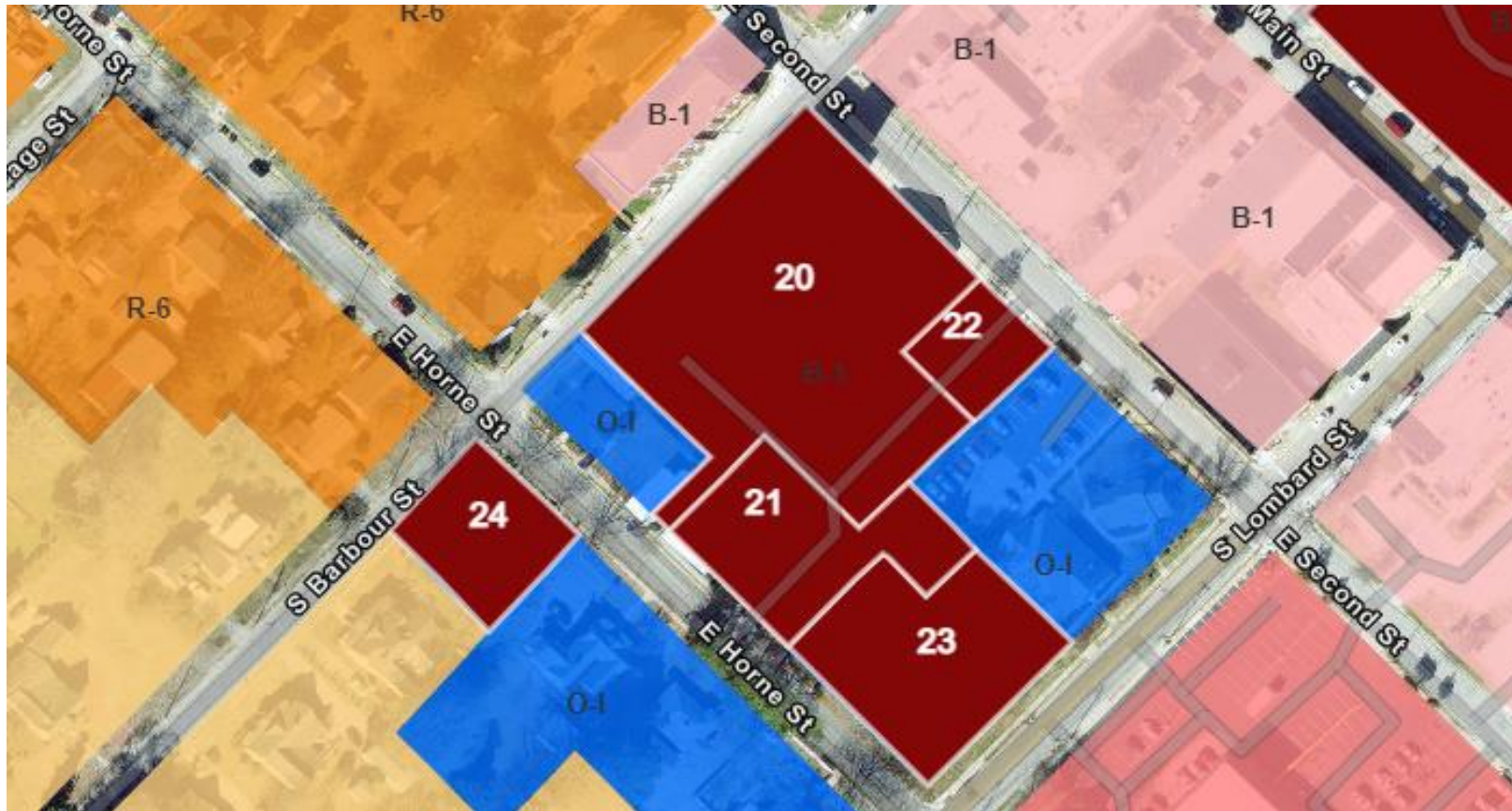
18. Location: E First St. Current Zoning: B-1



19. Location: E. Main St. & N. Lombard St. Current Zoning: B-1



20, 21, 22, 23 and 24. Location: E. Horne St., S Barbour St, & E. Second St. Current Zoning: 20-22: B-1, 23-24: O-I



25. & 26. Location: E. Front St. & N. Cooper St. Current Zoning: R-6



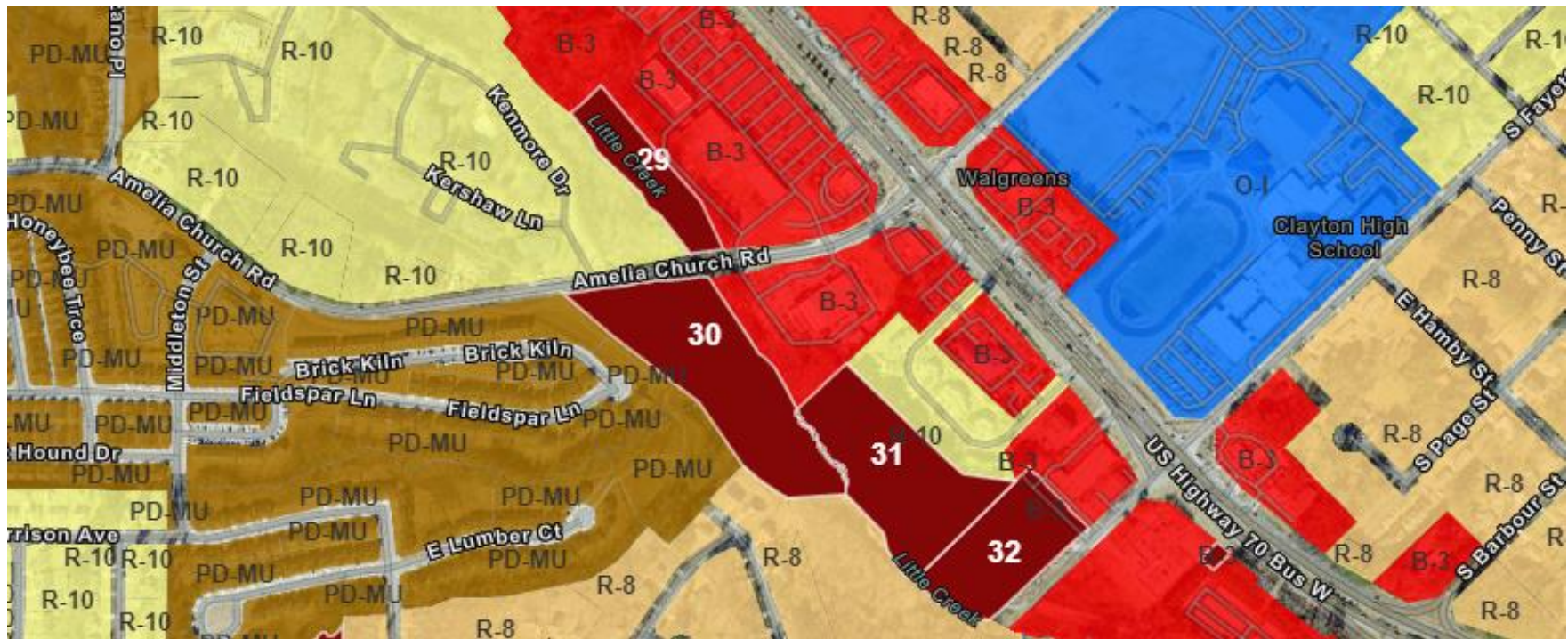
27. Location: Camel St. Current Zoning: R-8



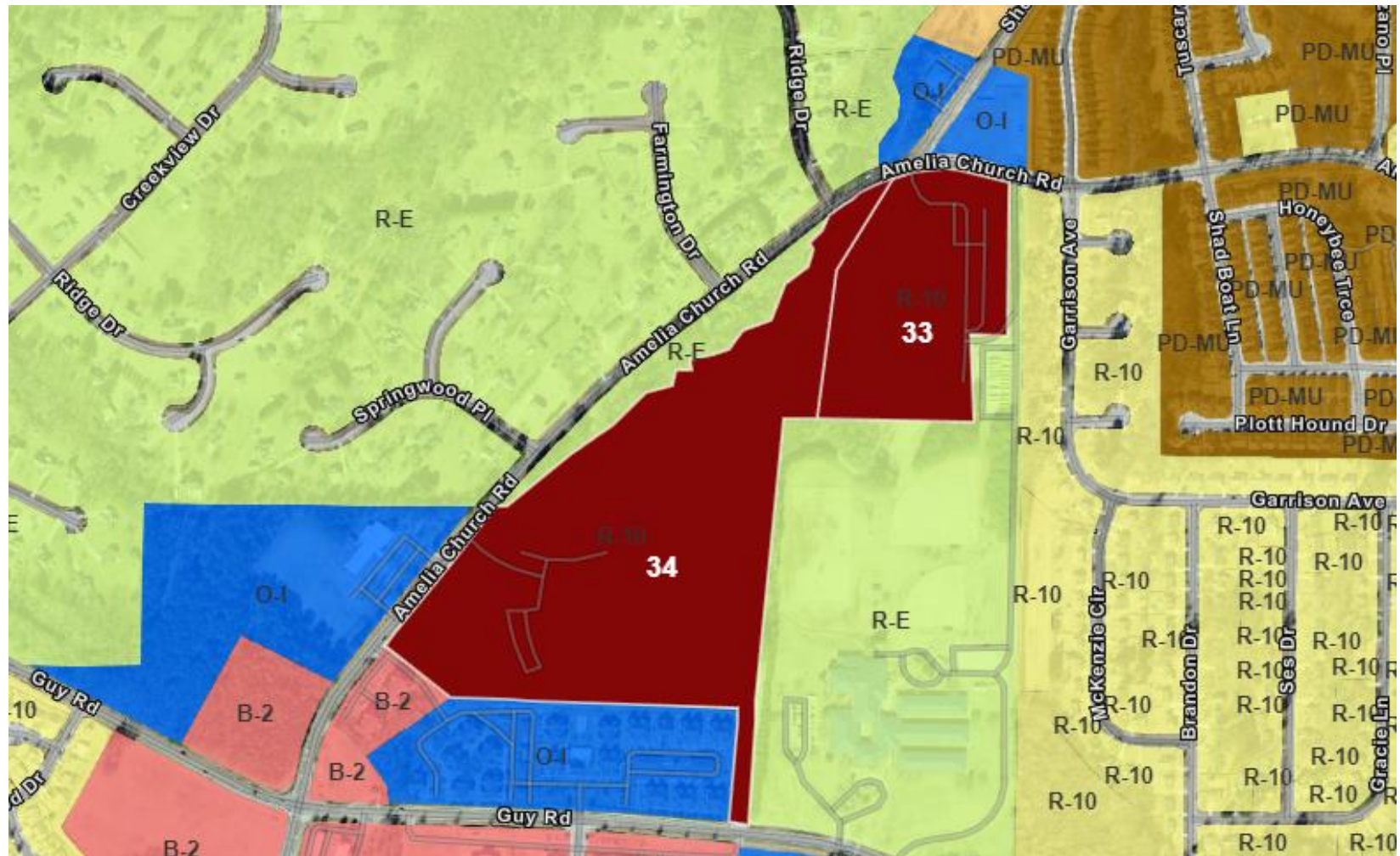
28. Location: Washington St.. Current Zoning: R-6



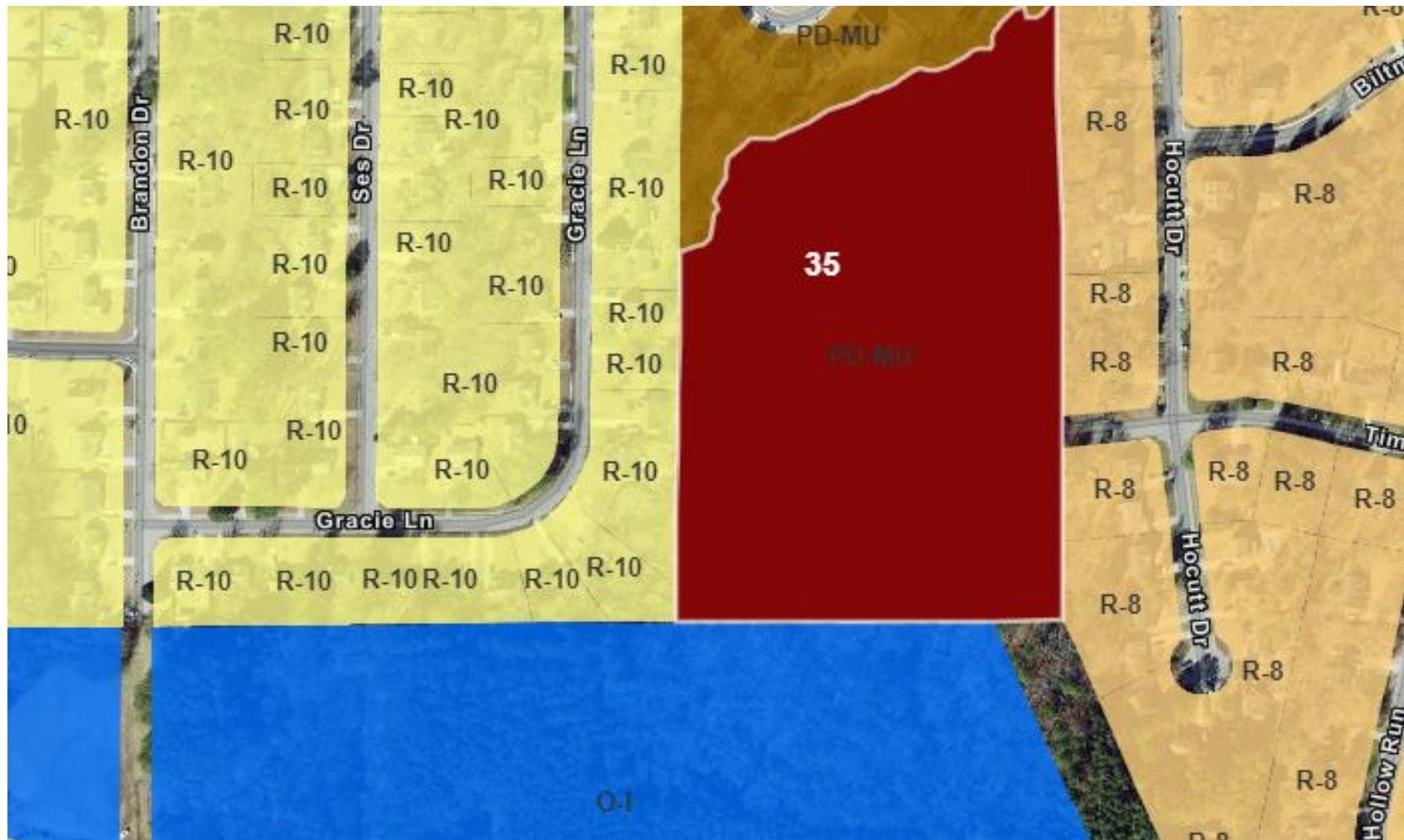
29.,30.,31. and 32. Current Zoning: 29: B-3, 30: PD-MU, 31: R-10, 32: B-3



33. & 34. Location: Amelia Church Rd. Current Zoning: R-10



35. Location: End of Timothy Ridge. Current Zoning: PD-MU



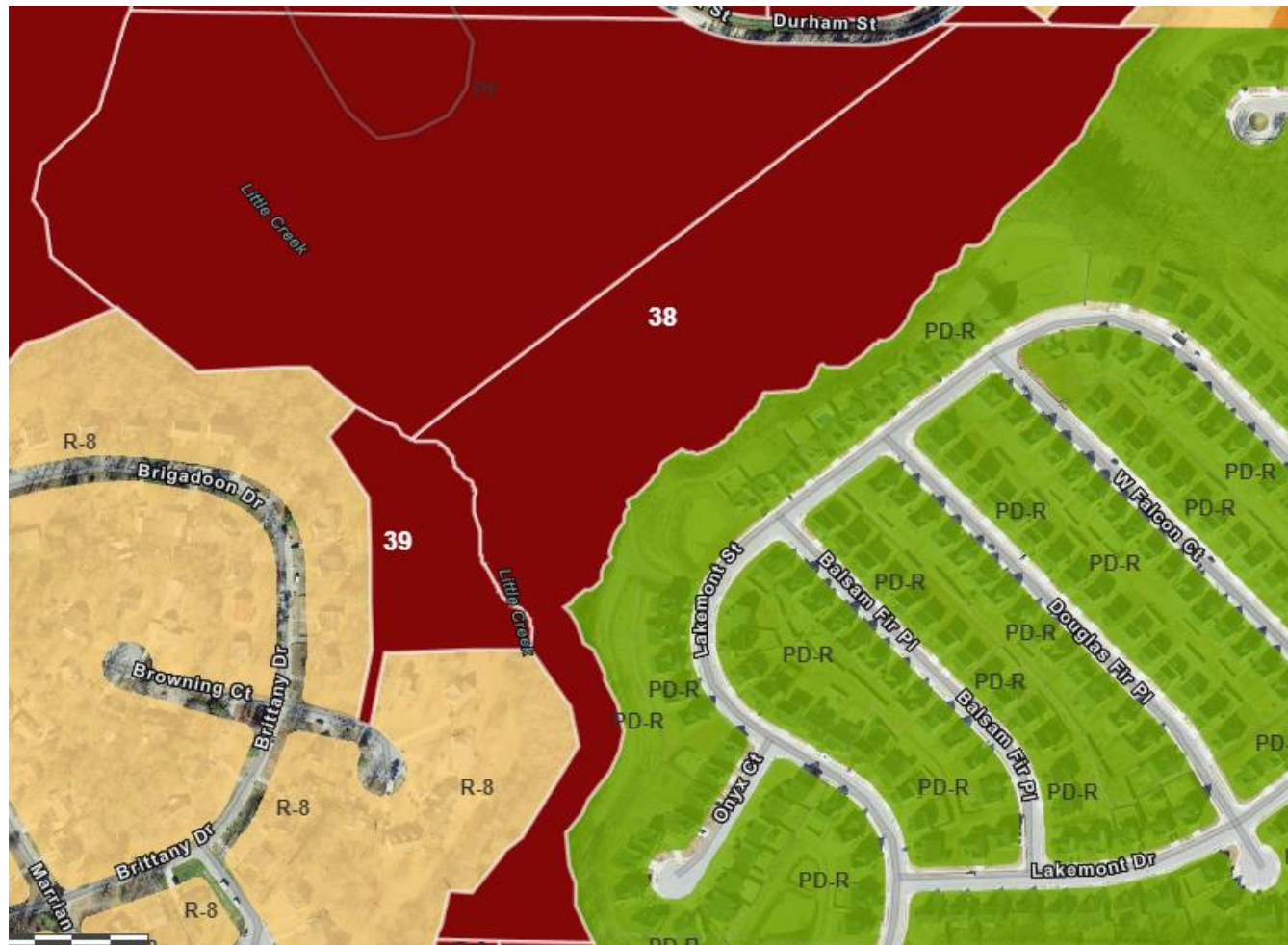
36. Location: Little Creek near Lombard St. Current Zoning: R-E



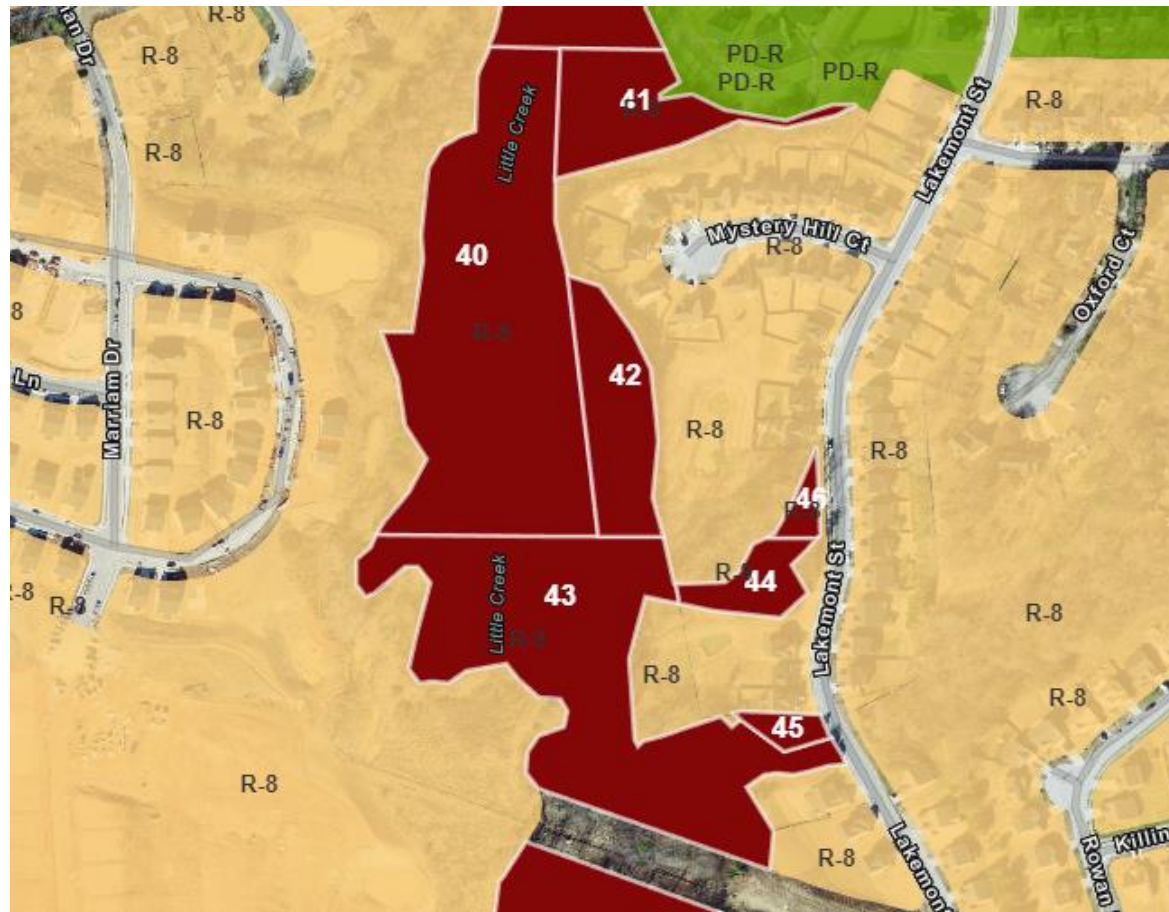
37. Location: Durham St. & Pond St. Lombard St. Current Zoning: R-8



38. & 39. Location: Adjacent to Clayton Wastewater Treatment Center off of Durham St. Current Zoning: 38: PD-R, 39: R-8



40-46. Location. Current Zoning: R-8



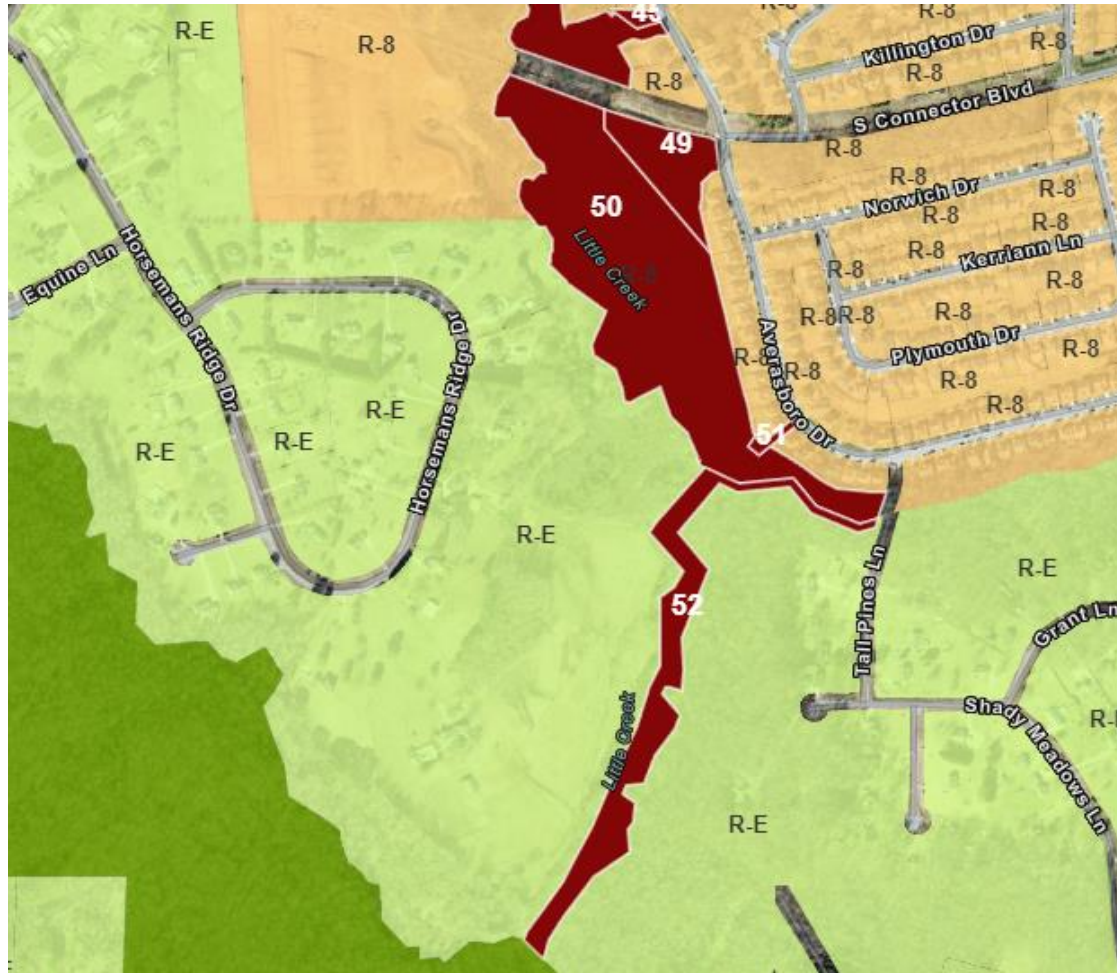
47. Location: US HWY 70 BUS. Current Zoning: B-3



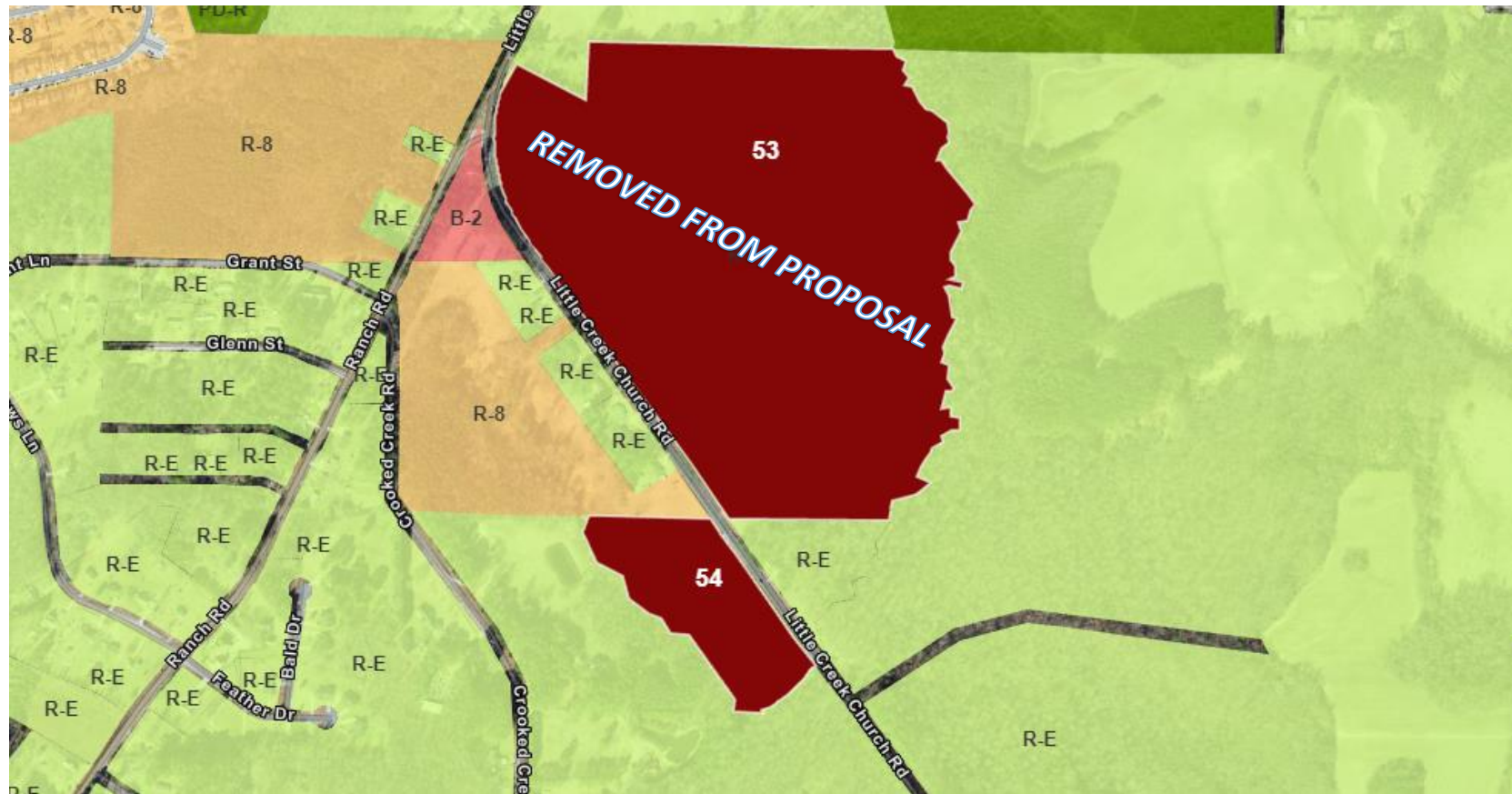
48. Location: W. Stallings and McCullers Dr. Current Zoning: R-10



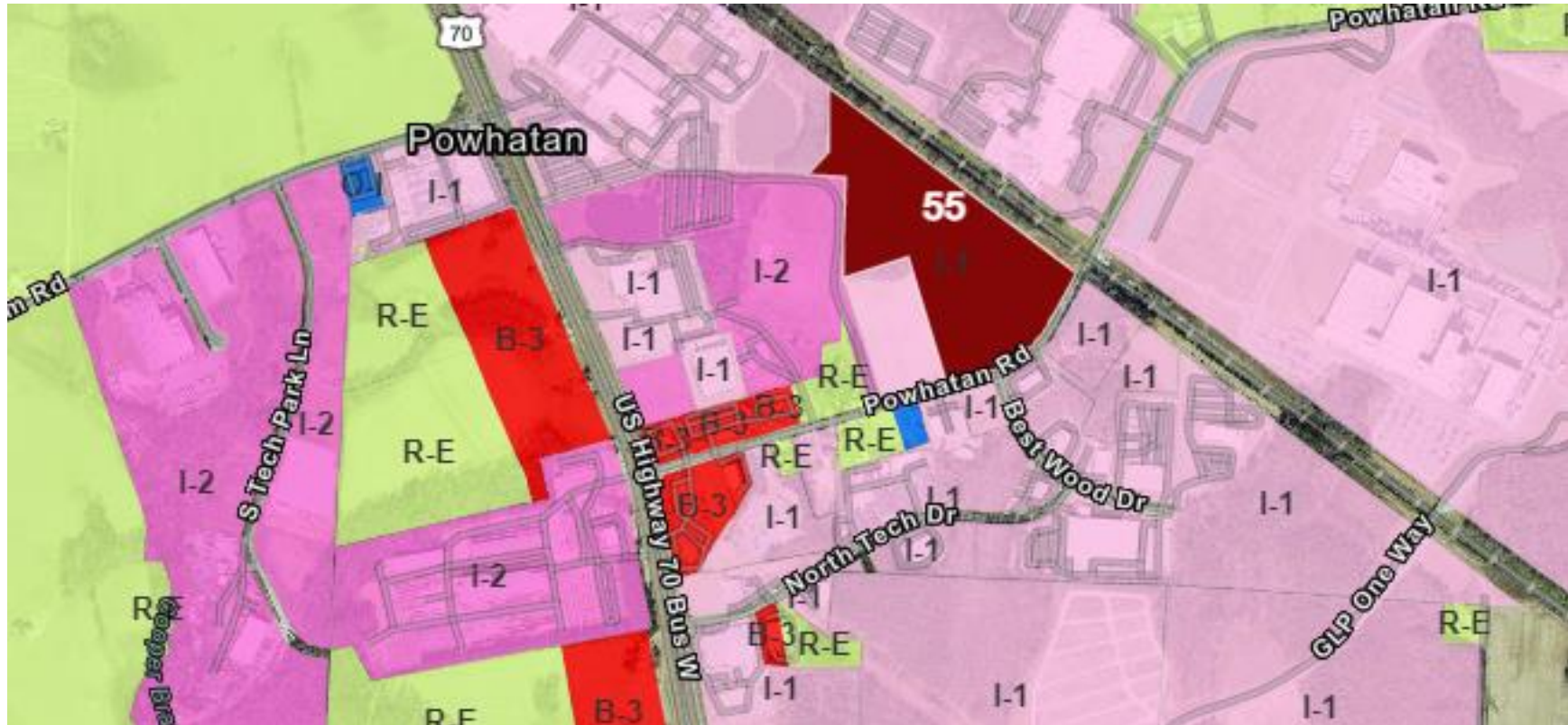
49-52. Location. Current Zoning: 49-51: R-8, 52: R-E



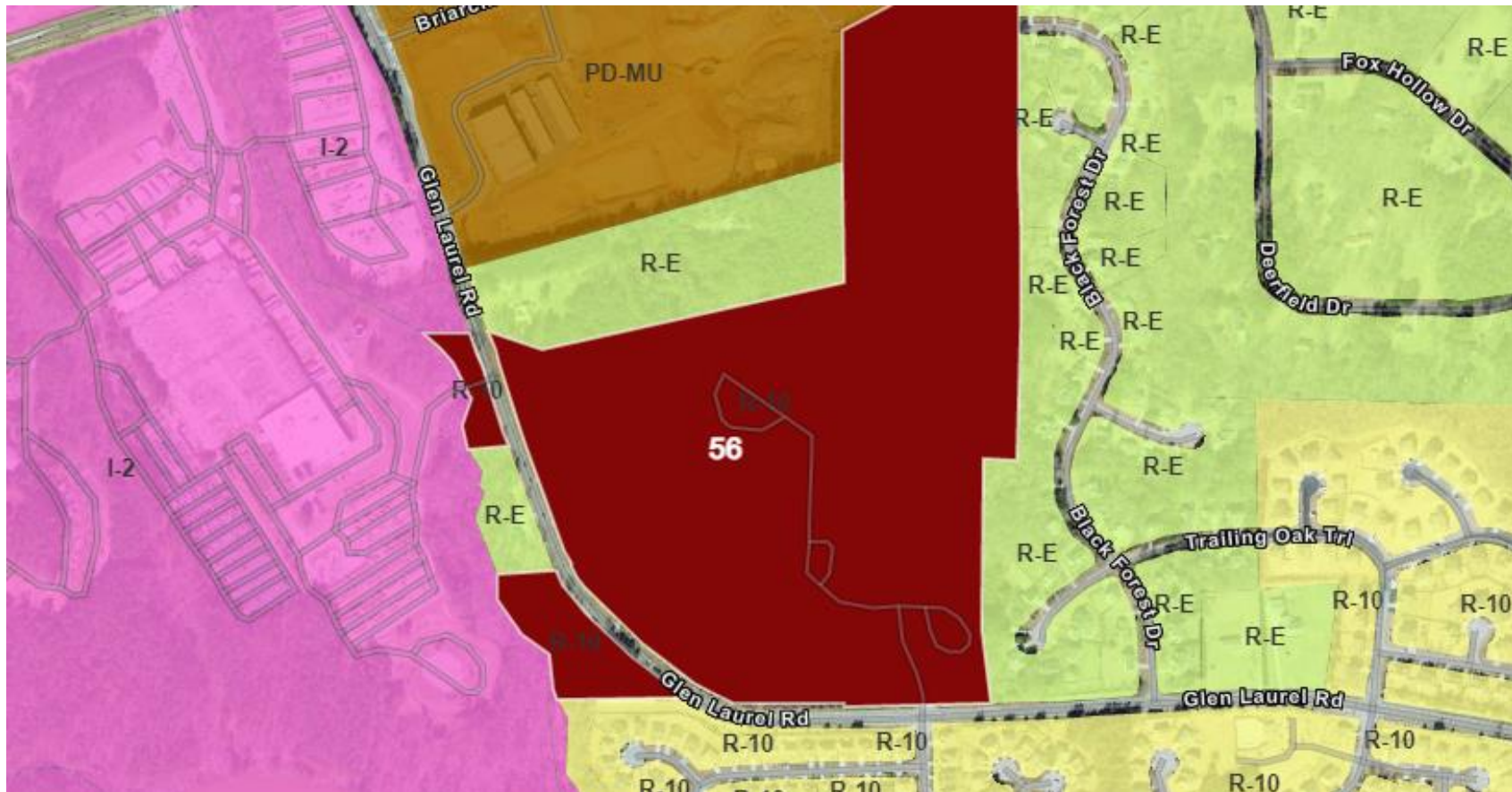
53. & 54. Location. Little Creek Church Rd and Ranch Road. Current Zoning: R-E



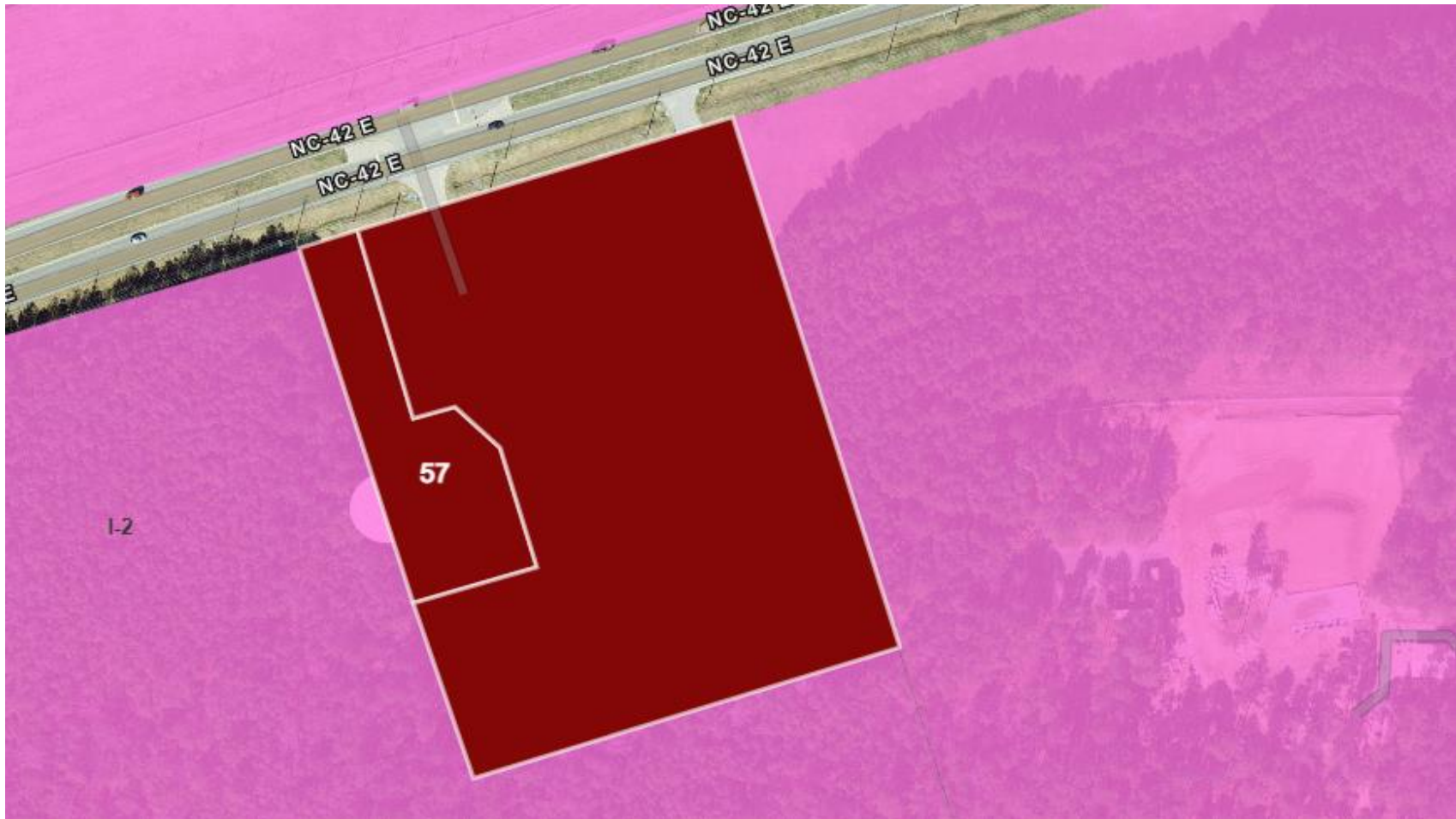
55. Location. Powhatan Rd. Current Zoning: I-1



56. Location. Glen Laurel Rd. Current Zoning: R-10



57. Location. NC-42 E. Current Zoning: I-2



58. Location. US HWY 70 BUS W. Current Zoning: B-3



59. Location. E. Wilson St. Current Zoning: R-8



60. Location. Southwest of Peele Subdivision Current Zoning: R-E



61. Location. Barber Mill Rd and Grovewood Dr. Current Zoning: R-E



62. Location. Barber Mill Rd and Grovewood Dr. Current Zoning: I-2



63. Location. Walnut Creek Dr. Current Zoning: R-10



64. Location. N. Durham St and E. Main St. Current Zoning: B-3



65. Location: N. Cooper St. & E. Stallings St.. Current Zoning: R-6



**AN ORDINANCE AMENDING THE ZONING ORDINANCE
AND ZONING MAP
OF THE TOWN OF CLAYTON, NORTH CAROLINA**

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 to include in Public Facilities (PF) zone the properties described below, said property formerly being included in different zoning districts; and

WHEREAS said property is owned by the Town of Clayton, North Carolina; and

WHEREAS the Planning Board of the Town of Clayton has reviewed the proposed change(s) 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 155.702(D) of the Clayton Unified Development Code 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 Count Tax Listing, and to the owners of all parcels of land abutting that (those) parcels(s) of land and within 100 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 155.702(D) of the Clayton Unified Development Code 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 155.702(D) of the Clayton Unified Development Code and by Section 160D-602 of the North Carolina General Statutes; and

WHEREAS said public hearing was conducted at 6:00 p.m. on August 15, 2022, 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 Unified Development Code of the Town of Clayton is hereby amended to include in the Public Facilities (PF) zone of the following described properties:

General Description:

Located within the Town of Clayton's Jurisdiction and limits.

Specific Description:

NC Parcel TAG Number(s):

05E99009D; R-8	05E99009D; R-8
05H03036W; R-8	05H03036W; R-8
05H03036V; R-8	05H03036V; R-8
05H03036X; R-8	05H03036X; R-8
05H03036Z; R-8	05H03036Z; R-8
05H03037; R-8	05H03037; R-8
05H03036U; R-8	05H03036U; R-8
05H03197B; R-8	05H03197B; R-8
05H04034H; R-E	05H04034H; R-E
05G03039P; R-8	05G03039P; R-8
05G03039Q; R-8	05G03039Q; R-8
05H04038N; R-8	05H04038N; R-8
05H03197; R-8	05H03197; R-8
05H03036S; PD-R	05H03036S; PD-R
05H04033Z; R-8	05H04033Z; R-8
05015050; B-1	05015050; B-1
05015070; B-1	05015070; B-1
05015049; B-1	05015049; B-1
05015071; O-I	05015071; O-I
05016055; O-I	05016055; O-I
05019051; R-6	05019051; R-6
05019012; B-1	05019012; B-1
05015001; B-1	05015001; B-1
05G02002M; R-E	05G02002M; R-E
05034019; R-8	05034019; R-8
05025012; R-10	05025012; R-10
05F01005D; R-10	05F01005D; R-10
05008015; B-3	05008015; B-3
05I04016H	05I04016H
05G03004D; PD-MU	05G03004D; PD-MU
05035013A; R-6	05035013A; R-6
05018005X; B-3	05018005X; B-3
16I02009A; R-10	16I02009A; R-10
16I02026C; R-E	16I02026C; R-E
05H02199U; R-8	05H02199U; R-8
05H03036T; R-8	05H03036T; R-8
05G02031J; R-10	05G02031J; R-10
05H03010A; PD-R	05H03010A; PD-R
05H03016E; B-3	05H03016E; B-3
05I05019E; I-1	05I05019E; I-1

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Public Facilities (PF) zone the above-described properties and will be so marked.

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

We find this rezoning action consistent with the Future Land Use Map, Goal LU 1, Policy LU 1.1, Strategy LU 1.1.1, Goal SI 3, Policy SI 3.4.1, Goal SI 4 and Policy SI 4.1.1 of the Comprehensive Growth Plan 2045. The Town Council further finds this rezoning to be reasonable and in the public interest because the new zoning is in line with the adopted future land use plan and furthers the objectives of the 2045 Comprehensive Growth Plan.

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

Duly adopted this 15th day of August 2022, while in regular session

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry L. Scoggins, MMC;
Interim Town Clerk

Jim Cauley
Town Attorney



Town Council Agenda Cover Sheet

Meeting Date

August 15, 2022

Agenda Location

Public Hearings

Item Title

2022-69-RZ Jason & Vilamon Carroll Rezoning

Presenter: Aaron Prichard, Planner II

Summary/Description

Rezoning of property located at 906 E Main St from Highway Business (B-3) to Central Business (B-1).

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application
Neighborhood Meeting Materials
Survey
Staff Report Maps

Meeting Timeline

Planning Board: July 25, 2022
Town Council: August 15, 2022



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

Planning Board: 07/25/2022
Town Council: 08/15/2022

STAFF REPORT

Application Number: 2022-69-RZ
Project Name: Jason & Vilamon Carroll – Rezoning

TAG #: 05008014
Town Limits/ETJ: Town Limits
Applicant: Alsey J. Gilbert PLS, and Vilamon Carroll
Owners: Jason & Vilamon Carroll
Location: 906 E Main St, Clayton, NC 27520
Project Planner: Aaron Prichard, Planner II

Public Noticing Dates:

- **Neighborhood Meeting:** July 11, 2022
- **Sign posted:** July 14, 2022
- **PB Adjacent Property Letters Mailed:** July 15, 2022
- **TC Adjacent Property Letters Mailed:** July 26, 2022
- **Newspaper Advertisement Publication:** August 3 & August 10, 2022

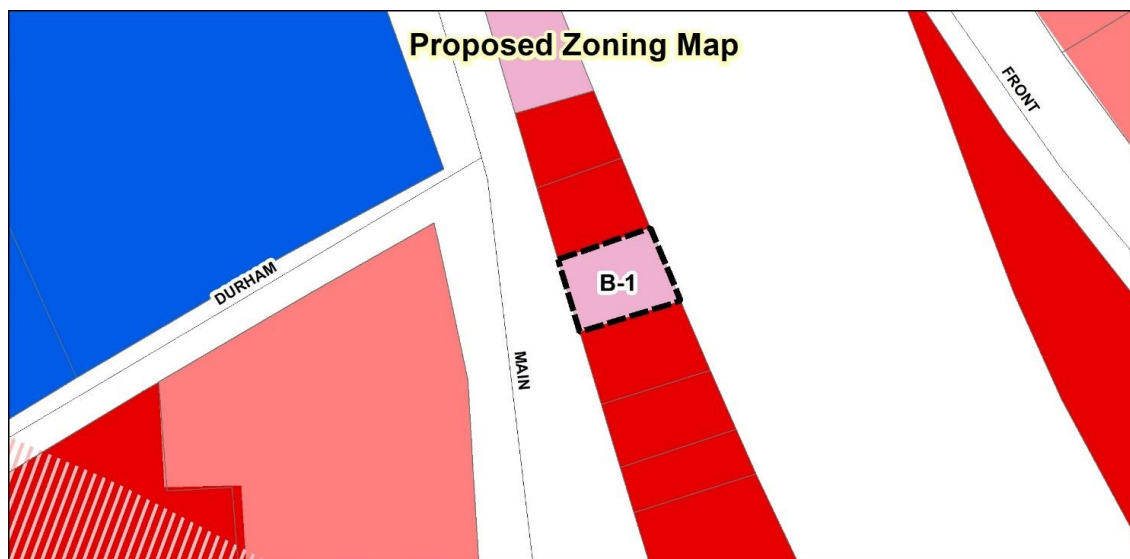
REQUEST: Rezoning from Highway Business (B-3) to Central Business (B-1).



SITE DATA:**Acreage:** +/- 0.077 acres**Existing Use:** Vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	B-3 (Highway Business)	Vacant
South	B-3 (Highway Business), Downtown Overlay	Vacant
East	North Carolina Railroad	Right-of-Way
West	East Main Street	Right-of-Way



STAFF ANALYSIS AND COMMENTARY:**Overview**

The site is within the Clayton Municipal Limits and falls within the Downtown Overlay zoning district. The site contains an unoccupied Single-Family Detached home and is located along East Main Street near the intersection with Durham Street. The applicant is requesting to rezone this lot from Highway Business (B-3) to Central Business (B-1) to enable the property owner to use the property for a personal service business. The applicant has not submitted any plans to develop the property at this time. The parcel is nonconforming per UDC § 155.110(C), as it is only about 3,354 square feet and the minimum parcel size for B-3 zones is 8,000 square feet. It is also only about 50 feet wide at the front setback line and B-3 zoning requires at least 60 feet. During a pre-application meeting with the applicant on January 4, 2022 it was discovered that the applicant could not meet the dimensional standards of the B-3 zoning district without obtaining a series of variances. Under B-1, there are no requirements for minimum lot area, minimum lot width, minimum setbacks, maximum building coverage, or maximum impervious surface percentage. Granting this rezone would therefore remove the nonconforming lot status for this site.

As you can see on the Proposed Zoning Map above, if granted, this lot would create a B-1 island surrounded by parcels zoned B-3. This would technically be a spot zone. While not illegal, spot zoning is generally considered bad practice. Therefore, Planning staff cannot officially endorse the rezoning at this time. Staff would like to point out that the parcel directly north of the Carroll property is Town-owned and is currently under a petition to rezone the lot from B-3 to Public Facilities (PF). The next parcel north (902 E Main St) held a Pre-Application meeting on August

2, however staff discouraged them from seeking a rezone based on the determination that their use would not be allowed under their new zoning district. Staff does not believe that property owner will seek a rezone, so this site will likely remain a B-1 island.

Consistency with the Comprehensive Growth Plan 2045

The Future Land Use Map identifies this area as “Downtown Support” (see map below). Page 20 of the Comprehensive Growth Plan states that Downtown Support areas provide for “housing options and non-residential uses located in close proximity to the Downtown Core, often providing a transition to the Downtown Neighborhood or other lower intensity character uses” and are “designed to allow a variety of medium to higher-density housing types in tandem with smaller-scale retail and office uses that support and foster growth of the Downtown Core.” These guidelines are consistent with the purpose and function of B-1 zoning, as stated above. The rezoning request would be consistent with the Downtown Support Future Land Use designation.

Comprehensive Growth Plan Goals supporting the rezoning request include:

Goal LU 1: Preserve Clayton’s character while allowing for growth and development in appropriate areas.

Policy LU 1.5: Protect and enhance the historic downtown character while promoting quality redevelopment and infill.

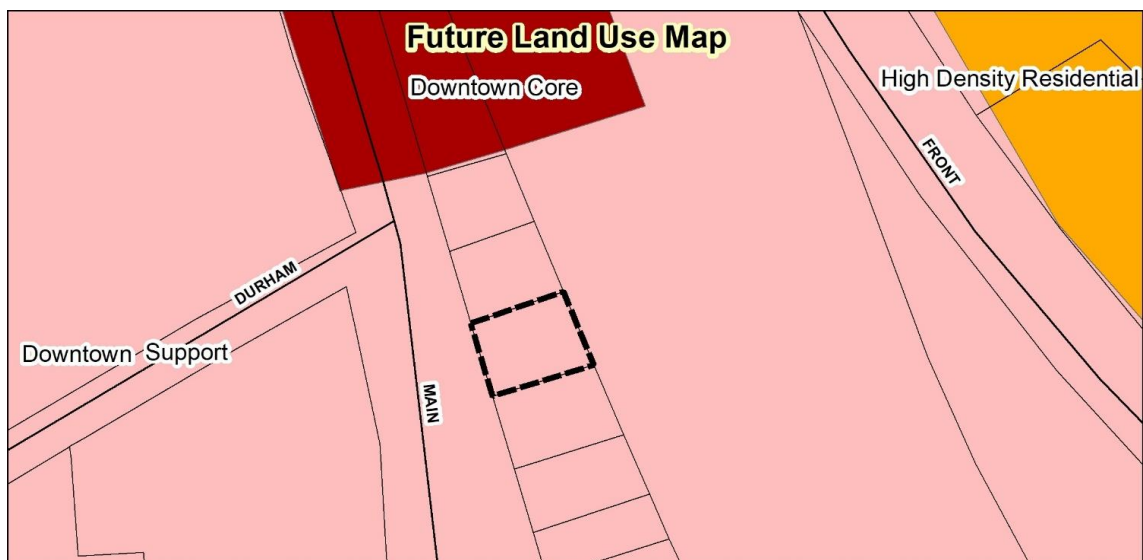
Strategy LU 1.5.1: Implement the Goals, Policies, and Strategies of the Downtown Chapter of this Plan.

Goal DT 1: Promote quality adaptive re-use, and infill development project Downtown while preserving historic character.

Policy DT 1.1: Utilize and enhance the existing regulations, design review and approval process to promote attractive, compatible development Downtown.

Strategy DT 1.1.1: Continue to use the Unified Development Code (UDC) to set standards for the design of development and consider modifications to encourage flexibility while preserving the character of different parts of Downtown.

>> Regulate signage, setbacks, dimensional requirements, parking and street improvements for new development by utilizing the Downtown Overlay District.



PLANNING BOARD RECOMMENDATION:

The Planning Board has recommended approval of the proposed rezone, however, that action occurred prior to the Pre-Application meeting with the property located to the north at 902 E. Main Street.

STAFF RECOMMENDATION:

Staff makes no formal recommendation on the proposed rezoning request. Staff believes there are several factors to consider and would like to present them as clearly as possible for the Town Council so they may take action after weighing all relevant factors.

ATTACHMENTS:

- 1) Application
- 2) Neighborhood Meeting Materials
- 3) Survey
- 4) Staff Report Maps



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

REZONING APPLICATION

- ☒ Standard Rezoning Fee: \$500.00
☐ Planned Development Rezoning Fee: \$1,000 + \$5.00 per acre
☒ Advertisement Fee: \$200.00

SITE INFORMATION

Name of Project: Jason & Vilamon Carroll
Acreage of Property: 0.07 Acres Zoning District: B-3
County Tag #: 0500 8014 NC Pin #: 166806-29-9537
Address/Location: 906 E. Main St.
Existing Zoning District: B-3 Proposed Zoning District: B-1

APPLICANT INFORMATION

Applicant: Alsey J. Gilbert PLS
Mailing Address: 442 1/2 E. Main St Clayton NC 27520
Phone Number: 919-422-4838 Fax: _____
Contact Person: _____
Email Address: alseygilbert@ymail.com

PROPERTY OWNER INFORMATION

Name: Jason & Vilamon Carroll
Mailing Address: 210 Wyndfall Lane
Phone Number: 919 Fax: _____
Email Address: _____

OFFICE USE ONLY

Date Received: _____ Amount Paid: \$700.00 File Number: _____

MAY 01 2022

PAID

TOWN OF CLAYTON
PLANNING DEPARTMENT

EXPLANATION OF PROJECT

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

Rezone from B-3 to B-1

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

Project is a natural progression of Downtown

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

PROPERTY IS LIMITED due to size ie: Parking & setbacks
Makes property more suitable to development

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

Converting to
Most properties in area are C-1 or B-1

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

Property will meet current uses

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

Not in Violation

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.

Property will not affect surrounding uses

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.

Property change will no be detrimental to the
Public

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.

Vilamm Carroll
Print Name

VCarroll
Signature of Applicant

Apr. 1, 2022
Date

Jason and Vilamon Carroll
906 E Main Street
Clayton, NC 27520
j.carrollelectric@gmail.com

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 Rezoning proposal involving property adjacent or near 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: **July 11th 2022 at 6:30 pm at 906 East Main St.** Clayton NC 27520

Purpose of application: Rezoning 906 E. Main St. from B3 to B1

Date of Public Meetings:

Planning board July 25th 2022

Town Council Meeting: TBD

If you have any questions please contact me (Jason Carroll or Vilamon Carroll), 919-559-9780.

ADJACENT PROPERTY OWNERS LIST

Project Name: Jason & Vilamon Carroll

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.

[illegible]

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Rezone B3 to B1, 906 E. Main Street, Clayton, NC 27520

Application: _____

Location/Date: 906 E Main Street, Clayton NC 27520

	NAME	ADDRESS
1	Rina Fernandez	6053 Beale Road, Raleigh NC 27616
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20		

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Jasno Vilamm Carroll
Date of Mailing: June 27th, 2022
Date of Meeting: July 11, 2022 Time of Meeting: 6:30 pm
Location of Meeting: 906 E. Main Street, Clayton, NC 27520
I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting, and that all required information was presented at the Meeting:
Printed Name: Vilamm Carroll Signature: Vilamm

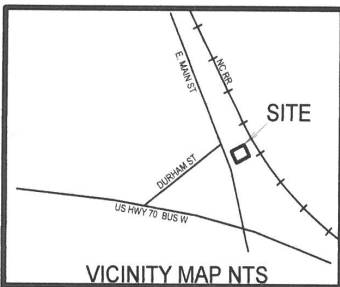
Meeting Summary/Minutes: provide a summary of the discussion held at the meeting, including issues raised and any resolution discussed, and any changes made to the application as a result of the meeting.

We spoke with Rina Fernandez regarding change of use & rezone
from B3 to B1.

She said she would like to rezone herself (Kina)
She also asked the process. (Kina)

NO issues. Meeting went very well.

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



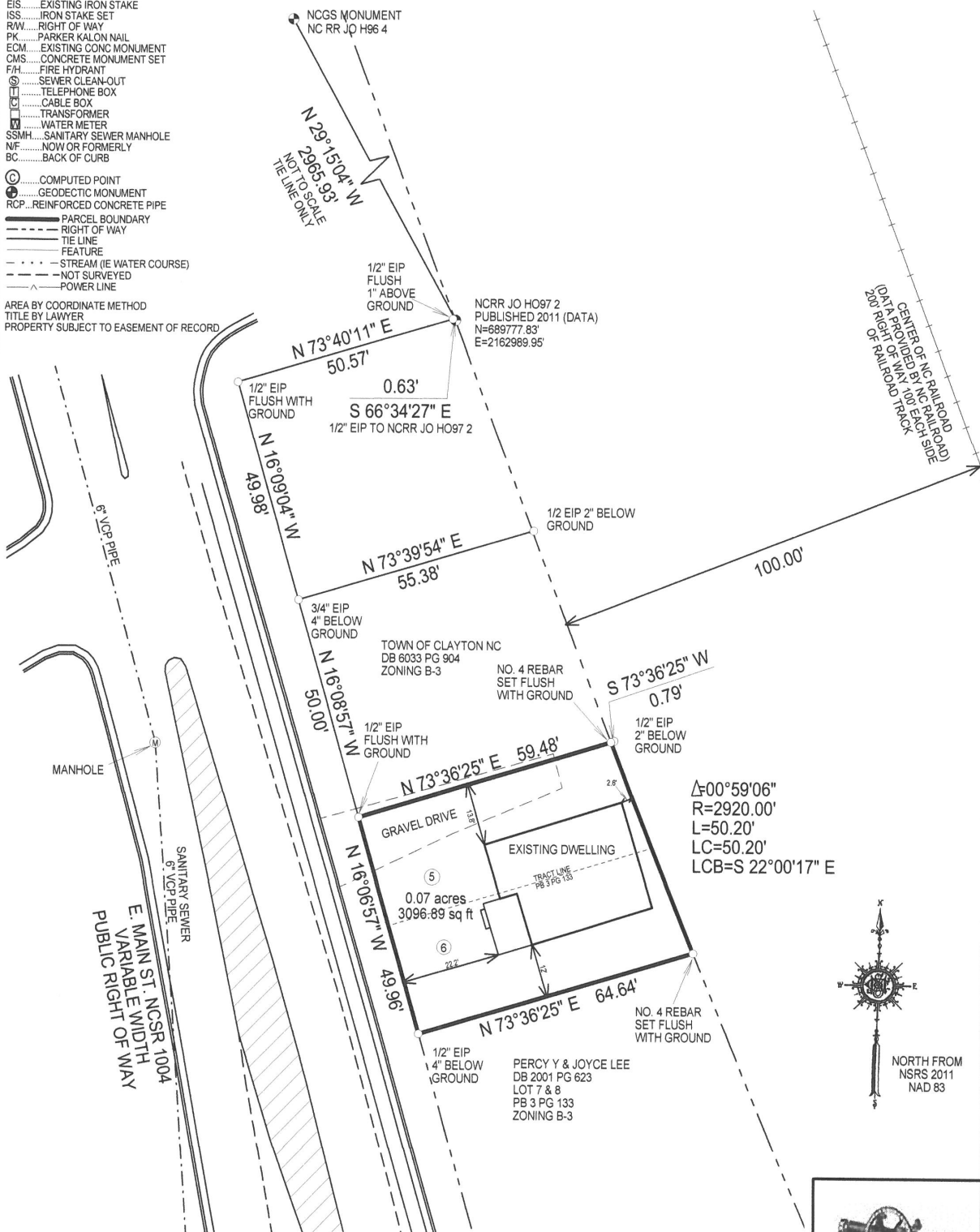
AS FOR TIE
DATE: 05/02/2022
TYPE OF GPS: RTN (GPS)
DATUM/ EPOCH: NAD 83 NSRS 2011
POSITIONAL ACCURACY: 0.06'
GEOID MODEL: 12B
PUBLISH FIXED MODEL: (VRS)
COMBINED FACTOR: 0.99988564
US SURVEY FOOT

SURVEY FOR:
**JASON G. &
VILAMON CARROLL**
TP NO. 05008014 NC PIN 166806-29-9537
DB 6053 PG 738
LOT 5 & 6 CARSON & LEONARD DURHAM
PB 3 PG 133
CLAYTON TWP. JOHNSTON CO. NC
SCALE 1"=30' DATE 05/02/2022



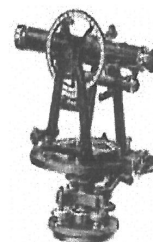
LEGEND:
EIP.....EXISTING IRON PIPE
IPS.....IRON PIPE SET
EIS.....EXISTING IRON STAKE
ISS.....IRON STAKE SET
R/W.....RIGHT OF WAY
PK.....PARKER KALON NAIL
EOM.....EXISTING CONC MONUMENT
CMS.....CONCRETE MONUMENT SET
FIH.....FIRE HYDRANT
SC.....SEWER CLEAN-OUT
TB.....TELEPHONE BOX
CB.....CABLE BOX
TR.....TRANSFORMER
WM.....WATER METER
SSMH.....SANITARY SEWER MANHOLE
NF.....NOW OR FORMERLY
BC.....BACK OF CURB
C.....COMPUTED POINT
G.....GEODECTIC MONUMENT
RCP.....REINFORCED CONCRETE PIPE
----- PARCEL BOUNDARY
----- RIGHT OF WAY
----- TIE LINE
----- FEATURE
- - - - - STREAM (IE WATER COURSE)
- - - - - NOT SURVEYED
- - - - - POWER LINE

AREA BY COORDINATE METHOD
TITLE BY LAWYER
PROPERTY SUBJECT TO EASEMENT OF RECORD

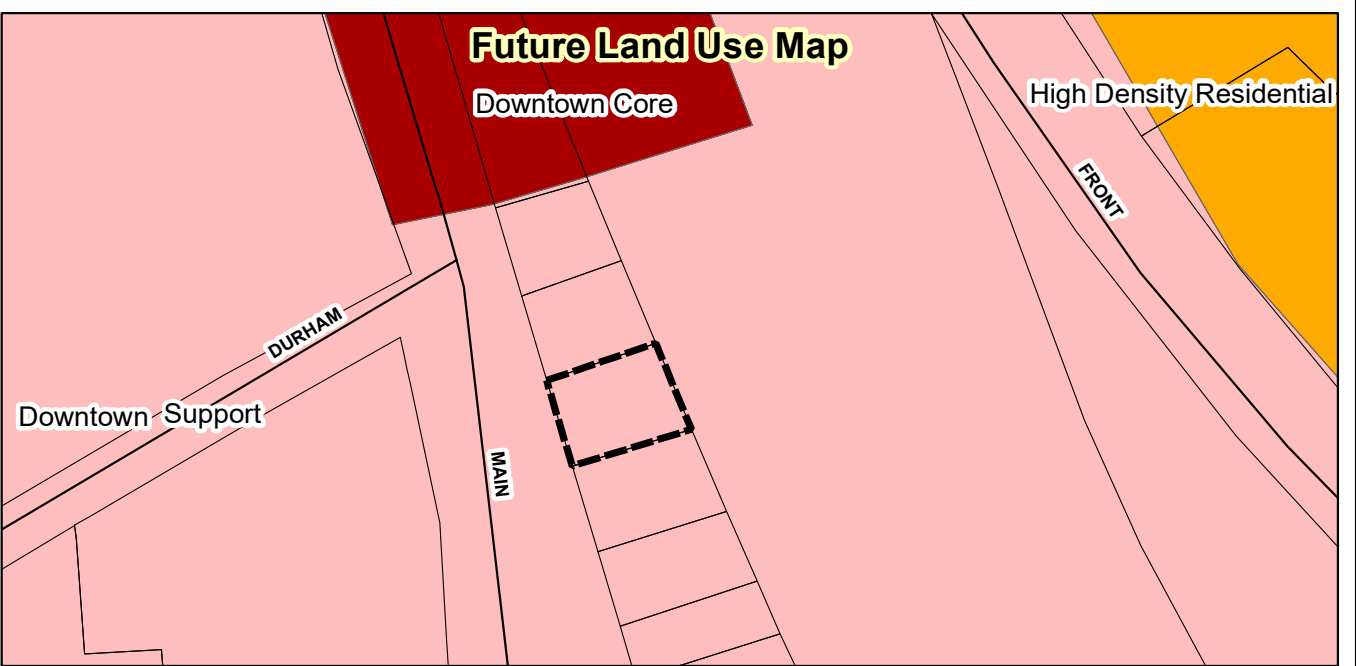
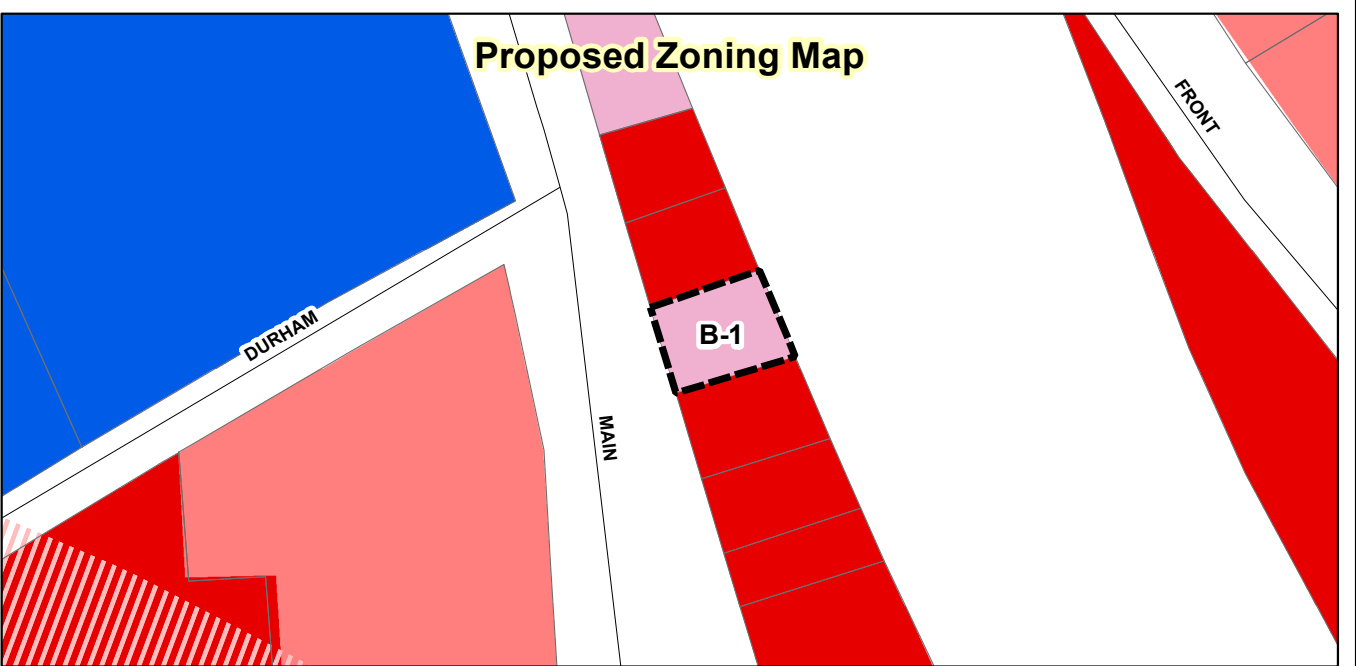
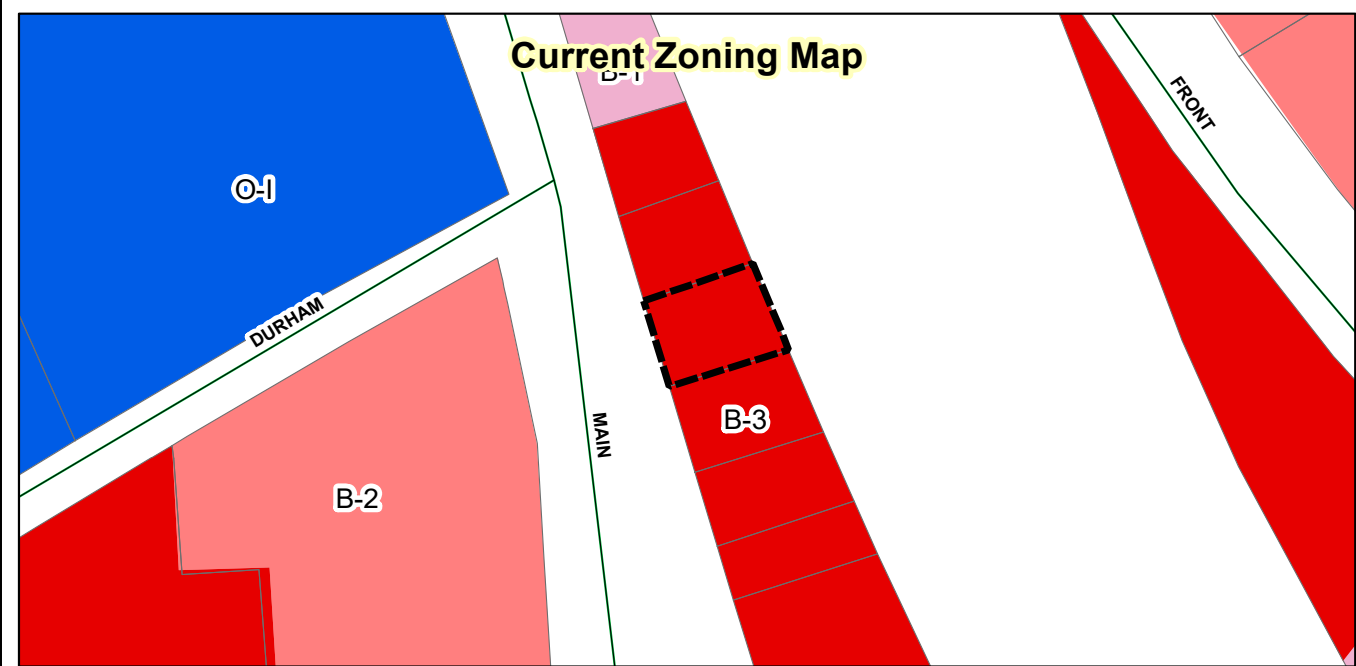


I ALSEY J. GILBERT CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 6053, PAGE 738 OR OTHER REFERENCE SOURCE PB 3 PG 133); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK 6053, PAGE 738 OR OTHER REFERENCE SOURCE PB 3 PG 133; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:25134; AND THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600) THIS 2ND DAY OF MAY 2022

PROFESSIONAL LAND SURVEYOR



ALSEY J. GILBERT PLS
442 1/2 EAST MAIN ST.
CLAYTON NC 27520
PHONE 919/553-5104
FAX: 919/553-3663



Request:
2022-69-RZ, to Rezone a parcel from Highway Business (B-3) to Central Business (B-1)

Applicant: Vilamon Carroll
 Property Owners: Jason & Vilamon Carroll
 Tag #: 05008014



Staff Report Map
 Prepared by: TOC Planning Department
 July 15, 2022

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

Document Path: O:\PLANNING\REZONING\Rezoning\2022\2022-69-RZ Jason & Vilamon Carroll\Staff Report Maps\Staff Report Map - 2022-69-RZ Jason & Vilamon Carroll.mxd

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
AND ZONING MAP
OF THE TOWN OF CLAYTON, NORTH CAROLINA**

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 to include in the Central-Business (B-1) zone the property described below, said property formerly being zoned Highway-Business (B-3); and

WHEREAS said property is owned by Jason and Vilamon Carroll; and

WHEREAS the Planning Board of the Town of Clayton has reviewed the proposed change(s) and made a recommendation thereupon; and

WHEREAS the requested Zoning Map Amendment was advertised in accordance with all requirements of the law; 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 Listings, and to the owners of all parcels of land abutting that (those) parcel(s) of land and within 100 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 155.702(D) of the Zoning Ordinance of the Town of Clayton and by Section 160D-602 of the General Statutes; and

WHEREAS said public hearing was actually conducted at 6:00 p.m. on August 15, 2022, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or 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 Unified Development Code of the Town of Clayton is hereby amended to include in the Central-Business (B-1) zone the following described property:

General Description:

East side of Main Street, southeast of intersection of E. Main Street and Durham Street

Or

Specific Description:

NC Parcel TAG Number: 05008014

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Central-Business (B-1) zone the above-described property and will be so marked.

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 this Ordinance.

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

The Town Council hereby finds this rezoning action to be consistent with the 2045 Comprehensive Growth Plan Goals LU1 and DT1, Policies LU1.5 and DT1.1, and Strategies LU1.5.1 and DT1.1.1. The Town Council further finds this rezoning action to be reasonable and in the public interest because the rezoning is in line with the Future Land Use Map and furthers the objectives of the 2045 Comprehensive Growth Plan.

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

Duly adopted this 15th day of August 2022, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry L. Scoggins, MMC
Interim Town Clerk

Jim Cauley
Town Attorney



Town Council Agenda Cover Sheet

Meeting Date

August 15, 2022

Agenda Location

Public Hearings

Item Title

2022-126-OA UDC Technical Amendments

Presenter: Aaron Prichard

Summary/Description

Request to modify three separate sections of the UDC: §155.301(K) Upper Story Residential, §155.705(L)(6) Action After Approval (under 'Conditional Zoning District'), and §155.716(D) Burden of Proof (under 'Variance').

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

§155.301(K) Current Language
§155.301(K) Redlined Changes
§155.301(K) Proposed Language
§155.705(L)(6) Current Language
§155.705(L)(6) Redlined Changes
§155.705(L)(6) Proposed Language
§155.716(D) Current Language
§155.716(D) Redlined Changes
§155.716(D) Proposed Language

Meeting Timeline

Planning Board: July 25, 2022

Town Council: August 15, 2022



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: July 25, 2022

Town Council: August 15, 2022

STAFF REPORT

Application Number: 2022-126-OA

Project Name: UDC Technical Amendments Ordinance Amendment

Applicant: Town of Clayton

Public Noticing: Newspaper ad published on August 3, 2022 & August 10, 2022

REQUEST: Request to modify three separate sections of the Unified Development Code (UDC). The first text amendment is to §155.301(K) to add two provisions for Upper-Story Residential to allow one or more ground-floor residential unit(s) if required by the Accessibility Code and to ensure that any ground-floor residential units are served by an ADA accessible route. The second text amendment is to §155.705(L)(6) to add a provision to the Conditional Zoning District section clarifying that uses that require Special Use Review under conventional zoning shall be exempt from Special Use Review if they are designated as Permitted uses on Conditional Zoning Master Plans. The third text amendment is to §155.716(D) to update language regarding Burden of Proof for Variances to be consistent with recent case law regarding Quasi-Judicial Evidentiary Hearings. All three proposed changes are minor in scope.

SECTIONS PROPOSED FOR AMENDMENT:

The following sections of Title XV, Chapter 155 and their general description are proposed for amendment:

§155.301(K) – Upper-Story Residential

§155.705(L)(6) – Action After Approval (under ‘Conditional Zoning District’)

§155.716(D) – Burden of Proof (under ‘Variance’)

STAFF ANALYSIS AND COMMENTARY:

Overview

These amendments seek to ensure Town staff are implementing best practices with respect to development review and approval. The amendment to §155.301(K) is being proposed to be consistent with the requirements in the North Carolina Accessibility Code. The amendment to §155.705(L)(6) is being proposed because the Town has received numerous Conditional Zoning applications and the question of permitted versus special uses arose with a prospective applicant. Town staff felt it was prudent to propose this change to clarify the matter. Likewise,

Town staff felt it was prudent to ensure the Code language remains consistent with current case law, which is the impetus for the proposed amendment to §155.716(D).

Approval Criteria:

1. The extent to which the proposed text amendment is consistent with the remainder of the chapter, including, specifically, any purpose and intent statements, and must adopt a statement describing whether the action is consistent or inconsistent with approved plans;

Response: The proposed text amendments are consistent with the remainder of the applicable chapters in the UDC. They meet the intent of the code and are consistent with all approved plans. All three proposed amendments simply clarify what is already either law or employed by Technical Review Committee staff.

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

Response: All three proposed amendments serve as revisions which arose due to changing circumstances. The amendment to clarify North Carolina Accessibility Code requirements fills a hole not mentioned in the existing Code. The amendment to Conditional Zoning arose out of confusion by a potential applicant seeking to propose a project in Town. Planning case law and its impact on Planning practices can also be characterized as a changing circumstance. Recent case law clarified evidentiary standards for Quasi-Judicial procedures and so Town staff wants to ensure the Code remains consistent with legal interpretation.

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

Response: All three proposed amendments are consistent with current best practices. The amendment to allow ground-floor residential units corrects an area of the Code that conflicts with the North Carolina Accessibility Code. Through interactions with the development community, Town staff recognized that the Code language was vague regarding whether Special Uses for conventional zoning districts remained Special Uses under Conditional Zoning. Likewise, the “Burden of Proof” language was outdated based on recent case law, so we are proposing to correct this error.

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

Response: The amendment to §155.716(D) is being proposed to comply with recent case law on Quasi-Judicial Evidentiary Hearings. Specifically, the amendment proposes to change the subsection title from “Burden of Proof” to “Evidentiary Standards.” The terms “burden of production” and “burden of persuasion” are also proposed to be consistent with recent case law referencing those standards in lieu of “Burden of Proof.” This amendment was recommended by the Town’s legal counsel. The amendment to §155.301(K) ensures that standards for upper-story residential units in mixed-used buildings meet the North Carolina Accessibility Code. The amendment to §155.705(L)(6) brings the Code in line with how staff has been addressing special uses in conditional zoning districts.

CONSIDERATIONS

- The Planning Board recommended approval of the proposed ordinance amendments. The Town Council shall make a final decision regarding revisions to the Town Code.

STAFF RECOMMENDATION:

Staff is recommending approval of the proposed changes to the UDC.

ATTACHMENTS:

- 1) §155.301(K) Current Language
- 2) §155.301(K) Redlined Changes
- 3) §155.301(K) Proposed Language
- 4) §155.705(L)(6) Current Language
- 5) §155.705(L)(6) Redlined Changes
- 6) §155.705(L)(6) Proposed Language
- 7) §155.716(D) Current Language
- 8) §155.716(D) Redlined Changes
- 9) §155.716(D) Proposed Language

§ 155.301 RESIDENTIAL USE STANDARDS

(K) UPPER-STORY RESIDENTIAL

A dwelling unit located on a floor above a nonresidential use.

- (1) An upper-story residential unit shall adhere to all dimensional standards of the nonresidential zoning district in which it is located.

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(2) Where required by the North Carolina Accessibility Code due to the proposed number of upper story dwelling units located in a structure, one or more ground floor unit(s) shall be permitted in a mixed-use structure in order to meet Accessibility Code requirements.

~~(1)~~(3) Any dwelling units located on the ground floor in order to meet requirements in the North Carolina Accessibility Code shall be serviced by an accessible route from adjacent rights-of-way or parking areas in accordance with Americans with Disabilities Act standards.

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- (3) Any dwelling units located on the ground floor in order to meet requirements in the North Carolina Accessibility Code shall be serviced by an accessible route from adjacent rights-of-way or parking areas in accordance with Americans with Disabilities Act standards.

- (1) The master plan shall include and the applicant shall be responsible for successfully addressing the following:
 - (a) Compliance with § 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter;
 - (b) Consistency with the Clayton General Design Guidelines;
 - (c) Conformance of the proposal with the stated purpose of the requested conditional zoning district;
 - (d) Compatibility of the proposed development with the adjacent community;
 - (e) 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;
 - (f) Compatible relationships between each component of the overall project;
 - (g) Self-sufficiency of each phase of the overall project;
 - (h) The fiscal impact of the proposal and the proposed financing of required improvements;
 - (i) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
 - (j) The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

(L) **ACTION AFTER APPROVAL**

- (1) Upon approval of a conditional zoning district by the Town Council, and on recordation of the approved master plan, the district is deemed established. Properly executed documents shall be returned to the office of the Town Clerk for recording no later than 90 days from the date of approval or the approval shall be null and void. All documents (including the approved master plan) shall be an integral part of the approved proposal.
- (2) The approved conditional district and associated master plan shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs. The approved master plan shall be recorded in the Johnston County Register of Deeds office and the Zoning Map amended.
- (3) Approval of a conditional district rezoning and associated master plan does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where the master plan meets the requirements for and is approved as a preliminary plat.
- (4) Property to be further subdivided shall obtain approval in accordance with § 155.706. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.

- (5) Property not to be further subdivided shall obtain site plan approval as set forth in § 155.707.
- (6) Special uses identified as such in the approved master plan require approval in accordance with § 155.711.
- (7) The master plan shall run with the land perpetually, or until a subsequent rezoning is approved.

(M) **TIME LAPSE BETWEEN SIMILAR APPLICATIONS**

- (1) In the event of a withdrawal of an application prior to action by the Town Council, no application may be filed requesting the same or substantively similar conditional district contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application.
- (2) When the Town Council has voted on a conditional district and the proposed rezoning has failed to be adopted, then the application shall be deemed to have expired.
- (3) No subsequent application requesting a conditional district for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.
- (4) No subsequent application requesting the same zoning category for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.
- (5) The Town Council, by a three-fourths majority vote, may waive the time-lapse requirements of this section if the Town Council deems it to be in the public interest to do so.

Approved master plan modifications

- (6) Amendments or modifications to an approved master plan, if minor in scope, shall be approved administratively by the Planning Director. Minor modifications shall include up to 10% modifications (by area, intensity, or dwelling units) from the original approval to the approved mixture of uses (so long as the maximums stated are not exceeded), adjustments to phasing, and the realignment of internal transportation infrastructure provided connectivity is not reduced. Changes in boundaries between land uses are permitted so long as the boundary abutting outside zoning districts does not change and the boundary between areas within the conditional district does not shift more than 100' for master plans covering 20 acres or less, 200' for master plans of 20-100 acres, or 300' for master plans of greater than 100 acres. Minor modifications to the typical project details, which include but are not limited to signage, lighting, parking, amenities, and landscape requirements shall also be approved administratively by the Planning Director provided they conform to all other aspects of the approved master plan, this Chapter, and other Town policies and specifications, as appropriate. Master plan modifications that require the judgement of a licensed landscape architect, engineer, or architect are not minor modifications.

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 - (e) 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;
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§ 155.716 VARIANCE

(A) APPLICABILITY

- (1) The Board of Adjustment may vary certain requirements of this Chapter that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Chapter, will, in an individual case, result in practical difficulty or unnecessary hardship. The Board of Adjustment shall ensure that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done.
- (2) The existence of a nonconforming use of neighboring land, building, or structure in the same district, or of permitted or nonconforming uses in other districts, shall not constitute a reason for the requested variance.

(B) APPLICATION REQUIREMENTS

An application for a variance shall be submitted in accordance with § 155.702(C).

(C) NOTICE AND PUBLIC HEARINGS

- (1) The Town shall hold all required public hearings and give notice in accordance with § 155.702(D).
- (2) A neighborhood meeting is required.

(D) BURDEN OF PROOF

The applicant seeking the variance shall have the burden of presenting competent, material and substantial evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

(E) ACTION BY PLANNING DIRECTOR

The Planning Director shall provide the Board of Adjustment with a copy of the application and all relevant materials pertaining to the request.

(F) ACTION BY BOARD OF ADJUSTMENT

(1) Procedure

- (a) The Board of Adjustment may approve the request, deny the request, or continue the request. A concurring vote of four-fifths of the Board is necessary to grant a variance.
- (b) Each decision shall be accompanied by findings of fact that specify the reasons for the decision.

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(D) BURDEN OF PROOF EVIDENTIARY STANDARDS

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- (b) Each decision shall be accompanied by findings of fact that specify the reasons for the decision.

**TOWN OF CLAYTON
AMENDMENT TO THE CODE OF ORDINANCES
AMENDING CHAPTER 155**

BE IT HEREBY ADOPTED THAT THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA, amends the Clayton Code of Ordinances Chapters 155.301(K), 155.705(L)(6), and 155.716(D) to read as follows:

155.301 RESIDENTIAL USE STANDARDS

(K) UPPER STORY RESIDENTIAL

A dwelling unit located on a floor above a nonresidential use.

- (1) An upper-story residential unit shall adhere to all dimensional standards of the nonresidential zoning district in which it is located.
- (2) Where required by the North Carolina Accessibility Code due to the proposed number of upper story dwelling units located in a structure, one or more ground floor unit(s) shall be permitted in a mixed-use structure in order to meet Accessibility Code requirements.
- (3) Any dwelling units located on the ground floor in order to meet requirements in the North Carolina Accessibility Code shall be serviced by an accessible route from adjacent rights-of-way or parking areas in accordance with Americans with Disabilities Act standards.

155.705 CONDITIONAL ZONING DISTRICT

(L) ACTION AFTER APPROVAL

- (1) Upon approval of a conditional zoning district by the Town Council, and on recordation of the approved master plan, the district is deemed established. Properly executed documents shall be returned to the office of the Town Clerk for recording no later than 90 days from the date of approval or the approval shall be null and void. All documents (including the approved master plan) shall be an integral part of the approved proposal.
- (2) The approved conditional district and associated master plan shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs. The approved master plan shall be recorded in the Johnston County Register of Deeds office and the Zoning Map amended.
- (3) Approval of a conditional district rezoning and associated master plan does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where the master plan meets the requirements for and is approved as a preliminary plat.
- (4) Property to be further subdivided shall obtain approval in accordance with § 155.706. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.
- (5) Property not to be further subdivided shall obtain site plan approval as set forth in § 155.707.
- (6) Uses which require Special Use Review under conventional zoning shall be exempt from the provisions of § 155.711 Special Use Review if designated as Permitted on the approved Master Plan.

(7) The master plan shall run with the land perpetually, or until a subsequent rezoning is approved.

155.716 VARIANCE

(D) EVIDENTIARY STANDARDS

The applicant seeking the variance shall have the burden of producing competent, material, and substantial evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

Duly adopted this 15th day of August 2022, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry L. Scoggins, MMC
Interim Town Clerk

Jim Cauley
Town Attorney



Town Council Agenda Cover Sheet

Meeting Date

August 15, 2022

Agenda Location

New Business

Item Title

Revenue Bonds Findings Resolution for the Sam's Branch Water Reclamation Facility

Presenter:

Robert McKie, Finance Director

Summary/Description

The Finance Director will present a findings resolution that authorizes staff to make application with the Local Government Commission for approval of revenue bonds not to exceed \$100 million, which will be utilized to fund construction of the Sam's Branch Water Reclamation Facility project.

Requested Action

Approval

Funding Source (If Applicable):

Revenue Bonds

Cost: Not to exceed \$100 million **Yes** ☒ **No** ☐

Additional Documents to be Included in Agenda Packet

Clayton 2022 Water and Sewer Bond Finding Resolution

Meeting Timeline

Click or tap here to enter text.

**TOWN COUNCIL
OF THE
TOWN OF CLAYTON, NORTH CAROLINA
RESOLUTION 2022-55**

Excerpt of Minutes
of Meeting of
August 15, 2022

Present: Mayor McLeod presiding, and Councilmembers _____

Absent: _____

* * * * *

Councilmember _____ introduced the following resolution, the title of which was
read:

**RESOLUTION PROVIDING FOR APPLICATION TO THE
LOCAL GOVERNMENT COMMISSION FOR APPROVAL
OF WATER AND SEWER SYSTEM REVENUE BONDS;
REQUESTING LOCAL GOVERNMENT COMMISSION
APPROVAL OF SUCH WATER AND SEWER SYSTEM
REVENUE BOND; AND CERTAIN RELATED MATTERS
AND FINDINGS**

RESOLUTION 2022-55

WHEREAS, the Town of Clayton, North Carolina (the "Town") acting by and through its Town Council (the "Town Council"), is authorized by The State and Local Government Revenue Bond Act of North Carolina, as amended, to issue revenue bonds to provide moneys for the acquisition, construction, reconstruction, extension, improvement or payment of the cost of one or more revenue bond projects, including water and sewer systems or facilities; and

WHEREAS, on February 20, 2012, the Town adopted a Bond Order (the "Original Bond Order") entitled:

**BOND ORDER OF THE TOWN OF CLAYTON, NORTH CAROLINA
AUTHORIZING THE ISSUANCE OF WATER AND SEWER SYSTEM
REVENUE BONDS TO PROVIDE FUNDS TO CONSTRUCT
IMPROVEMENTS TO ITS WATER AND SEWER SYSTEM, INCLUDING
CONSTRUCTION OF AN ELEVATED WATER STORAGE TANK;**

PROVIDING FOR THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR VARIOUS PURPOSES; PROVIDING FOR THE ISSUANCE OF REVENUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF REVENUE BONDS; PROVIDING FOR THE CREATION OF CERTAIN SPECIAL FUNDS; PLEDGING TO THE PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON THE REVENUE BONDS AND NOTES CERTAIN REVENUES OF THE WATER AND SEWER SYSTEM; SETTING FORTH THE RIGHTS AND REMEDIES OF HOLDERS; AND SETTING FORTH THE DETAILS OF CERTAIN RELATED MATTERS

WHEREAS, on April 20, 2020, the Town Council adopted a First Supplemental Bond Order (the "First Supplemental Bond Order") amending certain provisions of the Original Bond Order (such Original Bond Order, as amended and supplemented by the First Supplemental Bond Order, referred to herein as the "Existing Bond Order"); and

WHEREAS the Town Council has determined that it is necessary to obtain additional financing for the design, acquisition, construction and equipping of a portion of the cost of a new Sam's Branch Water Reclamation Facility (the "Project"); and

WHEREAS, the Town Council is considering the issuance of one or more series of Water and Sewer System Revenue Bonds as permitted under the Existing Bond Order in an amount not to exceed \$100,000,000 in the aggregate principal amount (the "Bonds") to finance the cost of the Project; and

WHEREAS, the Town, through Davenport & Co., its financial advisor, issued a request for proposals to financial institutions for the purchase of the Bond at a private sale; and

WHEREAS, the Town has received a proposal from Capital One Public Funding, LLC for a direct placement of the Bond (the "Capital One Proposal"); and

WHEREAS, the Town is also considering, with the advice of its financial advisor, the possibility of issuing the Bonds in a public sale in the event the Town determines that the interest savings justify such an issuance; and

WHEREAS, the Town Council wishes the Town Manager and the Town Finance Director to file with the Local Government Commission of North Carolina (the "LGC") an application for its approval of the issuance of the Bonds, on a form provided by the LGC, to request that the LGC approve the issuance of the Bonds, and to make certain findings therefor;

NOW, THEREFORE, the Town Council for the Town of Clayton, in a regularly scheduled meeting on August 15, 2022, does hereby resolve as follows:

1. The Bonds are to be issued by the Town for the purpose of providing funds to finance the costs of the Project and to pay the costs of issuing the Bonds as set out in the Town's application to the LGC. The use of the proceeds of the Bonds is necessary in order to meet the needs of the users of the water and sewer system (as further defined in the Bond Order, the "System"), including in particular certain industrial users of the System, and to assure that the

System remains in full compliance with all state and federal requirements for the provision of water and sewer services. The Bonds shall be a special obligation of the Town, the principal of, premium, if any, and interest on which shall not be payable from the general funds of the Town, nor shall they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the Bond Order.

2. The Town Manager and the Town Finance Director, with the advice of bond counsel and the Town's financial advisor, are each hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission for its approval of the issuance of the Bonds.

3. The Town Manager and the Town Finance Director, with the advice of bond counsel and the Town's financial advisor, are authorized to make a determination as to whether it is in the best interest of the Town to sell the Bonds in a private sale in accordance with the Capital One Proposal (as such proposal may be updated and revised), or to sell the Bonds in a public offering.

4. The Mayor, the Town Manager and the Town Finance Director, working with bond counsel and the Town's financial advisor, are each hereby authorized and directed to take all actions in furtherance of the issuance of the Bonds.

5. In connection with the application to the LGC, the Town Council hereby makes the following findings:

- a. The issuance of the Bonds is necessary and expedient to finance the cost of the Project.
- b. The amount of debt to be incurred in connection with the Project and the fees to be paid in connection therewith are sufficient but not excessive, when added to other moneys available to the Town, for the purpose of acquiring, designing, and constructing the Project.
- c. The Project is feasible.
- d. The net revenues of the System, which reflect increases in rates previously approved by the Town Council, will be sufficient to pay the debt service on the proposed Bonds.
- e. The Town has not defaulted on any debt obligation.
- f. The Town follows the debt management guidelines of the LGC.
- g. The Bonds can be marketed at a reasonable interest cost to the Town.

6. In the event that the Town Manager and the Finance Officer determine that it is in the Town's best interest for the Town to issue the Bond in a direct placement, the Town requests

the LGC to sell the Bonds at private sale and without advertisement pursuant to § 159-123(3) of the North Carolina General Statutes.

7. All actions of the officers of the Town in furtherance of this resolution are hereby ratified and confirmed. This resolution shall take effect immediately.

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

Ayes: Council members _____

Nays: Council members _____

Not voting: Council members _____

* * * * *

Duly adopted this the 15th day of August 2022, while in regular session.

ATTEST: Jody L. McLeod
Mayor

Heidi L. Holland, NCCMC
Deputy Town Clerk

* * * * *

I, Sherry L. Scoggins, Interim Town Clerk for 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 for the Town at a regular meeting duly called and held on August 15, 2022, and that the proceedings of such meeting are recorded in the Minutes of Town Council. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Town Council of the Town is on file in my office.

WITNESS my hand and the official seal of the Town this _____ day of August 2022.

(SEAL) Sherry L. Scoggins, MMC
Interim Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

August 15, 2022

Agenda Location

New Business

Item Title

ARPA Policies

Presenter:

Robert McKie, Finance Director

Summary/Description

The Finance Director will present a resolution to adopt six policies that are required by the American Rescue Plan Act of 2021 to utilize Corona Virus State and Local Fiscal Recovery Funds. The Town intends to utilize its funding to supplant expenditures for salaries and for water and sewer infrastructure improvements.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: Click or tap here to enter text. Yes ☐ No ☐

Additional Documents to be Included in Agenda Packet

Resolution to Adopt ARPA Policies
Eligible Use Policy
Cost Principles Policy
Nondiscrimination Policy
Real Property Policy
Record Retention Policy
Conflict of Interest Policy

Meeting Timeline

Click or tap here to enter text.

**RESOLUTION TO ADOPT THE FOLLOWING POLICES
RELATED TO THE ADMINISTRATION OF THE
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY
FUNDS (CSLRF) WITHIN THE AMERICAN RESCUE PLAN
ACT (ARPA)
Resolution 2022-56**

WHEREAS, the Town of Clayton accepted the Coronavirus State and Local Fiscal Recovery Funds (CSLRF) within the American Rescue Plan Act Of 2021 (ARPA) from the North Carolina Department of Environmental Quality authorized by Resolution 2022-14.

WHEREAS, the Town in accordance with the foregoing, must comply with all applicable budgeting, accounting, contracting, reporting and other compliance requirements for all Coronavirus State and Local Fiscal Recovery Funds (CSLRF) within the American Rescue Plan Act (ARPA) and

WHEREAS, the Town intends to use such funds for supplanting salaries and benefits with Coronavirus State and Local Fiscal Recovery Funds (CSLRF) within the American Rescue Plan Act (ARPA) in accordance with the provisions of Uniform Guidance (UG), 2 CFR Section 200.,

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

The Town authorize the adoption of the following policies related to the administration of the Coronavirus State and Local Fiscal Recovery Funds (CSLRF) within the American Rescue Plan Act (ARPA).

- Eligible Project Policy for the Expenditure of American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds by Town of Clayton.
- Policy for Allowable Costs and Cost Principles for Expenditure of American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds by North Carolina Local Governments
- Nondiscrimination Policy
- Record Retention Policy: Documents Created or Maintained Pursuant to the ARP/CSLRF Award
- Policy for Property Management Related to the Expenditure of American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds by North Carolina Local Governments
- Conflict of Interest Policy

Duly adopted this 15th day of August 2022, while in regular session.

Jody L. McLeod
Mayor

Attest:

Sherry L. Scoggins, MMC
Interim Town Clerk

Town of Clayton Policy & Procedure Statement

	
Policy Number	Finance-2022-01
Department	Finance
Subject	Eligible Project Policy for the Expenditure of ARPA and CSLFR Funds
Approved By	Town Council – Resolution #2022-56
Effective Date	August 15, 2022
Revision Date(s)	

ELIGIBLE PROJECT POLICY FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY THE TOWN OF CLAYTON

WHEREAS the TOWN OF CLAYTON, hereinafter Town, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS US Treasury is responsible for implementing ARP/CSLFRF and has enacted a Final Rule outlining eligible projects; and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the [Assistance Listing](#); and

WHEREAS US Treasury has issued a [Compliance and Reporting Guidance v.2.1 \(November 15, 2021\)](#) dictating implementation of the ARP/CSLFRF award terms and compliance requirements; and

WHEREAS the Compliance and Reporting Guidance states on page 6 that

Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

BE IT RESOLVED that the Town hereby adopts and enacts the following Eligibility Determination Policy for ARP/CSLFRF funds.

Eligibility Determination Policy for American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds

This policy defines the permissible and prohibited uses of the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF) funds. It also outlines the procedures for determining how the Town will spend its ARP/CSLFRF funds.

I. PERMISSIBLE USES OF ARP/CSLFRF FUNDING

US Treasury issued its [Final Rule](#) regarding use of ARPA funds on January 6, 2022. (The Final Rule is effective as of April 1, 2022. Until that date, a local government may proceed under the regulation promulgated by US Department of the Treasury in its [Interim Final Rule](#) or the Final Rule.) The Final Rule (and the Interim Final Rule) identify permissible uses of ARP/CSLFRF funds and certain limitations and process requirements. Local governments must allocate ARP/CSLFRF funds no later than December 31, 2024 and disburse all funding no later than December 31, 2026. Failure of an entity to expend all funds by December 31, 2026 will result in forfeiture of ARPA funds.

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

II. PROHIBITED USES OF ARPA FUNDING

The ARP/CSLFRF and US Treasury's Final Rule prohibit certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.);
2. To borrow money or make debt service payments;
3. To replenish rainy day funds or fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding (There is an exception to this prohibition if the settlement or judgment requires the Town to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed.);
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

The Town, and any of its contractors or subrecipients, may not expend any ARP/CSLFRF funds for these purposes.

III. PROCEDURES FOR PROJECT APPROVAL

The following are procedures for ARP/CSLFRF project approvals. All Town employees and officials must comply with these requirements.

1. Requests for ARP/CSLFRF funding, must be made in writing utilizing the Project Request and Eligibility Determination Form (see attached) and include all the following:
 - a. Brief description of the project
 - b. Identification of ARP/CSLFRF Expenditure Category (EC) (A list of ECs in the Appendix to the [US Treasury Compliance and Reporting Guidance](#).)
 - c. Required justifications for applicable projects, according to the requirements in the Final Rule. Employees or any applicant seeking ARPA funding should review the [Final Rule](#) and [Final Rule Overview](#) prior to submitting a proposal.
 - d. Proposed budget, broken down by cost item, in accordance with the Town's Allowable Cost Policy.

- e. A project implementation plan and estimated implementation timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.)
2. Requests for funding must be submitted to the Town of Clayton Finance Director for approval. All requests will be reviewed by the Town's Procurement, Contracts, and MWBE Manager for ARP/CSLFRF compliance and by the Town's Finance Director for allowable costs and other financial review.
3. No ARP/CSLFRF may be obligated or expended before final written approval by Town Manager and/or Town Council when a budget amendment is required as determined by the Town's Finance Director.
4. If a proposal does not meet the required criteria, it will be returned to the requesting party for revision and resubmittal.
5. Following approval, employees responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget. Changes in project budgets must be approved by the Town of Clayton Finance Director and may require a budget amendment before proceeding. Any delay in the projected project completion date shall be communicated to the Finance Director immediately.
6. The Finance Director must collect, and document required information for each EC, for purposes of completing the required Project and Expenditure reports.
7. The Finance Director must maintain written project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.

ADOPTED, this ____ day of _____ 2022.

Jody L. McLeod, Mayor

Attest: _____
Sherry Scoggins, MMC

Interim Town Clerk

Town of Clayton Policy & Procedure Statement

	
Policy Number	FIN-2022-02
Department	Finance
Subject	Policy for Allowable Cost and Cost Principles for Expenditure of (ARPA) and (CSLFR) funds by North Carolina Local Governments.
Approved By	Town Council – Resolution #2022-56
Effective Date	August 15, 2022
Revision Date(s)	

POLICY FOR ALLOWABLE COSTS AND COST PRINCIPLES FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY NORTH CAROLINA LOCAL GOVERNMENTS

WHEREAS the Town of Clayton, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Sect. 200 (UG), as provided in the Assistance Listing; and

WHEREAS the Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds provides, in relevant part:

Allowable Costs/Cost Principles. As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability.

[ARP/CSLFRF] Funds may be, but are not required to be, used along with other funding sources for a given project. Note that ARP/CSLFRF Funds may not be used for a non-Federal cost share or match where prohibited by other Federal programs, e.g., funds may not be used for the State share for Medicaid.

Treasury's Interim Final Rule and guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

- a. Administrative costs: Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the ARP/CSLFRF Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs. Direct costs are those that are identified specifically as costs of implementing the ARP/CSLFRF program objectives, such as contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the ARP/CSLFRF award such as the cost of facilities or administrative functions like a director's office. Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement (NICRA) established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).
- b. Salaries and Expenses: In general, certain employees' wages, salaries, and covered benefits are an eligible use of ARP/CSLFRF award funds; and

WHEREAS Subpart E of the UG dictates allowable costs and cost principles for expenditure of ARP/CSLFRF funds; and

WHEREAS Subpart E of the UG (specifically, 200.400) states that:

The application of these cost principles is based on the fundamental premises that:

- (a) The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices.
- (b) The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.
- (c) The non-Federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award.
- (d) The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity. However, the accounting practices of the non-Federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to the Federal award.
- (e) In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-Federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-Federal entity, the reasonableness and equity of such treatments should be fully considered.
- (f) For non-Federal entities that educate and engage students in research, the dual role of students as both trainees and employees (including pre- and post-doctoral staff) contributing to the completion of Federal awards for research must be recognized in the application of these principles.
- (g) The non-Federal entity may not earn or keep any profit resulting from Federal financial assistance, unless explicitly authorized by the terms and conditions of the Federal award;

BE IT RESOLVED that the governing board of the Town of Clayton hereby adopts and enacts the following UG Allowable Costs and Cost Principles Policy for the expenditure of ARP/CSLFRF funds.

Town of Clayton Allowable Costs and Costs Principles Policy

I. ALLOWABLE COSTS AND COSTS PRINCIPLES POLICY OVERVIEW

Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart E, defines those items of cost that are allowable, and which are unallowable. The tests of allowability under these principles are: (a) the costs must be reasonable; (b) they must be allocable to eligible projects under the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); (c) they must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and (d) they must conform to any limitations or exclusions set forth in these principles or in the ARP/CSLFRF grant award as to types or amounts of cost items. Unallowable items fall into two categories: expenses which are by their nature unallowable (e.g., alcohol), and unallowable activities (e.g., fund raising).

The Town of Clayton shall adhere to all applicable cost principles governing the use of federal grants. This policy addresses the proper classification of both direct and indirect charges to ARP/CSLFRF funded projects and enacts procedures to ensure that proposed and actual expenditures are consistent with the ARP/CSLFRF grant award terms and all applicable federal regulations in the UG.

Responsibility for following these guidelines lies with the Finance Director or Designee, who are charged with the administration and financial oversight of the ARP/CSLFRF. Further, all local government employees and officials who are involved in obligating, administering, expending, or monitoring ARP/CSLFRF grant funded projects should be well versed with the categories of costs that are generally allowable and unallowable. Questions on the allowability of costs should be directed to Finance Officer or Assistant Finance Officer. As questions on allowability of certain costs may require interpretation and judgment, local government personnel are encouraged to ask for assistance in making those determinations.

II. GENERAL COST ALLOWABILITY CRITERIA

All costs expended using ARP/CSLFRF funds must meet the following general criteria:

1. Be necessary and reasonable for the proper and efficient performance and administration of the grant program.

A cost must be *necessary* to achieve a project object. When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the grant project.
- Whether the cost is identified in the approved project budget or application.
- Whether the cost aligns with identified needs based on results and findings from a needs assessment.

- Whether the cost addresses project goals and objectives and is based on program data.

A cost is *reasonable* if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices. When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the TOWN OF CLAYTON or the proper and efficient performance of the federal award.
- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state, and other laws and regulations; and terms and conditions of the ARP/CSLFRF award.
- Market prices for comparable goods or services for the geographic area.
- Whether individuals concerned acted with prudence in the circumstances considering their responsibilities to the TOWN OF CLAYTON, its employees, the public at large, and the federal government.
- Whether the TOWN OF CLAYTON significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the ARP/CSLFRF award's cost.

- 2. Be allocable to the ARP/CSLFRF federal award.** A cost is allocable to the ARP/CSLFRF award if the goods or services involved are chargeable or assignable to the ARP/CSLFRF award in accordance with the relative benefit received. This means that the ARP/CSLFRF grant program derived a benefit in proportion to the funds charged to the program. *For example, if 50 percent of a local government program officer's salary is paid with grant funds, then the local government must document that the program officer spent at least 50 percent of his/her time on the grant program.*

If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized by the ARP/CSLFRF, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required.

- 3. Be authorized and not prohibited under state or local laws or regulations.**

4. **Conform to any limitations or exclusions set forth in the principles, federal laws, ARP/CSLFRF award terms, and other governing regulations as to types or amounts of cost items.**
5. **Be consistent with policies, regulations, and procedures that apply uniformly to both the ARP/CSLFRF federal award and other activities of the TOWN OF CLAYTON.**
6. **Be accorded consistent treatment.** A cost MAY NOT be assigned to a federal award as a direct cost and also be charged to a federal award as an indirect cost. And a cost must be treated consistently for both federal award and non-federal award expenditures.
7. **Be determined in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in the UGG.**
8. **Be net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to and received by the local government related to the federal award, they shall be credited to the ARP/CSLFRF award, either as a cost reduction or a cash refund, as appropriate and consistent with the award terms
9. **Be adequately documented.**

III. SELECTED ITEMS OF COST

The UGG examines the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost) at 2 CFR § 200.420-.475.

The Finance Department personnel responsible for determining cost allowability must be familiar with the Selected Items of Cost. The TOWN OF CLAYTON must follow the applicable regulations when charging these specific expenditures to the ARP/CSLFRF grant. The Finance Department personnel will check costs against the selected items of cost requirements to ensure the cost is allowable and that all process and documentation requirements are followed. In addition, State laws, TOWN OF CLAYTON regulations, and program-specific rules may deem a cost as unallowable, and the Finance Department personnel must follow those non-federal rules as well.

Exhibit A identifies and summarizes the Selected Items of Cost.

IV. DIRECT AND INDIRECT COSTS

Allowable and allocable costs must be appropriately classified as direct or indirect charges. It is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

Direct costs are expenses that are specifically associated with a particular ARP/CSLFRF-eligible project and that can be directly assigned to such activities relatively easily with a high degree of accuracy. Common examples of direct costs include salary and fringe benefits of personnel directly involved in undertaking an eligible project, equipment and supplies for the project, subcontracted service provider, or other materials consumed or expended in the performance of a grant-eligible project.

Indirect costs are (1) costs incurred for a common or joint purpose benefitting more than one ARP/CSLFRF-eligible project, and (2) not readily assignable to the project specifically benefited, without effort disproportionate to the results achieved. They are expenses that benefit more than one project or even more than one federal grant. Common examples of indirect costs include utilities, local telephone charges, shared office supplies, administrative or secretarial salaries.

For indirect costs, the TOWN OF CLAYTON may charge a 10 percent de minimis rate of modified total direct costs (MTDC). According to UGG Section 200.68 MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance the subawards under the award). MTDC EXCLUDES equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.

V. SPECIAL PROVISIONS FOR STATE AND LOCAL GOVERNMENTS

There are some special provisions of the UG that apply only to states, local governments, and Indian Tribes.

§ 200.444 General costs of government.

(a) For states, local governments, and Indian Tribes, the general costs of government are unallowable (except as provided in § 200.475). Unallowable costs include:

- (1) Salaries and expenses of the Office of the Governor of a state or the chief executive of a local government or the chief executive of an Indian tribe;
- (2) Salaries and other expenses of a state legislature, tribal council, or similar local governmental body, such as a county supervisor, city council, school board, etc., whether incurred for purposes of legislation or executive direction;
- (3) Costs of the judicial branch of a government;
- (4) Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation (however, this does not preclude the allowability of other legal activities of the Attorney General as described in § 200.435); and
- (5) Costs of other general types of government services normally provided to the general public, such as fire and police, unless provided for as a direct cost under a program statute or regulation.

(b) For Indian tribes and Councils of Governments (COGs) (see definition for *Local government* in § 200.1 of this part), up to 50% of salaries and expenses directly attributable to managing and operating Federal programs by the chief executive and his or her staff can be included in the indirect cost calculation without documentation.

§ 200.416 COST ALLOCATION PLANS AND INDIRECT COST PROPOSALS.

(a) For states, local governments and Indian tribes, certain services, such as motor pools, computer centers, purchasing, accounting, etc., are provided to operating agencies on a centralized basis. Since Federal awards are performed within the individual operating agencies, there needs to be a process whereby these central service costs can be identified and assigned to benefitted activities on a reasonable and consistent basis. The central service cost allocation plan provides that process.

(b) Individual operating agencies (governmental department or agency), normally charge Federal awards for indirect costs through an indirect cost rate. A separate indirect cost rate(s) proposal for each operating agency is usually necessary to claim indirect costs under Federal awards. Indirect costs include:

(1) The indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and

(2) The costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

(c) The requirements for development and submission of cost allocation plans (for central service costs and public assistance programs) and indirect cost rate proposals are contained in appendices V, VI and VII to this part.

§ 200.417 INTERAGENCY SERVICE.

The cost of services provided by one agency to another within the governmental unit may include allowable direct costs of the service plus a pro-rated share of indirect costs. A standard indirect cost allowance equal to ten percent of the direct salary and wage cost of providing the service (excluding overtime, shift premiums, and fringe benefits) may be used in lieu of determining the actual indirect costs of the service. These services do not include centralized services included in central service cost allocation plans as described in Appendix V to Part 200.

VI. COST ALLOWABILITY REVIEW PROCESS

PREAPPROVAL COST ALLOWABILITY REVIEW

Before an ARP/CSLFRF-funded project is authorized, FINANCE OFFICER OR DESIGNEE must review the proposed cost items within an estimated project budget to determine whether they are allowable and allocable and whether cost items will be charged as direct or indirect

expenses. This review will occur concurrently with the review of project eligibility and *before* obligating or expending any ARP/CSLFRF funds.

- Local government personnel must submit proposed ARP/CSLFRF projects to FINANCE OFFICER OR DESIGNEE for review. In addition to other required information, all proposed project submissions must delineate estimated costs by cost item.
- Along with a general review of project eligibility and conformance with other governing board management directives, FINANCE OFFICER OR DESIGNEE must review estimated costs for specific allowable cost requirements, budget parameters, indirect rates, fringe benefit rates, and those activities/costs that require pre-approval by the US Treasury.
- If a proposed project includes a request for an unallowable cost, the FINANCE DIRECTOR OR DESIGNEE will return the proposal to the requesting party for review and, if practicable, resubmission with corrected cost items.
- Once a proposed project budget is pre-approved by the FINANCE OFFICER OR DESIGNEE, the local government personnel responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget.

POST-EXPENDITURE COST ALLOWABILITY REVIEW

Once an expenditure is incurred related to an eligible project, and an invoice or other demand for payment is submitted to the local government, the FINANCE OFFICER OR DESIGNEE must perform a second review to ensure that actual expenditures comprise allowable costs.

- All invoices or other demands for payment must include a breakdown by cost item. The cost items should mirror those presented in the proposed budget for the project. If an invoice or other demand for payment does not include a breakdown by cost item, the FINANCE personnel will return the invoice to the project manager and/or vendor, contractor, or subrecipient for correction.
- The FINANCE personnel must review the individual cost items listed on the invoice or other demand for payment to determine their allowability and allocability.
- If all cost items are deemed allowable and properly allocable, the FINANCE personnel must proceed through the local government's normal disbursement process.
- If any cost item is deemed unallowable, the FINANCE personnel will notify the project management and/or vendor, contractor, or subrecipient that a portion of the invoice or other demand for payment will not be paid with ARP/CSLFRF funds. The FINANCE personnel may in their discretion, and consistent with this policy, allow an invoice or other demand for payment to be resubmitted with a revised cost allocation. If the local

government remains legally obligated by contract or otherwise to pay the disallowed cost item, it must identify other local government funds to cover the disbursement. The TOWN OF CLAYTON'S governing board must approve any allocation of other funds for this purpose.

- The FINANCE personnel must retain appropriate documentation of budgeted cost items per project and actual obligations and expenditures of cost items per project.

VII. COST TRANSFERS

Any costs charged to the ARP/CSLFRF federal award that do not meet the allowable cost criteria must be removed from the award account and charged to an account that does not require adherence to federal UGG or other applicable guidelines.

Failure to adequately follow this policy and related procedures could result in questioned costs, audit findings, potential repayment of disallowed costs and discontinuance of funding.

ADOPTED, this ____ day of _____ 2022.

Jody L. McLeod, Mayor

Attest: _____

Sherry Scoggins, MMC

Interim Town Clerk

EXHIBIT A

Selected Items of Cost	Uniform Guidance General Reference	Allowability
Advertising and public relations costs	2 CFR § 200.421	Allowable with restrictions
Advisory councils	2 CFR § 200.422	Allowable with restrictions
Alcoholic beverages	2 CFR § 200.423	Unallowable
Alumni/ae activities	2 CFR § 200.424	Not specifically addressed
Audit services	2 CFR § 200.425	Allowable with restrictions
Bad debts	2 CFR § 200.426	Unallowable
Bonding costs	2 CFR § 200.427	Allowable with restrictions
Collection of improper payments	2 CFR § 200.428	Allowable
Commencement and convocation costs	2 CFR § 200.429	Not specifically addressed
Compensation – personal services	2 CFR § 200.430	Allowable with restrictions; Special conditions apply (e.g., § 200.430(i)(5))
Compensation – fringe benefits	2 CFR § 200.431	Allowable with restrictions
Conferences	2 CFR § 200.432	Allowable with restrictions
Contingency provisions	2 CFR § 200.433	Unallowable with exceptions
Contributions and donations	2 CFR § 200.434	Unallowable (made by non-federal entity); not reimbursable but value may be used as cost sharing or matching (made to non-federal entity)
Defense and prosecution of criminal and civil proceedings, claims, appeals and	2 CFR § 200.435	Allowable with restrictions

patent infringements		
Depreciation	2 CFR § 200.436	Allowable with qualifications
Employee health and welfare costs	2 CFR § 200.437	Allowable with restrictions
Entertainment costs	2 CFR § 200.438	Unallowable with exceptions
Equipment and other capital expenditures	2 CFR § 200.439	Allowability based on specific requirement
Exchange rates	2 CFR § 200.440	Allowable with restrictions
Fines, penalties, damages, and other settlements	2 CFR § 200.441	Unallowable with exceptions
Fund raising and investment management costs	2 CFR § 200.442	Unallowable with exceptions
Gains and losses on disposition of depreciable assets	2 CFR § 200.443	Allowable with restrictions
General costs of government	2 CFR § 200.444	Unallowable with exceptions
Goods and services for personal use	2 CFR § 200.445	Unallowable (goods/services); allowable (housing) with restrictions
Idle facilities and idle capacity	2 CFR § 200.446	Idle facilities - unallowable with exceptions; Idle capacity - allowable with restrictions
Insurance and indemnification	2 CFR § 200.447	Allowable with restrictions
Intellectual property	2 CFR § 200.448	Allowable with restrictions
Interest	2 CFR § 200.449	Allowable with restrictions
Lobbying	2 CFR § 200.450	Unallowable
Losses on other awards or contracts	2 CFR § 200.451	Unallowable (however, they are required to be included in the indirect cost rate base for

		allocation of indirect costs)
Maintenance and repair costs	2 CFR § 200.452	Allowable with restrictions
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453	Allowable with restrictions
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454	Allowable with restrictions; unallowable for lobbying organizations
Organization costs	2 CFR § 200.455	Unallowable except federal prior approval
Participant support costs	2 CFR § 200.456	Allowable with prior approval of the federal awarding agency
Plant and security costs	2 CFR § 200.457	Allowable; capital expenditures are subject to § 200.439
Pre-award costs	2 CFR § 200.458	Allowable if consistent with other allowabilities and with prior approval of the federal awarding agency
Professional services costs	2 CFR § 200.459	Allowable with restrictions
Proposal costs	2 CFR § 200.460	Allowable with restrictions
Publication and printing costs	2 CFR § 200.461	Allowable with restrictions
Rearrangement and reconversion costs	2 CFR § 200.462	Allowable (ordinary and normal)
Recruiting costs	2 CFR § 200.463	Allowable with restrictions
Relocation costs of employees	2 CFR § 200.464	Allowable with restrictions
Rental costs of real property and equipment	2 CFR § 200.465	Allowable with restrictions
Scholarships and student aid costs	2 CFR § 200.466	Not specifically addressed
Selling and marketing costs	2 CFR § 200.467	Unallowable with exceptions

Specialized service facilities	2 CFR § 200.468	Allowable with restrictions
Student activity costs	2 CFR § 200.469	Unallowable unless specifically provided for in the federal award
Taxes (including Value Added Tax)	2 CFR § 200.470	Allowable with restrictions
Termination costs	2 CFR § 200.471	Allowable with restrictions
Training and education costs	2 CFR § 200.472	Allowable for employee development
Transportation costs	2 CFR § 200.473	Allowable with restrictions
Travel costs	2 CFR § 200.474	Allowable with restrictions
Trustees	2 CFR § 200.475	Not specifically addressed

Town of Clayton Policy & Procedure Statement



Policy Number	FIN-2022-03
Department	Finance
Subject	Nondiscrimination Policy for use of (ARPA) and (CSLRF) funds
Approved By	Town Council – Resolution #2022-56
Effective Date	August 15, 2022
Revision Date(s)	

Nondiscrimination Policy

WHEREAS, the Town of Clayton, hereinafter Town, has received an allocation of funds from the “Coronavirus State Fiscal Recovery Fund” or “Coronavirus Local Fiscal Recovery Fund” (together “CSLFRF funds”), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the “ARP/CSLFRF award”).

WHEREAS, CSLFRF funds are subject to the U.S. Department of Treasury (“Treasury”) regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22.

WHEREAS, pursuant to the ARP/CSLFRF Award Terms and Conditions, and as a condition of receiving CSLFRF funds, the Town agrees to follow all federal statutes and regulations prohibiting discrimination in its administration of CSLFRF under the terms and conditions of the ARP/CSLFRF award, including, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin within programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury’s implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

RESOLVED, That the governing board of the Town hereby adopts and enacts the following nondiscrimination policy, which shall apply to the operations of any program, activity, or facility that is supported in whole, or in part, by expenditures CSLFRF pursuant to the ARP/CSLFRF award.

Nondiscrimination Policy Statement

It is the policy of the Town to ensure that no person shall, on the ground of race, color, national origin (including limited English Proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity administered by the Town, including programs or activities that are funded in whole or part, with Coronavirus State and Local Fiscal Recovery Funds ("CSLFRF"), which the Town received from the U.S. Department of Treasury ("Treasury") pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (herein the "ARP/CSLFRF award").

I. Governing Statutory & Regulatory Authorities

As required by the CSLFRF [Award Terms and Conditions](#), the Town shall ensure that each "activity," "facility," or "program"¹ that is funded in whole, or in part, with CSLFRF and administered under the ARP/CSLFRF award, will be facilitated, operated, or conducted in compliance with the following federal statutes and federal regulations prohibiting discrimination. These include, but are not limited to, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;

¹ 22 C.F.R. § 22.3 defines "program" and "activity" as all operations of an entity, including local governments, that receive Federal financial assistance, and the departments, agencies, or special purpose districts of the local governments to which Federal financial assistance is distributed. "Federal financial assistance" includes, among other things, grants and loans of federal funds. "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age within programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

II. Discriminatory Practices Prohibited in the Administration of the ARP/CSLFRF Award

To ensure compliance with Title VII of the Civil Rights Act of 1964, and Title 31 Code of Federal Regulations, Part 22, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities, the Town shall prohibit, at a minimum, the following practices in its administration of CSLFRF pursuant to the ARP/CSLFRF award:

1. Denying to a person any service, financial aid, or other program benefit without good cause;
2. Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program.
3. Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;
4. Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet to be provided any service, financial aid, or other benefit provided under the program;
6. Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program;
7. Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
8. Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;
9. Discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment;

10. Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because an individual made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

III. Reporting & Enforcement

1. The Town shall cooperate in any enforcement or compliance review activities by the Department of the Treasury. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Town shall comply with information requests, on-site compliance reviews, and reporting requirements.
2. The Town shall maintain a complaint log and inform the Treasury of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, whether pending or completed, including the outcome. The Town shall inform the Treasury if it has received no complaints under Title VI.
3. Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Treasury. Any such complaint must be in writing and filed with the Treasury's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.
4. Any person who believes that because of that person's race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability that he/she/they have been discriminated against or unfairly treated by the Town in violation of this policy should contact the following office within 180 days from the date of the alleged discriminatory occurrence:

Town Manager

Town of Clayton

Mailing: PO Box 879

Clayton NC 27598

Physical: 111 East Second Street

Clayton NC 27520

919-553-5002

Complaints shall be administered in accordance with the Town of Clayton's adopted Title VI and MWBE policies.

ADOPTED, this ____ day of _____ 2022.

Jody L. McLeod, Mayor

Attest: _____

Sherry Scoggins, MMC

Interim Town Clerk

Town of Clayton Policy & Procedure Statement

	
Policy Number	FIN 2022-04
Department	Finance
Subject	Policy for Property Management Related to the Expenditure of (ARPA) and (CSLFR)
Approved By	Town Council – Resolution #2022-56
Effective Date	August 15, 2022
Revision Date(s)	

POLICY FOR PROPERTY MANAGEMENT RELATED TO THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY NORTH CAROLINA LOCAL GOVERNMENTS

WHEREAS the TOWN OF CLAYTON has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Sect. 200 (UG), as provided in the [Assistance Listing](#); and

WHEREAS the [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#) (v3.0 February 2022) provides, in relevant part:

Equipment and Real Property Management. Any purchase of equipment or real property with SLFRF funds must be consistent with the Uniform Guidance at 2 CFR Part 200, Subpart D. Equipment and real property acquired under this program must be used for the originally authorized purpose. Consistent with 2 CFR 200.311 and 2 CFR 200.313, any equipment or real property acquired using SLFRF funds shall vest in the non-Federal entity. Any acquisition and maintenance of equipment or real property must also be in compliance with relevant laws and regulations.

WHEREAS Subpart D of the UG dictates title, use, management, and disposal of real property, equipment, and supplies acquired in whole or in part with ARP/CSLFRF funds;

BE IT RESOLVED that the governing board of the Town of Clayton hereby adopts and enacts the following UG Property Management Policy for the expenditure of ARP/CSLFRF funds.

Property Standards for Real Property, Equipment, and Supplies Acquired with American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds

I. POLICY OVERVIEW

[Title 2 U.S. Code of Federal Regulations Part 200](#), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart D, details post award requirements related to property management of property acquired or updated, in whole or in part, with funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF).

2 CFR 200.311 through 2 CFR 200.316 detail property standards related to the expenditure of ARP/CLSFRF funds. The TOWN OF CLAYTON, hereinafter Town, shall adhere to all applicable property standards, as detailed below.

II. DEFINITIONS

The definitions in 2 CFR 200.1 apply to this policy, including the following:

Computing devices: machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or “peripherals”) for printing, transmitting and receiving, or storing electronic information. See also the definitions of supplies and information technology systems in this section.

Equipment: tangible [personal property](#) (including information technology systems) having a useful life of more than one year and a per-unit [acquisition cost](#) which equals

or exceeds the lesser of the capitalization level established by the Town for financial statement purposes, or \$5,000.

Information technology systems: computing devices, ancillary equipment, software, firmware, and similar procedures, services (including support services), and related resources. See also the definitions of computing devices and equipment in this section.

Intangible property: property having no physical existence, such as trademarks, copyrights, patents and patent applications and property, such as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership (whether the property is tangible or intangible).

Personal property: property other than [real property](#). It may be tangible, having physical existence, or intangible.

Property: [real property](#) or [personal property](#).

Real property: land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment.

Supplies: all tangible [personal property](#) other than those described in the definition of equipment in this section. A computing device is a supply if the [acquisition cost](#) is less than the lesser of the capitalization level established by the local government for financial statement purposes or \$5,000, regardless of the length of its useful life. See also the definitions of computing devices and equipment in this section.

III. REAL PROPERTY

Title to Real Property: Title to real property acquired or improved with ARP/CSLFRF funds vests with the Town. 2 CFR 200.311(a).

Use of Real Property: Real property acquired or improved with ARP/CSLFRF funds must be used for the originally authorized purpose as long as needed for that purpose, during which time the Town must not dispose of or encumber its title or other interests. 2 CFR 200.311(b).

Insurance of Real Property: The Town must provide the equivalent insurance coverage for real property acquired or improved with ARP/CSLFRF funds as provided to property owned by the Town. 2 CFR 200.310.

Disposition of Real Property: When the Town no longer needs real property purchased with ARP/CSLFRF for ARP/CSLFRF purposes, the Town must obtain disposition instructions from US Treasury. The instructions must provide for one of the following alternatives:

1. The Town retains title after compensating US Treasury. The amount paid to US Treasury will be computed by applying US Treasury's percentage of participation in the cost of the original purchase (and costs of any improvements) to the fair market value of the property. However, in those situations where the Town is disposing of real property acquired or improved with ARP/CSLFRF funds and acquiring replacement real property under the ARP/CSLFRF, the net proceeds from the disposition may be used as an offset to the cost of the replacement property.
2. The Town sells the property and compensates US Treasury. The amount due to US Treasury will be calculated by applying US Treasury's percentage of participation in the cost of the original purchase (and cost of any improvements) to the proceeds of the sale after deduction of any actual and reasonable selling and fixing-up expenses. If the ARP/CSLFRF award has not been closed out, the net proceeds from sale may be offset against the original cost of the property. When the Town is directed to sell property, sales procedures must be followed that provide for competition to the extent practicable and result in the highest possible return.
3. The Town transfers title to US Treasury or to a third party designated/approved by US Treasury. The Town is entitled to be paid an amount calculated by applying the Town's percentage of participation in the purchase of the real property (and cost of any improvements) to the current fair market value of the property. 2 CFR 200.311(c).

IV. EQUIPMENT

Title to Equipment: Title to equipment acquired or improved with ARP/CSLFRF funds vests with the Town. 2 CFR 200.313(a).

Use of Equipment: The Town must use equipment acquired with ARP/CSLFRF funds for the project for which it was acquired as long as needed, whether or not the project continues to be supported by the ARP/CSLFRF award, and the Town must not encumber the property without prior approval of US Treasury. 2 CFR 200.313(a)(1)-(2).

When no longer needed for the original project, the equipment may be used in other activities supported by a Federal awarding agency, in the following order of priority:

1. Activities under a Federal award from the Federal awarding agency which funded the original project, then
2. Activities under Federal awards from other Federal awarding agencies. This includes consolidated equipment for information technology systems. 2 CFR 200.313(c)(1).

During the time that equipment is used on the project for which it was acquired, the Town must also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, provided that such use will not interfere with the work on the project for which it was originally acquired. First preference for other use must be given to other programs or projects supported by US Treasury and second preference must be given to programs or projects under Federal awards from other Federal awarding agencies. Use for

non-federally-funded programs or projects is also permissible. User fees should be considered if appropriate. 2 CFR 200.313(c)(2).

Noncompetition: The Town must not use equipment acquired with the ARP/CSLFRF funds to provide services for a fee that is less than private companies charge for equivalent services unless specifically authorized by Federal statute for as long as the Federal Government retains an interest in the equipment. 2 CFR 200.313(c)(3).

Replacement Equipment: When acquiring replacement equipment, the Town may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property. 2 CFR 200.313(c)(4).

Management of Equipment: The Town will manage equipment (including replacement equipment) acquired in whole or in part with ARP/CSLFRF funds according to the following requirements.

1. The Town will maintain sufficient records that include
 - a) a description of the property,
 - b) a serial number or other identification number,
 - c) the source of funding for the property (including the Federal Award Identification Number (FAIN)),
 - d) who holds title,
 - e) the acquisition date,
 - f) cost of the property,
 - g) percentage of Federal participation in the project costs for the Federal award under which the property was acquired,
 - h) the location, use and condition of the property, and
 - i) any ultimate disposition data including the date of disposal and sale price of the property.
2. The Town will conduct a physical inventory of the property and reconcile results with its property records at least once every two years.
3. The Town will develop a control system to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft will be investigated by the Town.
4. The Town will develop and implement adequate maintenance procedures to keep the property in good condition.
5. If the Town is authorized or required to sell the property, it will establish proper sales procedures to ensure the highest possible return, in accordance with state and federal law.

Insurance of Equipment: The Town must provide the equivalent insurance coverage for equipment acquired or improved with ARP/CSLFRF funds as provided to property owned by the Town. 2 CFR 200.310.

Disposition of Equipment: When the equipment is no longer needed for its original ARP/CSLFRF purpose, the Town may either make the equipment available for use in other activities funded by a Federal agency, with priority given to activities funded by US Treasury, dispose of the equipment according to instructions from US Treasury, or follow the procedures below. 2 CFR 200.313(e).

1. Equipment with a per-item fair market value of less than \$5,000 may be retained, sold or transferred by the Town, in accordance with state law, with no additional responsibility to US Treasury;
2. If no disposal instructions are received from US Treasury, equipment with a per-item fair market value of greater than \$5,000 may be retained or sold by the Town. The Town must establish proper sales procedures, in accordance with state law, to ensure the highest possible return. The Town must reimburse US Treasury for its federal share. Specifically, US Treasury is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the ARP/CSLFRF funding percentage of participation in the cost of the original purchase. If the equipment is sold, US Treasury may permit the Town to deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.
3. Equipment may be transferred to US Treasury or to a third-party designated by US Treasury in return for compensation to the Town for its attributable compensation for its attributable percentage of the current fair market value of the property.

V. SUPPLIES

Title to Supplies. Title to supplies acquired with ARP/CSLFRF funds vests with the Town upon acquisition. 2 CFR 200.314(a).

Use and Disposition of Supplies: If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the ARP/CSLFRF project and the supplies are not needed for any other Federal award, the Town must retain the supplies for use on other activities or sell them, but must, in either case, compensate the Federal Government for its share. The amount of compensation must be computed in the same manner as for equipment. 2 CFR 200.314(a).

Noncompetition. As long as the Federal Government retains an interest in the supplies, the Town must not use supplies acquired under the ARP/CSLFRF to provide services to other organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute. 2 CFR 200.314(b).

VI. PROPERTY TRUST RELATIONSHIP

Real property, equipment, and intangible property, that are acquired or improved with ARP/CSLFRF funds must be held in trust by the Town as trustee for the beneficiaries of the project or program under which the property was acquired or improved. US Treasury may require the Town to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a Federal award and that use and disposition conditions apply to the property. 2 CFR 200.316.

VII. IMPLEMENTATION OF POLICY

The Town's Finance Director or his/her designee shall adopt procedures to track all real property, equipment, and supplies (collectively, property) acquired or improved in whole or in part with ARP/CLSFRF funds. At a minimum, those procedures must address the following:

- Ensure proper insurance of property
- Document proper use of property
- Working with the Town's Procurement, Contracts, and MWBE Manager or his/her designee, record and maintain required data records for equipment
- Conduct periodic inventories of equipment, at least every two years
- Create processes for replacement and disposition of property
- Establish other internal controls to safeguard and properly maintain property

ADOPTED, this ____ day of _____ 2022.

Jody L. McLeod, Mayor

Attest: _____
Sherry Scoggins, MMC
Interim Town Clerk

Town of Clayton Policy & Procedure Statement

	
Policy Number	FIN 2022-05
Department	Finance
Subject	Record Retention Policy for (ARPA) and CSLRF) Funds
Approved By	Town Council – Resolution #2022-56
Effective Date	August 15, 2022
Revision Date(s)	

Record Retention Policy: Documents Created or Maintained Pursuant to the ARP/CSLFRF Award

Retention of Records: The Coronavirus Local Fiscal Recovery Funds (“CSLFRF”) [Award Terms and Conditions](#) and the [Compliance and Reporting Guidance](#) set forth the U.S. Department of Treasury’s (“Treasury”) record retention requirements for the ARP/CSLFRF award.

It is the policy of the Town of Clayton, hereinafter Town, to follow Treasury’s record retention requirements as it expends CSLFRF pursuant to the APR/CSLFRF award. Accordingly, the Town agrees to the following:

- Retain all financial and programmatic records related to the use and expenditure of CSLFRF pursuant to the ARP/CSLFRF award for a period of five (5) years after all CLFRF funds have been expended or returned to Treasury, whichever is later.
- Retain records for real property and equipment acquired with CSLFRF for five years after final disposition.
- Ensure that the financial and programmatic records retained sufficiently evidence compliance with section 603(c) of the Social Security Act “ARPA,” Treasury’s regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- Allow the Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, the right of timely and unrestricted access to any records for the purpose of audits or other investigations.
- If any litigation, claim, or audit is started before the expiration of the 5-year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved.

Covered Records: For purposes of this policy, records are information, regardless of physical form or characteristics, that are created, received, or retained that evidence the Town's expenditure of CSLFRF funds on eligible projects, programs, or activities pursuant to the ARP/CSLFRF award.

Records that shall be retained pursuant to this policy include, but are not limited to, the following:

- Financial statements and accounting records evidencing expenditures of CSLFRF for eligible projects, programs, or activities.
- Documentation of rationale to support a particular expenditure of CSLFRF (e.g., expenditure constitutes a general government service);
- Documentation of administrative costs charged to the ARP/CSLFRF award;
- Procurement documents evidencing the significant history of a procurement, including, at a minimum, the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for contract cost or price;
- Subaward agreements and documentation of subrecipient monitoring;
- Documentation evidencing compliance with the Uniform Guidance property management standards set forth in 2 C.F.R. §§ 200.310-316 and 200.329;
- Personnel and payroll records for full-time and part-time employees compensated with CSLFRF, including time and effort reports; and
- Indirect cost rate proposals

Storage: The Town's records must be stored in a safe, secure, and accessible manner. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

Departmental Responsibilities: Any department or unit of the Town, and its employees, who are responsible for creating or maintaining the covered documents in this policy shall comply with the terms of this policy. Failure to do so may subject the Town to civil and/or criminal liability. Any employee who fails to comply with the record retention requirements set forth herein may be subject to disciplinary sanctions, including suspension or termination.

The Town Clerk is responsible for identifying the documents that the Town must or should retain and arrange for the proper storage and retrieval of records. The Town Clerk shall also ensure that all personnel subject to the terms of this policy are aware of the record retention requirements set forth herein.

Reporting Policy Violations: The Town is committed to enforcing this policy as it applies to all forms of records. Any employee that suspects the terms of this policy have been violated shall report the incident immediately to that employee's supervisor. If an employee is not comfortable bringing the matter up with the supervisor, the employee may bring the matter to the attention of a Deputy Town Manager or Town Manager. The Town prohibits, any form of discipline,

reprisal, intimidation, or retaliation for reporting incidents of inappropriate conduct of any kind, pursuing any record destruction claim, or cooperating in related investigations.

Questions About the Policy: Any questions about this policy should be referred to Town Clerk, who is in charge of administering, enforcing, and updating this policy.

ADOPTED, this ____ day of _____ 2022.

Jody L. McLeod, Mayor

Attest: _____
Sherry Scoggins, MMC

Interim Town Clerk



Policy Number	FIN-2022-06
Department	Finance
Subject	Conflict of Interest for use of (ARPA) and (CSLRF) funds
Approved By	Town Council – Resolution #2022-56
Effective Date	August 15, 2022
Revision Date(s)	

CONFLICT OF INTEREST POLICY

APPLICABLE TO CONTRACTS AND SUBAWARDS OF TOWN OF CLAYTON SUPPORTED BY FEDERAL FINANCIAL ASSISTANCE

* * * * *

I. Scope of Policy

- a. Purpose of Policy. This Conflict of Interest Policy (“*Policy*”) establishes conflict of interest standards that (1) apply when the Town of Clayton (“*Unit*”)¹ enters into a Contract (as defined in Section II hereof) or makes a Subaward (as defined in Section II hereof), and (2) meet or exceed the requirements of North Carolina law and 2 C.F.R. § 200.318(c).²
- b. Application of Policy. This Policy shall apply when the Unit (1) enters into a Contract to be funded, in part or in whole, by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies, or (2) makes any Subaward to be funded by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies. If a federal statute, regulation, or the terms of a financial assistance agreement applicable to a particular form of Federal Financial Assistance conflicts with any provision of this Policy, such federal statute, regulation, or terms of the financial assistance agreement shall govern.

II. Definitions

Capitalized terms used in this Policy shall have the meanings ascribed thereto in this Section II. Any capitalized term used in this Policy but not defined in this Section II shall have the meaning set forth in 2 C.F.R. § 200.1.

- a. “*COI Point of Contact*” means the individual identified in Section III(a) of this Policy.
- b. “*Contract*” means, for the purpose of Federal Financial Assistance, a legal instrument by which the Unit purchases property or services needed to carry out a program or project under a Federal award.
- c. “*Contractor*” means an entity or individual that receives a Contract.

- d. *“Covered Individual”* means a Public Officer, employee, or agent of the Unit.
- e. *“Covered Nonprofit Organization”* means a nonprofit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes, excluding any board, entity, or other organization created by the State of North Carolina or any political subdivision of the State (including the Unit).
- f. *“Direct Benefit”* means, with respect to a Public Officer or employee of the Unit, or the spouse of any such Public Officer or employee, (i) having a ten percent (10%) ownership interest or other interest in a Contract or Subaward; (ii) deriving any income or commission directly from a Contract or Subaward; or (iii) acquiring property under a Contract or Subaward.
- g. *“Federal Financial Assistance”* means Federal financial assistance that the Unit receives or administers in the form of grants, cooperative agreements, non-cash contributions or donations of property (including donated surplus property), direct appropriations, food commodities, and other Federal financial assistance (except that the term does not include loans, loan guarantees, interest subsidies, or insurance).
- h. *“Governing Board”* means the Board of Commissioners of the Unit.
- i. *“Immediate Family Member”* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.³
- j. *“Involved in Making or Administering”* means (i) with respect to a Public Official or employee, (a) overseeing the performance of a Contract or Subaward or having authority to make decisions regarding a Contract or Subaward or to interpret a Contract or Subaward, or (b) participating in the development of specifications or terms or in the preparation or award of a Contract or Subaward, (ii) only with respect to a Public Official, being a member of a board, commission, or other body of which the Public Official is a member, taking action on the Contract or Subaward, whether or not the Public Official actually participates in that action.
- k. *“Pass-Through Entity”* means a non-Federal entity that provides a Subaward to a Subrecipient to carry out part of a Federal program.
- l. *“Public Officer”* means an individual who is elected or appointed to serve or represent the Unit (including, without limitation, any member of the Governing Board), other than an employee or independent contractor of the Unit.

- m. “*Recipient*” means an entity, usually but not limited to a non-Federal entity, that receives a Federal award directly from a Federal awarding agency. The term does not include Subrecipients or individuals that are beneficiaries of the award.
- n. “*Related Party*” means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.
- o. “*Subaward*” means an award provided by a Pass-Through Entity to carry out part of a Federal award received by the Pass-Through Entity. It does not include payments to a contractor or payments to a contractor or payments to an individual that is a beneficiary of a Federal program.
- p. “*Subcontract*” means mean any agreement entered into by a Subcontractor to furnish supplies or services for the performance of a Contract or a Subcontract. It includes, but is not limited to, purchase orders, and changes and modifications to purchase orders.
- q. “*Subcontractor*” means an entity that receives a Subcontract.
- r. “*Subrecipient*” means an entity, usually but not limited to a non-Federal entity, that receives a subaward from a Pass-Through Entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.
- s. “*Unit*” has the meaning specified in Section I hereof.

III. COI Point of Contact.

- a. Appointment of COI Point of Contact. The Town Manager, and or his/her designee, shall have primary responsibility for managing the disclosure and resolution of potential or actual conflicts of interest arising under this Policy. The individual with responsibility for managing the disclosure and resolution of potential or actual conflicts of interest under this Section III(a) shall be known as the “*COI Point of Contact*”.
- b. Distribution of Policy. The COI Point of Contact shall ensure that each Covered Individual receives a copy of this Policy.

IV. Conflict of Interest Standards in Contracts and Subawards

- a. North Carolina Law. North Carolina law restricts the behavior of Public Officials and employees of the Unit involved in contracting on behalf of the Unit. The Unit shall conduct the selection, award, and administration of Contracts and Subawards in accordance with the prohibitions imposed by the North Carolina General Statutes and restated in this Section III.

- i. G.S. § 14-234(a)(1). A Public Officer or employee of the Unit Involved in Making or Administering a Contract or Subaward on behalf of the Unit shall not derive a Direct Benefit from such a Contract or Subaward.⁴
 - ii. G.S. § 14-234(a)(3). No Public Officer or employee of the Unit may solicit or receive any gift, favor, reward, service, or promise of reward, including but not limited to a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a Contract or Subaward by the Unit.
 - iii. G.S. § 14-234.3. If a member of the Governing Board of the Unit serves as a director, officer, or governing board member of a Covered Nonprofit Organization, such member shall not (1) deliberate or vote on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, (2) attempt to influence any other person who deliberates or votes on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, or (3) solicit or receive any gift, favor, reward, service, or promise of future employment, in exchange for recommending or attempting to influence the award of a Contract or Subaward to the Covered Nonprofit Organization.⁵
 - iv. G.S. § 14-234.1. A Public Officer or employee of the Unit shall not, in contemplation of official action by the Public Officer or employee, or in reliance on information which was made known to the public official or employee and which has not been made public, (1) acquire a pecuniary interest in any property, transaction, or enterprise or gain any pecuniary benefit which may be affected by such information or other information, or (2) intentionally aid another in violating the provisions of this section.
- b. Federal Standards.
- i. Prohibited Conflicts of Interest in Contracting. Without limiting any specific prohibition set forth in Section IV(a), a Covered Individual may not participate in the selection, award, or administration of a Contract or Subaward if such Covered Individual has a real or apparent conflict of interest.
 - 1. Real Conflict of Interest. A real conflict of interest shall exist when the Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward. Exhibit A attached hereto provides a non-exhaustive list of examples of (i) financial or other interests in a firm considered for a

Contract or Subaward, and (ii) tangible personal benefits from a firm considered for a Contract or Subaward.

2. Apparent Conflict of Interest. An apparent conflict of interest shall exist where a real conflict of interest may not exist under Section IV(b)(i)(1), but where a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the appearance that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.

ii. Identification and Management of Conflicts of Interest.

1. Duty to Disclose and Disclosure Forms

- a. Each Covered Individual expected to be or actually involved in the selection, award, or administration of a Contract or Subaward has an ongoing duty to disclose to the COI Point of Contact potential real or apparent conflicts of interest arising under this Policy.
- b. Prior to the Unit's award of a Contract or Subaward, the COI Point of Contact shall advise Covered Individuals expected to be involved in the selection, award, or administration of the Contract or Subaward of such duty.

2. Identification Prior to Award of Contract or Subaward.

- a. Prior to the Unit's award of a Contract or Subaward, the COI Point of Contact shall complete the appropriate Compliance Checklist contained in Exhibit B (for Contracts) and Exhibit C (for Subawards) attached hereto and file such Compliance Checklist in the records of the Unit.

3. Management Prior to Award of Contract or Subaward

- a. If, after completing the Compliance Checklist, the COI Point of Contact identifies a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the COI Point of Contact shall disclose such finding in writing to each member of the Governing Board. If the Governing Board desires to enter into the proposed Contract or Subaward despite the identification by the COI Point of Contact of a potential real or apparent conflict of interest, it may either:

- i. accept the finding of the COI Point of Contact and direct the COI Point of Contact to obtain authorization to enter into the Contract or Subaward from (a) if Unit is a Recipient of Federal Financial Assistance, the Federal awarding agency with appropriate mitigation measures, or (b) if Unit is a Subrecipient of Federal Financial Assistance, from the Pass-Through Entity that provided a Subaward to Unit; or
 - ii. reject the finding of the COI Point of Contact and enter into the Contract or Subaward. In rejecting any finding of the COI Point of Contact, the Governing Board shall in writing document a justification supporting such rejection.⁶
- b. If the COI Point of Contact does not identify a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the Unit may enter into the Contract or Subaward in accordance with the Unit's purchasing or subaward policy.

4. Identification After Award of Contract or Subaward.

- a. If the COI Point of Contact discovers that a real or apparent conflict of interest has arisen after the Unit has entered into a Contract or Subaward, the COI Point of Contact shall, as soon as possible, disclose such finding to each member of the Governing Board. Upon discovery of such a real or apparent conflict of interest, the Unit shall cease all payments under the relevant Contract or Subaward until the conflict of interest has been resolved.

5. Management After Award of Contract or Subaward.

- a. Following the receipt of such disclosure of a potential real or apparent conflict of interest pursuant to Section IV(b)(ii)(4), the Governing Board may reject the finding of the COI Point of Contact by documenting in writing a justification supporting such rejection. If the Governing Board fails to reject the finding of the COI Point of Contact within 15 days of receipt, the COI Point of Contact shall:
 - i. if Unit is a Recipient of Federal Financial Assistance funding the Contract or Subaward, disclose the conflict to the Federal awarding agency providing such Federal

Financial Assistance in accordance with 2 C.F.R. § 200.112 and/or applicable regulations of the agency, or

- ii. if Unit is a Subrecipient of Federal Financial Assistance, disclose the conflict to the Pass-Through Entity providing a Subaward to Unit in accordance with 2 C.F.R. § 200.112 and applicable regulations of the Federal awarding agency and the Pass-Through Entity.

V. Oversight of Subrecipient's Conflict of Interest Standards

- a. Subrecipients of Unit Must Adopt Conflict of Interest Policy. Prior to the Unit's execution of any Subaward for which the Unit serves as a Pass-Through Entity, the COI Point of Contact shall ensure that the proposed Subrecipient of Federal Financial Assistance has adopted a conflict of interest policy that satisfies the requirements of 2 C.F.R. § 200.318(c)(1), 2 C.F.R. § 200.318(c)(2), and all other applicable federal regulations.
- b. Obligation to Disclose Subrecipient Conflicts of Interest. The COI Point of Contact shall ensure that the legal agreement under which the Unit makes a Subaward to a Subrecipient shall require such Subrecipient to disclose to the COI Point of Contact any potential real or apparent conflicts of interest that the Subrecipient identifies. Upon receipt of such disclosure, the COI Point of Contact shall disclose such information to the Federal awarding agency that funded the Subaward in accordance with that agency's disclosure policy.

VI. Gift Standards

- a. Federal Standard. Subject to the exceptions set forth in Section VI(b), a Covered Individual may not solicit or accept gratuities, favors, or anything of monetary value from a Contractor or a Subcontractor.
- b. Exception. Notwithstanding Section VI(a), a Covered Individual may accept an unsolicited gift from a Contractor or Subcontractor of one or more types specified below if the gift has an aggregate market value of \$20 or less per source per occasion, provided that the aggregate market value of all gifts received by the Covered Individual pursuant to this Section VI(b) does not exceed \$50 in a calendar year:
 - i. honorariums for participating in meetings;
 - ii. advertising items or souvenirs of nominal value; or
 - iii. meals furnished at banquets.
- c. Internal Reporting. A Covered Individual shall report any gift accepted under Section VI(b) to the COI Point of Contact. If required by regulation of a Federal awarding

agency, the COI Point of Contact shall report such gifts to the Federal awarding agency or a Pass-Through Entity for which the Unit is a Subrecipient.

VII. **Violations of Policy**

- a. Disciplinary Actions for Covered Individuals. Any Covered Individual that fails to disclose a real, apparent, or potential real or apparent conflict of interest arising with respect to the Covered Individual or Related Party may be subject to disciplinary action, including, but not limited to, an employee's termination or suspension of employment with or without pay, the consideration or adoption of a resolution of censure of a Public Official by the Governing Board, or termination of an agent's contract with the Unit.
- b. Disciplinary Actions for Contractors and Subcontractors. The Unit shall terminate any Contract with a Contractor or Subcontractor that violates any provision of this Policy.
- c. Protections for Whistleblowers. In accordance with 41 U.S.C. § 4712, the Unit shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant: (i) a member of Congress or a representative of a committee of Congress; (ii) an Inspector General; (iii) the Government Accountability Office; (iv) a Treasury or other federal agency employee responsible for grant oversight or management; (v) an authorized official of the Department of Justice or other law enforcement agency; (vi) a court or grand jury; of (vii) a management official or other employee of the Unit, a Contractor, or Subcontractor who has the responsibility to investigate, discover, or address misconduct.

* * * * *

ADOPTED, this ____ day of _____ 2022.

Jody L. McLeod, Mayor

Attest: _____

Clerk

EXHIBIT A

Examples

<i>Potential Examples of a “Financial or Other Interest” in a Firm or Organization Considered for a Contract or Subaward</i>	<i>Potential Examples of a “Tangible Personal Benefit” From a Firm or Organization Considered for a Contract or Subaward</i>
Direct or indirect equity interest in a firm or organization considered for a Contract or Subaward, which may include: - Stock in a corporation. - Membership interest in a limited liability company. - Partnership interest in a general or limited partnership. - Any right to control the firm or organization’s affairs. For example, a controlling equity interest in an entity that controls or has the right to control a firm considered for a contract. - Option to purchase any equity interest in a firm or organization.	Opportunity to be employed by the firm considered for a contract, an affiliate of that firm, or any other firm with a relationship with the firm considered for a Contract. A position as a director or officer of the firm or organization, even if uncompensated.
Holder of any debt owed by a firm considered for a Contract or Subaward, which may include: - Secured debt (e.g., debt backed by an asset of the firm (like a firm’s building or equipment)) - Unsecured debt (e.g., a promissory note evidencing a promise to repay a loan). - o Holder of a judgment against the firm.	A referral of business from a firm considered for a Contract or Subaward.
Supplier or contractor to a firm or organization considered for a Contract or Subaward.	Political or social influence (e.g., a promise of appointment to an local office or position on a public board or private board).

EXHIBIT B

COMPLIANCE CHECKLIST FOR OVERSIGHT OF CONTRACT CONFLICTS OF INTEREST

The Town of Clayton (“*Unit*”) has adopted a Conflict of Interest Policy (“*Policy*”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates the Town Manager as the “COI Point of Contact.” The Policy requires the COI Point of Contact to complete this Compliance Checklist to identify potential real or apparent conflicts of interest in connection with proposed Contracts (as defined in Section II) and file the Checklist in the records of the Unit.

Instructions for Completion

1. The COI Point of Contact shall complete Steps 1 through 5 of the Checklist below.
2. If the COI Point of Contact identifies a potential real or apparent conflict of interest after completing this Compliance Checklist, the COI Point of Contact shall report such potential conflict of interest to each member of the Governing Board.

Definitions.

1. *Covered Individual.* Each person identified in Section 1 of this Checklist is a “Covered Individual” for purposes of this Compliance Checklist and the Policy.
2. *Immediate Family Member* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
3. *Related Party* means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

Step				
1	Identify the proposed Contract, counterparty, and the subject of the Contract.	<u>Name of Contract:</u> <u>Name of Counterparty</u> <u>Subject of Contract:</u> 		
2	Identify all individuals involved in the selection, award, or administration of the Contract. These individuals are “Covered Individuals”. Ensure that each Covered Individual has been provided with a copy of the Conflict of Interest Policy.			
	<u>Public Officials</u>	<u>Employees</u>	<u>Agents</u>	
3	Identify whether any Covered Individual has a (i) financial or other interest in, or (ii) tangible personal benefit from the firm considered for a Contract.			
Any identified interest in Step 3 is a potential “real” conflict of interest.	<u>Public Officials</u>	<u>Employees</u>	<u>Agents</u>	
4	Identify whether any Related Party has a (i) financial or other interest in or (ii) tangible personal benefit from the firm considered from a Contract.			
Any identified interest in Step 4 is a potential “real” conflict of interest.	<u>Public Officials – Related Party</u>	<u>Employees – Related Party</u>	<u>Agents – Related Party</u>	
5	Identify whether a reasonable person with knowledge of the relevant facts would find that an existing situation or			

	relationship creates the <i>appearance</i> that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract? If yes, explain.		
Any identified interest in Step 5 is a potential “apparent” conflict of interest.	<u>Public Officials</u>	<u>Employees</u>	<u>Agents</u>

COI Point of Contact: _____

Signature of COI Point of Contact: _____

Date of Completion: _____

EXHIBIT C

COMPLIANCE CHECKLIST FOR SUBAWARD OVERSIGHT

The Town of Clayton (“Unit”) has adopted a Conflict of Interest Policy (“Policy”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates the Town Manager as the “COI Point of Contact.” The Policy requires the COI Point of Contact to complete this Compliance Checklist to identify potential real or apparent conflicts of interest in connection with proposed Subawards (as defined in Section II) and file the Checklist in the records of the Unit.

Instructions for Completion

1. The COI Point of Contact shall complete Steps 1 through 5 of the Checklist below.
2. If the value of the proposed Subaward exceeds \$[100,000], the COI Point of Contact shall collect a Conflict of Interest Disclosure Form from each Covered Individual.
3. If the COI Point of Contact identifies a potential real or apparent conflict of interest after completing this Compliance Checklist, the COI Point of Contact shall report such potential conflict of interest to each member of the Governing Board.

Definitions.

1. *Covered Individual.* Each person identified in Section 1 of this Checklist is a “Covered Individual” for purposes of this Compliance Checklist and the Policy.
2. *Immediate Family Member* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
3. *Related Party* means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

Step			
1	Identify the proposed Subaward, Subrecipient, and the subject of the Subaward.	<u>Name of Contract:</u> <u>Name of Counterparty</u> <u>Subject of Subaward:</u> 	
2	Identify all individuals involved in the selection, award, or administration of the Subaward. These individuals are “Covered Individuals”. Ensure that each Covered Individual has been provided with a copy of the Conflict of Interest Policy.		
	<u>Public Officials</u>	<u>Employees</u>	<u>Agents</u>
3	Identify whether any Covered Individual has a (i) financial or other interest in, or (ii) tangible personal benefit from the firm considered for a Subaward. [If the estimated Subaward amount exceeds \$100,000, ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]		
Any identified interest in Step 3 is a potential “real” conflict of interest.	<u>Public Officials</u>	<u>Employees</u>	<u>Agents</u>
4	Identify whether any Related Party has a (i) financial or other interest in or (ii) tangible personal benefit from the firm considered from a Subaward. If the estimated Subaward amount exceeds \$100,000, ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]		
Any identified interest in Step 4 is	<u>Public Officials – Related Party</u>	<u>Employees – Related Party</u>	<u>Agents – Related Party</u>

a potential “real” conflict of interest.			
5	Identify whether a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the <i>appearance</i> that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Subaward? If yes, explain.		
Any identified interest in Step 5 is a potential “apparent” conflict of interest.	<u>Public Officials</u>	<u>Employees</u>	<u>Agents</u>

COI Point of Contact: _____

Signature of COI Point of Contact: _____

Date of Completion: _____

EXHIBIT E

SUBAWARD CONFLICT OF INTEREST DISCLOSURE FORM

FOR OFFICIALS, EMPLOYEES, AND AGENTS

The [] (“Unit”) has adopted a Conflict of Interest Policy (“Policy”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates [] as the COI Point of Contact.

The COI Point of Contact has identified you as an official, employee, or agent of the Unit that may be involved in the selection, award, or administration of the following subaward: _____ (the “Subaward”). To safeguard the Unit’s expenditure of Federal Financial Assistance, the COI Point of Contact has requested that you identify any potential real or apparent conflicts of interest in the Firm considered for the award of a Subaward. Using the Exhibit A to the Policy as a guide, please answer the following questions:

1. Do you have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

2. Will you receive any tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

3. For purposes of Question 3(a) and 3(b), your “Immediate Family Members” include: (i) your spouse and their parents, (ii) your child, (iii) your parent and any spouse of your parent, (iv) your sibling and any spouse of your sibling, (v) your grandparents or grandchildren, and the spouses of each, (vi) any domestic partner of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with you is the equivalent of a family relationship.

- a. Do you have an Immediate Family Member with a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- b. Do you have an Immediate Family Member that will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

4. Do you have any other partner with a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

5. Will any other partner of yours receive any tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

6. Does your current or potential employer (other than the Unit) have a financial or other interest in a firm considered for this Subaward or will such current or potential employer receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

7. Benefits to Employers

- a. Does a current or potential employer (other than the Unit) of any of your Immediate Family Members have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- b. Will a current or potential employer (other than the Unit) of any of your Immediate Family Members receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- c. Does a current or potential employer (other than the Unit) of any partner of yours have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- d. Will a current or potential employer (other than the Unit) of any partner of yours receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

8. Does any existing situation or relationship create the *appearance* that you have a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

9. Does any existing situation or relationship create the *appearance* that any Immediate Family Member of yours has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

10. Does any existing situation or relationship create the *appearance* that your current or potential employer (other than the Unit) has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

11. Does any existing situation or relationship create the appearance that any current or potential employer (other than the Unit) of any of your Immediate Family Members has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

12. Does any existing situation or relationship create the appearance that any current or potential employer (other than the Unit) of any other partner has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

* * * * *

Sign Name: _____
Print Name: _____
Name of Employer _____
Job Title: _____
Date of Completion: _____

* * * * *

Program/Project #:
Program/Project Short Name:

American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recover Fund Project Request and Eligibility Determination

This document is to be completed by the person or persons requesting American Rescue Plan Act of 2021 Coronavirus State and Local Government Fiscal Recovery Fund monies. The request will proceed through the Town of Clayton's review process. The requestor will receive notice if the project is approved, with instructions on how to proceed.

BASIC INFORMATION AND DESCRIPTION

Program/Project Name:	
Responsible Department:	
Program/Project Manager Name:	
Total Amount Requested:	
Internal Account Code(s): (assigned by Finance)	
Treasury Expenditure Category Level:	6 Revenue Replacement
Treasury Expenditure Category:	6.1 Provision of Government Services

ELIGIBILITY REVIEW

1. Provision of Government Services: Employee Salaries and Benefits

Indicate the departments, number of employees, and time period you will be using ARP/CSLFRF funds to cover.

JUSTIFICATION AND LEGAL REVIEW FOR STATE AUTHORITY:

See **G.S. 160A-162**

PROPOSED EXPENDITURE ITEMS AND ALLOWABLE COST REVIEW:

Proposed Project Budget, delineated by Cost Item for Allowable Cost Review

U.G. Provisions	Cost Items	Estimated Amount	Necessary/ Reasonable	% Allocable	Required Documentation*
200.430	Compensation		Choose an item.		
200.431	Fringe Benefits		Choose an item.		
200.475	Travel		Choose an item.		
200.439	Equipment & Other Capital		Choose an item.		
200.453	Materials & Supplies		Choose an item.		
200.318 & 200.92	Contractual Services & Subawards		Choose an item.		
200.459	Consultants /		Choose an item.		

Program/Project #:
Program/Project Short Name:

	Professional Services				
200.465	Occupancy (Rent & Utilities)		Choose an item.		
200.471	Telecommunications		Choose an item.		
200.473	Training & Education		Choose an item.		
200.413 (c)	Direct Administrative Costs		Choose an item.		
	Add'l Cost Item		Choose an item.		
	Total Direct Costs		Choose an item.		
200.414	Indirect Costs		Choose an item.		
Total Project Budget					

*** All required documentation will be maintained in the project file.**

AWARD TERMS AND COMPLIANCE:

Prohibitions Verification:

By checking these boxes, the Finance Director attests that the statements are true.

- | | |
|--|---|
| ☐ Project does not contravene the statutory purpose of ARP, including program, service, or capital expenditure that includes a term or condition that undermines efforts to stop the spread of COVID-19 | ☐ Complies with all state and federal laws and local ordinance (attorney review completed) |
| ☐ No Conflict of Interest, according to Conflict of Interest policy | ☐ No pension fund deposit |
| | ☐ No borrowings or debt service |
| | ☐ No financial reserves |

Uniform Guidance Compliance Requirements:

By checking these boxes, the Finance Director attests that the statements are true.

- ☒ Financial Management Compliance (adopted grant project ordinance; accounting system that tracks obligations and expenditures by project and provides comparison to budgeted amounts; appropriate journal entries completed and documented)
- ☒ Internal Controls (adopt and routinely monitor internal controls related to all financial processes for receiving, managing, obligating, and expending the federal award funds)
- ☒ Civil Rights Compliance (policy adopted and implemented)
- ☒ Eligible Project Documentation (policy adopted and this worksheet completed and approved according to the policy)
- ☒ Allowable Cost / Cost Principles Compliance (policy adopted and this worksheet completed and approved according to the policy)
- ☐ UG Procurement Compliance (only if applicable; policy adopted and implemented)
- ☐ UG Property Management Compliance (only if applicable; policy adopted and implemented)
- ☐ Program Income Compliance (only if applicable; policy adopted and implemented)
- ☐ Subaward Compliance (only if applicable; policy adopted and implemented)

Reviewed By: Robert McKie, Finance Director

Signature:

Date:

Please retain for the project file through at least December 31, 2031.



Town Council Agenda Cover Sheet

Meeting Date

August 15, 2022

Agenda Location

New Business

Item Title

Budget Amendments

Presenter:

Robert McKie, Finance Director

Summary/Description

The Finance Director will present three budget amendments related to supplanting expenditures for salaries to fund the Town's water and sewer infrastructure obligation for the Copper District, and to fund an additional School Resource Officer (SRO) position that is subsidized by the Johnston County Board of Education. The overall expenditure appropriation will only increase by the amount of the SRO position.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: Click or tap here to enter text. **Yes** ☐ **No** ☐

Additional Documents to be Included in Agenda Packet

ARPA 2021 Grant Project Budget Ordinance Amendment
General Fund Budget Amendment-ARPA Supplanting & School Resource Officer
Water and Sewer Fund Budget Amendment-Copper District

Meeting Timeline

Click or tap here to enter text.

Town of Clayton
Amendment to the Grant Project Ordinance
American Rescue Plan Act of 2021
Coronavirus State and Local Fiscal Recovery Funds

ORDINANCE 2022-08-01

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the ARPA Grant Project Budget Ordinance:

Fund: ARPA 2021

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
<u>Expenditures</u>			
215-50 00	Salaries Full-Time \$7,931,423	-7,931,423	-
215-59 20	Transfer to General Fund -	+7,931,423	\$7,941,423

Explanation:

Amendment to realign the budget for the transfer of grant monies to fund salaries in the General Fund as listed below: This amendment is required for compliance with G.S. 159-13.2 and G.S 159-15.

1. Law Enforcement Salaries - \$3,547,411
2. Fire Protection Salaries - \$2,724,177
3. Public Works Salaries - \$1,659,835

Duly adopted this ____ day of _____, 2022 while in regular session.

Jody L. McLeod
Mayor

Attest:

Sherry L. Scoggins, MMC
Interim Town Clerk

Town of Clayton
Amendment to the FY 22-23 Budget

ORDINANCE 2022-08-02

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 22-23 Budget:

Fund: General Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenue			
100-40-00-48 82	Transfer from Special Revenue Fund		
	-	+7,931,423	\$7,931,423
100-50-00-48 60	Miscellaneous Reimbursable Projects		
	\$96,000	+54,000	\$150,000
Expenditures			
100-50-32-50 00	Salaries Full-Time		
	\$900,257	+36,402	\$936,659
100-50-32-51 10	Benefits FICA		
	\$79,488	+3,237	\$82,725
100-50-32-51 11	Benefits Health		
	\$118,821	+6,729	\$125,550
100-50-32-51 21	Benefits Retirement - LEO		
	\$122,470	+5,517	\$127,987
100-50-32-51 31	Benefits 401K - LEO		
	\$47,734	+2,115	\$49,849
100-40-00-59 21	Transfer to Water and Sewer Fund		
	-	+7,931,423	\$7,931,423

Explanation:

Amendment to realign the budget to transfer supplanted expenditures for salaries to fund the Town's water and sewer infrastructure obligation for the Copper District, and to add an additional School Resource Officer position that is subsidized by the Johnston County Board of Education. This amendment is required for compliance with G.S. 159-15.

Duly adopted this ____ day of _____, 2022 while in regular session.

Jody L. McLeod
Mayor

Attest:

Sherry L. Scoggins, MMC
Interim Town Clerk

**Town of Clayton
Amendment to the FY 22-23 Budget**

ORDINANCE 2022-08-03

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF
CLAYTON that the following amendments shall be made to the FY 22-23 Budget:

Fund: Water and Sewer Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenue			
300-56-00-48 99	Fund Balance Appropriated \$4,306,549	-3,965,711	\$340,838
300-56-00-48 46	ARP Act of 2021 \$7,965,712	-3,965,712	\$4,000,000
300-56-00-49 80	Due From General Fund -	+7,931,423	\$7,931,423

Explanation:

Amendment to realign the budget for the transfer of supplanted monies from the General Fund to fund the Town's water and sewer infrastructure obligation for the Copper District. This amendment is required to comply with G.S. 159-15.

Duly adopted this ____ day of _____, 2022 while in regular session.

Jody L. McLeod
Mayor

Attest:

Sherry L. Scoggins, MMC
Interim Town Clerk