Town of Clayton
Regular Town Council Meeting Agenda
Monday, November 15, 2021 @ 6:00 PM
Council Chambers

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

BELOW PLEASE FIND ADDITIONAL INFORMATION REGARDING PROCEDURES FOR IN-PERSON MEETINGS:

- **ALL persons attending must wear a mask.**
- **We will be following proper social distancing at all times.**
- **All council/board members will be socially distanced in the council chambers and wearing face masks.***
- **All staff and visitors will be socially distanced while within the council chambers. Face masks will be worn.***
- **Hand sanitizer will be available, both in the lobby and council chambers.**
- **Podium/microphone will be sanitized after each speaker.**

Masks may be lowered when speaking.

1. CALL TO ORDER

Pledge of Allegiance and Invocation

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

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

a. ADA Curb Ramp Upgrades
Cover
NCDOT-Town Agreement

b. Warranty Acceptance
- Academy Point, Phase 3

Academy Point, Phase 3

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Carolinas Association of Chamber Executive of the Year Award
Presenter: Patrick Pierce, Economic Development Director
- Dana Wooten - 2021 Recipient

6. PUBLIC HEARINGS

a. 2020-104-SD - Lumen Subdivision (Quasi-Judicial) - *This item is continued from November 1, 2021*
Presenter: Ben Howell, Planning Director
Cover
Application

Master Plan Site Plan Updated
Master Plan Narrative
WW Allocation Application
Wastewater Phasing Table
Signed Recommended Conditions
Staff Report Updated
Staff Report Map
Approval
Resolution #2021-59 Wastewater
Lumens Reimbursement Agreement
Option to Purchase Agreement
Redline - Option to Purchase Agreement
Motion Form

POTENTIAL ACTION: Approval of 2020-104-SD

POTENTIAL ACTION: Approval of Resolution #2021-59 (Wastewater Allocation)

POTENTIAL ACTION: Approval of Reimbursement Agreement

POTENTIAL ACTION: Approval of Option to Purchase Agreement

b. Economic Development Incentive Agreement (Lumen) *This item is continued from November 1, 2021*
Presenter: Patrick Pierce, Economic Development Director
Cover
Advertisement
Incentive Agreement

POTENTIAL ACTION: Approval of Agreement

c. Purchasing Policy Revision
Presenter: Shaun Mizell, Contract/Procurement Manager
Purchasing Policy
Newspaper Ad
Resolution

POTENTIAL ACTION: Adoption of Resolution #2021-60

d. Growth (Comprehensive) Plan
Presenters: Patrick Pierce, Economic Development Director & Ben Howell, Planning Director
Cover
Growth (Comprehensive) Plan
List of Change From Planning Board Review
Newspaper Ad

POTENTIAL ACTION: Adoption of Growth (Comprehensive) Plan

e. 2021-108-ANX - Sam's Express Car Wash - Annexation
Presenter: Ben Howell, Planning Director

POTENTIAL ACTION: Continue to December 6, 2021

f. 2021-125-ANX - Lumen - Annexation
Presenter: Ben Howell, Planning Director

POTENTIAL ACTION: Continue to December 6, 2021

g. 2021-126-OA - Text Amendment - 155.500
Presenter: Ben Howell, Planning Director
Cover
1 Staff Report - 2021-126-OA - RCA Steep Slopes Section 155.500
2 Existing UDC Text 155-500 Resource Conservation Areas
3 Section 155.502 - Text Amendment Option 2 - PB Recommended Option
4 Section 155.502 - Text Amendment Option 1
5 Section 155.502 - Text Amendment Option 3
6 Section 155.502 - Text Amendment Option 4
7 Section 155.502 - Text Amendment Option 5
8 Map of Slope Areas in Clayton Planning Jurisdiction
9 Newspaper Ad

POTENTIAL ACTION: Adoption of Ordinance #2021-11-04

7. OLD BUSINESS

a. Little Creek Transmission Award
Presenter: Louis Duffie, Assistant Program Manager
Cover
Clayton Linework Bid Summary
Clayton Linework Bid Tabulation
Award Recommendation
Resolution

POTENTIAL ACTION: Adoption of Resolution #2021-61

b. WRF Funding Package #2
Presenter: Louis Duffie, Assistant Program Manager
Cover
Funding 002 Estimate
Ordinance

POTENTIAL ACTION: Adoption of Ordinance #2021-11-05

c. Code of Ordinance Update - Chapter 31.03 - Town Manager
Presenter: Jim Cauley, Town Attorney
Code 31.03 CURRENT
Code 31.03 REDLINE PROPSOED
Town Charter (excerpt) Sections 4.1 & 4.2
Ordinance

POTENTIAL ACTION: Adoption of Ordinance #2021-11-06

8. NEW BUSINESS

a. Budget Amendments
Presenter: Robert McKie, Finance Director

- Information Technology
- Greenway System Capital Project
- Loop Road Athletic Fields

Cover
IT Budget Ordinance
Greenway System Capital Project Ordinance
Loop Road Athletic Fields Ordinance

POTENTIAL ACTION: Adoption of Ordinances #2021-11-07 / #2021-11-08 & #2021-11-09

b. Acceptance of Real Property Donation
Presenter: Patrick Pierce, Economic Development Director
- Comfort Homes Inc.

Cover
Comfort Homes Inc
Comfort Homes LLC 2021 Annual Report
Property Appraisal
Resolution

POTENTIAL ACTION: Adoption of Resolution #2021-61

c. Memorandum of Understanding w/Clayton Community Recreational Foundation
Presenter: Rich Cappola, Interim Town Manager
Memorandum of Understanding

POTENTIAL ACTION: Authorize Execution of Memorandum of Execution

9. STAFF REPORTS

a. Town Manager

b. Town Attorney

c. Town Clerk

d. Other Staff

10. OTHER BUSINESS

a. Informal Discussion & Public Comment

b. Council Comments

11. ADJOURNMENT

Quasi-Judicial (evidentiary) – These hearings are different from other public hearings in that they resemble a court hearing where testimony is presented and the Town Council acts like a court of law. During evidentiary hearings, the Town Council receives only sworn testimony and other credible evidence. In addition, the Town Council must make findings of fact based upon the evidence presented. Citizens may give testimony in an evidentiary hearing after they have taken an oath.

Town Council Agenda Cover Sheet

Meeting Date
November 15, 2021

Agenda Location
Consent Agenda

Item Title

NCDOT Grant Agreement to Upgrade Curb Ramps to ADA Standards

Presenter: Blake Mills – Public Works Director

Summary/Description
Public Works was successful in obtaining approval for a TAP Grant with NCDOT. The work involves installing new or retrofitting 62 curb ramps to ADA Standards at 26 intersections in Clayton. The cost share is 100% funded by NCDOT for the 10 NCDOT ROW intersections and an 80/20 percent match for the 16 Town ROW intersection. The Town's estimated match is $17,800.

Town Council approved $150,000 in FY 22 for the ADA Transition Plan and this funding will be used for the match.

Public Works recommends Town Council to approve the Agreement and authorize the Town Manager to execute the Agreement.

Requested Action
Approval

Funding Source (If Applicable):
Capital Outlay Sidewalk Repair and Improvements - ADA Transition Plan 100-55-55-5810

Cost: **$17,800** **Yes** ☐ **No** ☒

Additional Documents to be Included in Agenda Packet
NCDOT/Clayton Agreement

Meeting Timeline
November 11, 2021

NCDOT ADMINISTERED – ADA CURB UPGRADE
(FEDERAL/STATE FUNDS RECEIVABLE)
1000012300

AGREEMENT OVERVIEW

NORTH CAROLINA
JOHNSTON COUNTY

DATE: 10/14/2021

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ("DEPARTMENT")

TIP: R-5784EA
WBS Element: 44914.3.21

AND

TOWN OF CLAYTON ("MUNICIPALITY")

The purpose of this Agreement is to identify the participation in project costs, project delivery and/or maintenance, by the other party tothis Agreement, as further defined in this Agreement.

SCOPE OF PROJECT: This Project consists of upgrading curb ramps to ADA standards in Clayton.

COSTS TO THE OTHER PARTY: $17,800

ESTIMATED COST OF THE PROJECT: $89,000

PAYMENT TERMS: MUNICIPALITY will provide payment upon execution.

MAINTENANCE: MUNICIPALITY

EFFECTIVE DATES OF AGREEMENT:
START: Upon Full Execution of this Agreement
END: Upon Completion of the Project

This **AGREEMENT** is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the **DEPARTMENT** and the Town of Clayton, hereinafter referred to as the **MUNICIPALITY**, and collectively as the **PARTIES.**

The parties to this Agreement, listed above, intend that this Agreement, together with all attachments, schedules, exhibits, and other documents that both are referenced in this Agreement and refer to this Agreement, represents the entire understanding between the partieswith respect to its subject matter and supersedes any previous communication or agreements that may exist.

WITNESSETH:

WHEREAS, the **DEPARTMENT** has plans to make certain ADA Curb Ramps upgrades under WBS 44914.3.21 in Johnston County; and,

WHEREAS, the **DEPARTMENT** and the **MUNICIPALITY** have approved the construction of the Project with responsibilities for the Project as hereinafter set out; and,

WHEREAS, the **MUNICIPALITY** has agreed to participate in the cost of curb ramps on non-system routes maintenance of said sidewalks curb ramps subject to the conditions hereinafter set forth;

WHEREAS, the **DEPARTMENT** and the **MUNICIPALITY** are authorized to enter into this Agreement per North Carolina General Statute 136-66.1 and 136-66.5 that allows improvements in urban areas with participation by the **MUNICIPALITY** for non-system streets;

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

PLANNING, RIGHT OF WAY AND UTILITIES

1. The **DEPARTMENT** shall develop the plans and specifications in accordance with the **DEPARTMENT's** standard policies and procedures for pedestrian facilities.

2. All work shall be performed within the existing right of way and in accordance with **DEPARTMENT** standards, policies and procedures.

3. The **DEPARTMENT** does not anticipate the need to relocate and adjust any municipally-owned utilities at this time. If it becomes necessary to adjust and relocate the municipally-owned utilities, the **MUNICIPALITY**, at no expense to the **DEPARTMENT**, shall be responsible for the relocation and adjustment of all utilities in conflict with the Project.

CONSTRUCTION AND MAINTENANCE

5. The **DEPARTMENT** shall construct the Project in accordance with the Project plans and with Departmental policies and procedures. The **DEPARTMENT**, and/or its agent, shall administer the contract for construction of the Project.

6. The **MUNICIPALITY**, at its own expense, shall be responsible for all liability and maintenance responsibilities for the sidewalk ADA curb ramps upon completion of Project.

COSTS AND FUNDING

7. The estimated costs of the Project are $89,000. The **DEPARTMENT** will utilize federal funding for eighty percent (80%) of the costs. The **MUNICIPALITY** agrees to participate in the twenty percent (20%) non-federal match on the non-system routes. Upon partial execution of the agreement, the MUNICIPALITY shall submit a check for $17,800 to the **DEPARTMENT's** Division Engineer.

8. Upon completion of the Project, the **DEPARTMENT** will calculate the actual costs and bill the **MUNICIPALITY** for any overage or refund any overpayment, based on the above participation rates. Reimbursement to the **DEPARTMENT** shall be made in one final payment within sixty days of invoicing by the **DEPARTMENT**. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS § 147-86.23.

9. In the event the **MUNICIPALITY** fails for any reason to pay the **DEPARTMENT** in accordance with the provisions for payment herein above provided, NCGS § 136-41.3 authorizes the **DEPARTMENT** to withhold so much of the **MUNICIPALITY's** share of funds allocated to said **MUNICIPALITY** by NCGS § 136-41.1 until such time as the **DEPARTMENT** has received payment in full under the reimbursement terms set forth in this Agreement.

ADDITIONAL PROVISIONS

10. Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all parties by means of a written Supplemental Agreement.

11. All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

12. The **DEPARTMENT** must approve any assignment or transfer of the responsibilities of the **MUNICIPALITY** set forth in this Agreement to other parties or entities.

13. This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

14. This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.

15. The Entity is solely responsible for all agreements, contracts, and work orders entered into or issued by the Entity to meet the terms of this Agreement. The **DEPARTMENT** is not responsible for any expenses or obligations incurred for the terms of this Agreement except those specifically eligible for the funds and obligations as approved by the **DEPARTMENT** under the terms of this Agreement.

16. The parties hereby acknowledge that the individual executing this Agreement has read this Agreement, conferred with legal counsel, fully understands its contents, and is authorized to execute this Agreement and to bind the respective parties to the terms contained herein.

17. To the extent authorized by state and federal claims statutes, the **MUNICIPALITY** shall be responsible for its actions under the terms of this agreement and save harmless the FHWA (if applicable), the **DEPARTMENT**, and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns to the extent allowed by law, from and against any and all claim for payment, damages and/or liabilities of any nature, asserted against the **DEPARTMENT** in connection with this Agreement. The **DEPARTMENT** shall not be liable and shall be held harmless from any and all third party claims that might arise on account of the Entity's negligence and/or responsibilities under the terms of this agreement.

18. A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

19. It is the policy of the **DEPARTMENT** not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Entity certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or **DEPARTMENT** and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

20. By Executive Order 24, issued by Governor Perdue, and N.C. G.S.§ 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the DEPARTMENT and the MUNICIPALITY by authority duly given.

Town of Clayton

FED TAX ID: _____

REMITTANCE ADDRESS:

_____

_____

AUTHORIZED SIGNER

_____

DATE SIGNED: _____

PRINT NAME: Rich Cappola

TITLE: Interim Town Manager

IF APPLICABLE, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

FINANCE OFFICER:

_____

DATE SIGNED: _____

PRINT NAME: _____

TITLE: _____

DEPARTMENT OF TRANSPORTATION

BY: _____

(Chief Engineer)

DATE: _____

PRESENTED TO THE BOARD OF TRANSPORTATION: 11/4/2021 **(DATE)**

Clayton Proposed Curb Ramp Replacement/Retrofit

Municipality	Major Route	Minor Route	Curb Ramp (EA)	Retrofit Existing Curb Ramp (EA)	Remove & Replace Curb Ramp (EA)	Estimate Cost New Curb Ramp (EA)	Estimated Cost Retrofit (EA)	Estimated Cost Remove & Replace (EA)	Total Cost	
Clayton	SR 1551 (Guy Rd)	Clayton Middle School Mid-Block Crossing		1		$2,000	$600	$2,200	$600	Add domes on the High Visibility Mid-Block Crossing. Exisiting ramp meets ADA standards.
Clayton	NC42 West	Regency Street			1	$2,000	$600	$2,200	$2,200	Remove and replace the ramp at the North East corner of the intersection.
Clayton	NC42 West	US70 Business Offramp		2		$2,000	$600	$2,200	$1,200	Add 2 domes on refuge island.
Clayton	SR 1004 (Main St)	Ellington Street		2		$2,000	$600	$2,200	$1,200	Add domes to the two ramps located on the South side of the street.
Clayton	SR 1004 (Main St)	Fayetteville Street		2	2	$2,000	$600	$2,200	$5,600	Remove/replace the four ramps located on all four corners of the street.
Clayton	SR 1004 (Main St)	Church Street		2	2	$2,000	$600	$2,200	$5,600	Remove/replace the four ramps located on all four corners of the street.
Clayton	SR 1004 (Main St)	Barbour Street	4	2		$2,000	$600	$2,200	$9,200	Install 4 missing ramps and retrofit existing ramps.
Clayton	SR 1552 (Amelia Church Rd)	Shotwell Drive	2			$2,000	$600	$2,200	$4,000	A double handicap ramp is missing at the Northwest Corner of the intersection.
Clayton	SR 1552 (Amelia Church Rd)	Town of Clayton Community Center Driveway	1			$2,000	$600	$2,200	$2,000	A ramp to access the Town of Clayton Community Center is missing. Town to connect with sidewalk.
Clayton	SR 1552 (Robertson St)	Stallings street	1		1	$2,000	$600	$2,200	$4,200	Remove and replace the ramp located on the South side of the street. Install one new ramp on the Nc
Clayton	Fayetteville Street	First Street		1	1	$2,000	$600	$2,200	$2,800	Remove and replace two ramps located on the East side of the street.
Clayton	Mial Street	Camel Street			1	$2,000	$600	$2,200	$2,200	Remove and replace ramp abutting Cooper Elementary School.
Clayton	Second Street	Church Street		3	1	$2,000	$600	$2,200	$4,000	Remove/retrofit the four ramps located on all four corners of the street.
Clayton	Second Street	Barbour Street		2	2	$2,000	$600	$2,200	$5,600	Remove/retrofit the four ramps
Clayton	Second Street	Ellington Street			2	$2,000	$600	$2,200	$4,400	Remove and replace two ramps located on the South side of the street.
Clayton	Horne street	Barbour Street			4	$2,000	$600	$2,200	$8,800	Remove and replace the four ramps located on all four corners of the street.
Clayton	Blanche Street	Clay Street			2	$2,000	$600	$2,200	$4,400	Remove and replace two ramps located on the North side of the street.
Clayton	Church Street	First Street			2	$2,000	$600	$2,200	$4,400	Remove and replace two ramps located on the West side of the street.
Clayton	Church Street	Whitaker Street		1	1	$2,000	$600	$2,200	$2,800	Remove and replace one ramp and retro fit 1 ramp.
Clayton	Church Street	Hinton Street	1	2		$2,000	$600	$2,200	$3,200	Install new ramp across the street that is missing. Retro two existing ramps
Clayton	Front Street	Cooper Street			2	$2,000	$600	$2,200	$4,400	Remove and replace two Ramps located on the South side of the street.
Clayton	Stallings Street	Cooper Street			1	$2,000	$600	$2,200	$2,200	Remove and replace non compliant
Clayton	Stallings Street	Kildee Street			4	$2,000	$600	$2,200	$8,800	Remove and replace none complant
Clayton	Stallings Street	Robertson Street			2	$2,000	$600	$2,200	$4,400	Remove and replace the two ramps.
Clayton	Stallings Street	Dodd Street			2	$2,000	$600	$2,200	$4,400	Remove and replace two ramps located on the North side of the street.
Clayton	Stallings Street	City Road			2	$2,000	$600	$2,200	$4,400	Remove and replace two ramps located on the North side of the street.
								Sub-Total	$107,000.00	
								E & C (25%)	$26,750.00	
								TOTAL	$133,750.00	
								SAY	$140,000.00	

Cost of non-State Maintained routes	$71,200
E & C (25%)	$17,800.00
Total Cost of non-State Maintained routes	$89,000.00
20% Required from Town	$17,800.00

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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator

Copy: Donnie Adams, Adams & Hodge Engineering
Karen Durham, Engineering & Inspections Coordinator
David DeYoung, Hearth Point Development

Date: November 3, 2021

Subject: Academy Point, Phase 3

Please place a warranty acceptance request for the subject public street and right of way sections along with all pertinent easements on the next available agenda. The final lift of asphalt has been installed and approved by the Engineering Department. Upon Council approval, these sections will be subject to a one-year warranty period. Following warranty expiration, a final inspection will be done with all deficient items corrected by the developer prior to final acceptance.

Town Council Agenda Cover Sheet

Meeting Date
November 15, 2021

Agenda Location
Public Hearings

Item Title
2020-104-SD Lumen Subdivision

Presenter
Ben Howell, AICP, CZO – Planning Director

Summary/Description

Preliminary Plat, acting as a master plan, for a mixed use development that includes 700,000 SF of non-residential office/institutional uses, up to 90,000 SF of commercial/retail uses, up to 480 multi-family residential units, up to 120 single-family lots, and up to 120 rooms and/or 10,000 SF for a hospitality/civic use.

Note that the Staff Report, Master Plan Narrative and Master Plan have been updated since the October 18, 2021 Meeting.

Requested Action
Approval with Conditions

Funding Source (If Applicable):
N/A

Cost: **N/A** **Yes** ☐ **No** ☒

Additional Documents to be Included in Agenda Packet

Application
Master Plan Narrative – UPDATED
Neighborhood Meeting Materials
Site Plan – Master Plan – UPDATED
Adjacent Property Letter
Newspaper Ad
Traffic Impact Analysis
NCDOT Congestion Management Report
Wetland Delineation Report
Parking Report
Wastewater Allocation Request
Recommended Conditions of Approval – UPDATED
Staff Report - UPDATED
Staff Report Map
Master Plan w/ Bubbled Revisions from 10/18 - UPDATED

Meeting Timeline
Town Council Public Hearing October 18, 2021 Continued to November 15, 2021

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

MAJOR SUBDIVISION (PRELIMINARY PLAT) APPLICATION

☐ **New Major Subdivision: $400.00 + $5.00 per lot**
- ☐ **Conventional**
- ☐ **Open Space**
- ☐ **Master Plan**

☐ **Modification to approved plan**
- ☐ **Major: $400.00 + $5.00 per lot modified**
- ☐ **Minor: $200.00 + $5.00 per lot modified**
- ***Modified Plan:*** _____

Advertising Fee: $200.00

SITE INFORMATION

Name of Project: Lumen Planned Development District **Acreage of Property:** 65.19

Tag #: (1): 05F02037E; (2): 05F02037B; (3): 05F02037A; (4): 05F02037 **NC Pin #:** (1): 05F02037E; (2): 05F02037B; (3): 05F02037A; (4): 05F02037

Location: 2219 NC 42 West, Clayton, NC 27520

Number of lots (Existing): N/A **(Proposed):** N/A **Min. Lot Size:** N/A

Zoning District: PD-MU (Planned Development - Mixed Use) **Electric Provider:** TBD

Wastewater: ☐ ***Septic*** ■ ***Sewer*** **Water:** ☐ ***Well*** ■ ***Public/Private Water***

Recreation/Open Space Requirement: ☐ ***Fee in lieu*** ■ ***Land Dedication – acreage:*** 8.15 AC

APPLICANT INFORMATION

Applicant: Kimley-Horn

Mailing Address: 421 Fayetteville Street, Suite 600 Raleigh, NC 27601

Phone Number: 919-653-2976 **Fax:** _____

Contact Person: Richard Brown, PLA

Email Address: richard.brown@kimley-horn.com

OFFICE USE ONLY

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

Updated August 2020

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PROPERTY OWNER INFORAMTION

Name: (1): Penny, Ezra Lee; (2): Medlin, Frankie P; (3): Langdon, Benny; (4): Langdon, Benny

Mailing Address: (1): 406 Crossway Ln, Holly Springs, NC 27540; (2): 2219 N 42W, Clayton, NC 27520;(3): 19 Slateford Dr, Clayton, NC 27520; (4): 19 Slateford Dr, Clayton, NC 27520

Phone Number: _____ **Fax:** _____

Email Address: _____

EXPLANATION OF PROJECT

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

The site is currently zoned RE-Residential Estate and has been used for residential in recent history. The applicant proposes to redevelop the site for a mixture of residential, commercial, and office uses. The proposed planned development program would infuse new development into an assemblage that is poised as a catalyst for urban growth and as a new gateway along the western approach to Clayton. In order to execute this vision, the applicant wishes to rezone the property from the existing zoning classification to a PD-MU to allow all desired uses on the site. See enclosed narrative and Exhibits for a more detailed description of the project proposal and design intent.

FINDINGS OF FACT

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

(1) The subdivision is consistent with the adopted plans and policies of the Town.

This master plan proposal is consistent with adopted plans of the Town of Clayton. This assemblage is part of the JHMC NC 42 West Area Plan that was adopted by the Town in November 2007. As a part of this plan, this parcel is designated mixed use and is intended to have high quality uses and a wide variety of both residential and non-residential uses for the surrounding area.

(2) The subdivision meets all required specification of the Unified Development Code.

This plan proposal is consistent with adopted plans of the Town of Clayton. The applicant will ensure that the master plan will continue to meet all required specifications of the policies and Town Unified Development Code except where otherwise addressed through alternate design standards as spelled out within

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the project master plan narrative.

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

The proposed project does not adversely affect the adjoining properties and property owners.

The property is uniquely situated at a major gateway intersection with two of the Town's major transportation corridors. Land uses are conductive to the location and supported by traffic and compatible with the development patterns. The size of the assemblage and proposed infrastructure will also support the proposed mix of uses, with retail, office/institutional, public/civic, townhomes and even congregate care being proposed. Appropriate buffers are also proposed to protect the adjacent land uses.

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

Adequate public facilities, including existing and proposed streets, existing and proposed wastewater treatment, existing and proposed potable water and existing and proposed stormwater infrastructure are either existing or will be improved to meet the demands of the proposed uses to the maximum extent practicable. The approval of the master plan/rezoning will be contingent upon the execution of a developer agreement between the developer and the Town of Clayton regarding infrastructure sufficiency to support the proposed development. The development will also provide stub streets to promote inter connectivity and a means of access through the property to NC42

MAJOR SUBDIVISION PLAN CHECKLIST

Pursuant to Article 7, Section 155.706 of the Unified Development Code, applications requesting a public hearing or administrative approval process shall submit a plan set to the Planning Department. These plans may include Master Plan, Site Plan, Subdivision Plan, Regulating Plan, Architectural Elevations, Landscape Plan, Photometric/Lighting Plan, Engineering Plans, and Survey. The plan requirements shall be based on the type of development application or approval process.

PLAN FORMAT

These standards are established to provide information pertaining to the graphic and format presentation of plans. The following is required for all types of plans, except where otherwise noted:

- All plans and architectural elevations shall be limited to 24” x 36” in size, and **folded to an 8.5” x 11” format.**
- Plans are to be drawn at the same engineering scale of 1” = 20’; 30’; 40’; 50’; 60’ (architectural elevations and details are exempt from this requirement) with north oriented in the same direction.
- Plans may be drawn at an engineering scale of 1” = 100’, if approved by the Planning Department or the Technical Review Committee (TRC).
- Architectural plans and elevations shall be drawn at an architectural scale of 1” = 3/32’, 3/16’, 1/8’, 1/4’, or 3/8’.

DocuSign Envelope ID: 88D5C018-FA24-480E-89B1-FF7E6CBA15A1

ARCHITECTURAL ELEVATIONS AND FLOORPLAN

Provided		
Yes	**N/A**	
☐		Provide floor plans, elevations, construction materials, finishes and colors, along with type of construction of all buildings per North Carolina Building Code prepared by a professional architect registered in North Carolina. This should be provided in color.
☐		Indicate the height and number of stories for each structure.
☐		Indicate the location and screening method for all roof mounted structures or equipment.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to approve the subject Major Subdivision. 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.

Richard Brown, PLA	DocuSigned by: Richard Brown 8DCD47D6EBA742B...	12/2/20
Print Name	***Signature of Applicant***	***Date***

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: Lumen Planned Development District **Address or PIN #:** 05F02037A

AGENT/APPLICANT INFORMATION:

Kimley-Horn and Associates
(Name - type, print clearly)

421 Fayetteville Street, Suite 600
(Address)
Raleigh, North Carolina 27601
(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***):

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:

Benny Langdon SETH LANGDON
(Name - type, print clearly)

19 Slatford Drive
(Address)

By [signature]
(Owner's Signature)

Clayton, NC 27520
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Britny L. Simmons, a Notary Public for the above State and County, this the 19 day of June, 2020.

SEAL

NOTARY PUBLIC Johnston County, N.C.

Notary Public

My Commission Expires: 5/2/2025

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: Lumen Planned Development District **Address or PIN #:** 05F02037

AGENT/APPLICANT INFORMATION:

Kimley-Horn and Associates
(Name - type, print clearly)

421 Fayetteville Street, Suite 600
(Address)
Raleigh, North Carolina 27601
(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)***:

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:

Benny Langdon SETH LANGDON
(Name - type, print clearly)

19 Slateford Drive
(Address)

(Owner's Signature)

Clayton, NC 27520
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Brittni L. Simmons, a Notary Public for the above State and County, this the 20th day of June, 2020.

SEAL Brittni D. Simmons NOTARY PUBLIC Johnston County, N.C.

Notary Public

My Commission Expires: 5/2/2025

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: Lumen Planned Development District **Address or PIN #:** 05F02037B

AGENT/APPLICANT INFORMATION:

Kimley-Horn and Associates
(Name - type, print clearly)

421 Fayetteville Street, Suite 600
(Address)
Raleigh, North Carolina 27601
(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***):

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:

FRANKIE PERRY MEDLIN
(Name - type, print clearly)

2219 NC Hwy 42 W
(Address)

Frankie Perry Medlin
(Owner's Signature)

Clayton NC 27520
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Brittni L. Simmons, a Notary Public for the above State and County, this the 29 day of May, 2020.

SEAL

Brittni L. Simmons NOTARY PUBLIC Johnston County, N.C.

Notary Public

My Commission Expires: 5/2/2025

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: Lumen Planned Development District **Address or PIN #:** 05F02037E

AGENT/APPLICANT INFORMATION:

Kimley-Horn and Associates
(Name - type, print clearly)

421 Fayetteville Street, Suite 600
(Address)
Raleigh, North Carolina 27601
(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)***:

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:

Jack M. Penny, Jr.
Paul S. Penny - POA for Frankie Mallin Evan Lee Penny
(Name - type, print clearly)

406 Crossway Lane
(Address)

Holly Springs, NC 27540
(City, State, Zip)

(Owner's Signature)

STATE OF North Carolina
COUNTY OF Buncombe

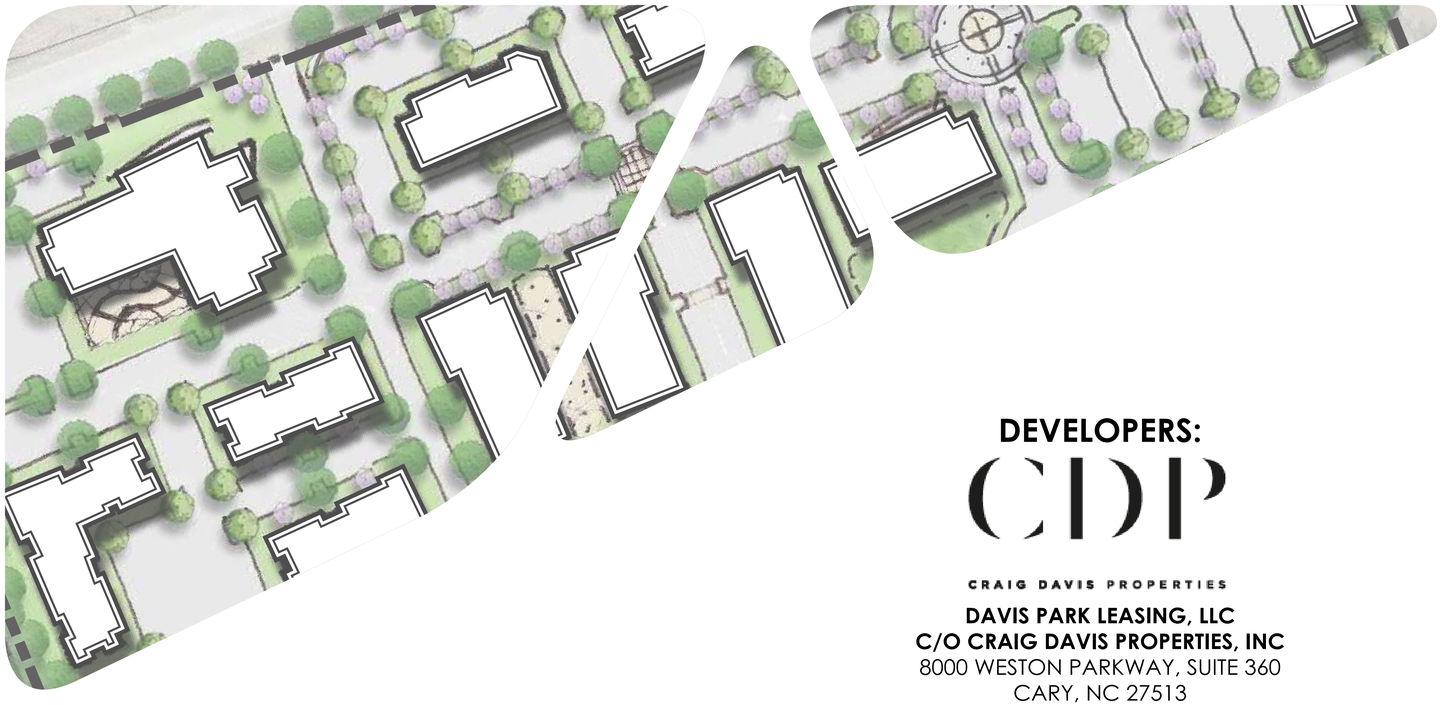
Sworn and subscribed before me Susannah L Haskell, a Notary Public for the above State and County, this the 29 day of June, 2020.

SEAL

Susannah L. Haskell
Notary Public
Buncombe County, NC

Notary Public

My Commission Expires: 01/30/2023



LUMEN

PLANNED DEVELOPMENT MASTER PLAN

PREPARED FOR: TOWN OF CLAYTON, NC

TOWN PROJECT NUMBER: 2020-103-PD-MU

revision date: 08/17/2020

revision date: 11/04/2020

revision date: 12/04/2020

revision date: 01/29/2021

revision date: 11/05/2021

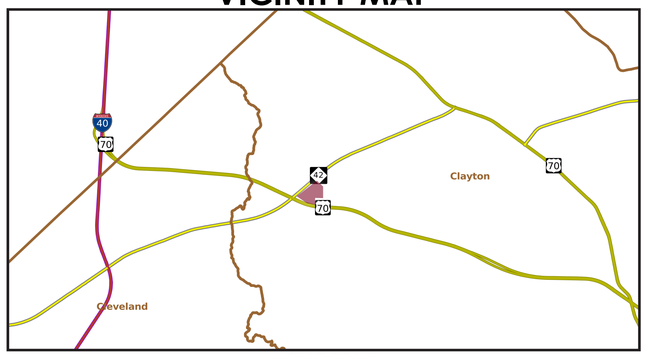
DEVELOPERS:

CDP

CRAIG DAVIS PROPERTIES

DAVIS PARK LEASING, LLC
C/O CRAIG DAVIS PROPERTIES, INC
8000 WESTON PARKWAY, SUITE 360
CARY, NC 27513
craig.davis@craigdavisproperties.com

VICINITY MAP



NOT TO SCALE

MASTER PLAN SHEET INDEX:

MP-01 ..... EXISTING CONDITIONS
MP-02 ..... EXISTING SITE BOUNDARY SURVEY
MP-03..... MASTER LAND USE PLAN
MP-04..... BLOCKING FRAMEWORK & PHASING PLAN
MP-05..... PROJECTED ROAD PHASING IMPLEMENTATION PLAN
MP-06..... CONCEPTUAL UTILITY PLAN
MP-07..... URBAN STREET TYPOLOGIES
MP-07.1..... URBAN STREET TYPOLOGIES-ALTERNATE SECTIONS

APPLICANT / LEAD CONSULTANT:

Kimley»Horn

421 FAYETTEVILLE STREET, SUITE 600
RALEIGH, NC 27601
P (919)677-2000
F (919)677-2050
NC CERTIFICATE OF AUTHORIZATION: F-0102





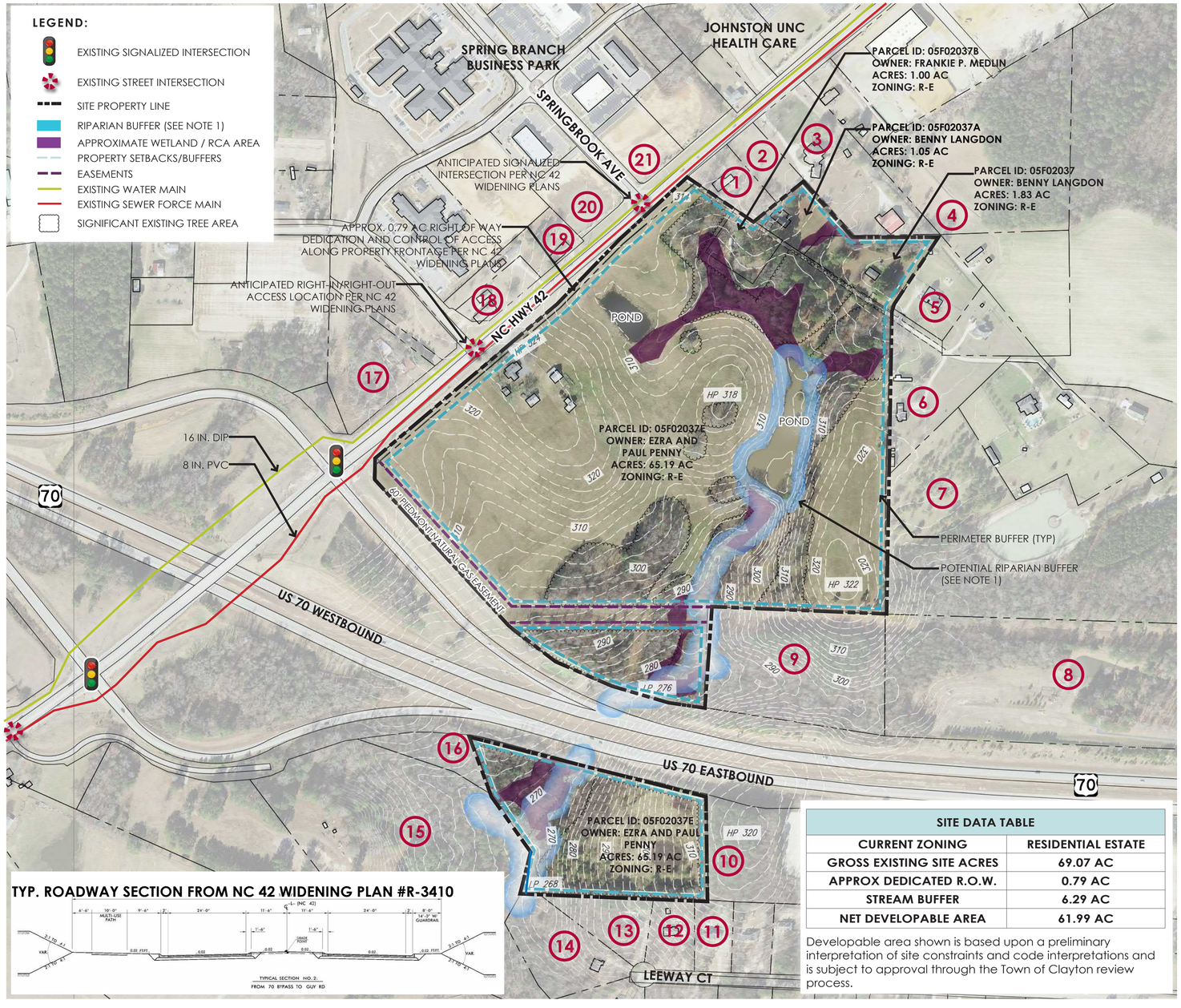
PROJECT LOCATION MAP



LUMEN - PLANNED DEVELOPMENT DISTRICT

2020-103-PD-MU | JULY 1, 2020

Kimley»Horn



ADJOINING PROPERTIES:

1. PROPERTY OWNER: JP COATS LLC
PIN: 4881
ZONING: R-E
USE: RESIDENTIAL

2. PROPERTY OWNER: JP COATS LLC
PIN: 6817
ZONING: R-E
USE: RESIDENTIAL

3. PROPERTY OWNER: JERRY M. COATS AND PHYLLIS G. COATS TRUST
PIN: 9811
ZONING: R-E
USE: RESIDENTIAL

4. PROPERTY OWNER: JAMES H WOOTEN SR.
PIN: 3888
ZONING: R-E
USE: RESIDENTIAL

5. PROPERTY OWNER: COURTNEY SANDERS
PIN: 2367
ZONING: R-E
USE: RESIDENTIAL

6. PROPERTY OWNER: JASON T. MERRIMAN
PIN: 2010
ZONING: R-E
USE: RESIDENTIAL

7. PROPERTY OWNER: MATTHEW R. POOLEY
PIN: 6369
ZONING: R-E
USE: RESIDENTIAL

8. PROPERTY OWNER: JOSEPH CHRISTOPHER JOHNSON
PIN: 7856
ZONING: R-E
USE: RESIDENTIAL

9. PROPERTY OWNER: RUSSEL STANLEY
PIN: 7932
ZONING: R-E
USE: VACANT

10. PROPERTY OWNER: TAP PROPERTIES LLC
PIN: 3154
ZONING: R-E
USE: VACANT

11. PROPERTY OWNER: JOHNNIE L. CONYERS
PIN: 2849
ZONING: R-E
USE: RESIDENTIAL

12. PROPERTY OWNER: GIRELDA PAOLA MEJIA TORREZ
PIN: 2849
ZONING: R-E
USE: RESIDENTIAL

13. PROPERTY OWNER: KIETH E. COLPETZER
PIN: 9966
ZONING: R-E
USE: RESIDENTIAL

14. PROPERTY OWNER: SELVIN OMAR MENDEZ
PIN: 8860
ZONING: R-E
USE: RESIDENTIAL

15. PROPERTY OWNER: JP COATS LLC
PIN: 2187
ZONING: R-E
USE: RESIDENTIAL

16. PROPERTY OWNER: NC DEPT OF TRANSPORTATION
PIN: 5269
ZONING: R-E
USE: RESIDENTIAL

17. PROPERTY OWNER: AMRUTLAL PARMAR
PIN: 1102
ZONING: R-E
USE: RESIDENTIAL

18. PROPERTY OWNER: SPRING BRANCH PLAZA LLC
PIN: 5397
ZONING: B-3
USE: COMMERCIAL

19. PROPERTY OWNER: SPRING BRANCH PLAZA LLC
PIN: 6554
ZONING: B-3
USE: COMMERCIAL

20. PROPERTY OWNER: UACFE LLC
PIN: 8797
ZONING: PD-MU
USE: VACANT

21. PROPERTY OWNER: BODDIE-NOELL ENTERPRISES, INC.
PIN: 1925
ZONING: PD-MU
USE: VACANT

EXISTING CONDITIONS NOTES:

1. Streams and wetland and jurisdictional determinations have been preliminarily mapped by Kimley-Horn and Associates. Applicability and status of these features will be confirmed and reviewed by by NCDENR and the Army Corps of Engineers prior to development.
2. All base data has been provided by Johnston County GIS and shall be confirmed with a topographic and boundary survey prior to development of construction drawings.
3. This diagram does not consider subsurface conditions such as utilities, unsuitable soils, rock or other elements that may influence the detailed design or the location of infrastructure. A preliminary soils, geotech or similar investigation should inform the final design.
4. Right-of-way dedication as well as control of access is proposed along the property frontage per NC 42 Widening Plan (Project #R-3410).
5. Adjacent property information based on Johnston County Register of Deeds.
6. Planometric information based on publicly available information from the Johnston County Geographical Information Systems Database.
7. Topographic information based on publicly available information from the Johnston County Geographical Information Systems Database.
8. All easement information shown is per publicly available information from the Johnston County Geographical Information Systems Database.
9. Per FIRM Map 3720164800K, Panel: 1648, there are no FEMA floodplains located on the subject property. See Section 12 of the masterplan narrative for more information.

TYP. ROADWAY SECTION FROM NC 42 WIDENING PLAN #R-3410

SITE DATA TABLE	
CURRENT ZONING	RESIDENTIAL ESTATE
GROSS EXISTING SITE ACRES	69.07 AC
APPROX DEDICATED R.O.W.	0.79 AC
STREAM BUFFER	6.29 AC
NET DEVELOPABLE AREA	61.99 AC

Developable area shown is based upon a preliminary interpretation of site constraints and code interpretations and is subject to approval through the Town of Clayton review process.

0 100 200 400

Kimley»Horn

REV DATE
8.17.2020
11.04.2020
12.04.2020
1.29.2021
11.05.2021

SHEET
MP-01

preliminary not for construction

preliminary not for construction

LUMEN - PLANNED DEVELOPMENT DISTRICT

2020-103-PD-MU | CLAYTON, NORTH CAROLINA

EXISTING CONDITIONS SITE INVENTORY

JULY 1, 2020

SITE DATA TABLE

PARCEL #	PARCEL ID	NCPIN#	OWNER	REFERENCE	NET AREA SQ FT (AC)
1	05F02037E	164800-72-2724	EZRA LEE PENNY, ET AL	DB 5585, PG 167	2,839,623 (65.19)
2	05F02037B	164800-73-4448	FRANKIE P MEDLIN	DB 810, PG 24	43,560 (1.00)
3	05F02037A	164800-73-6660	BENNY LANGDON, ET AL	DB 674, PG 216	45,787 (1.05)
4	05F02037	164800-83-0418	BENNY LANGDON, ET AL	DB 957, PG 612	79,673 (1.83)

GENERAL NOTES

1. THIS IS A SURVEY OF AN EXISTING PARCEL(S) OF LAND. THIS IS A BOUNDARY SURVEY.
2. BEARINGS FOR THIS SURVEY ARE BASED ON NC GRID NAD 83 (2011).
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
4. ALL IRON PINCE ARE HORIZONTAL GROUND DISTANCES.
5. BUILDING SETBACKS: STREET FRONT: 35'; SIDE INTERIOR: 15'; SIDE STREET: 25'; REAR: 30'
   BUILDING HEIGHT: 80'
6. THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "X" (UNSHADED), FLOOD HAZARD ZONE, IT IS LOCATED IN ZONE "X" AS DEFINED BY FEMA FLOOD INSURANCE RATE MAP (FIRM) 3720169800 J DATED JUNE 20, 2018.
7. SITE ADDRESS: 2375 NC HWY 42, CLAYTON, NC 27520.
8. PROPERTY IS CURRENTLY ZONED R-40 (RESIDENTIAL) PER JOHNSTON COUNTY GIS.
9. "A" AS DEFINED BY FEMA FLOOD INSURANCE RATE MAP (FIRM) 3720169800 J DATED JUNE 20, 2018.
10. EASEMENTS AND/OR ENCUMBRANCES OF RECORD NOT SHOWN HEREON ARE NOT WARRANTED TO BE COMPLETE. ADDITIONAL EASEMENTS AND/OR ENCUMBRANCES MAY BE SUBJECT TO
11. BOUNDARY AND TOPOGRAPHIC SURVEY PERFORMED BY BALLENTINE ASSOCIATES, P.A. ON 30 JUNE 2020.
12. STRUCTURES SHOWN IN THIS SURVEY MAY BE SUBJECT TO JURISDICTIONAL RESTRICTIONS NOT SHOWN HEREON.

VICINITY MAP

NOT TO SCALE

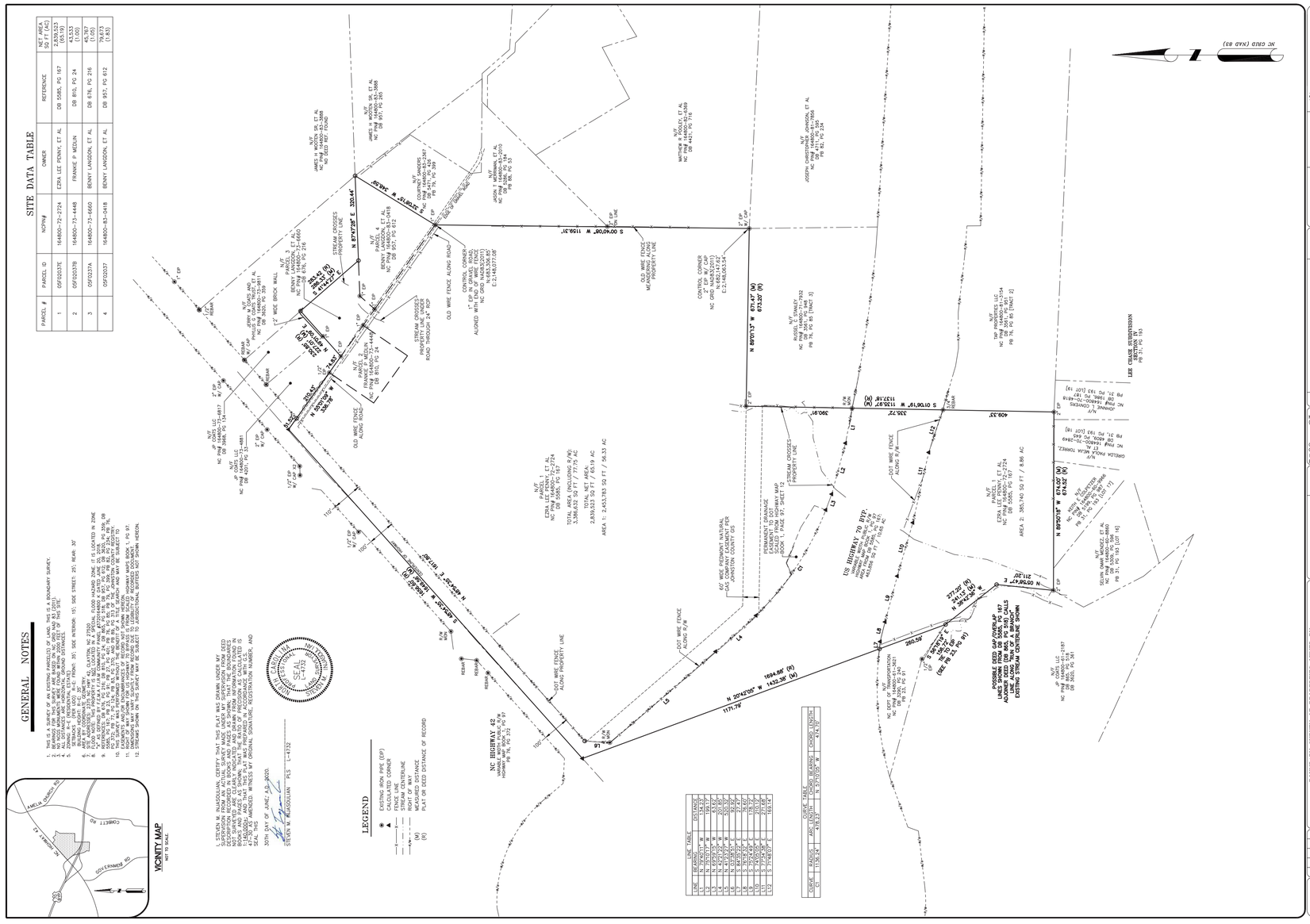
LEGEND

- EXISTING IRON PIPE (EIP)
- CALCULATED CORNER
- STAKE LINE
- CENTERLINE
- RIGHT OF WAY
- MEAN HIGH WATER MARK
- PLAT OR DEED DISTANCE OF RECORD (R)

I, STEVEN M. MUSGOLIAN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN FROM INFORMATION FOUND IN BOOK AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS GREATER THAN 1:10,000; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS

30TH DAY OF JUNE, A.D., 2020.

STEVEN M. MUSGOLIAN PLS L-4732


NC GRID (NAD 83)
N/F JAMES H WOODS SR, ET AL NC PIN# 164800-83-3868 PB 30/41, PG 190/600
N/F JAMES H WOODS SR, ET AL NC PIN# 164800-83-3868 PB 30/41, PG 190
N 87°47'08" E 320.44' (R)
N 87°47'08" E 320.44'
N/F COTTAGE GARDEN NC PIN# 164800-83-2387 PB 79, PG 399
N/F JARON T HERMAN, ET AL NC PIN# 164800-84-2970 DB 7844, PG 134 PB 88, PG 34
S 00°40'08" W 1159.31'
N/F MATTHEW R HOLLEY, ET AL NC PIN# 164800-93-4589 DB 7844, PG 134
N/F JOSEPH CHRISTOPHER HARDING, ET AL NC PIN# 164800-94-7826 DB 7844, PG 134 PB 82, PG 134
1" EIP NO CAP
CONTROL CORNER NC GRID NAD83(2011) N: 1,448,044.54' E: 2,148,043.52'
CONTROL CORNER NC GRID NAD83(2011) N: 1,448,044.54' E: 2,148,043.52'
1" EIP AT CORNER ALIGNED WITH END OF WIRE FENCE NC GRID NAD83(2011) N:683,506.85' E:611,460,017.08'
OLD WIRE FENCE MEANDERING PROPERTY LINE
STREAM CROSSES PROPERTY LINE UNDER ROAD THROUGH 24" RCP
OLD WIRE FENCE ALONG ROAD
N/F PARCEL 4 EZRA LEE PENNY, ET AL NC PIN# 164800-83-0418 DB 5585, PG 167
N/F PARCEL 3 EZRA LEE PENNY, ET AL NC PIN# 164800-73-4660 DB 5585, PG 167
N/F PARCEL 2 FRANKIE P MEDLIN NC PIN# 164800-73-4448 DB 810, PG 24
N/F JERRY W EVANS AND PHYLLIS W EVANS TRUST, ET AL NC PIN# 164800-73-6817 DB 3420, PG 359
2" WIDE BRICK WALL
REBAR
1/2" EIP W/ CAP
N/F JP CLAYCO, LLC NC PIN# 164800-73-4817 DB 7844, PG 134
N/F JP CLAYCO, LLC NC PIN# 164800-73-4681 DB 7844, PG 134
N 89°51'19" W 674.00' (M) 674.00' (R)
S 01°08'19" W 1173.18' (M)
S 01°08'19" W 1173.07' (R)
N/F PARCEL 1 EZRA LEE PENNY, ET AL NC PIN# 164800-72-7724 DB 5585, PG 167
TOTAL AREA (INCLUDING R/W): 3,386,632 SQ FT / 77.75 AC
TOTAL NET AREA: ± 2,839,623 SQ FT / 65.19 AC
AREA 1: ± 2,453,783 SQ FT / 56.33 AC
AREA 2: 385,740 SQ FT / 8.86 AC
N/F RASSO, LLC NC PIN# 164800-71-7932 DB 7844, PG 134 PB 79, PG 85 [TRACT 3]
N/F JP CLAYCO, LLC NC PIN# 164800-73-1354 DB 7844, PG 134 PB 79, PG 85 [TRACT 2]
LEE CREEK SUBDIVISION PHASE 1 PB 31, PG 193
N/F DELIA PAOLA MEJIA TORREZ, ET AL NC PIN# 164800-70-2849 DB 6606, PG 645 PB 31, PG 193 [LOT 19]
N/F JOHNNIE V. CONNERS NC PIN# 164800-70-4818 DB 1986, PG 187 PB 31, PG 193 [LOT 18]
N/F MARCEL ET AL NC PIN# 164800-70-5940 PB 31, PG 193 [LOT 16]
SELVIN OMAR MARCEL
N/F VASQUEZ, ET AL NC PIN# 164800-70-6880 DB 7844, PG 134 PB 31, PG 193 [LOT 15]
N/F PARCEL 1 EZRA LEE PENNY, ET AL NC PIN# 164800-72-7724 DB 5585, PG 167
N/F JP CLAYCO, LLC NC PIN# 164800-73-2187 DB 3420, PG 361
N/F JP CLAYCO, LLC NC PIN# 164800-73-4817 DB 3420, PG 361
N/F JP CLAYCO, LLC NC PIN# 164800-73-4681 DB 3420, PG 361
N 89°51'19" W 674.00' (M) 674.52' (R)
N 89°51'19" W 674.00' (M) 674.52' (R)
S 01°08'19" W 1173.18' (M)
S 01°08'19" W 1173.07' (R)
N 20°42'05" W 1432.36' (M)
1694.88' (R)
1171.78'
NC HIGHWAY 42 VARIABLE WIDTH PUBLIC R/W HIGHWAY MAP NO. 37 PB 76, PG 372
60' WIDE PIEDMONT NATURAL GAS COMPANY EASEMENT JOHNSTON COUNTY GIS
PERMANENT DRAINAGE EASEMENT TO DOT SCALED FROM HIGHWAY MAP SHEET 1, PAGE 97, SHEET 1
US HIGHWAY 70 (TYP) VARIABLE WIDTH PUBLIC R/W HIGHWAY MAP NO. 37 PB 76, PG 372 AREA 50 FT / 0.00 AC
DOT WIRE FENCE ALONG R/W
DOT WIRE FENCE ALONG PROPERTY LINE
STREAM CROSSES PROPERTY LINE
DOT WIRE FENCE ALONG R/W
1/2" EIP W/ CAP
1/2" EIP W/ CAP
1/2" EIP W/ CAP

SITE DATA TABLE

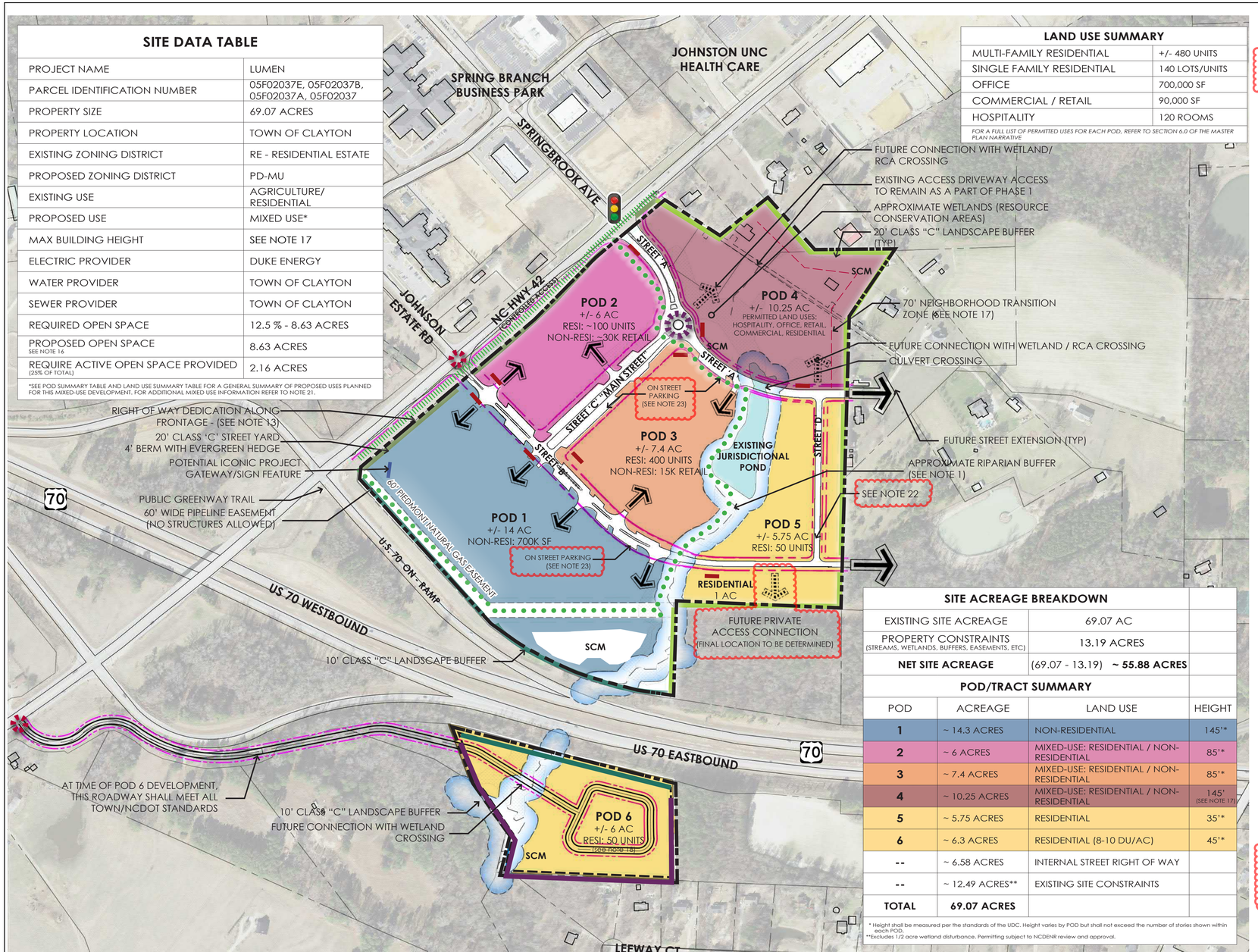
PROJECT NAME	LUMEN
PARCEL IDENTIFICATION NUMBER	05F02037E, 05F02037B, 05F02037A, 05F02037
PROPERTY SIZE	69.07 ACRES
PROPERTY LOCATION	TOWN OF CLAYTON
EXISTING ZONING DISTRICT	RE - RESIDENTIAL ESTATE
PROPOSED ZONING DISTRICT	PD-MU
EXISTING USE	AGRICULTURE/ RESIDENTIAL
PROPOSED USE	MIXED USE*
MAX BUILDING HEIGHT	SEE NOTE 17
ELECTRIC PROVIDER	DUKE ENERGY
WATER PROVIDER	TOWN OF CLAYTON
SEWER PROVIDER	TOWN OF CLAYTON
REQUIRED OPEN SPACE	12.5 % - 8.63 ACRES
PROPOSED OPEN SPACE SEE NOTE 16	8.63 ACRES
REQUIRE ACTIVE OPEN SPACE PROVIDED (25% OF TOTAL)	2.16 ACRES

*SEE POD SUMMARY TABLE AND LAND USE SUMMARY TABLE FOR A GENERAL SUMMARY OF PROPOSED USES PLANNED FOR THIS MIXED-USE DEVELOPMENT. FOR ADDITIONAL MIXED USE INFORMATION REFER TO NOTE 21.

LAND USE SUMMARY

MULTI-FAMILY RESIDENTIAL	+/- 480 UNITS
SINGLE FAMILY RESIDENTIAL	140 LOTS/UNITS
OFFICE	700,000 SF
COMMERCIAL / RETAIL	90,000 SF
HOSPITALITY	120 ROOMS

FOR A FULL LIST OF PERMITTED USES FOR EACH POD, REFER TO SECTION 6.0 OF THE MASTER PLAN NARRATIVE



SITE ACREAGE BREAKDOWN

EXISTING SITE ACREAGE	69.07 AC	
PROPERTY CONSTRAINTS (STREAMS, WETLANDS, BUFFERS, EASEMENTS, ETC)	13.19 ACRES	
NET SITE ACREAGE	(69.07 - 13.19) **~ 55.88 ACRES**	

POD/TRACT SUMMARY

POD	ACREAGE	LAND USE	HEIGHT
1	~ 14.3 ACRES	NON-RESIDENTIAL	145'*
2	~ 6 ACRES	MIXED-USE: RESIDENTIAL / NON-RESIDENTIAL	85'*
3	~ 7.4 ACRES	MIXED-USE: RESIDENTIAL / NON-RESIDENTIAL	85'*
4	~ 10.25 ACRES	MIXED-USE: RESIDENTIAL / NON-RESIDENTIAL	145' (SEE NOTE 17)
5	~ 5.75 ACRES	RESIDENTIAL	35'*
6	~ 6.3 ACRES	RESIDENTIAL (8-10 DU/AC)	45'*
--	~ 6.58 ACRES	INTERNAL STREET RIGHT OF WAY	
--	~ 12.49 ACRES**	EXISTING SITE CONSTRAINTS	
TOTAL	**69.07 ACRES**		

* Height shall be measured per the standards of the UDC. Height varies by POD but shall not exceed the number of stories shown within each POD.
**Excludes 1/2 acre wetland disturbance. Permitting subject to NCDENR review and approval.

MASTER PLAN LEGEND:

- SIGNALIZED INTERSECTION (FULL MOVEMENT)
- POTENTIAL PRIVATE ACCESS
- PROPOSED INTERNAL/EXTERNAL POD AND STREET STUB LOCATIONS
- POTENTIAL PROJECT IDENTITY/SIGNAGE LOCATIONS
- LIMITED SITE ACCESS - RIGHT-IN / RIGHT-OUT
- SPECIAL INTERSECTION (I.E. TRAFFIC CIRCLE, ETC.)
- EASEMENTS
- PUBLIC STREET R.O.W.
- PRIVATE STREET WITH PUBLIC ACCESS EASEMENT
- PUBLIC GREENWAY TRAIL
- PRIVATE GREENWAY TRAIL
- 10' CLASS C LANDSCAPE BUFFER
- 20' CLASS C LANDSCAPE BUFFER (6' FENCE OR WALL)
- 20' CLASS C STREET YARD BUFFER (4' BERM + HEDGE)
- 10' CLASS C LANDSCAPE BUFFER
- 70' NEIGHBORHOOD TRANSITION ZONE (NOTE 17)

MASTER LAND USE PLAN NOTES:

1. Streams and wetland and jurisdictional determinations have been preliminarily mapped by Kimley-Horn and Associates. Applicability and status of these features will be confirmed and reviewed by by NCDENR and the Army Corps of Engineers prior to development.
2. All lots within the master plan shall have frontage on a public street.
3. The proposed street network and typologies are preliminary and subject to change pending Town approval.
4. Allowable uses shall be permitted in accordance with Figure 1: Table of Permitted Uses within the master plan narrative. Additional permitted uses will be allowed so long as the number of units and square footages shown herein are not exceeded on the site are removed.
5. Uses may be transferred between pods provided that the resulting trip generations do not exceed the trip budgets set within the approved TIA.
6. Pedestrian circulation network and greenway alignment is preliminary and subject to approvals by the Town, NCDOT, and the Army Corps of Engineers.
7. Stormwater management facilities may be shared or designed as part of individual pods and will meet the requirements of the Town of Clayton Stormwater Design Manual.
8. A 10' wide Class C Landscape Buffer will be provided between pod 6 and the adjoining residential properties.
9. A 20' Class C Landscape Buffer will be provided between Pod 4 and Pod 5 and the adjacent residential with the inclusion of a 6' fence.
10. A 10' Class C Landscape Buffer will be provided along all property boundaries adjacent US-70. Provision of a 6' evergreen screen will be provided.
11. A 20' Class C Street Yard Buffer will be provided along NC 42 with a 4' berm and evergreen plantings.
12. Environmental findings have determined that the large existing pond is jurisdictional and subject to such rules and regulations. All wetlands have been located and no impacts greater than 1/2 an acre will be conducted.
13. Right-of-way dedication as well as control of access is proposed along the property frontage per NC 42 Widening Plan (TIP PROJECT #R-3410).
14. All pods shall be submitted for site plan or subdivision review in accordance with Article 7 of Unified Development Code.
15. All future public street stub-outs will be constructed to the property line and offer of cross access will be provided to the immediate property adjoiner.
16. Following requirements of the Town's Unified Development Code (section 155.203), this Master Plan will provide open space totaling to 12.5% of the development's area. 25% of provided open space will be active. Open space for each pod will be met with the overall open space plan for the development. This plan shall be provided at subdivision permitting process. Qualifying open space shall consist of but is not limited to: private mini parks, plazas and squares, neighborhood parks, amenity areas, and greenways.
17. Height shall be measured per the standards of the UDC. Height varies by POD but shall not exceed the number of stories shown within each POD. All uses within POD 4 shall be limited to the base height (145'). However, in no case shall the height exceed 45' within the 70 foot neighborhood transition zone as identified on the master plan.
18. All PODS shall meet the access requirements as defined in the Town's UDC at the time of subdivision submittal for each POD. POD 6 shall provide two access points as soon as development exceeds 30 dwelling units.
19. Code section 155.502(D) states that a 20-foot minimum required setback from the stream buffer for all buildings be provided.
20. Code section 155.500 Natural Resource Protection identifies all jurisdictional wetlands as resource conservation areas (RCA). Therefore, all wetlands present on site shall assumed as such.
21. Refer to section 7.0 in the Master Plan Narrative for further information regarding Land Use Intensity and Design Controls and Mixed Use Requirements.
22. Location of Street D is preliminary and subject to change to accommodate potential future property acquisition to the east. Final location to be determined in conjunction with POD 5 and will be subject to the Town of Clayton Planning Department approval.
23. On street parking shall be allowed on Street A, B, and C. In locations where on-street angled parking is proposed on both sides of the street, a median shall be installed. See sheet MP-07 and MP-07.1 for cross sections.

0 100 200 400

Kimley»Horn

preliminary not for construction

preliminary not for construction

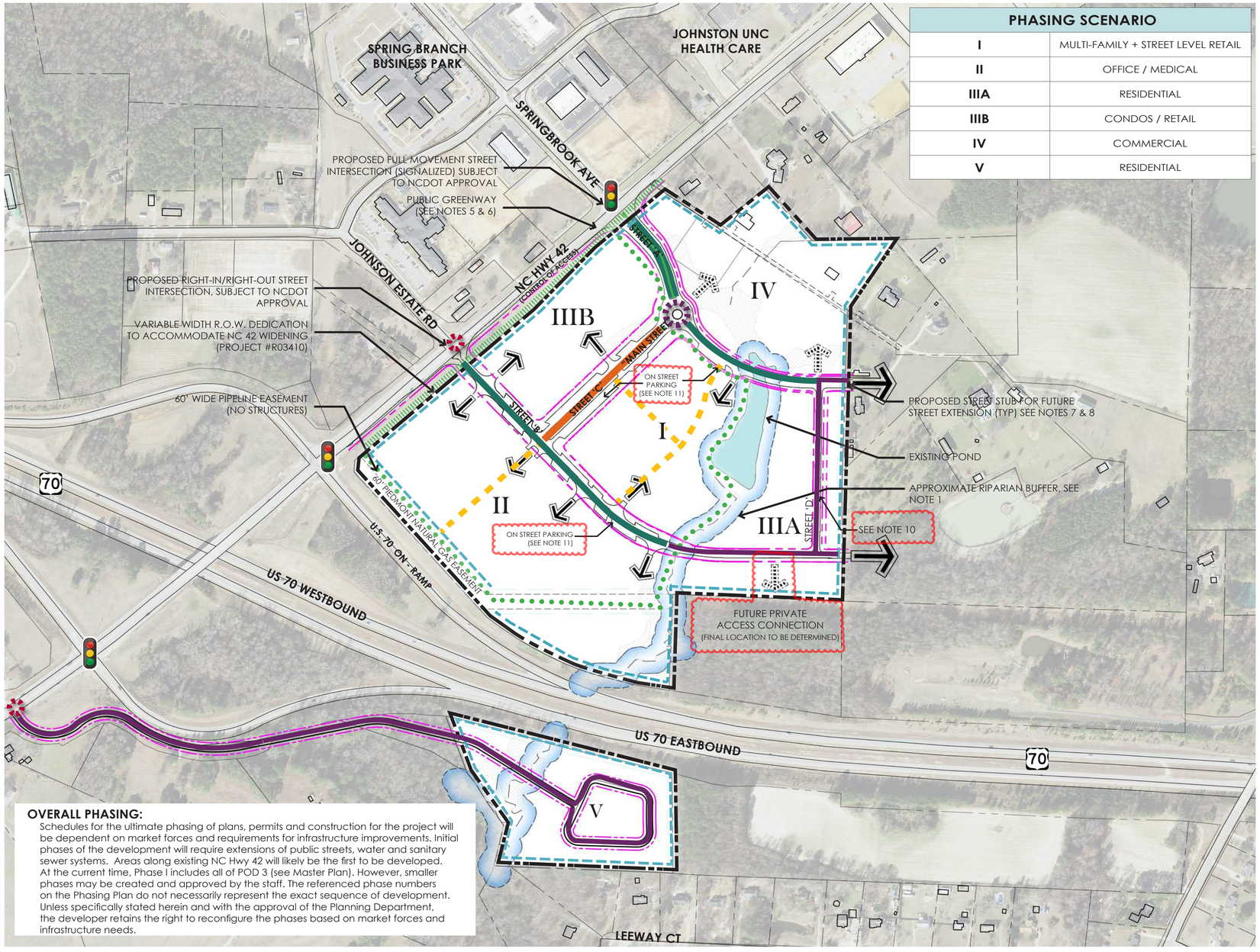
REV DATE	SHEET
8.17.2020	
11.04.2020	
12.04.2020	
1.29.2021	MP-03
11.05.2021	

LUMEN - PLANNED DEVELOPMENT DISTRICT

2020-103-PD-MU | CLAYTON, NORTH CAROLINA

MASTER LANDUSE PLAN

JULY 1, 2020



PHASING SCENARIO	
I	MULTI-FAMILY + STREET LEVEL RETAIL
II	OFFICE / MEDICAL
IIIA	RESIDENTIAL
IIIB	CONDOS / RETAIL
IV	COMMERCIAL
V	RESIDENTIAL

MASTER PLAN LEGEND:

- SIGNALIZED INTERSECTION (FULL MOVEMENT)
- LIMITED SITE ACCESS - RIGHT-IN / RIGHT-OUT
- SPECIALTY INTERSECTION - I.E. TRAFFIC CIRCLE
- POTENTIAL PRIVATE ACCESS
- PROPOSED INTERNAL/EXTERNAL POD AND STREET STUB LOCATIONS
- PUBLIC GREENWAY TRAIL
- PRIVATE GREENWAY TRAIL
- RIPARIAN BUFFER (SEE NOTE 1)
- PROPERTY SETBACKS/BUFFERS
- EASEMENT

STREET TYPOLOGIES:

- PUBLIC STREET R.O.W.
- PRIVATE STREET WITH PUBLIC ACCESS EASEMENT
- PRIVATE STREET (INTERNAL)
- NEIGHBORHOOD STREET: 26' TRAVELWAY (50' PUBLIC R.O.W.)
- AVENUE - 2 LANE DIVIDED: ON-STREET PARKING ALLOWED (80' PUBLIC R.O.W. MIN)
- AVENUE - 2 LANE: ON-STREET PARKING ALLOWED WITH MIN. 24' TRAVELWAY (60' PUBLIC R.O.W. MIN)
- "MAIN STREET": ON-STREET PARKING ALLOWED WITH MIN. 14' TRAVEL LANES (80' PRIVATE ACCESS EASEMENT MIN)

NOTE: SEE SHEET MP-07 AND MP-07.1 FOR STREET SECTIONS AND ALTERNATIVES

BLOCKING FRAMEWORK AND PHASING PLAN NOTES:

1. Streams and wetland and jurisdictional determinations have been preliminarily mapped by Kimley-Horn and Associates. Applicability and status of these features will be confirmed and reviewed by NCDENR and the Army Corps of Engineers prior to development.
2. Street network alignment and typologies are preliminary and subject to change pending final design and approval by the Town of Clayton Engineering Department.
3. Primary streets as shown on this plan may be public or private, but all primary streets will be designed and constructed to then-current public street standards.
4. Proposed phasing order is preliminary and subject to change pending final development plans and timing of construction.
5. Pedestrian circulation network and greenway alignment is preliminary and subject to approvals by the Town, NCDOT and the Army Corps of Engineers.
6. Greenway connections will be stubbed up to the Right-Of-Way as shown subject to NCDOT and Army Corps of Engineer approvals. On-site greenway design and installation will be coordinated with the Town of Clayton and NCDOT.
7. Proposed street stubs and exact locations are preliminary and subject to final design. These locations and offer of cross access will be coordinated at time of subdivision and infrastructure permits. The number of street stub-outs will not be modified, even if the locations may be subject to site/subdivision review.
8. Street infrastructure will be constructed in phases to be determined at the time of subdivision. Modifications to access driveways will be required. However, access will be maintained to adjoining properties with existing access through the subject property during all phases of development.
9. A shared stormwater management system is anticipated to serve the overall development. A phased stormwater management plan as necessary to serve each development phase, will be designed at the subdivision stage. These plans will be in conformance with the Town's stormwater regulations in place at the time of this zoning approval.
10. Location of Street D is preliminary and subject to change to accommodate potential future property acquisition to the east. Final location to be determined in conjunction with POD 5 and will be subject to the Town of Clayton Planning Department approval.
11. On street parking shall be allowed on Street A, B, and C. In locations where on-street angled parking is proposed on both sides of the street, a median shall be installed. See sheet MP-07 and MP-07.1 for cross sections.

OVERALL PHASING:

Schedules for the ultimate phasing of plans, permits and construction for the project will be dependent on market forces and requirements for infrastructure improvements. Initial phases of the development will require extensions of public streets, water and sanitary sewer systems. Areas along existing NC Hwy 42 will likely be the first to be developed. At the current time, Phase I includes all of POD 3 (see Master Plan). However, smaller phases may be created and approved by the staff. The referenced phase numbers on the Phasing Plan do not necessarily represent the exact sequence of development. Unless specifically stated herein and with the approval of the Planning Department, the developer retains the right to reconfigure the phases based on market forces and infrastructure needs.

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Kimley»Horn

REV DATE	SHEET
8.17.2020	
11.04.2020	
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1.29.2021	MP-04
11.05.2021	

preliminary not for construction

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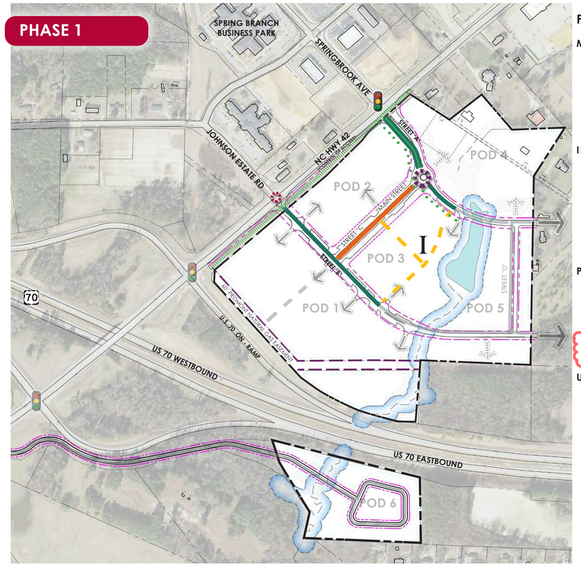
LUMEN - PLANNED DEVELOPMENT DISTRICT

2020-103-PD-MU | CLAYTON, NORTH CAROLINA

BLOCKING FRAMEWORK & PHASING PLAN

JULY 1, 2020

PHASE 1



PHASE 1 NOTES:

Major Intersections:
- Street 'A' intersection @ NC42 (signalized as warranted by ncdot)lanage per NCDOT requirements
- Street 'B' intersection @ NC42 (right-in / right-out)
- Traffic Circle Intersection

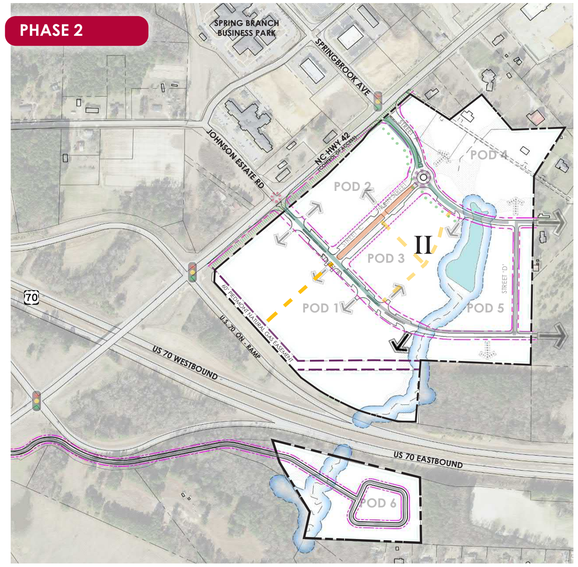
Implementation of Streets:
- Portions of public streets A, B, & C as shown
- Intersection for streets A&C
- Intersection for streets B&C
- Instalation of Private drive extension from street 'C'
- Required driveway access development pod 3

Pedestrian Installation:
- Public Sidewalks on both sides of all streets to be constructed to adequately serve phase improvements
- Greenway along NC42
- Private Greenway/Multi-Use Path along Street A

Utility Installation:
- Public Water / Public Sewer adequate to serve phase 1
- Pump Station and Force Main anticipated as a part of this phase

Stormwater Management:
- Stormwater Control Measures to adequately serve phase 1

PHASE 2



PHASE 2 NOTES:

Major Intersections:
- N/A

Implementation of Streets:
- Installation of Private drive connecting phase two to streets B and C
- Required driveway access for development pod 1

Pedestrian Installation:
- Public Sidewalks on both sides of all streets to be constructed to adequately serve phase two improvements

Utility Installation:
- Public Water / Public Sewer adequate to serve phase 2

Stormwater Management:
- Stormwater Control Measures to adequately serve phase 2

MASTER PLAN LEGEND:

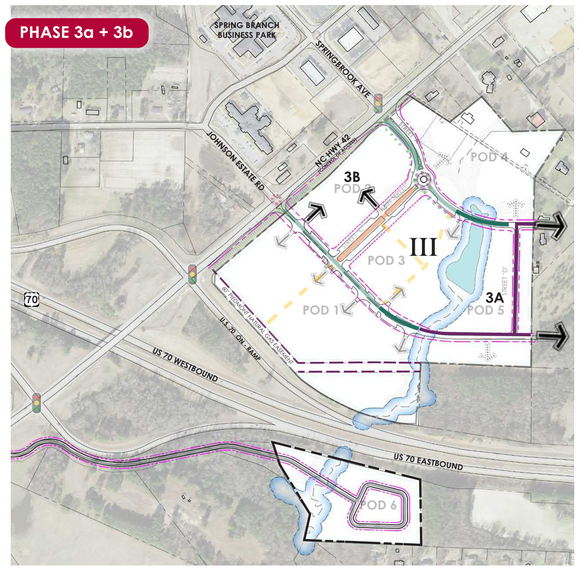
- SIGNALIZED INTERSECTION (FULL MOVEMENT)
- LIMITED SITE ACCESS - RIGHT-IN / RIGHT-OUT
- SPECIALTY INTERSECTION - I.E. TRAFFIC CIRCLE
- POTENTIAL PRIVATE ACCESS
- PROPOSED INTERNAL/EXTERNAL POD AND STREET STUB LOCATIONS
- RIPARIAN BUFFER (SEE NOTE 1)
- PROPERTY SETBACKS/BUFFERS
- EASEMENT
- PRIVATE GREENWAY/MULTI-USE TRAIL

STREET TYPOLOGIES:

- PUBLIC STREET R.O.W.
- PRIVATE STREET WITH PUBLIC ACCESS EASEMENT
- PRIVATE STREET (INTERNAL)
- FUTURE PHASE - TYPOLOGY VARIES
- NEIGHBORHOOD STREET: 26' TRAVELWAY (50' PUBLIC R.O.W.)
- AVENUE - 2 LANE DIVIDED: ON-STREET PARKING ALLOWED (80' PUBLIC R.O.W. MIN)
- AVENUE - 2 LANE: ON-STREET PARKING ALLOWED WITH MIN. 24' TRAVELWAY (60' PUBLIC R.O.W. MIN)
- "MAIN STREET": ON-STREET PARKING ALLOWED WITH MIN. 14' TRAVEL LANES (80' PRIVATE ACCESS EASEMENT MIN)

NOTE: SEE SHEET MP-07 AND MP-07.1 FOR STREET SECTIONS AND ALTERNATIVES

PHASE 3a + 3b



PHASE 3 NOTES:

Major Intersections:
- N/A

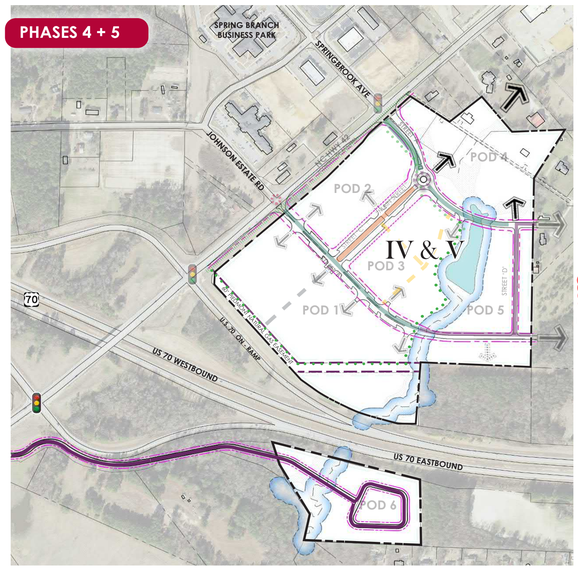
Implementation of Streets:
- Extension of Street 'A' with pond culvert crossing and stub off-site
- Street 'B' extension and stub off-site
- Street 'D' through development pod 5 with off-site stub
- Required driveway access for development pod 2

Pedestrian Installation:
- Public Sidewalks on both sides of all streets to be constructed to adequately serve phase three improvements
- Internal greenway alignments

Utility Installation:
- Public Water / Public Sewer adequate to serve phase 3

Stormwater Management:
- Stormwater Control Measures to adequately serve phase 3

PHASES 4 + 5



PHASE 4 + 5 NOTES:

Major Intersections:
- N/A

Implementation of Streets:
- Access drives bridging wetlands into development pod 4
- Northern road alignment shall stub off-site
- Two access points will be provided for pod 6 if density exceeds 30 dwelling units

Pedestrian Installation:
- Public Sidewalks on both sides of all streets to be constructed to adequately serve phase four improvements
- Remainder of Private Greenway/Multi-Use Path

Utility Installation:
- Public Water / Public Sewer adequate to serve phases 4 & 5

Stormwater Management:
- Stormwater Control Measures to adequately serve phases 4 & 5

PHASING SCENARIO	
I	MULTI-FAMILY + STREET LEVEL RETAIL
II	OFFICE / MEDICAL
IIIA	RESIDENTIAL
IIIB	CONDOS / RETAIL
IV	COMMERCIAL
V	RESIDENTIAL

NCDOT ROADWAY IMPROVEMENTS

NC 42 at Springbrook Ave/East Site Driveway*
- Construct an eastbound right-turn lane on NC 42 with 150 feet of storage
- Construct a westbound left-turn lane on NC 42 with 400 feet of storage
- Provide dual left-turn lanes, a through lane, and a right-turn lane exiting the site driveway (construction of one of the left-turn lanes to be phased subject to the NCDOT widening of NC 42)
- Re-stripe Springbrook Avenue to a left-turn lane and a shared through/right lane
- Modify the traffic signal to accommodate the new laneage

NC 42 at Johnson Estate Road/West Site Driveway*
- Construct an eastbound right-turn lane on NC 42 with 200 feet of storage

** Subject to NCDOT approval*

ROAD IMPLEMENTATION PHASING PLAN NOTES:

1. Changes may be required to this plan sheet based upon NCDOT's traffic requirements.
2. Schedules for the ultimate phasing of plans, permits and construction for the project will be dependent on market forces and requirements for infrastructure improvements. Initial phases of the development will require extensions of public streets, water and sanitary sewer systems. Areas along existing NC Hwy 42 will likely be the first to be developed. At the current time, Phase I includes all of POD 3 (see Master Plan). However, smaller phases may be created and approved by the staff. The referenced phase numbers on the Phasing Plan do not necessarily represent the exact sequence of development. Unless specifically stated herein and with the approval of the Planning Department, the developer retains the right to reconfigure the phases based on market forces and infrastructure needs.

Kimley»Horn

preliminary not for construction

preliminary not for construction

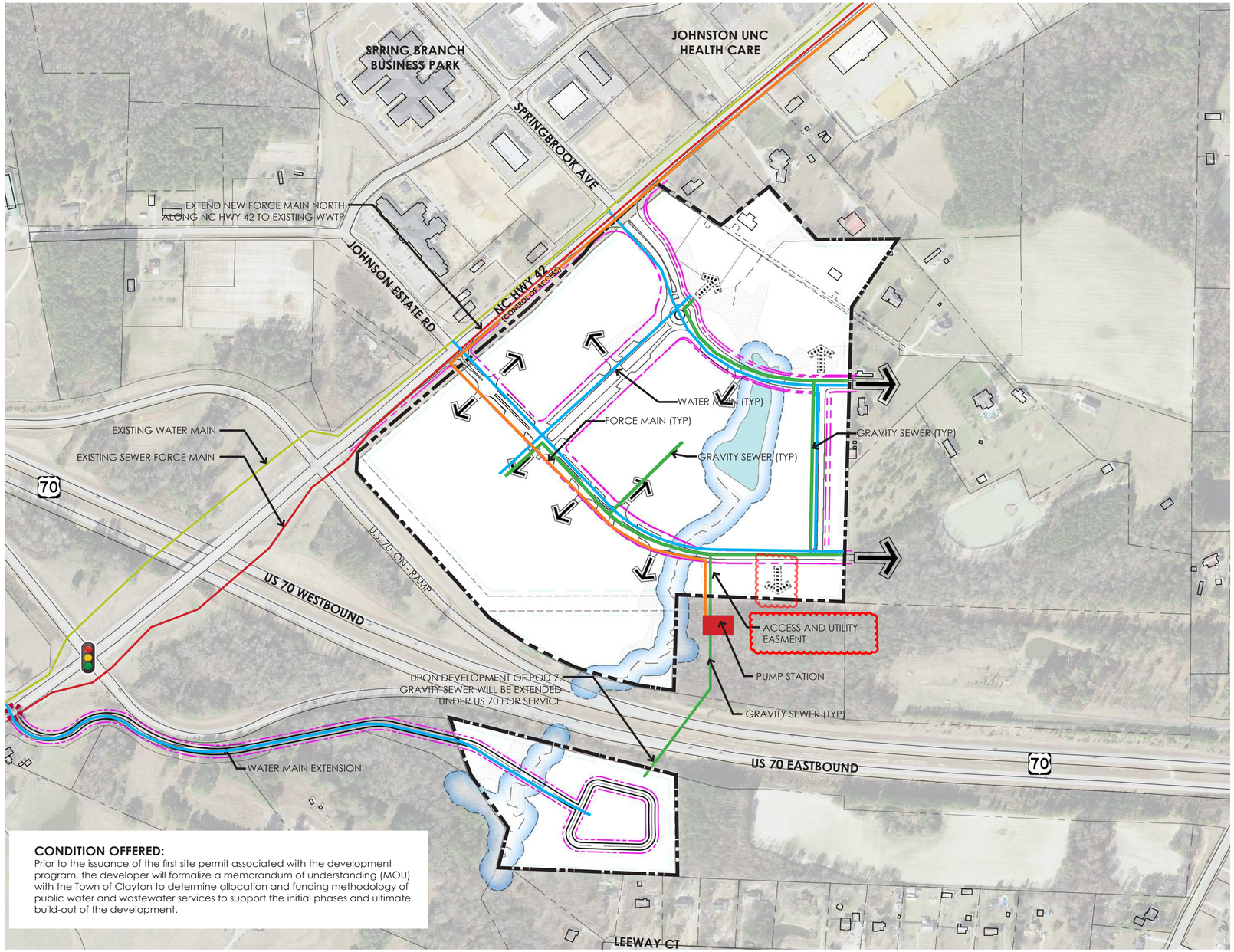
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8.17.2020	
11.04.2020	
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1.29.2021	MP-05
11.05.2021	

LUMEN - PLANNED DEVELOPMENT DISTRICT

2020-103-PD-MU | CLAYTON, NORTH CAROLINA

PROJECTED ROAD IMPLEMENTATION PHASING PLAN

JULY 1, 2020



CONDITION OFFERED:
Prior to the issuance of the first site permit associated with the development program, the developer will formalize a memorandum of understanding (MOU) with the Town of Clayton to determine allocation and funding methodology of public water and wastewater services to support the initial phases and ultimate build-out of the development.

LEGEND:

- POTENTIAL PRIVATE ACCESS
- PROPOSED INTERNAL/EXTERNAL POD AND STREET STUB LOCATIONS
- PUBLIC STREET R.O.W.
- PRIVATE STREET WITH PUBLIC ACCESS EASEMENT
- UTILITY EASEMENT
- EXISTING WATER MAIN
- EXISTING SEWER FORCE MAIN
- WATER MAIN
- PROPOSED SEWER FORCE MAIN
- GRAVITY SEWER
- PUMP STATION

CONCEPTUAL UTILITY PLAN NOTES:

1. Streams and wetland and jurisdictional determinations have been preliminarily mapped by Kimley-Horn and Associates. Applicability and status of these features will be confirmed and reviewed by by NCDENR and the Army Corps of Engineers prior to development.
2. Street network alignment and typologies are preliminary and subject to change pending final design and approval by the Town of Clayton Public Works Department.
3. Proposed street stubs and exact locations are preliminary and subject to final design. These locations and offer of cross access will be coordinated at time of subdivision and infrastructure permits.
4. A shared stormwater management system is anticipated to serve the overall development. A phased stormwater management plan with be determined and designed at the subdivision stage and will be in conformance with the Town's stormwater regulations in place at the time of this zoning approval.
5. Where public utilities are outside of the public rights of ways,a public utility easement will be provided.

WATER AND SEWER NARRATIVE

Sanitary Sewer Service

There is an existing 8" force main within NC 42 along the project frontage, operated by the County. The project is anticipated to be developed in multiple phases (refer to exhibit MP-01). The site will drain by gravity to a proposed pump station. This pump station will provide a force main that will be extended along the NC 42 corridor to a point of gravity connection near the existing WWTP. The phasing of the project and capacity limitations of the Johnston County and Town of Clayton infrastructure will determine the appropriate point of connection for the proposed force main.

Given the current capacity limitations in the Town's existing sanitary sewer infrastructure, it is understood that the phasing of the development may be subject to available capacity at the time of the initial subdivision/development plan for the property. The Town is currently planning to add treatment capacity by 2023. Average daily Sewer flows based on the proposed land uses and projected intensities are expected to be between 250,000-400,000 GPD.

Based on currently estimated flows and existing infrastructure, the proposed pump station and force main extension is anticipated to be required in Phase 1 of the development (based on MP-01). The pump station and force main will be the responsibility of the developer/applicant and will need to be sized based on project flows associated with actual development project(s) at the time of Subdivision application. The size and specification of sewer infrastructure shall be determined during final design and will conform to Town of Clayton Public Works and Utilities Department requirements.

Water Service

Water services exist along the property along the NC Highway 42 frontage. Water services will be connected to the existing main and looped through the property via a public main. The size and specification of water infrastructure shall be determined during final design and will conform to Town of Clayton Public Works and Utilities Department requirements.

Based on anticipated domestic and fire flow demands of the development, an elevated water tower may be required for this area prior to the completion of the full build-out of this development. Coordination with the Town of Clayton and Johnston County Utilities will determine the location and sizing of the water tower. The design and construction of the water tower will be a public project in order to serve the growing demands of the area. No land area is being reserved on the subject property for construction of this facility.

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Kimley»Horn

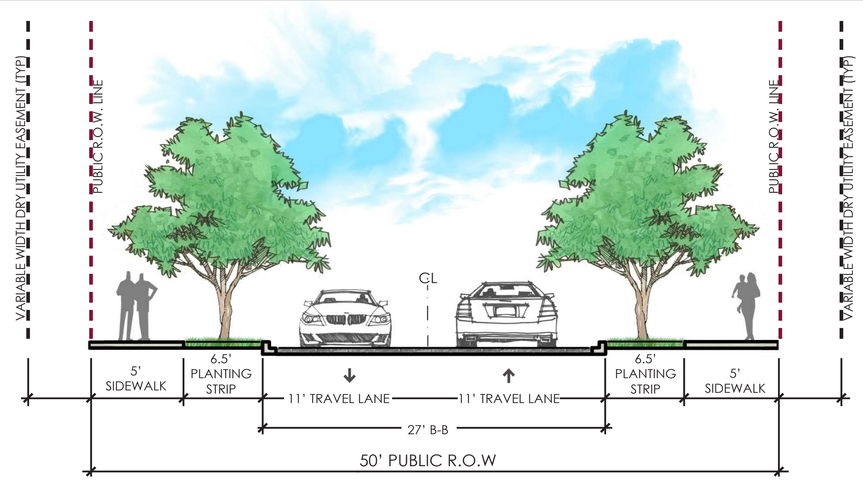
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12.04.2020	
1.29.2021	MP-06
11.05.2021	

LUMEN - PLANNED DEVELOPMENT DISTRICT

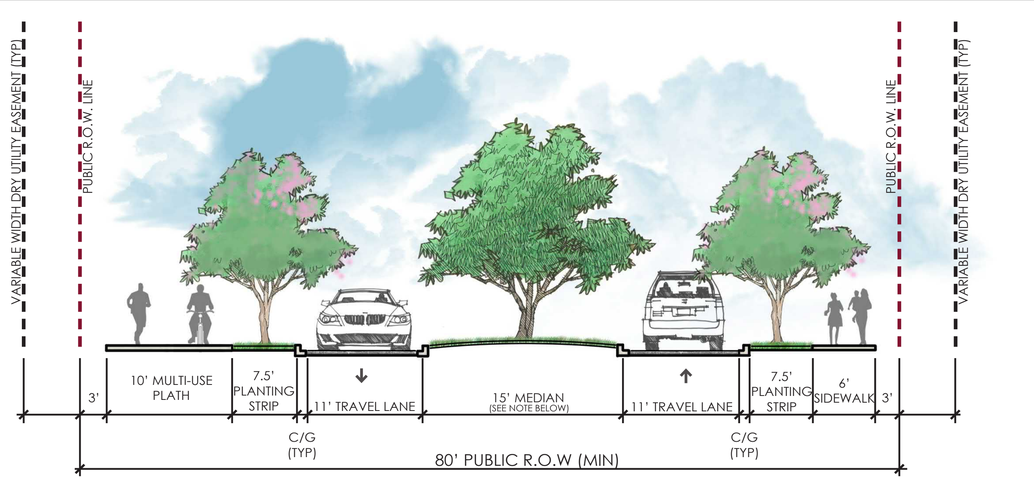
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CONCEPTUAL UTILITY PLAN

JULY 1, 2020

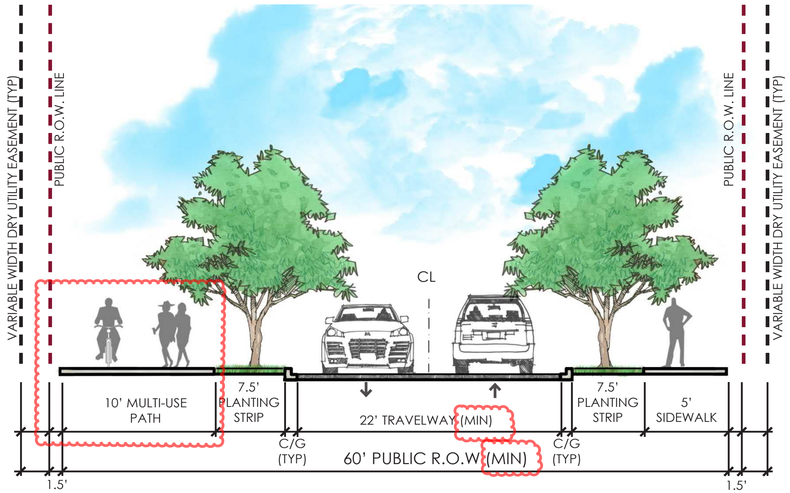


A MP-07 **NEIGHBORHOOD STREET (STREET D)** TYPICAL SECTION NOT TO SCALE

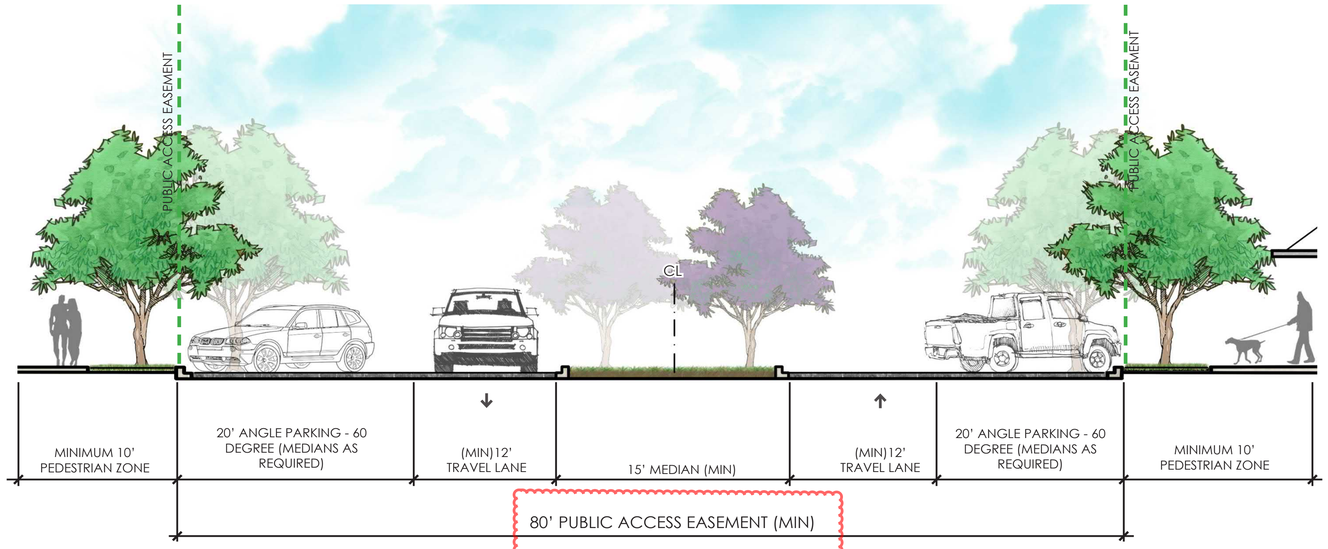


B MP-07 **AVENUE - 2 LANE DIVIDED (STREET A)** TYPICAL SECTION NOT TO SCALE

NOTE: Median width may change as determined by NCDOT taper and storage requirements associated with applicable intersection improvements



C MP-07 **AVENUE - 2 LANE (STREETS A & B)** TYPICAL SECTION NOT TO SCALE



D MP-07 **MAIN STREET - STREET C (PRIVATE)** TYPICAL SECTION NOT TO SCALE

Kimley»Horn

NOTES:
1. Street section are for illustrative purposes and subject to final design. All public and private streets will be subject to the Town's public street standards applicable at the time of this master plan approval.
2. All street trees shall be planted a minimum of 10' from any water, sewer, storm water, utility, or driveway.
3. Where 5' sidewalk falls outside of the Right-of-Way a public access easement shall be provided.

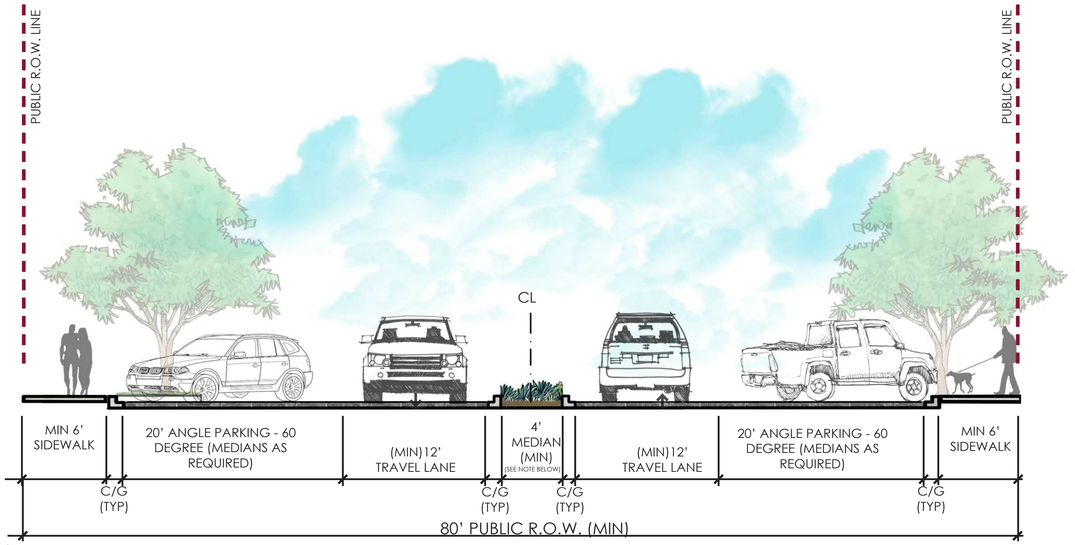
LUMEN - PLANNED DEVELOPMENT DISTRICT
2020-103-PD-MU | CLAYTON, NORTH CAROLINA

URBAN STREET TYPOLOGIES
JULY 1, 2020

preliminary not for construction

preliminary not for construction

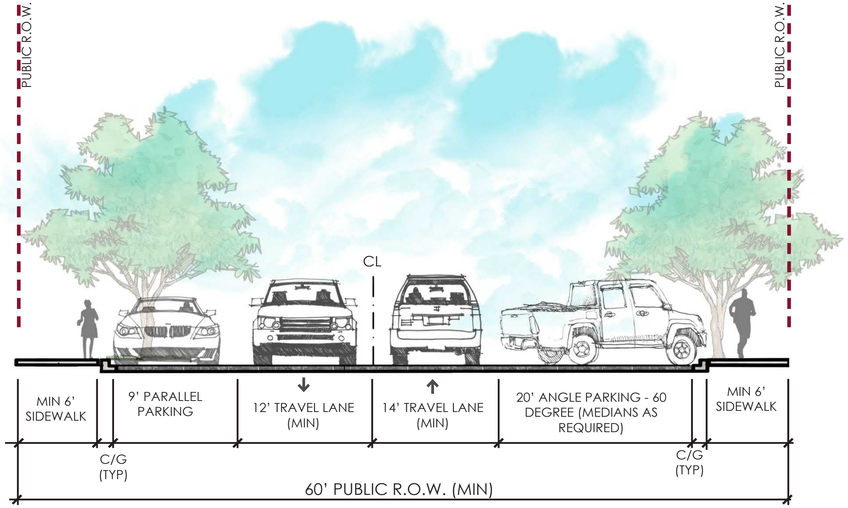
REV DATE	SHEET
8.17.2020	MP-07
11.04.2020	
12.04.2020	
1.29.2021	
09.10.2021	
11.05.2021	



A MP-07.1 **AVENUE 2 LANE -ALT. STREET SECTION 01 (STREET A & B)**

NOTE: In locations where on-street angled parking is proposed on both sides of the street, a median shall be installed.

TYPICAL SECTION
NOT TO SCALE



B MP-07.1 **AVENUE 2 LANE -ALT. STREET SECTION 02 (STREET A & B)**

NOTE: In locations where on-street angled parking is proposed on one side of the street, no median shall be required.

TYPICAL SECTION
NOT TO SCALE

LUMEN - PLANNED DEVELOPMENT DISTRICT

2020-103-PD-MU | CLAYTON, NORTH CAROLINA

URBAN STREET TYPOLOGIES - ALTERNATE SECTIONS

JULY 1, 2020

Kimley»Horn

preliminary not for construction

preliminary not for construction

REV DATE	SHEET
8.17.2020	
11.04.2020	
12.04.2020	
1.29.2021	MP-07.1
11.05.2021	

PLANNED DEVELOPMENT MASTERPLAN
NARRATIVE

LUMEN

CLAYTON, NC

PREPARED FOR:
DAVIS PARK LEASING, LLC.

JULY 1, 2020

Kimley»Horn



PLANNED DEVELOPMENT MASTERPLAN
NARRATIVE

2020-103-PDD
2020-104-SD

LUMEN

CLAYTON, NC

PREPARED FOR:
DAVIS PARK LEASING, LLC.

December 4, 2020

Kimley»Horn

Rezoning Application w/ Master Plan

For

Lumen

A Mixed-Use Planned Development District

Clayton, North Carolina

Prepared for:

The Town of Clayton, North Carolina

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Section 1.0 HISTORY & OVERVIEW

The applicant of this project, Davis Park Leasing, LLC, proposes to create a large-scale Planned Development of approximately 69 acres in western Clayton near the intersection of NC Highway 42 and US highway 70 Bypass. This property is situated on rolling farmland and consists of 4 total parcels, the largest of which has been in the Penny family since the 1930's. Since the purchase from the Government in 1938 as part of a farm recovery program, the property has been the homeplace of the Penny family and heirs. The Penny Home place was originally a 4-room farmhouse that predated rural electrification. The primary hay / cattle barn was previously the county schoolhouse which was moved and repurposed as a barn after a new school was built. The county school bell is still located on the property today.

The farm was originally a significantly larger parcel where the family grew many crops and livestock. Tobacco, sweet potatoes, corn, wheat, rye, hay, soybeans, angus cattle, pigs, chickens etc. Hay has been the primary crop for the Penny Farm for the past 20 years.





In 2008 the completion of US Highway 70 Bypass bisected the property and created an interchange and new frontage along the property. The property also accommodates a 60' wide utility corridor for the regional gas pipeline that serves properties along the corridor. This also opened significant new development potential along the NC 42 corridor and positioned the property as a new gateway to western Clayton.



The subject property is physically bounded by two significant features: NC Highway 70 By-pass to the west; NC Highway 42 to the north. There are also existing natural features and rolling topography to the southwestern portion of the property as well as two existing farm ponds. An environmental assessment has not been conducted at this point, however, there are no indications that any environmental contaminants exist on the property. The developer will work with the property owners to submit necessary information to NCDENR at the appropriate time.

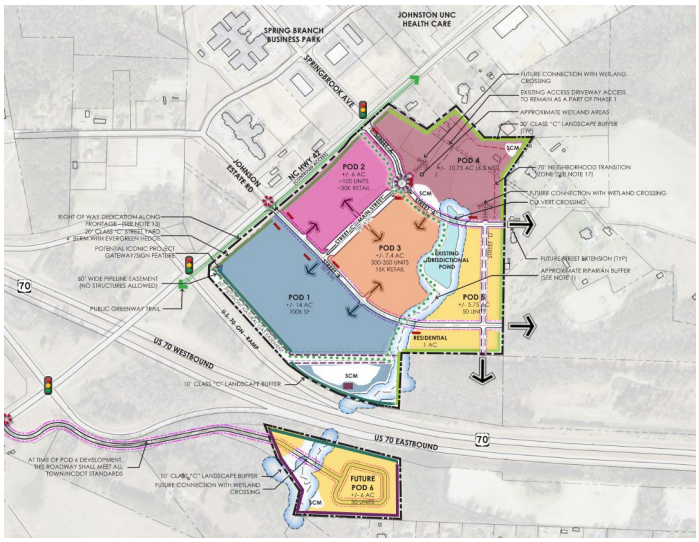
The site is currently zoned RE-Residential Estate and has remained a residential and agricultural use since the land was purchased in 1938. The applicant proposes to redevelop the site for a mixture of residential, commercial and office uses. The proposed planned development program would infuse new development into an assemblage that is poised as a catalyst for urban growth and as a new gateway along the western approach to Clayton.

SECTION 2.0 PURPOSE & INTENT STATEMENT

The Lumen Planned Development will set the stage for high quality, mixed-use development in Western Clayton. The construction of US Highway 70 By-pass, NC Highway 42 widening plans, the currently expanding wastewater treatment facilities along with the JCMH / NC 42 West Area Plan have been put in place to promote and support a more urban pattern of development in what once was rural Johnston County.

In light of the recent development activity and market trends in the Town's jurisdiction, and with an anticipated continuation of growth a favorable development environment, this application seeks to advance the project with a master plan that is market driven while maintaining the broader goals of Town's previous community plan for the western NC 42 Corridor. The overall development will provide flexibility for a variety of complimentary land uses and product types within a planned community setting to create a walkable, live-work neighborhood with housing, neighborhood shopping, employment, and entertainment destinations to serve western Clayton.

Furthermore, this proposal provides a balance of land use types, encouraging a diversity of residential densities, employment center opportunities and zones permissive of a mix of uses that will achieve Clayton's intent of ensuring that this area can develop in a way that *"minimizes congestion on Highway 42, emphasizes walkability, and values aesthetic design principals"* and *"provides the necessary support and cohesion to sustain the viability of the commercial, retail, office, and institutional uses of the plan"*



Conceptual Master Land Use Plan

"This location is a key destination for large retailers, all levels of eating establishments, housing at various densities, and ancillary medical office space. With all these uses comes the opportunity for hundreds of jobs. These workers will want the chance to live close to their place of employment and utilize services in the same community.

- *JCMH / NC 42 WEST Small Area Plan*





SECTION 3.0 MASTERPLAN SUMMARY

The Development Concept

The Lumen development has been envisioned with consideration to the existing and future needs of the surrounding community with a diverse mix of uses: neighborhood retail services, alternative residential options, as well as lodging and employment opportunities and making those needs a closer reality. Currently, the ~69-acre master plan shows over 700,000 square feet of office/institutional uses, a maximum of 480 units of multifamily residential, up to 140 single family and townhome lots, 120 hotel rooms, as well as 90,000 sq. feet of potential commercial/retail. Of equal importance, the plan promotes connectivity and walkability by incorporating pedestrian facilities throughout the development as well vehicular and pedestrian connection opportunities to surrounding properties. Thus, establishing a framework for interconnectivity as the surrounding properties are considered for potential redevelopment opportunities.

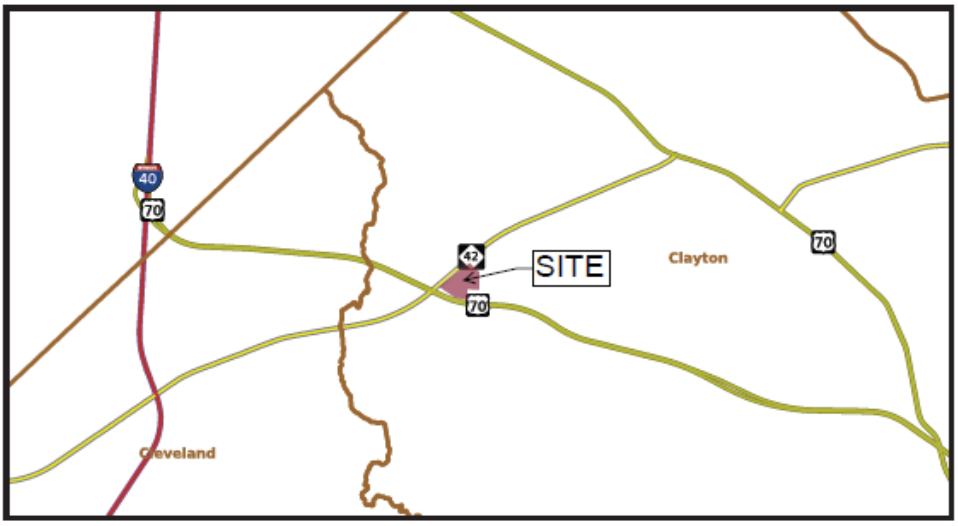
The Masterplan is structured to provide form and framework in the plan but flexibility for developers to bring creativity in response to market conditions and the Town's vision for development and growth.

The development proposed in the master plan is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.

The Development meets the Specific Use standards and Development Standards defined in Articles 3 and 4 of the Town of Clayton Unified Development Ordinance (UDC) by means of the design controls established within. More specifically, the Development Standards will reflect the following:

- Land Use
- Residential and Non-Residential Design Controls
- Key Development Standards
- Architectural Standards
- Landscaping, Buffering and Screening
- Stormwater Management
- Streets and Access
- Vehicular and Pedestrian Circulation
- Utility Infrastructure
- Signage
- General Phasing

Section 4.0 Exhibit A - VICINITY MAP



NOT TO SCALE

PROJECT LOCATION MAP



SCALE: 1"=1000'





Section 5.0 PROJECT DATA:

A. Project Name: Lumen Planned Development District

B. Applicant / Land Planner: Kimley-Horn and Associates
421 Fayetteville St. Raleigh, NC 27601
Contact: Richard Brown, PLA (919) 653-2976
richard.brown@kimley-horn.com

D. Zoning: Existing: RE – Residential Estate
Proposed: PD-Mixed Use

E. Land Use: Existing: Residential; Vacant
Proposed: Mixed Use: Residential / Non-Residential

F. Total Development Area: **69.07 acres**

G. Property Ownership:

Owner 1: Ezra Lee; Paul Scott Penny
PIN **05F02037E** 65.19 ac
Address: 406 Crossway Lane
Holly Springs, NC
27540

Owner 2: Frankie P Medlin
PIN **05F02037B** 1.00 ac
Address: 2219 NC 42 W
Clayton, NC
27520

Owner 3: Langdon, Benny and Seth
PIN **05F02037A** 1.05 ac
Address: 19 Slateford Rd.
Clayton, NC
27520

Owner 4: Langdon, Benny and Seth
PIN **05F02037** 1.83 ac
Address: 19 Slateford Rd.
Clayton, NC
27520

H. Developer/Contract Purchaser: Davis Park Leasing, LLC c/o Craig Davis Properties, Inc.
8000 Weston Parkway, Suite 360
Cary, NC 27513
Contact: Mr. Craig Davis

I. Applicant/Authorized Agent: Kimley-Horn
421 Fayetteville Street, Suite 600
Raleigh, NC 27601
Contact: Richard Brown, PLA





Section 6.0 PERMITTED USES

The PD-MU Planned Development-Mixed Use district is intended to provide coordinated mixed-use developments which include commercial/retail, office (professional and medical), hospitality, civic, institutional, residential and service uses within a planned development with appropriate perimeter buffering and open space. The variety of land uses available in this district allows flexibility to respond to market demands and the needs of tenants, which provides for a variety of physically and functionally integrated land uses.

This application provides for the following uses to be permitted by right within the Lumen Master Plan, as provided for in the PD Text, and in accordance with the Use table (Table 2-1 § 155.202(B)). The permitted uses for the project, in its entirety, shall be as follows:

6.1 Residential Uses (In accordance with and as defined by standards of Section 155.301)

I. Standard Residential Typologies (Section 155.301)

Residential Uses below shall be allowed in PODS 2-6

A) Accessory Apartment
B) Condominium
C) Assisted Living
D) Congregate Living Facility
E) Duplex
F) Multi-Family or Apartment
G) Nursing or Convalescent Facility
H) Single Family (Front / Alley / Rear Loaded)
I) Townhouse
J) Triplex or Quadplex
K) Upper Story Residence
L) Zero Lot Line Residence

6.2 Non-Residential Uses (In accordance with and as defined by standards of Sections 155.302 – 155.308)

non-residential uses shall not be allowed in residential pods 5 & 6 unless specifically specified otherwise below

I. Public/Civic Uses (Section 155.302)

Public / Civic Uses below shall be allowed in PODS 1-4

A) Ambulatory Healthcare Facility with emergency department
B) Assembly
C) Church, or place of worship
D) College or University
E) Day Care Facility
F) Government Service
G) Hospital / Medical Center
H) School, public or private (Elementary or Secondary)
I) Vocation School (Technical, Trade or Business)
J) Veterinary Clinic or Hospital

II. Recreational Uses (Section 155.303)

Recreational Uses below shall be allowed as listed below

A) Entertainment Indoor *(PODS 1-4)*
B) Entertainment Outdoor *(PODS 1-4)*



C) Park *(PODS 1-6)*
D) Fitness/Recreation facility *(PODS 1-6)*

III. Commercial / Retail Uses (Section 155.305)

Commercial / Retail Uses below shall be allowed in PODS 1-4

A) Lounge, Cocktail
B) Microbrewery
C) Bed & Breakfast
D) Parking Garage, commercial/office
E) Hotel or motel (may include conference center)
F) Barber and beauty shop
G) Book store
H) Restaurant
I) Retail Sales
J) Convenience store
K) Convenience store with gas sales
L) Laundry service, Dry Cleaners
M) Financial institution
N) Funeral home
O) Outdoor Seating/Sidewalk Café
P) Office, General
Q) Office, Medical
R) Publisher

IV. Industrial Uses (Section 155.306):

Industrial Uses below shall be allowed in POD 1

A) Laboratory, Research
B) Manufacturing, Light
C) Research & Development

V. Utility Uses (Section 155.305):

Utility Uses shall be allowed in PODS 1 & 6

A) Communication Tower Commercial
B) Communication Tower – constructed Stealth

VI. Accessory Uses (Section 155.308):

Accessory Uses shall be allowed in PODS as listed below

A) Farmers market *(PODS 1-6)*
B) Food Trucks *(PODS 1-6)*
C) Parking Deck (Commercial) *(PODS 1-4)*
D) Parking Deck (Residential) *(PODS 1-4)*

END OF PERMITTED USES

NON-PERMITTED USES

The following uses will be precluded by the master plan

A) Tattoo Parlor
B) Pawn Shop
C) Adult Oriented Businesses
D) Public storage
E) Manufacturing, Heavy





F) Distribution center
G) Fleet Vehicle Storage
H) Towing Service/Vehicle Storage
I) Junk Yard
J) Warehouse and Freight Movement
K) Open Dump
L) Outdoor gun range
M) Vehicle Repair and Service
N) Building Supplies, Wholesale

Section 7.0 LAND USE INTENSITY AND DESIGN CONTROLS

7.1 Land Use Plan: The approved land uses (per Section 6 - *Permitted Uses*) can be located within the PD as illustrated on ***MP-03*** - *Master Land Use Plan*, outside of defined non-development areas.

7.2 Non-Residential Land Use Controls

VII. Maximum Square Footage

A. *Non Residential Uses* = **800,000** sf*
1. Commercial/Retail: 90,000 square feet (maximum)
2. Office/Medical: 700,000 square feet (maximum)
3. Hospitality: 120 rooms; (maximum)
4. Civic/Public/Conference: 10,000 square feet (maximum) – *may be part of hospitality use*

**Please note: These square footages are maximum estimates only. There is no guarantee that once all applicable code sections are met during site plan approval that this maximum number will be able to be achieved. Furthermore, distribution of these footages within the development may vary. However, the ultimate square footage shall not exceed the maximum above and/or total trip generated in the T.I.A.*

Note: The Planning Department may approve up to a 10 % increase in sf, provided that these increases do not exceed the total trip generation budgets set forth by the TIA.

7.3 Residential Land Use Controls

I. Maximum Residential Units/Lots

A. *Residential Uses* = **620** dwelling units[2]
1. Multi-family Apartments: 400 [3]
2. Condominium: 80 units[3]
3. Townhomes/SF lots: 140[1]

Note 1: All townhomes and single-family lots are anticipated as standalone structures only. Apartments and Condominiums may be standalone or vertically integrated within the upper levels of a mixed-use building.

Note 2: Residential uses may be transferred between pods. However, in no case shall the overall intensity (total dwelling units) of residential development exceed the maximum listed herein, without approval of an amended Traffic Impact Analysis to demonstrate



the adequacy of proposed roadway improvements to accommodate requested increases. Proposed maximums do not include Accessory Dwelling Units.

Note 3: Multi-family apartments and condominiums may be interchangeable.

B. *Allowable Residential Use Types:*
Residential uses may include those provided for in *Section 6 - Permitted Uses*.

Note: The Planning Department may approve up to a 10 % increase in sf, provided that these increases do not exceed the total trip generation budgets set forth by the TIA.

7.4 Mixed Use Requirements

It is anticipated that **PODS 2 and 3** will include Mixed-Use building(s) which will allow for a mix of residential and non-residential uses arranged vertically or horizontally. Vertical mixed-use buildings, when they occur, shall not be regulated with respect to the mix of uses or location of those uses within each building type but shall meet all other height, dimension, and design controls established in the approved PD documents. Furthermore, it is anticipated that **POD 4** will allow for a mix of residential and non-residential uses. In no case shall the uses surpass the land use intensity and design controls as specified in 7.2 and 7.3 above.

Table ES-1
ITE Traffic Generation (Vehicles)

Land Use Code	Land Use	Intensity		Daily		AM Peak Hour		PM Peak Hour	
				In	Out	In	Out	In	Out
210	Single-Family Detached Housing	140	d.u.	709	709	26	78	88	52
221	Multifamily Housing (Mid-Rise)	480	d.u.	1,307	1,307	41	118	122	78
310	Hotel	120	rooms	464	464	32	23	33	31
720	Medical Office Building	700,000	s.f.	13,403	13,403	1,073	189	189	1,071
820	Shopping Center	35,000	s.f.	1,472	1,472	105	64	120	130
850	Supermarket	55,000	s.f.	2,937	2,937	126	84	259	249
Subtotal				20,292	20,292	1,403	556	811	1,611
Internal Capture				*2,893*	*2,893*	*123*	*123*	*201*	*201*
Pass-by Capture				*1,101*	*1,101*	*0*	*0*	*108*	*94*
Net New External Trips				**16,298**	**16,298**	**1,280**	**433**	**502**	**1,316**

Table ES1 – *Trip Generation, from Traffic Impact Analysis*





7.5 Residential Design Controls

Article 4 Design Standards, 155.405 Table of Intensity and Dimensional Standards shall apply to all uses EXCEPT as specifically provided for below. If subsequent revisions to the UDC after approval of the PD result in less restrictive standards, those standards may be then applied accordingly.

Land Use	Access	Min. lot size	Min. lot width	Front setback*	Side Interior setback*	Side Street	Rear setback*	Max. Impervious Coverage %	Max height	Max. density /ac
Single Family Detached	Front Loaded	5,000sf	42’	25’	6’	10’	20’	65%	35’	8-10
Single Family / Zero Lot Line	Front Loaded	5,000sf	42’	25’	0’	10’	20’	65%	35’	7
Single Family	Alley / Rear Loaded	3,500sf	30’	15’	6’	10’	10’	70%	35’	7
Senior living	N/A	NA	NA	25’	20’	15’	25’	70%	65’	NA
Townhouse (2 units)	Front Loaded	8,000sf	NA	25’	25’	10’	10’	70%	35’	14
Townhouses, (3+ units)	Front Loaded	20,000sf	26’	25’	3’	10’	10’	70%	45’	14
Townhouses (attached)	Front Loaded	NA	18’	25’	0’	10’	10’	70%	45’	14
Multi-family, Condos**	N/A	20,000sf	NA	15’	15’	15’	15’	70%	85’	20

** **Internal Setbacks:** there shall be no minimum front or side street setback to internal private street easements.*

*** Podium deck shall be allowed for ground floor of condominium and Multi-family uses*

7.6 Non-Residential Design Controls

Article 4: General Development Standards 155.405 Table of Intensity and Dimensional Standards shall apply to all uses EXCEPT as provided for below. In the event that revisions to the UDC after approval of the PD result in less restrictive standards, those standards may be then applied accordingly.

Land Use	Min. lot size	Min. lot width	Front setback	Side setback	Rear setback	Max. built-upon area[2]	Max height[3]	Max. Density[1]
Commercial	NA	NA	10’	10’	20’	70%	45’	15k sf/Ac
Retail	NA	100’	10’	10’	20’	70%	45’	15k sf/Ac
Office/Medical[4]	NA	100’	0’	0’	20’	70%	145’	65k sf/Ac
Hotel	NA	100’	10’	0’	20’	70%	145’	-----
Mixed Use Bldgs[4]	NA	100’	0’	10’	0’	70%	75’	20k sf/Ac





1) Nonresidential design controls shall be in accordance with Section 155.405 Table of Design Standards – Non-residential and Multi-family Residential except *that Staff may approve, at Site Plan application, alternate standards to encourage high density, mixed-use product types.*

2) Actual built-upon area shall be determined for each development pod/parcel and accounted for the entire development with the final site plan application.

3) Certain architectural elements (project identity features, towers, spires, etc.) may surpass land use height limits, but in no case shall they surpass 20' feet above the maximum allowable POD heights.

4) In some cases, Office/Medical buildings may have retail/commercial uses on the ground/street level. The 145' Height limit shall apply to these buildings.

7.7 Landscaping, Buffering and Screening:

The proposed landscaping is an important and unifying element throughout the Lumen development the following outlines basic elements and areas of special consideration. Where landscaping is not specified herein, development shall comply with the required Landscaping Regulations under Section 155.402 of the UDC.

STREET PROTECTIVE YARDS ALONG NC HWY 42: To enhance thee street frontage following NCDOT's construction of the NC 42 widening, the developer will provide a minimum of twenty (20') foot wide Class 'C' street yard for all uses in Pods 1, 2 & 4 along the NC 42 frontage. Street yard plantings for areas along the frontage shall be installed at rates for trees and shrubs. In addition to the plantings, shall be a berm, 4' in height, with a continuous evergreen hedge with a minimum height of 2' for a combined height of 6'. This 20' wide street yard will also be designated and credited toward the open space for the overall development.

All portions of the PD district shall meet Section 155.402 of the UDC, Landscaping, Screening and Buffering unless specifically provided for within and provided that the Planning Director may approve a reduction or elimination of required buffers or screening between uses for mixed use parcels at the time of individual site plan submittals.

Specific buffer standards are included in the PD as provided for in Section 155.402 of the UDC, Landscaping, Buffering and Screening and as identified on the Master Land Use Plan ***MP-03***.

Neighborhood Transitions: A 70' wide neighborhood transition zone will be provided in Pod 4 (See MP-03) adjacent all residential properties. Height within this transition zone shall be limited to a base height of 45'. Uses allowed within POD 4 and may have a maximum height of 145', however, in no case shall the height exceed 45' within the neighborhood transition zone as shown on the master plan.





Section 8.0 PARKING AND LOADING REQUIREMENTS:

Except where variations are prescribed within this section and approved as part of this PD, Parking and Loading for all uses included in The Development shall comply with Article 4: **Section 155.401.**

OFF-STREET PARKING TABLE 10.1 *(variations from Section 155.401)*

Residential Uses	Parking Ratio	Bike Parking Ratio
• Multi-family - 1BR	1 per DU	1/50 units
• Multi-family- 2 or more BR	1.5 per DU	1/50 units
• Congregate Living/Nursing Home	.5 per unit or bed	1 rack/building
• Assisted living/Sr. Care	1 per DU	1 rack/building
• All other	2 per DU	N/A

Non-Residential Uses	Parking Ratio	Bike Parking Ratio
• Commercial/Retail	1 / 250 sf	1/50 auto spcs (max. 30)
• Office General	1/300 sf	1/40 auto spcs (max. 50)
• Office Medical	1/300 sf	1/40 auto spcs (max. 50)
• Hotel/Motel	1 per room	1/20 auto spcs (max. 10)

In addition, staff may approve further reductions in parking standards with an approved shared use parking analysis that supports a lower demand and demonstrates that a reduction in parking standards can adequately serve both residential and non-residential uses in a contiguous mixed-use environment.

Notes:

1. The provision of parking spaces and passenger loading areas for persons who have disabilities shall be governed by the Americans with Disabilities Act (ADA) Standards for Accessible Design.
2. In addition to the parking requirements of UDC Table 10.1, Minimum Off-Street Parking Requirements, uses with company vehicles shall provide 1 space per company vehicle.
3. The Planning Director may reduce the required number of parking spaces by up to 10% for reasons of topography, tree preservation, mixes of uses, ride sharing programs, availability of transit, or other conditions specific to the site, provided that the reduction in the required number of parking spaces satisfies the intent of the UDC.
4. The Planning Director may reduce the required number of bike racks, provided that the reduction in the required number of spaces satisfies the intent of the UDC.





Section 9.0 ARCHITECTURAL STANDARDS:

Architectural Standards

1. Non-Residential Uses

I. Proposed Non-Residential Materials

Materials shall include, but not be limited to, the following:
A. Brick or simulant;
B. Stone or simulant;
C. CMU products; no smooth faced or painted CMU is permitted; it shall be textured and integrally tinted.
D. E.F.I.S (to be used as trim or accent only) and;
E. Glass

At the time of Site Plan submittal, preliminary elevations and a materials board shall be submitted to the Town of Clayton for review and approval. At the time of a Building Permit application, if a materials palette changes, an amendment to the site plan will be required.

II. Building Elevations

All building elevations which are facing primary elements and roadways will include recessed and projected facades which will prevent large, overbearing storefronts. Each building will be required to provide architectural characteristics that are complimentary to primary facades on all sides of the building.

For Mixed-use and Office Building which abut public streets and are greater than 100 feet in length shall have first floor facades with storefronts/glazing that occupy a minimum of 60% of the wall area fronting the public street.

Throughout each non-residential development, a complimentary color palette shall be used to ensure harmonious design throughout.

Retail buildings shall have a greater area of openings (storefronts and entrances) on the ground floors and may have design elements such as solid parapets above.

Mixed Use or office and institutional buildings will have more glass at ground level and less on upper levels.

Special windows, window groupings, as well as a mixture of large and small windows could be used to create a hierarchy of importance on a building, especially at entrances.

Parapets shall have returns that are at least 50% of the width of the parapet.

All screening requirements shall be met as stipulated in the Clayton U.D.O. with regards to waste disposal, loading areas, and so forth.

III. Building Orientation

Buildings shall be oriented to help define a street and to frame street corners, which will encourage pedestrian activity and define spaces.





2. Residential Uses

I. Proposed Residential Materials

Materials shall include, but not be limited to, the following:
A. Brick or simulant;
B. Stone or simulant, and;
C. Stucco (to be used as trim or accent and will not be used as a primary material);
D. Wood siding, cement fiber siding (Hardi-plank), and Wood composite (Smart side).

At the time of Site Plan submittal, preliminary elevations will be submitted for review and approval. At the time of Building Permit application, a materials board shall be submitted to the Town of Clayton for approval.

IV. Parking Deck Elevations

All parking decks contained within the development shall be compatible with surrounding buildings. Facades visible from public streets shall unify the deck with the façade treatments for the building/uses it supports. Where feasible, retail and office may be incorporated into the street levels of any parking decks. Parking structures may be integrated as part of other building uses or may be stand-alone. If Stand-alone, the deck façade treatments shall unify the deck as noted above.

Section 10.0 SIGNAGE:

All signage within The Development shall comply with the signage requirements as set forth in Section155.403, Signs, of the Town of Clayton Unified Development Code. Individual Signage Plans shall be submitted as part of the individual plan approvals for the various development tracts within The Project.

Section 11.0 STORMWATER MANAGEMENT:

Most of the site area is cleared open land and currently drains to nearby and ponds and drainage channels internal to the site (***MP-01*** *Existing Conditions*). The proposed development will require storm water management measures for quality and quantity treatment in accordance with the Town of Clayton Stormwater Design Manual. A network of subsurface reinforced concrete pipes will convey storm water flows from impervious areas to proposed Stormwater Control Measures (SCMs). Locations for the SCMs shall be identified during final infrastructure design. All stormwater management will be required to meet all North Carolina Department of Environmental Quality (NCDEQ) and Town of Clayton design requirements at time of infrastructure plan submittal.





Section 12.0 NATURAL RESOURCE AND ENVIRONMENTAL PROTECTION:

I. Watershed Information:
The subject property is located within the Neuse River Watershed District.

II. FEMA Floodplain
There is no FEMA floodplain located on the subject property per FIRM Map 3720164800K, Panel: 1648, effective June 20, 2018.

The Development shall comply with the applicable regulatory standards of the Town's UDC as amended related to natural resource and environmental protection and the provisions of the PD.

III. Environmental Findings:
Kimley-Horn conducted an environmental wetland and buffer delineation report (Appendix G). The preliminary findings of this report have preliminarily mapped wetlands and any jurisdictional features present on the subject property. Streams and wetland and jurisdictional determinations have been preliminarily mapped by Kimley-Horn and Associates. Applicability and status of these features will be confirmed and reviewed by NCDENR and the Army Corps of Engineers prior to development.

IV. Resource Conservation Areas:
Per UDC Section 155.500 Resource Conservation Areas, these environmental areas may not be occupied by buildings or other impervious surface areas associated with development impacts exceeding 5% of each Resource Conservation Area.

The proposed master plan (sheet MP-03) will require limited impacts to these RCAs. Proposed impacts shall be limited to public streets and pedestrian walkways (sidewalks, multi-use paths, etc) such that wetland disturbance does not exceed ½ acre as required by the US Army Corps of Engineers. These impacts are necessary in order to serve the public benefit of the overall development as well as surrounding land areas which will be offered public access through the property. However, in no case shall private buildings, structures, parking, or other impervious surfaces impact greater than 5% of any resource conservation area.





Section 13.0 PUBLIC FACILITIES:

All public facilities improvements shall be designed and installed in compliance with the Town of Clayton Ordinance, Chapters 50-52. Each of the major infrastructure elements is described below:

13.1 Sanitary Sewer Service

Refer to ***MP-06*** for a conceptual utility plan of the sewer infrastructure required to service the Development. There is an existing 8" force main within NC 42 along the project frontage, operated by the County. The project is anticipated to be developed in multiple phases (refer to exhibit ***MP-04***). The site will drain by gravity to a proposed pump station. This pump station will connect by force main into the existing 8" force main within NC HWY 42 or will extend to a point of connection within the Walnut Creek Collection Area. The phasing of the project and capacity limitations of the Johnston County and Town of Clayton infrastructure will determine the appropriate point of connection for the proposed force main.

Given the current capacity limitations in the Town's existing sanitary sewer infrastructure, it is understood that the phasing of the development may be subject to available capacity at the time of the initial subdivision/development plan for the property. The Town is currently planning to add treatment capacity by 2023 and will prioritize this proposed development. Average daily Sewer flows based on the proposed land uses and projected intensities are expected to be between 250,000 - 400,000 GPD.

Based on currently estimated flows and existing infrastructure, the proposed pump station is anticipated to be required in Phase 1 of the development (based on ***MP-04***). The pump station and force main within the site will be the responsibility of the developer/applicant and will need to be sized based on project flows associated with actual development project(s) at the time of Subdivision application. Responsibilities for cost and construction of potential off-site force main upgrades or new force main infrastructure may be shared between the Town and the development. Actual demand and sewer infrastructure improvements by phase shall be determined during final design and will conform to Town of Clayton Public Works and Utilities Department requirements.

13.2 Water Service

Refer to ***MP-06*** for a preliminary master utility plan. Water services exist along the property along the NC Highway 42 frontage. Water services will be connected to the existing main and looped through the property via a public main. The size and specification of water infrastructure shall be determined during final design and will conform to Town of Clayton Public Works and Utilities Department requirements.

Based on anticipated domestic and fire flow demands of the development, an elevated water tower may be required for this area prior to the completion of the full build-out of this development. Coordination with the Town of Clayton and Johnston County Utilities will determine the location and sizing of the water tower. The design and construction of the water tower will be a public project in order to serve the growing demands of the area. Up to 1 acre of land area may be dedicated on the subject property for construction of this facility.

13.3 Gas & Electric Service

The Development is in the natural gas service area of Piedmont Natural Gas. The service provider will require a revenue analysis be completed based on the proposed development to determine the applicable costs to the developer for installation of infrastructure.

For areas with existing electrical infrastructure, the developer will have a choice of service provider. It is anticipated that the major power distribution on the site perimeter will be standard overhead lines along public streets and internal services will be installed underground along the proposed private roadway infrastructure.





13.4 Streets/Roads:
The Development will require improvements to develop a new internal roadway network and external points of access in accordance with the recommendations of the final Development Transportation Impact Analysis and as approved by the NCDOT. Roadway improvements required to support the PD may include both public and private streets. The street network and typology designations are shown on ***MP-04 Blocking Framework and Phasing Plan.*** The street network is conceptual and subject to adjustment pending final design and engineering. Public right of way dedication will be required for proposed internal public streets as shown on the Masterplan.

All new streets (public and private) shall be in accordance with street cross-sections per ***MP-07 Urban Street Typologies*** and shall be constructed to public street standards of the Town's Engineering Design Manual. Additionally, on-street parking will be allowed (although not required) on public and private streets in locations as generally depicted on ***MP-04 Blocking Framework and Phasing Plan*** and in accordance with the conceptual urban street cross-sections provided on ***MP-07.1 Urban Street Typologies – Alternate Sections***.

Access: A total of two (2) access points are identified on ***MP-03*** – *Master Land Use Plan*. Final engineering plans for driveway access will be developed in conjunction with individual site plan applications or as provided for in the ***MP-04*** *Blocking Framework and Phasing Plan*.

Future Cross Access: It shall be a condition of the PD that if and when NCDOT takes action to close access to the below referenced parcels from NC Hwy 42 that an offer of cross access to connect to these parcels to the internal street network via an executed access easement to a common property line be made in a timely manner in coordination with the proposed action by NCDOT. In the event that the referenced parcels are recombined or sold to another party in the future, the requirement for cross access only applies to the resulting parcels without a means of access to NC 42.

1. ***Parcel 05G03071*** (*currently Matthew R. and Maureen Pooley*)
2. ***Parcel 05G03071O*** (*currently Page, Alice David*)
3. ***Parcel 05G03071N*** (*currently Matthew R. and Maureen Pooley*)
4. ***Parcel 05G03066*** (*currently Merriman, Jason T. and Kelsey*)
5. ***Parcel 05F02037H*** (*currently Blinson, Benjamin G. and Trude*)
6. ***Parcel 05F02037J*** (*currently Sanders, Courtney*)

13.5 Greenways: The PD will provide easements for Town of Clayton greenways generally consistent with the current Parks and Recreation Master Plan and specifically as shown on ***MP-03***. This greenway shall be constructed at the time of development. Additionally, an internal private greenway trail will be provided connecting the development pods to the greenway along NC-42 (***see MP-03***). Phasing will be in accordance with ***MP-05***.

13.6 Public Transit: Because the Master Plan is conceptual in nature, no definitive solutions for transit service can be offered at this stage. As the plan develops, with specific uses and the internal street network, specific transit opportunities can be explored with the Town of Clayton. Ultimately, the pedestrian network will provide direct pedestrian links between residential and non-residential uses and can do so to any future designated transit stops provided as well.





Section 14.0 PHASING:

OVERALL PHASING:

Schedules for the ultimate phasing of plans, permits and construction for the project will be dependent on market forces and requirements for infrastructure improvements. Initial phases of the development will require extensions of public streets, water and sanitary sewer systems. Areas along existing NC Hwy 42 will likely be the first to be developed. At the current time, Phase I includes all of POD 3 (see ***MP-04*** – *Blocking Framework and Phasing Plan)*. However, smaller phases may be created and approved by the staff. The referenced phase numbers on the Phasing Plan do not necessarily represent the exact sequence of development. Unless specifically stated herein and with the approval of the Planning Department, the developer retains the right to reconfigure the phases based on market forces and infrastructure needs. The wastewater treatment plant is anticipated to be online by early 2023.

Off-Site Roadway Improvements:

1. A traffic impact analysis (TIA) for the entire development is in review by the town of Clayton and the NCDOT. Recommendations for access and roadway improvements required to support the entirety of the proposed development program are included in the TIA.

2. Agreed upon access and roadway improvements necessary to support each development tract, must be in place prior to the initial certificate of occupancy (CO) for each respective phase or tract associated with those improvements unless an alternate trip threshold analysis is provided. All phasing improvements are subject to final approval from NCDOT.

Phasing of Utility Infrastructure Improvements: Utility infrastructure is anticipated to occur as shown on ***MP-06*****.**

1. Sanitary sewer mains will be extended on an as needed basis from the proposed pump station to serve portions of the property. The need for a new pump station will be evaluated and constructed as needed to serve the PD. This study will occur in conjunction with the subdivision or Site Plan applications for development plans in the basin served by this pump station.

2. Water service will be provided from the existing 16" main within Highway 42 as property frontage develops. At such time that water flows require that a looped system be established, water will be looped through the property and connected to Highway 42. The Town of Clayton has identified a site for a future water tower. This water tower will further increase the water capacity for serving the site.

Phasing of Streetscape Improvements:

1. Street improvements will be constructed in up to 4 phases ***(See MP-04 & MP-05)***. This phasing is general in nature and the order of phasing may be revised as development occurs.

2. Landscaping associated with required streetscape improvements shall be installed along, and limited to, the frontage of each development tract adjacent to NC Highway 42 and internal public streets in conjunction with each respective subdivision or Site Plan application.

Phasing of Buffer Plantings: Buffer plantings, where required to meet Class 'C' Buffer standards, shall be planted in conjunction with, and limited to the development tract frontage, for each approved subdivision or Site Plan application sharing a property line with residential parcels along the east property boundary.





Section 15.0 CONSISTENCY WITH TOWN PLANNING – LAND USE PLAN:

Rezoning Approval Criteria:

15.1 Consistency with the adopted plans of the Town.
This Master Plan proposal is consistent with adopted plans of the Town of Clayton.

This assemblage is part of the JHMC NC 42 West Area Plan that was adopted by the Town in November 2007. As part of this plan, this parcel is designated mixed use and is intended to have high quality uses and a wide variety of both residential and non-residential uses for the surrounding area.

15.2 Suitability of the subject property for uses permitted by the current vs. the proposed district.
The property is uniquely situated at a major gateway intersection with two of the Town's major transportation corridors. Land uses are conducive to the location and supported by traffic and compatible with the development patterns. The size of the assemblage and proposed infrastructure will also support the proposed mix of uses, with retail, office/institutional, public/civic, townhomes and even congregate care being proposed.

15.3 Whether the proposed change tends to improve the balance of uses or meets specific demand in the Town.
This parcel is designated by the Future Land Use Map as Neighborhood Center and is intended to have high quality uses and a wide variety of both residential and non-residential uses balancing the demands of the surrounding area. This request takes that into full consideration. The applicant will hold neighborhood meetings with surrounding neighborhoods and landowners to ensure that, to the greatest extent possible, the reasonable needs of the surrounding community are met.

15.4 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.
Adequate public facilities, including existing and proposed roads, existing and proposed wastewater treatment, existing and proposed potable water and existing/proposed stormwater infrastructure are either existing or will be improved to meet the demands of the proposed uses.

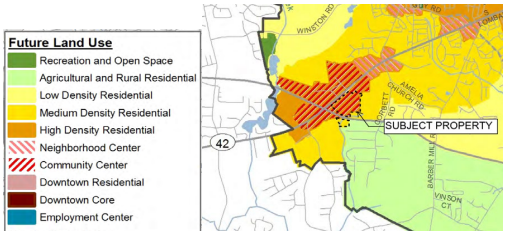
15.5 It has been determined that the legal purposes for which zoning exists are not violated.
The proposed zoning does not violate the legal provisions of the Town's Code.

15.6 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.
The proposed zoning does not adversely affect the adjoining properties and property owners.

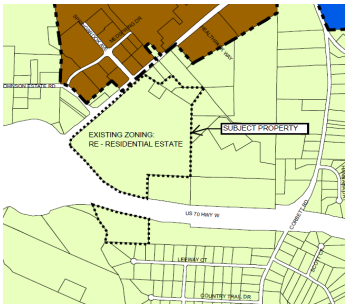
15.7 It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
The proposed zoning does not result in one property owner or small group of property owners to the detriment of the general public.

U.D.O. Consistency Statement

Unless otherwise stated in this document, all other applicable portions of the Clayton UDC shall be adhered to.



Appendix B: FLUM – Future Land Use Map



Appendix C: Official Zoning Map (Amended April 2, 2018)

Section 16.0 AMENDMENTS AND APPROVALS

16.1 Property Owner Changes

Only parties owning property within the Lumen PD shall have the right to amend this PD and the Plans and Exhibits hereto, but only to the extent any such amendment applies to individual properties owned by such parties. Any property owners' association owning and/or maintaining common open space and/or landscape amenities must join in all amendments to this PD.

16.2 Town Approval of Changes

Amendments to this Master Plan may be required from time to time. Any future, proposed amendments shall be reviewed and approved in accordance with the requirements of Article 7 of the Unified Development Code.

The Planning Director may approve up to a 10 % increase in sf, provided that these increases do not exceed the total trip generation budgets set forth by the TIA.

END OF PD TEXT





Appendix E Property Ownership / Adjoiners

Parcel ID Number	Property Owner Name	Address
05G03199L	Stanley, Russel C	1028 Breeze Lane
05G03071N	POOLEY, MATTHEW R	2219 F NC HIGHWAY 42 W
05G03066	MERRIMAN, JASON T.	2219D NC HIGHWAY 42 W
05F02037H	BLINSON, BENJAMIN G	2219-I NC 42 WEST
05F02037J	SANDERS, COURTNEY	2219 NC HIGHWAY 42 W UNIT J
05F02037G	WOOTEN, JAMES H SR	2117 N C 42 WEST
05G03072A	WOOTEN, JAMES H SR	2117 N C 42 WEST
05G03073A	JERRY M COATS AND PHYLLIS G COATS TRUST	2149 NC HWY 42 WEST
05F02037D	JP COATS LLC	2150 NC HWY 42 WEST
05F02037C	JP COATS LLC	2151 NC HWY 42 WEST
05F02035G	UACFE LLC	12 LAFOY DRIVE
05F02035F	BODDIE-NOELL ENTERPRISES, INC.	PO BOX 1908 Rocky Mount, NC 27802
05F02035H	UACFE LLC	12 LAFOY DRIVE
05F02035A	SPRING BRANCH SQUARE, LLC	303 PARKRIDGE DR
05F02036	SPRING BRANCH PLAZA LLC	PO BOX 1559 WAKE FOREST, NC 27588
05F02035D	MALLIPADDI, PRAMOD	4807 CHESTNUT GROVE DRCHAMPAIGN, IL 61822
05F02035	PARMAR, AMRUTLAL	388 BROADMOOR WAY
05G03199B	JOHNSON, NETTIE ERDINE	2740 NC HIGHWAY 42 W
05F02038	NC DEPT OF TRANSPORTATION	PO BOX 3165 WILSON, NC 27895
05G02195B	JP COATS LLC	2149 NC HWY 42 WEST
05G03066X	MENDEZ, SELVIN OMAR	148 LEEWAY CT
05G03067S	COLPETZER, KEITH E	144 LEEWAY CT
05G03068G	TORREZ, GIRELDA PAOLA MEJIA	140 LEEWAY CT
05G03067C	CONYERS, JOHNNIE L	136 LEEWAY CT
05G03199H	TAP PROPERTIES LLC	273 D BLUE POND RD



Appendix F Owner Authorization Forms

	TOWN OF CLAYTON POLICY	
	Department: Public Services	**Effective:** January 21, 2020
Policy Title: Water & Wastewater Allocation Policy Version #02 (V.02)		**Supersedes:** TC Action 2010-026
		Prepared By: Richard D. Cappola Jr., PE Public Services Director
		Approved By: Town Council **Date: January 21,2020**

I. Purpose

The Town of Clayton has invested substantial capital in the infrastructure necessary to support a growing, prosperous, and healthy community. Water supply and wastewater treatment capacities are among the most important elements of this infrastructure. The intent of this policy is to provide for the judicious allocation of these resources in conformity with adopted goals and priorities in an effort to shape the community consistent with the articulated vision to become the "Premier Community for Active Families." This policy is intended to manage the remaining capacity available until additional capacity is developed through construction of a new Water Reclamation Facility, and should be reviewed periodically to ensure it is achieving the intended purpose.

II. Scope

The Town Council for the Town of Clayton has adopted the Comprehensive Plan 2040 which is a useful tool to successfully evaluate applications for allocation of public resources so that the character of the community shall be consistent with its vision, values, and plans. In accordance with the "Town of Clayton Strategic Growth Plan", utility allocation reservations should support and maximize the concept of increasing the Town's property tax based revenues by the expansion and improvement of higher valued land use development, emphasizing a balance of Residential, commercial, and industrial uses.

III. Policy

The Town of Clayton seeks to grant utility allocations such that the existing character of the Town's utility customer base does not become more residential than is practical to achieve the intent of the Strategic Growth Plan, and seeks to increase the diversity of the customer base by increasing the percentage of resources devoted to industrial, commercial, and mixed use development.

The total amount of available capacity and each incremental increase in capacity should generally be allocated based on the following parameters:

- No more than fifty percent (50%) of the total available capacity may be allocated to projects that include solely residential development.
- At least thirty percent (30%) of the total available capacity shall be reserved for allocation to commercial/industrial projects.
- Projects encompassing mixed use (residential and commercial) elements may be considered for allocation even if such an allocation will exceed the limit established above for residential use. Note: These percentages may be reviewed and adjusted by the Town Council at their discretion.

Due to weather related factors, the regulatory environment, and the dynamic nature of wastewater flow and treatment, accounting of available utility capacity is, by its very nature, inexact. The Town of Clayton shall track allocation reservations granted and the amount of capacity available. Such reports do not constitute a policy statement, commitment or guarantee on the amount of capacity available for allocation.

The following hierarchy shall apply to evaluation of utility allocation requests:

- Commercial properties with quality development projects
- Development projects with a mixed-use element
- Industrial projects and other major employer entities
- Additional phases attached to residential projects with a proven record of quality product and economic success
- Residential projects that include tangible, high quality community amenities
- Residential projects that include diverse products and opportunities
- Residential projects not otherwise described above

Evaluation of projects will be based on the scoring rubric attached hereto as Exhibit A, which is incorporated in this Agreement by reference. A project must meet or exceed 50 points to receive an allocation. Proposed projects can gain BONUS POINTS by the applicant offering to provide items listed on the rubric as part of their development proposal. Examples of these items may include such things as additional amenities (fire pits, community gardens, etc.) or offering to provide "Minimum of 25% of building façades will be made of masonry materials."

The Town of Clayton may allocate utility service capacity to competing projects based on a demonstrated intent and ability of the applicant to meet adopted Town goals and plans for character and quality of development. The Town of Clayton reserves the right to deny a utility allocation request if the applicant fails to adequately demonstrate that the project meets adopted Town goals or plans, or in the case that the project is deemed to be less supportive of Town goals or plans of a competing project.

IV. Procedure

The owner or developer of any project requiring water or wastewater utility service from the Town of Clayton shall submit a written application, in the application form provided by Town Staff, for an allocation reservation. The application shall include detailed information on the amount of capacity necessary to serve the project, the nature of the project, project schedule in relation to demand of utility capacity, and other supporting information demonstrating how the project serves the needs and interests of the Town of Clayton. In the case of Industrial flows, additional information associated with the constituents shall be required and may be subject to other ordinances or policies of the Town.

- The Town Council shall review for approval all allocations which require or may require a daily flow allocation of ten thousand gallons or more (> 10,000 GPD)
    - The Town Council shall incorporate the evaluation of utility allocation requests into the decision-making process associated with Subdivisions, Mixed-use Planned Developments, and Special Use Permits. The criteria contained herein for evaluation of utility allocation requests shall be included as elements within the review processes for the accompanying land use application with regard to conformity with Town of Clayton policies and ordinances, planning practices, and consistency with adopted long-range and strategic plans.
    - For allocations requiring Town Council approval, but which do not require other land use regulatory reviews or approvals, the applicant shall provide a full description of how their project supports the goals and priorities established within this and related policies and plans in their application for allocation reservation.

- The Town Manager or their designee shall review for approval all applications for utility capacity which require a daily flow allocation of less than ten thousand gallons (< 10,000 GPD).
    - In addition to the scoring rubric, the Town Manager or their designee shall consider the goals articulated by this and related Town policies when reviewing applications for utility allocations. If an application is denied, the Town Manager or their designee shall state in writing the reasons for denial of the request.

V. General Conditions

- This policy shall replace any previous policies on water and wastewater allocations adopted by the Town Council.
- An allocation will expire if a project has not progressed in construction plan approval, building permit approval, or on-site construction within 12 months of award of the allocation.
- Upon request by the applicant and at the discretion of the Town Engineer, an allocation may be extended for one twelve (12) month period.
- If a project is unsuccessful in obtaining any required Federal, State, or local government permit or approval the reservation shall be retracted. The Town of Clayton shall bear no liability for any costs incurred by the applicant, nor bare further responsibility in the matter.
- Granting of a utility allocation does not imply or confer approval of any other applications or reviews as may be required by Town Ordinance or policy and does not imply or create any vested right.
- Public water may be utilized for irrigation purposes so long as the Primary Use associated with the site has previously gained a water allocation through the Town.
- This policy shall be reviewed annually and, when appropriate, readjusted by the Town Council. The Town's overall progress on policy goals will be considered and the multipliers and/or point thresholds readjusted accordingly.

V. Appeals Process

- Appeal of any provision of this policy shall be made to the Town Council.
- Appeal of any decision on a utility allocation by the Town Manager or their designee shall be made to the Town Council for final decision. Any such appeal shall be placed on the agenda of a regularly scheduled Town Council meeting.

WATER & WASTEWATER ALLOCATION CRITERIA

TOTAL POINTS = 0 *MINIMUM 50 POINTS REQUIRED*

	Category	Points	Calc.	Notes
DEVELOPMENT TYPE[1] (Choose 1 from this category)	Government/Public Admin./Public Safety	50		
	Non-residential (Commercial) - Retail & Restaurant	30		
	Non-residential (Commercial) - Office	20		
	Non-residential (Commercial) - Warehouse	15		
	Non-residential (Commercial) - Medical	25		
	Non-residential (Commercial) - Hotel/Motel	35		
	Industrial/Manufacturing	30		
	Institutional	15		
	Residential Existing Lot- Single Family Detached	40		Individual Existing Lot construction
	Residential Subdivision - Single Family Detached (> 0.25 Acre Lots)	20		Single Family Homes on Individual Lots greater than 0.25 acres
	Residential Subdivision - Single Family Detached (< 0.25 Acre Lots)	15		Single Family Homes on Individual Lots less than 0.25 Acres
	Residential Subd.- Single Family Attached (> 1,500 SF Heated Space)	10		Townhomes with heated square-footage greater than 1,500 SF
	Residential Subd.- Single Family Attached (< 1,500 SF Heated Space)	5		Townhomes with heated square-footage less than 1,500 SF
	Residential - Multifamily (Apartments)	10		
	Mixed-Residential	25		Mix of various lot sizes of Single-family, Townhomes, and Apartments
	Mixed-Use Commercial & Residential	30	30	Mix of Residential and Non-residential (Commercial) uses
	Downtown Redevelopment	30		
	Infill Development	25		Utilities already exist within 300 Feet of property
FUTURE TAX STATUS (Choose 1 from this category)	Exempt	0		
	Residential	5		
	Non-residential	10	30+10 =40	
	Industrial	10		
COMMUNITY BENEFIT BONUS POINTS (Choose All that apply from this category)	Cultural Arts/Entertainment for Public	10		
	Sports/Recreation for Public	10		
	Town Electric Customer	20		
	Expansion of existing non-residential use	10		
	Re-development of an existing property	5	40+5 =45	Must result in increased property value
	Residential Subdivision - Additional amenities included	5 - 15	45+5 =50	Pool, Clubhouse, sports courts, etc. - 5 pts per, max 15 pts
	Job Creation - 10 to 25 new jobs	5		
	Job Creation - 26 to 100 new jobs	10		
	Job Creation - 100+ new jobs	15	55+15 =70	
	Job creation - Jobs created will have salaries at or above median income	5	70+5 =75	Must be greater than 50% of jobs added with documentation to confirm
	Residential - Multiple-Car Garages provided	5	75+5 =80	
	Residential - Overflow Parking provided	5		Subject to Planning and Engineering support
	Masonry Elements included in Building Construction	10	80+10 =90	
	Sustainable/High Efficiency Products and appliances used	5 - 15	90+15 =105	5 pts per, max 15 pts
	Private trail connection to Public Greenway	10	105+10 =115	
COMMUNITY IMPACT DEDUCT POINTS (Choose All that apply from this category)	Pump Station Improvements required[2]	-10		Subject to Town policy and standards
	New Pump Station Required[2]	-20	115-20 =95	Subject to Town policy and standards
	Out-of Town Status (After construction)	-10		
	Outside Fire District	-5		
	Inconsistent with Comp Plan	-5		

CLARIFICATIONS

1 Any Development Type Category not listed is subject to Town Council discretion with staff recommendation.

2 The Town Engineer may waive these deductions if the improvments are consistent with Future utility service plans, replace/offline an aging station, or are in the best interest of the Town.

TOWN OF CLAYTON
Engineering & Inspections Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

WASTEWATER ALLOCATION REQUEST

The Town of Clayton, in an effort to manage and maintain the sewer and water capacity for the Town, requires that this application be completed and submitted to the Town for consideration of a utility allocation. Review fee is due upon submittal of request.

Wastewater Allocation Request Review Fee: $50

Application MUST be completed and sealed by a registered engineer unless otherwise approved by staff.

SITE INFORMATION

Name of Project: Lumen Planned Development District **Acreage of Property:** 68.26 (4 parcels)

County Tag Number: (1): 05F02037E, (2): 05F02037B, (3): 05F02037A, (4): 05F02037 **NC PIN:** (1): 05F02037E, (2): 05F02037B, (3): 05F02037A, (4): 05F02037

Address/Location: 2219 NC 42 West, Clayton, NC 27520

Zoning District: PD-MU (Planned Development - Mixed Use)

Town Limits / ETJ: ☐ Town Limits ■ ETJ (Extra-Territorial Jurisdiction)

APPLICANT INFORMATION – Applicant must be a registered engineer unless otherwise approved by Town Engineer

Applicant: Kimley Horn Associates

Mailing Address: 421 Fayetteville Street, Suite 600 Raleigh, NC 27601

Phone Number: 919-653-2976 **Fax:**

Contact Person: W. Jordan Brewer, P.E.

Email Address: jordan.brewer@kimley-horn.com

PROPERTY OWNER INFORMATION

Name: (1): Penny, Ezra Lee; (2): Medlin, Frankie P; (3): Langdon, Benny; (4): Langdon, Benny

Mailing Address: (1): 406 Crossway Ln, Holly Springs, NC 27540; (2): 2219 N 42W, Clayton, NC 27520; (3): 19 Slateford Dr, Clayton, NC 27520; (4): 19 Slateford Dr, Clayton, NC 27520

Phone Number: **Fax:**

Email Address:

FOR OFFICE USE ONLY

Date Received: _____ File Number: _____ Associated Project Number: _____

PROJECT INFORMATION

Use: ■ **New** ☐ **Expanded** ☐ **Change** **Use Type:** ■ **Residential** ■ **Non-Residential**

Proposed Use(s): Mixed Use **Existing Use(s):** Residential

Invoice shall be mailed to the following:

Developer Name: Davis Park Leasing, LLC

Mailing Address: 940 NW Cary Parkway, Cary, NC 27513

Phone Number: (919) 872-6556 **Fax Number:**

Email Address: craig.davis@craigdavisproperties.com

ALLOCATION REQUEST

The following is required:

- **For non-residential construction, submit a floor plan of proposed building.**
- **Use additional sheets if necessary.**
- **Provide any documentation supporting/justifying the request as an attachment (using a comparable use is recommended).**
- **If a phasing / take-down schedule is proposed, include as an attachment.**

Residential:

Gross Acreage: 65.19 (4 parcels)

Single Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units	see attached		
3 Bedroom Units			
>3 Bedroom Units			
Total		------	

Multi-Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units			
>3 Bedroom Units			
Total		------	

Non-Residential: ***(Design Flow Guideline provided as Appendix A)****

**If design flow deviates from the flow rates presented in Appendix A, provide supporting documentation/justification as an attachment in the form of 12 months of water bills demonstrating gallons per day utilized.*

Gross Acreage: 65.19 (4 parcels)

Use	Measurement Unit	# of Units	GPD per Unit	Total Requested GPD
see attached				
Total			------	

TOTAL REQUESTED GALLONS PER DAY: see attached

NOTE TO APPLICANT:

Invoicing:
Invoices are generated on the following schedule:

Non-Residential:
Generated with the application for a Zoning Compliance Permit.

Residential:
Multi-Family / Apartments:
Generated with the application for a Zoning Compliance Permit.

Subdivision / Subdivided Lots:
Generated at Final Plat submittal.

Fee Development:
Development Fees are calculated and invoiced based on the Town of Clayton adopted Comprehensive List of Fees and Charges. Invoiced fees include acreage fees, capacity fees, nutrient offset fees, recreation fees, fees-in-lieu, and electric department lot deposit. Please speak with Town staff with questions.

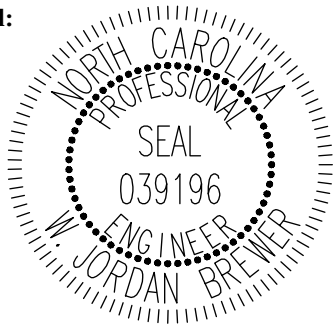
Approval:
Requests over 10,000 GPD are approved by the Town Council, by resolution. All other requests are approved by the Town Manager.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town of Clayton to approve the subject Wastewater Allocation. 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.

W. Jordan Brewer, P.E.		11/04/2020
Print Name	***Signature of Applicant***	***Date***

Engineer Seal:



TOWN OF CLAYTON OFFICE USE ONLY:

Approved by: ☐ Town Manager

☐ Town Council (*requests of 10,000 GPD or more require Council approval by resolution)*

The **Town Manager / Town Council (circle one)** has authorized the allocation of _____

gallons per day for project # _____.

Date of Approval: _____

Signed:

_____
Town Manager

If approved by Town Council:
Attach a copy of the resolution and any associated documentation.

APPENDIX A: DESIGN FLOW RATES

The following table from the North Carolina Administrative Code 02T.0114 shall be used to determine the minimum allowable design daily flow of wastewater facilities. Alternatively, the Town in its sole and absolute discretion may calculate the customer's initial average daily wastewater flow based on data from the customer's operations (or from similarly situated customers) with a comparable sanitary sewer system, where such data are available and reasonably current.

Establishment Type	Daily Flow Rate
Barber and Beauty Shops	
Barber Shops	50 gal/chair
Beauty Shops	125 gal/booth or bowl
Businesses, Offices and Factories	
General business and office facilities	25 gal/employee/shift
Factories, excluding industrial waste	25 gal/employee/shift
Factories or businesses with showers or food preparation	35 gal/employee/shift
Warehouse	100 gal/loading bay
Warehouse – self storage (not including caretaker residence)	1 gal/unit
Churches	
Churches without kitchens, day care or camps	3 gal/seat
Churches with kitchen	5 gal/seat
Churches providing day care or camps	25 gal/person (child & employee)
Fire, Rescue and Emergency Response	
Fire or rescue stations without on-site staff	25 gal/person
Fire or rescue stations with on-site staff	50 gal/person/shift
Food and Drink Facilities	
Banquet, dining hall	30 gal/seat
Bars, cocktail lounges	20 gal/seat
Caterers	50 gal/100 sq. ft. floor space
Restaurant, full Service	40 gal/seat
Restaurant, single service articles	20 gal/seat
Restaurant, drive-in	50 gal/car space
Restaurant, carry out only	50 gal/100 sq. ft. floor space
Institutions, dining halls	5 gal/meal
Deli	40 gal/100 sq. ft. floor space
Bakery	10 gal/100 sq. ft. floor space
Meat department, butcher shop or fish market	75 gal/100 sq. ft. floor space
Specialty food stand or kiosk	50 gal/100 sq. ft. floor space
Hotels and Motels	
Hotels, motels and bed & breakfast facilities, without in-room cooking facilities	120 gal/room
Hotels and motels, with in-room cooking facilities	175 gal/room
Resort hotels	200 gal/room
Cottages, cabins	200 gal/unit
Self-service laundry facilities	500 gal/machine
Medical, Dental and Veterinary Facilities	
Medical or dental offices	250 gal/practitioner/shift
Veterinary offices (not including boarding)	250 gal/practitioner/shift
Veterinary hospitals, kennels, animal boarding facilities	20 gal/pen, cage, kennel or stall
Hospitals, medical	300 gal/bed
Hospitals, mental	150 gal/bed
Convalescent, nursing, rest homes without laundry facilities	60 gal/bed
Convalescent, nursing, rest homes with laundry facilities	120 gal/bed
Residential care facilities	60 gal/person
Parks, Recreation, Camp Grounds, R-V Parks and other Outdoor Activity Facilities	
Campgrounds with comfort station, without water or sewer hookups	75 gal/campsite

Establishment Type	Daily Flow Rate
Campgrounds with water and sewer hookups	100 gal/campsite
Campground dump station facility	50 gal/space
Construction, hunting or work camps with flush toilets	60 gal/person
Construction, hunting or work camps with chemical or portable toilets	40 gal/person
Parks with restroom facilities	250 gal/plumbing fixture
Summer camps without food preparation or laundry facilities	30 gal/person
Summer camps with food preparation and laundry facilities	60 gal/person
Swimming pools, bathhouses and spas	10 gal/person
Public access restrooms	325 gal/plumbing fixture
Schools, Pre-school and Day Care	
Day care and preschool facilities	25 gal/person (child & employee)
Schools with cafeteria, gym and showers	15 gal/student
Schools with cafeteria	12 gal/student
Schools without cafeteria, gym or showers	10 gal/student
Boarding schools	60 gal/person (student & employee)
Service Stations and Car Wash Facilities	
Service stations, gas stations	250 gal/plumbing fixture
Car wash facilities	1200 gal/bay
Sports Centers	
Bowling center	50 gal/lane
Fitness, exercise, karate or dance center	50 gal/100 sq. ft.
Tennis, racquet ball	50 gal/court
Gymnasium	50 gal/100 sq. ft.
Golf course with only minimal food service	250 gal/plumbing fixture
Country clubs	60 gal/member or patron
Mini golf, putt-putt	250 gal/plumbing fixture
Go-kart, motocross	250 gal/plumbing fixture
Batting cages, driving ranges	250 gal/plumbing fixture
Marinas without bathhouse	10 gal/slip
Marinas with bathhouse	30 gal/slip
Video game arcades, pool halls	250 gal/plumbing fixture
Stadiums, auditoriums, theaters, community centers	5 gal/seat
Stores, Shopping Centers, Malls and Flea Markets	
Auto, boat, recreational vehicle dealerships/showrooms with restrooms	125 gal/plumbing fixture
Convenience stores, with food preparation	60 gal/100 sq. ft.
Convenience stores, without food preparation	250 gal/plumbing fixture
Flea markets	30 gal/stall
Shopping centers and malls with food service	130 gal/1000 sq. ft.
Stores and shopping centers without food service	100 gal/1000 sq. ft.
Transportation Terminals	
Air, bus, train, ferry, port and dock	5 gal/passenger

Source: North Carolina Administrative Code 02T.0114, January 1, 2007

Residential			
Single Family	# of Units	GPD per Unit	Total GPD
1-2 Bedroom Units	-	120	-
3 Bedroom Units	60	240	14,400
>3 bedroom Units	40	360	14,400
Total	100	------	28,800

Multi-Family	# of Units	GPD per Unit	Total GPD
Ph1 1-2 Bedroom Units	280	120	33,600
Future 1-2 Bedroom Units	90	120	10,800
Ph1 3 Bedroom Units	90	240	21,600
Future 3 Bedroom Units	40	240	9,600
>3 Bedroom Units	-	360	-
Total	500	------	75,600

Non-Residential				
Use	Measurement Unit	# of Units	GPD per Unit	Total GPD
Hotel	120 gal/room	120	120	14,400
Retail/Restaurants	50 gal/100 SF	45,000	0.5	22,500
Ph1 Medical Office	250 gal/pract./shift 1 pract. / 1,200 SF	150,000 SF 1.5 shifts	0.208	46,875
Future Medical Office	250 gal/pract./shift 1 pract. / 1,200 SF	550,000 SF 1.5 shifts	0.208	171,875
Total		45120	------	255,650

Wastewater Flow Allocation	
Phase 1 Development	
Q2 2023	55,200
Q3 2023	46,875
Q3 2024	14,400
Phase 1 Total GPD:	**116,500**

Future Development	243,550

Total Requested GPD:	**360,100**



11/4/2020

					Wastewater (GDP) Available for permitting															
Phase	**Description**	**Lots/Units/SF**	**GPD per unit**	**Wastewater (GDP)**	**Q1 2022**	**Q2 2022**	**Q3 2022**	**Q4 2022**	**Q1 2023**	**Q2 2023**	**Q3 2023**	**Q4 2023**	**Q1 2024**	**Q2 2024**	**Q3 2024**	**Q4 2024**	**Q1 2025**	**Q2 2025**	**Q3 2025**	**Q4 2025**
1	Multifamily - 2bed	281	240	67,488		67,488														
	Multifamily - 3bed	99	360	35,568		35,568														
	Medical Office 1	150,000 SF & 1.5 shifts	250 GPD/pract./shift 1 pract. / 1,200 SF	46,875			46,875													
	Retail	15,000	130 GPD/1000 SF	1,950			1,950													
	Single Family Development - 1-2 bed	-	120	-				-												
	Single Family Development - 3 bed	42	250	10,500				10,500												
	Single Family Development - >3 bed	28	480	13,440				13,440												
	Condo/Apartments	100	250	25,000			25,000													
	Retail	45,000	130 GPD/1000 SF	5,850						5,850										
	Medical Office 2	183,333 SF & 1.5 shifts	250 GPD/pract./shift 1 pract. / 1,200 SF	57,292						57,292										
2	Medical Office 3	183,333 SF & 1.5 shifts	250 GPD/pract./shift 1 pract. / 1,200 SF	57,292										57,292						
	Retail	30,000	130 GPD/1000 SF	3,900										3,900						
	Medical Office 4	183,333 SF & 1.5 shifts	250 GPD/pract./shift 1 pract. / 1,200 SF	57,292														57,292		
Future	Single Family Development	70	250	17,500																
	Hospitality	120	120 GPD/room	14,400																
Total							2022 Total	200,821		2023 Total		63,142		2024 Total		61,192		2025 Total		57,292
	ASSUMPTIONS																			414,346

1. An allocation for wastewater treatment capacity is requested for a total amount of 414346 GDP to Lumen Penny Farm based on the phasing table shown. Sewer permits and flow tracking for sewer extension forms may not be submitted prior to the date shown in chart for the specified phase. Wastewater allocation is subject to availability of capacity for treatment of sanitary sewer. The Town Engineer may increase amounts by up to 5% in the event more wastewater is needed to complete a sub portion of each phase.

2. Future phase schedule is to be determined. Sewer demand of the future phase is included in the total requested amount of 414346 GPD.

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

October 28, 2021

Richard Brown, PLA
Kimley-Horn
421 Fayetteville Street
Suite 600
Raleigh, NC 27601

Re: 2020-104-SD Lumen Master Plan

Mr. Brown,

The Town of Clayton Planning staff is recommending to the Town Council that conditions of approval be placed upon the above referenced application, which proceeds to the Town Council on Monday, November 1, 2021. These recommended conditions of approval are outlined on the back of this letter.

Please read through this potential condition of approval, and sign below if you are in agreement with the condition as proposed. If you are not in agreement please respond accordingly in writing. The document will be included in the agenda for Town Council review.

Thank you.

Sincerely,

Ben Howell, AICP, CZO
Planning Director
Town of Clayton

Recommended Conditions of Approval (2020-104-SD Lumen Master Plan):

1. Following Town Council approval, an electronic copy of the Preliminary Subdivision documents meeting the Conditions of Approval shall be submitted to the Planning Department for final approval. The Conditions of Approval for the Preliminary Subdivision and associated applications shall be recorded on the cover sheet.
2. The Development shall meet all conditions and agreements as stated in the Water Tower Option and Put Agreement and the Sewer Infrastructure Reimbursement Agreement, copies of which are attached hereto (the "Associated Agreements"), as approved and signed by all involved development review parties.
3. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved master plan.
4. The Development shall obtain all required local, state, and federal permits in order to fill in any Resource Conservation Area.
5. The Development shall obtain all additional and required local, state, and federal permits to construct the development as adopted by Town Council.
6. All Environmental impact permits (NCDEQ, USACE, etc.) may be required to be obtained prior to final Construction Drawing Approval, subject to the Engineering Director's discretion.
7. Development shall be constructed in substantial conformance with the Master Plan and Master Plan Narrative as approved by the Clayton Town Council on November 1, 2021.
8. All parcels subject to the rezoning and master plan shall be annexed into Town prior to any additional development approvals.
9. The parcel(s) designated for the Elevated Storage Tank (EST) and Pump Station (PS) shall be subdivided and annexed into the Town's jurisdiction prior to approval of Construction Drawings for the associated EST and PS infrastructure.
10. The following use intensity maximums shall apply to the development:
    - Nonresidential use: 800,000 Square Feet (not including square footage dedicated to hospitality use)
    - Hospitality use: 120 Rooms
    - Residential use: 620 Dwelling Units

    The Planning Director may administratively approve an increase in the nonresidential square footage by up to 10%, as long as the trip budget established in the approved Transportation Impact Analysis is not exceeded and water/wastewater capacity is available. In no case shall the nonresidential square footage of the project exceed 880,000 square feet without a master plan amendment approved by Town Council.
11. The development shall provide a 20-foot streetyard buffer along the NC 42 frontage, which shall be installed as development occurs along the NC 42 frontage. This streetyard buffer shall also include an opaque screening at a height of 6 feet at installation, consisting of a berm 4 feet in height with a continuous evergreen hedge 2 feet in height (at installation) planted along the top of the berm. Slope stabilization/ground cover shall be required to ensure the stability of the berm.

12. Pod 4, as shown in the Master Plan dated September 10, 2021 and approved by the Town Council on November 1, 2021, shall have a maximum structure height of 145 feet, with the exception of the Neighborhood Transition Zone, which shall have a maximum structure height of 45 feet.
13. Nonresidential and residential structures in the development shall conform to the architectural standards in Section 9 of the Master Plan Narrative dated September 10, 2021 and approved by the Town Council on November 1, 2021.
14. The proposed sanitary sewer forcemain along NC 42 serving the development shall be dedicated to and accepted by the Town prior to issuance of any certificate of occupancy on any building contributing flow above and beyond 150,000 gallons of wastewater, subject to NCDEQ permitting allowances.
15. The Town of Clayton shall approve the final size and location of all Public Facilities, including the Pump Station and Water Tower, as set forth in the Associated Agreements.
16. Phasing of off-site transportation improvements shall be approved by the North Carolina Department of Transportation (NCDOT) in addition to the Town. Construction of off-site transportation improvements shall be in conformance with standards and requirements of the NCDOT and shall be accepted by NCDOT prior to commencement of subsequent phases unless performance bonding is approved by NCDOT.
17. To the extent of any conflict between the Master Plan, Master Plan Narrative and these conditions, these conditions shall control.

APPLICANT AFFIDAVIT

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

Craig M. Davis	Craig M. Davis	10/29/2021
Print Name	*Signature of Applicant*	*Date*

OWNER: DAVIS PARK LEASING, LLC
C/O CRAIG DAVIS PROPERTIES, INC
8000 WESTON PARKWAY
SUITE 360
CARY, NORTH CAROLINA 27513
EMAIL · CRAIG.DAVIS@CRAIGDAVISPROPERTIES.COM
CELL (919) 414-1300

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

Town Council
October 18, 2021
November 15, 2021

STAFF REPORT

Application Number: 2020-104-SD
Project Name: Lumen Preliminary Plat (acting as Master Plan)

Tag #(s): 05F02037E, 05F02037B, 05F02037A, 05F02037
Location: NC HWY 42 W, south of Spring Branch Medical Park
Overlay: Thoroughfare Overlay District
Applicant: Kimley Horn
Owner(s): Ezra Lee Penny, Frankie P Medline, Benny Langdon

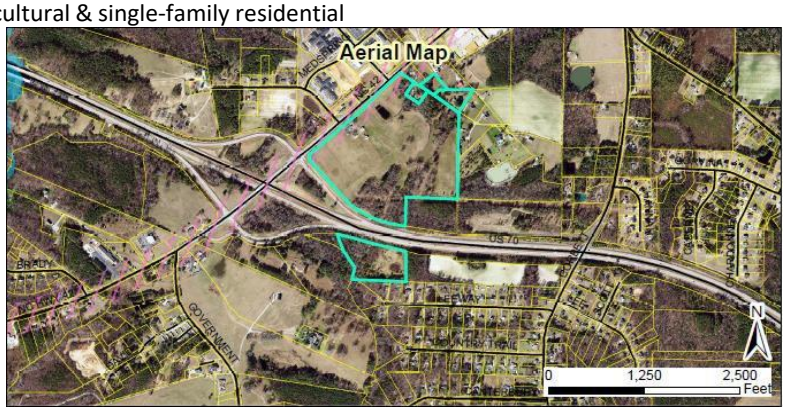
Public Noticing:

- Neighborhood meeting: August 11, 2020; second courtesy meeting held December 2, 2020
- Sign posted: April 9, 2021
- Letters mailed: April 9, 2021
- Newspaper ad published: April 7, 2021 and April 14, 2021

Since Town Council Public Hearing has been continued, no additional notice has been provided or required

REQUEST: Preliminary Plat, acting as a master plan, for a mixed use development that includes 700,000 SF of non-residential office/institutional uses, up to 90,000 SF of commercial/retail uses, up to 480 multi-family residential units, up to 120 single-family lots, and up to 120 rooms and/or 10,000 SF for a hospitality/civic use.

SITE DATA:
Acreage: 69.07 acres
Existing Use: Agricultural & single-family residential



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use(s)
North	Planned Development Mixed Use (PD-MU)	Medical Office & Restaurant
South	Residential-Estate (R-E)	Single-Family Residential
East	Residential-Estate (R-E)	Single-Family Residential
West	Residential- Estate (R-E)	Single-Family Residential



DEVELOPMENT DATA:

Proposed Uses: Residential (mixture of multi-family and single-family) and non-residential uses (mixture of commercial/retail, office, institutional, and hospitality uses)

Proposed Density: Overall up to 600 units are proposed (mixture of multi and single family) which would create an overall proposed residential density of 9.2 units/acre for the entire development

Proposed Impervious Surface: 70% for non-residential Pods; Residential Pods have maximum density of 65% or 70% based upon unit type

Fire Protection: Town of Clayton

Access/Streets: Access will be provided off NC HWY 42 W

Water/Sewer Provider: Town of Clayton

Electric Provider: Town of Clayton

STAFF ANALYSIS:

Overview

The applicant is requesting approval of a preliminary plat, acting as a master plan. There is an associated rezoning application, 2020-103-PDD, running concurrently with this application to rezone the subject properties from

Residential-Estate (R-E) to Planned Development Mixed Use (PD-MU). There is also a proposed Developer's agreement running alongside this application that will be heard and decided upon by the Town Council.

The overall development is proposed to include a mixture of office/medical, condos/retail, multi-family, commercial, and single-family/townhome uses. The associated master plan and narrative included as attachments to this report show these uses distributed among 6 pods. Below is a breakdown of the pods which are proposed within this development:

Pod 1- Office/Medical
Pod 1 is the largest of the proposed pods in this development. It consists of 14.3 acres and would contain up to 700,000 SF of non-residential uses. The pod is located along NC HWY 42, just north of US HWY 70 Bypass. The maximum building height in this pod is proposed to be 145'. This height has been reviewed by the Town of Clayton Fire Department and they are comfortable with serving building(s) of this height. The height of 145' would only be permitted for hotel or office/medical uses, as noted in the Narrative. Other uses would be limited to 45' or 75'. The overall layout of the pod is not known at this time except that a stormwater pond will be located on the southernmost portion. Prior to development occurring on this pod, a site plan will be required to be submitted for review and approval by the Town. A variety of uses would be permitted on this pod, as outlined on the master plan and associated Narrative. These uses include: Office, Institutional, Retail, Restaurant, Veterinary Clinic, Hotel/Motel, and Conference Center. The full list of permitted uses are outlined on pages 9 and 10 of the attached Narrative provided by the applicant. All non-residential development on this pod would be subject to the design control standards in the Narrative, which would limit the impervious coverage to 70%.

Pod 2- Condos/Retail
Pod 2 will consist of 6 acres and include a mixture of condos and retail uses. The pod will include approximately 100 condo/multi-family units and approximately 30,000 SF of retail uses. This pod is located along NC HWY 42 directly south of Spring Branch Medical Park. An exact list of permitted commercial/retail uses allowed in this pod are outlined in the associated master plan narrative (pages 9 and 10). These include, but are not limited to, restaurant, retail sales, microbrewery, hotel, financial institution, office, and publisher. This pod will include mixed use buildings that will allow for a mixture of residential and non-residential uses. The uses and dimensional standards will be regulated in accordance with the master plan narrative. The exact layout of the pod will be determined in the future when the development submits a site plan for review and approval by the Town.

Pod 3- Multi-Family (Street Level Retail)
Pod 3 will consist of 7.4 acres with up to 400 multi-family units and 15,000 SF of retail uses. This pod is located in the center of the master plan development. As with Pod 2, the exact list of permitted uses allowed in this pod are outlined in the associated master plan narrative. The uses and dimensional standards will also be regulated in accordance with the master plan narrative. The layout of the pod will be determined in the future when the development submits a site plan for review and approval by the Town.

Pod 4- Commercial/Office/Hospitality/Retail/Residential
Pod 4 is the second largest pod in this mixed use development. It consists of 10.25 +/- acres and is located across Springbrook Avenue along NC HWY 42 W. It is the northeastern most pod in the development. This pod is proposed to include hospitality uses, such as a hotel, as well as office, retail, commercial, and residential uses. The maximum building height for this pod is proposed to be 145', which has been reviewed by the Town Fire department. This height would only be permitted for a Hotel or Office/Institutional use, as outlined in the narrative. Due to the location of this pod adjacent to existing single-family residences, the applicant has proposed a 70' "neighborhood transition zone" which is located along the exterior perimeter of the pod abutting the existing single-family residences. Per the master plan, the building height shall be limited to 45' in this zone to mitigate impacts on the

adjacent residences. The exact uses and dimensional standards will also be regulated in accordance with the master plan narrative. The layout of the pod will be determined in the future when the development submits a site plan for review and approval by the Town.

Pod 5- Residential
Pod 5 is located to the eastern most portion of the development and will be 5.75 acres in size. This pod is proposed to consist of residential uses as permitted within the master plan narrative. Some of the permitted residential uses include townhomes, single-family, nursing home, and duplexes. All of the permitted residential uses are outlined in the attached master plan narrative. The applicant has included residential design controls in the masterplan narrative, which outline dimensional standards required by residential use type. The layout of this pod will be determined in the future when the development submits a minor subdivision for review and approval by the Town.

Pod 6- Single-Family Residential
Pod 6 is located to the south of US HWY 70 bypass and is not connected to the rest of the development as the bypass bisects the development. This pod would be accessed off NC HWY 42 W via a road connection that is shown on the master plan. This pod is anticipated to be the final phase of the development per the master plan. It is 6 acres in size and would include up to 50 single-family residential units. The exact layout of the pod would be determined in the future when the development submits a minor subdivision for review and approval by the Town. The road connecting from NC HWY 42 W to this pod would be required to meet Town of Clayton standards and the pod will also be required to meet minimum access requirements of the UDC when it is reviewed for subdivision approval.

Parking Reduction Request
The applicant has submitted a letter outlining a request to reduce the parking requirements as a part of the Planned Development district. Specifically, they request to reduce the parking calculations for the multi-family residential units, commercial/retail, general/medical office, and hotel/motel uses. The single-family residential parking requirement will remain 2 spaces/unit to prevent issues with on-street parking.

The applicant has based the reduction of parking on The Institute of Transportation Engineers (ITE) Parking Generation Manual (5^{th} Edition). In total the request would reduce the required parking by 526 spaces for the entire development. Staff is comfortable with the request as it was made utilizing the ITE manual and since this is a mixed use development. Mixed use developments generally have an overlap in parking due to the mixture of uses and peak demand times.

Open Space/Amenities
Greenway is proposed to be located along the development's frontage on NC HWY 42 W. This portion of greenway will be public. The development is also proposing internal private greenway to run within the development and connect to the public greenway along NC HWY 42 W. Additionally, the development has noted on the master plan that the open space requirements of the UDC for a Planned Development will be met. Exact locations of additional open space will be depicted on minor site/subdivision plans for each pod and reviewed by the Town to ensure compliance.

Traffic Impact Analysis & NC HWY 42 Widening
A TIA was performed for this development by Kimley Horn. NCDOT also provided the Town with requirements from Congestion Management after the review of the TIA. Both the TIA and Congestion Management comments are included as attachments to this staff report. Additionally, due to the location of this development along NC HWY 42 W, the master plan shows right-of-way dedication along NC HWY 42 W for the future widening project.

The timing of the required off-site traffic improvements by NCDOT is unique for this development due to future widening of NC HWY 42. Town staff met with NCDOT to outline the required improvements in the associated Development Agreement. The applicant also has met with NCDOT to discuss the improvements further due to the coordination with the widening of NC HWY 42 W. As design on the NC HWY 42 project begins by NCDOT, they will verify what is actually needed for the Lumen development.

Landscaping/Buffering
The development will include required Class "C" landscaping buffers along the perimeter of the development. The buffers vary by project boundary, with a 20' Class "C" buffer utilizing a 6' fence/wall along the northeastern/eastern project boundaries abutting existing residential uses. The frontage along US HWY 70 bypass will include a 10' Class "C" buffer and 6' evergreen screening. The development's frontage along NC HWY 42 West will include a 20' Class "C" buffer that consists of a 4' berm & hedge and will meet the standards of the Thoroughfare Overlay District as well.

Consistency with Adopted Plans:

Consistency with the Comprehensive Plan 2040
The Comprehensive Plan's Future Land Use Map designates most of the properties as High Density Residential with the Community Center overlay. High-Density Residential is outlined to provide housing options close to major transportation corridors and includes a variety of housing types. This designation typically allows 10+ units/acre as a part of a Planned Development. The overall proposed project density is consistent with this, as the applicant is proposing 9.2 units/acre. The Community Center overlay builds upon the high-density designation to encourage mixed use developments that include residential components, as well as major anchor tenants and community serving office and retail uses.

There is a portion of the primary tract included in this request that is located south of US HWY 70 bypass and therefore not directly connected to the majority of the development. This portion of the property is designated as Medium Density Residential and Rural Residential. Medium Density Residential is outlined in the Comprehensive Plan to include neighborhoods that are urban in design and in close proximity to commercial uses. It is recommended to allow up to 7 units/acre as a part of a Planned Development. The Rural Residential portion of this property is described in the Comprehensive Plan as primarily consisting of single-family residences, with densities up to 2 units/acre. This pod is proposed to have a maximum density of 8-10 units/acre.

Overall, the proposed master plan is consistent with the Future Land Use map and Comprehensive Plan 2040 as it allows for mixed use development including commercial and residential and is located adjacent to a major transportation corridor. The plan is not entirely consistent with the southernmost portion of the primary tract though (POD 6), as that portion of the development is currently designated as Medium Density Residential/Rural Residential. However, this portion of the development is located directly east of property that is designated as High Density Residential which would allow up to 10 units/acre with a Planned Development designation. It is also located adjacent to a major transportation corridor. Due to its location and to provide a more uniform designation for the properties involved in this request, staff finds that the plan's request is reasonable despite this portion of land's inconsistencies between the future land use map and this portion of the development.

If the associated rezoning is approved to PD-MU the Future Land Use Map Designation would be updated accordingly for the southern portion of the development. Since the southernmost portion of the development (pod 6) does not propose any commercial development, staff recommends this portion of the development be modified to High-Density residential while the remainder of the parcels (north of the bypass) remain High-Density

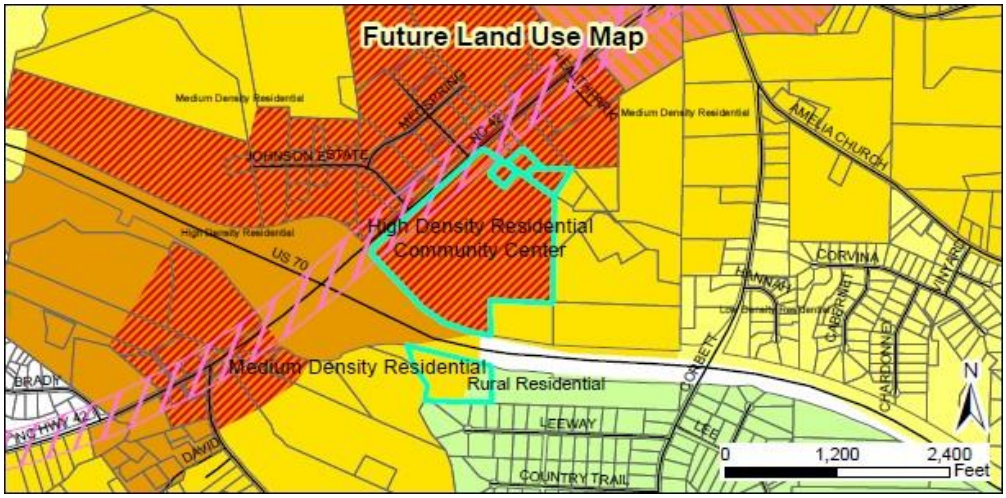
Residential with a Community Center overlay. Please see the "Consistency Statement" attachment that includes a map depicting this change.

Comprehensive Plan Goals supporting the master plan request include:

- **Goal LU1:** Preserve Clayton's small-town character while allowing for growth and development in appropriate areas.
- **Object LU1**.3: Encourage a mix of residential and non-residential land uses within Neighborhood and Community centers identified on the Future Land Use Map.
- **Goal LU3:** Provide a sense of place and enhance aesthetics along major corridors.
- **Objective LU3.1**: Identify and develop gateways into Clayton.

Comprehensive Plan Goals <u>not</u> supporting the master plan request include:

- None.



- **Unified Development Code**
  The proposed master plan is consistent with the requirements of the Unified Development Code for a plan at its level, with the exception of the proposed parking reductions. The parking reduction may be approved by the Town Council as a part of the master plan. Each pod of this plan will be reviewed individually as a site plan or subdivision plan to ensure consistency with the Unified Development Code and regulating standards of the master plan, as approved by the Town Council.

- **JCMH / NC 42 West Area Plan**
  The proposed master plan is overall consistent with the Town's Small Area Plan for NC HWY 42 West. The proposed master plan includes a greenway along NC HWY 42 West which would encourage pedestrian connectivity between this development and future development in the area. Architectural standards are included in the master plan's narrative, which will ensure a high-quality design and appearance consistent with this area plan. Landscaping design will be reviewed at site plan level for each pod, but the master plan does include the required 20' street buffer along NC HWY 42 West outlined in the Area Plan. Additionally, the Town has included a condition in the associated Development Agreement to require all

future outparcels with frontage on NC HWY 42 W to have no more than one bay of parking between the highway and buildings. This recommendation is outlined in the small area plan to create a street front building façade corridor that would further encourage a sense of place. Each phase of this development will be reviewed in accordance with the associated master plan and narrative, as well as the small area plan to further ensure that the layout and design remain consistent with this adopted plan.

Compatibility with Surrounding Land Uses
The proposed master plan is compatible with the surrounding land uses. Directly north of the proposed development is Spring Branch Medical Park, which is also zoned PD-MU and includes a mixture of uses. To the east of the proposed development are single-family residences, which would be abutting future Pod 5 that is to be developed with residential uses. To the north east of the development are single-family residences, which would abut Pod 4 that would include a mixture of residential and non-residential uses. To mitigate impacts on these single-family homes, the applicant has provided a transition zone to ensure no buildings of more than 45' in height are located within 70' of the neighboring properties for this pod.

Updates to Master Plan and Master Plan Narrative: November 5, 2021
The Master Plan has been updated to reflect alternative street cross-sections showing on-street parking for Streets A and B. The Master Plan has also been updated to remove the extension of Street D to the south, instead showing a future Private Access Connection extending south from Street B to access potential single family residential lots. The public road extension has been removed because the potential elevated water storage tank may be placed in this location, with single family residential lots, that will not be a part of the master plan, between the tank and the US 70 Bypass – the future private access connection from Street B will serve these future lots. The Master Plan also now shows the potential location of the pump station outside of the Master Plan boundary in this area. Another modification to the Master Plan is a note that has been added to provide flexibility for the location of Street D, allowing the developer to shift Street D to the property line to the east if the property to the east will be developed by the developer. A copy of the Master Plan with the revisions bubbled has also been provided.

The Master Plan Narrative has been updated to reflect these changes, clarify the maximum building heights for office/medical and mixed use building, and note the potential dedication of up to 1 acre of land within the Master Plan development area for the elevated water storage tank.

CONSIDERATIONS:

- Each phase of the development will be reviewed as a separate minor site plan or subdivision plan prior to plat recordation or building permit issuance.
- If approved, this master plan will be recorded with Johnston County and shall guide future development for this land.
- Approval of the master plan is contingent upon approval of the associated rezoning and developer's agreement.

FINDINGS OF FACT:
The applicant has addressed the Findings of Fact outlined below, as listed in the Application.

1. Consistency with the adopted plans and policies of the Town.
   - Applicant Response:

     This master plan proposal is consistent with adopted plans of the Town of Clayton. This assemblage is part of the JHMC NC 42 West Area Plan that was adopted by the Town in November 2007. As a part of this plan, this parcel is designated mixed use and is intended to have high quality uses and a wide variety of both residential and non-residential uses for the surrounding area.

   - Staff Commentary:
     The subject properties are located within the area identified in the adopted NC HWY 42 West Area Plan adopted in 2007. The master plan meets the requirements of the UDC and is consistent with the Small Area Plan, as well as overall consistent with the Comp Plan 2040.

2. The subdivision meets all required specifications of this chapter.
   - Applicant Response:

     This plan proposal is consistent with adopted plans of the Town of Clayton. The applicant will ensure that the master plan will continue to meet all required specifications of the policies and Town Unified Development Code except where otherwise addressed through alternate design standards as spelled out within the project master plan narrative.

   - Staff Commentary:
     The proposed master plan meets the required specifications of the Unified Development Code. The actual subdivision of outparcels will be subject to minor subdivision review in the future and will be required to meet the standards of the UDC and master plan narrative requirements.

3. The subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of the properties in the surrounding area.
   - Applicant Response:

     The proposed project does not adversely affect the adjoining properties and property owners. The property is uniquely situated at a major gateway intersection with two of the Town's major transportation corridors. Land uses are conductive to the location and supported by traffic and compatible with the development patterns. The size of the assemblage and proposed infrastructure will also support the proposed mix of uses, with retail, office/institutional, public/civic, townhomes and even congregate care being proposed. Appropriate buffers are also proposed to protect the adjacent land uses.

   - Staff Commentary:
     The proposed master plan is consistent with the vision of the adopted Small Area Plan for the Town of Clayton. It is also consistent with the Future Land Use Map's vision for this location, adjacent to the bypass which will be future I-42. To mitigate impacts on adjacent residential development, the plan has incorporated a 70' neighborhood transition zone that will limit the height of buildings abutting existing residences in Pod 4.

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

- Applicant Response:

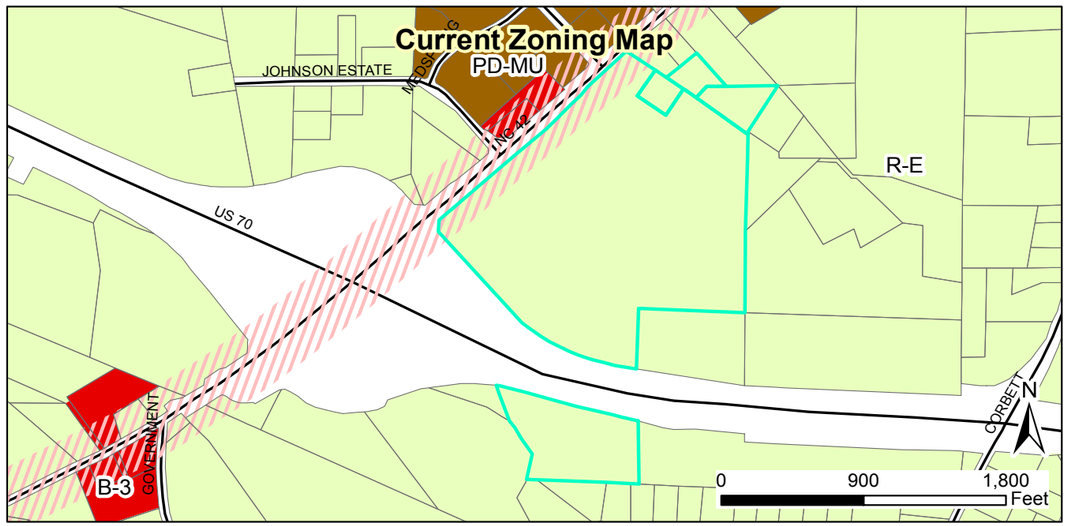
Adequate public facilities, including existing and proposed streets, existing and proposed wastewater treatment, existing and proposed potable water and existing and proposed stormwater infrastructure are either existing or will be improved to meet the demands of the proposed uses to the maximum extent practicable. The approval of the master plan/rezoning will be contingent upon the execution of a developer agreement between the developer and the Town of Clayton regarding infrastructure sufficiency to support the proposed development. The development will also provide stub streets to promote inter connectivity and a means of access through the property to NC42

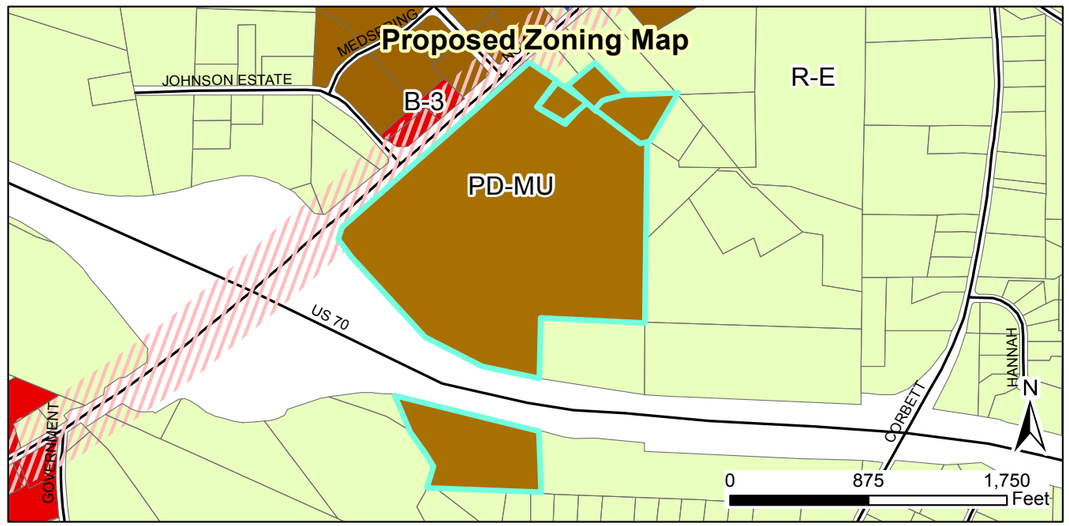
- Staff Commentary:
  The proposed master plan will be required to make off-site roadway improvements as outlined in the TIA and NCDOT requirements to mitigate congestion in the immediate area.

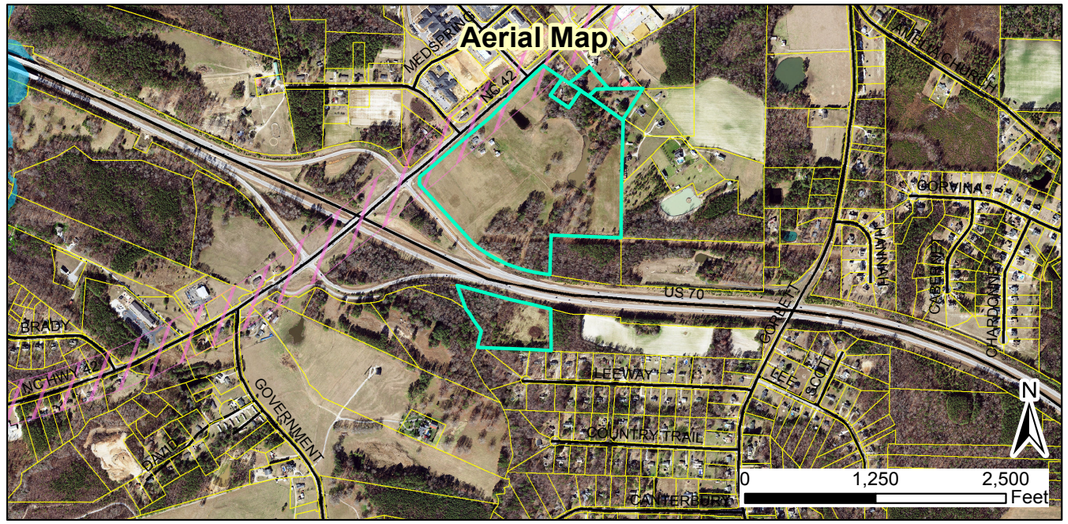
RECOMMENDED CONDITIONS OF APPROVAL:
If approved, staff is recommending conditions of approval be placed upon the application. These conditions are outlined in an attachment to the staff report. The applicant has reviewed the attachment and is in agreement with the conditions proposed by staff.

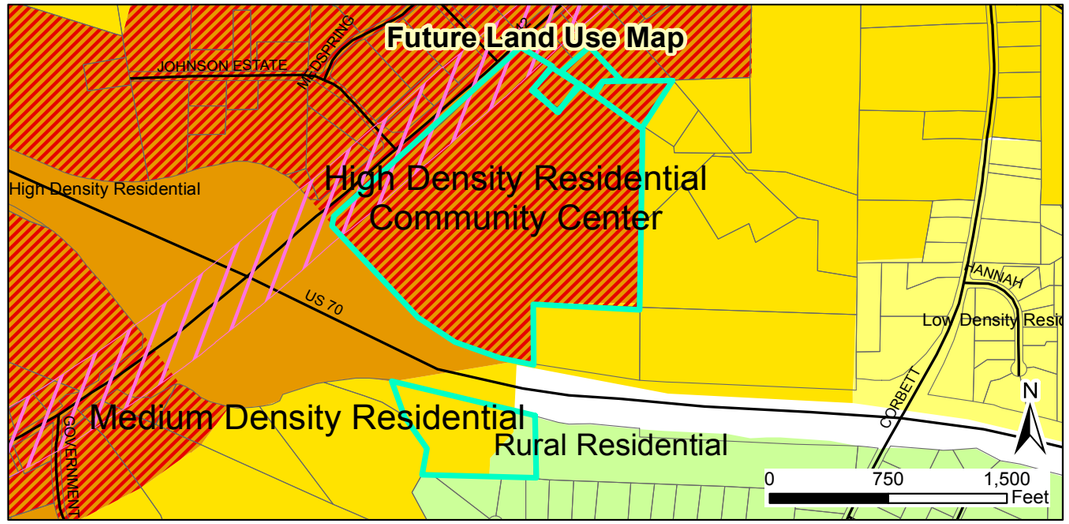
ATTACHMENTS:

1) Application
2) Master Plan Narrative – UPDATED 11-5-21
3) First Neighborhood Meeting Materials
4) Second Courtesy Neighborhood Meeting Summary
5) Site Plan – UPDATED 11-5-21
6) Adjacent Property Letter
7) Newspaper Ad
8) Signed TRC Letter
9) Traffic Impact Analysis
10) NCDOT Congestion Management Comments
11) Wetland Delineation Report
12) Lumen Parking Report
13) Wastewater Allocation Request
14) Wastewater Allocation Request - Scoring Sheet
15) Recommended Conditions of Approval – Signed
16) Staff Report Map
17) Master Plan with bubbled revisions from October 18th Version - UPDATED









Lumen Planned Development Rezoning, 2020-103-PDD
Lumen Preliminary Plat Master Plan, 2020-104-SD

Applicant: Kimley Horn
Property Owners: Ezra Lee Penny, Frankie Medlin, and Benny & Seth Langdon
Tag #: 05F02037E, 05F02037B, 05F02037A, 05F02037

Staff Report Map

12/02/2020

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

Legend

- 100-yr Flood Zone
- Thoroughfare Overlay
- Site

Document Path: O:\PLANNING\REZONING\Planned Developments\2020\2020-103-PDD Lumen Planned Development District\Staff Report Maps\Staff Report Map 2020-103-PDD.mxd

TOWN OF CLAYTON
SUBDIVISION APPROVAL 2020-104-SD
LUMEN
GRANTED

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

Applicant:	Kimley Horn
Property Location:	NC Highway 42 West, south of Spring Branch Medical Park
Tax Parcel Number:	05F02037E, 05F02037B, 05F02037A & 05F02037
Proposed Use of Property:	Planned Development Mixed Use
Meeting Dates:	October 18, 2021 & November 1, 2021 & November 15, 2021

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

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

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

The Town Council imposed the following **additional conditions** of the Subdivision Approval:

1. Following Town Council approval, an electronic copy of the Preliminary Subdivision documents meeting the Conditions of Approval shall be submitted to the Planning Department for final approval. The Conditions of Approval for the Preliminary Subdivision and associated applications shall be recorded on the cover sheet.

2. The Development shall meet all conditions and agreements as stated in the Water Tower Option and Put Agreement and the Sewer Infrastructure Reimbursement Agreement, copies of which are attached hereto (the "Associated Agreements"), as approved and signed by all involved development review parties.

3. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved master plan.

4. The Development shall obtain all required local, state, and federal permits in order to fill in any Resource Conservation Area.

5. The Development shall obtain all additional and required local, state, and federal permits to construct the development as adopted by Town Council.

6. All Environmental impact permits (NCDEQ, USACE, etc.) may be required to be obtained prior to final Construction Drawing Approval, subject to the Engineering Director's discretion.

7. Development shall be constructed in substantial conformance with the Master Plan and Master Plan Narrative as approved by the Clayton Town Council on November 1, 2021.

8. All parcels subject to the rezoning and master plan shall be annexed into Town prior to any additional development approvals.

9. The parcel(s) designated for the Elevated Storage Tank (EST) and Pump Station (PS) shall be subdivided and annexed into the Town's jurisdiction prior to approval of Construction Drawings for the associated EST and PS infrastructure.

10. The following use intensity maximums shall apply to the development:
    - Nonresidential use: 800,000 Square Feet (not including square footage dedicated to hospitality use)
    - Hospitality use: 120 Rooms
    - Residential use: 620 Dwelling Units

    The Planning Director may administratively approve an increase in the nonresidential square footage by up to 10%, as long as the trip budget established in the approved Transportation Impact Analysis is not exceeded and water/wastewater capacity is available. In no case shall the nonresidential square footage of the project exceed 880,000 square feet without a master plan amendment approved by Town Council.

11. The development shall provide a 20-foot streetyard buffer along the NC 42 frontage, which shall be installed as development occurs along the NC 42 frontage. This streetyard buffer shall also include an opaque screening at a height of 6 feet at installation, consisting of a berm 4 feet in height with a continuous evergreen hedge 2 feet in height (at installation) planted along the top of the berm. Slope stabilization/ground cover shall be required to ensure the stability of the berm.

12. Pod 4, as shown in the Master Plan dated September 10, 2021 and approved by the Town Council on November 1, 2021, shall have a maximum structure height of 145 feet, with the exception of the Neighborhood Transition Zone, which shall have a maximum structure height of 45 feet.

13. Nonresidential and residential structures in the development shall conform to the architectural standards in Section 9 of the Master Plan Narrative dated September 10, 2021 and approved by the Town Council on November 1, 2021.

14. The proposed sanitary sewer force main along NC 42 serving the development shall be dedicated to and accepted by the Town prior to issuance of any certificate of occupancy on any building contributing flow above and beyond 150,000 gallons of wastewater, subject to NCDEQ permitting allowances.

15. The Town of Clayton shall approve the final size and location of all Public Facilities, including the Pump Station and Water Tower, as set forth in the Associated Agreements.

16. Phasing of off-site transportation improvements shall be approved by the North Carolina Department of Transportation (NCDOT) in addition to the Town. Construction of off-site transportation improvements shall be in conformance with standards and requirements of the NCDOT and shall be accepted by NCDOT prior to commencement of subsequent phases unless performance bonding is approved by NCDOT.

17. To the extent of any conflict between the Master Plan, Master Plan Narrative and these conditions, these conditions shall control.

IN WITNESS WHEREOF, the Town has caused this approval to be issued in its name.

TOWN OF CLAYTON

BY: _____
Jody L. McLeod
Mayor

ATTEST:

_____(SEAL)
Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Resolution #2021-59

TOWN OF CLAYTON
RESOLUTION GRANTING WASTEWATER TREATMENT CAPACITY
FOR LUMEN

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

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

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

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

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

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

1. The Town of Clayton has, according to the most recent accounting, sufficient excess and unallocated treatment capacity to approve additional allocation.

2. Such available capacity may be made available to users in accordance with regulatory and legal parameters established to ensure satisfactory treatment plant operation.

3. An additional allocation for wastewater treatment capacity is granted in the amount of 414,346 according to phasing table; **as indicated in the attached document.**

4. Said allocation is approved subject to and conditioned upon review and approval of all required regulatory processes.

5. Said allocation is non transferable, non assignable, and made for the projects as described and for the noted location unless explicitly approved by the Town of Clayton.

6. Said allocation may be revoked or reclaimed in accordance with the policies of the Town of Clayton as adopted or amended now or in the future. No property right is conferred with the granting of an allocation except as otherwise explicitly allowed by policy, ordinance, or action of the Town of Clayton.

7. Said allocation is subject to payment of applicable fees in accordance with adopted ordinances, policies, and fee schedules of the Town of Clayton.

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

_____
Jody L. McLeod
Mayor

_____
Kimberly A. Moffett, CMC, NCCMC
Town Clerk

SEWER INFRASTRUCTURE REIMBURSEMENT AGREEMENT

THIS REIMBURSEMENT AGREEMENT (Agreement"), entered into as of this _____ day of _____, 2021, by and between the TOWN OF CLAYTON, a North Carolina municipal corporation ("Town"), and Davis Park Leasing, LLC, a North Carolina limited liability company ("Developer"),

WITNESSETH:

WHEREAS, the Developer is developing a mixed use community known as Lumen (the "Lumens Development") and is in the process of obtaining required permits for such development;

WHEREAS, the Developer will install wastewater infrastructure improvements as required to support the Project, including but not limited to (i) a pump station; and (ii) a 16" sanitary sewer line located approximately as shown as one of two potential alignments on Exhibit A hereto (the "Improvements");

WHEREAS, the Town has determined that the installation of the wastewater pipe in connection with a portion of the Improvements at a size greater than what is required to serve the Lumens Development will facilitate the Town's plan to provide sewer service to other areas in the Town's jurisdiction and is in the interest of the health, safety and general welfare of the residents of the Town and its extraterritorial jurisdiction;

WHEREAS, the Town has determined that the public cost of the Improvements will not exceed the estimated cost of providing for those improvements through a separate public contract;

WHEREAS, the Developer will prepare plans and specifications suitable for construction;

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the parties agree as follows:

1. Upon the terms and conditions set forth herein, the Developer agrees to perform the activities necessary to construct the Improvements, consistent with the elements described in this Agreement, in a form that is acceptable, suitable for construction and public use, and consistent with all applicable regulatory requirements.

2. For avoidance of doubt, all ordinances, approvals, and permits otherwise applicable to the sewer line installation contemplated herein shall continue to apply to such work.

3. Upon satisfactory completion of the Improvements and acceptance of same by the Town, the Town shall reimburse the Developer for the Town Share, as defined below, of all costs and expenses necessary to construct the Improvements, up to a maximum Town Share of $3,000,000.00. The "Town Share" shall equal that portion of the actual, total costs and expenses of designing, permitting, supplying, installing, and testing the Improvements in excess of such costs quoted for installation of an 8" sanitary sewer line, as set forth on Exhibit B attached hereto.

4. The Town is not a party to any proposed contract entered into between Developer and its contractor(s) for the work necessary to complete the Improvements.

5. Upon completion of the Improvements, the Developer shall invoice the Town for the portion of the actual expenses incurred for oversizing of the wastewater pipe for the Improvements from 8" pipe to 16" pipe. The Town agrees to make the payment described above to the Developer within thirty (30) days from the Improvements being accepted by the Town.

6. Upon acceptance of the Improvements and dedication of the Improvements by the Developer to the Town, the Town will assume responsibility for maintenance of the Improvements.

7. All notices, requests for payment, requests to modify the project, and any other questions concerning this project should be addressed as follows:

If to the Town:	Town of Clayton 111 East 2nd Street Clayton, NC 27520 Attention: Town Manager
If to the Developer:	Davis Park Leasing, LLC c/o Craig Davis Properties, Inc. 8000 Weston Parkway, Suite 360 Cary, NC 27513 Attn: Craig M. Davis

Notice shall be effective upon the date of receipt by the intended recipient, provided that any notice that is sent by electronic mail shall also be simultaneously sent by mail deposited with the U.S. Postal Service or by overnight courier. Each party may change its address for notification purposes by giving the other party written notice of the new address and the date upon which it shall become effective.

8. To the fullest extent permitted by law, the Developer shall indemnify and hold harmless the Town and its agents and employees from and against that portion of all claims, damages, losses, expenses, including but not limited to attorney's fees, arising out of or resulting from the performance of Developer's work in connection with the Improvements, provided that any such claim, damage, loss or expense (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including the loss of use resulting therefrom, and (2) is caused in whole or in part by any negligent act or omission of any contractor or subcontractor, anyone directly or indirectly employed by any of them or any one for whose acts any of them may be liable.

9. The Developer shall purchase and maintain or cause its contractor(s) installing the Infrastructure to purchase and maintain insurance during the life of this Agreement with a company authorized to do business in the State of North Carolina in the amounts set forth in Exhibit C.

10. The Developer shall warrant that all work will be in accordance with this Agreement. The Town shall be named as a beneficiary on any and all warranties affecting the Improvements made for the Town.

11. As a condition of entering into this Agreement, the Developer agrees to promptly provide to the Town all information and documentation that may be requested by the Town from time to time regarding the solicitation, selection, and payment of contractors and subcontractors in connection with this Agreement.

12. The Developer shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify), and shall require all of its subcontractors to do so as well.

13. The Developer shall comply with all applicable federal, state and local laws and regulations and shall obtain all applicable permits and licenses in connection with its obligations under this Agreement.

14. This Agreement is entered into by and between the parties hereto for their exclusive benefit. The parties do not intend to create or establish by this Agreement any third-party beneficiary status or rights, and no such third-party shall be entitled to enforce any right of obligation or enjoy any benefit created or established by this Agreement.

15. This Agreement shall be binding upon, inure to the benefit of and be enforceable by the parties hereto and their respective successors and assigns.

16. This Agreement shall be enforced, interpreted and construed by and under the laws of the State of North Carolina.

17. This Agreement is the entire agreement between the parties with respect to its subject matter and there are no other representations, understandings or agreements between the parties relative to such subject matter. No amendment or modification to the Agreement shall be valid unless in writing and signed by both parties to this Agreement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

DEVELOPER

By: _____
Signature

_____
Print Name

_____
Title

_____
Date

ATTEST

_____
Signature

_____
Date

TOWN OF CLAYTON

By: _____
Signature

_____
Print Name

_____
Title

_____
Date

ATTEST

_____
Signature

_____
Date

This instrument has been pre-audited in the manner required by the local government budget and fiscal control Act.

By: _____
Robert McKie
Finance Office

EXHIBIT A

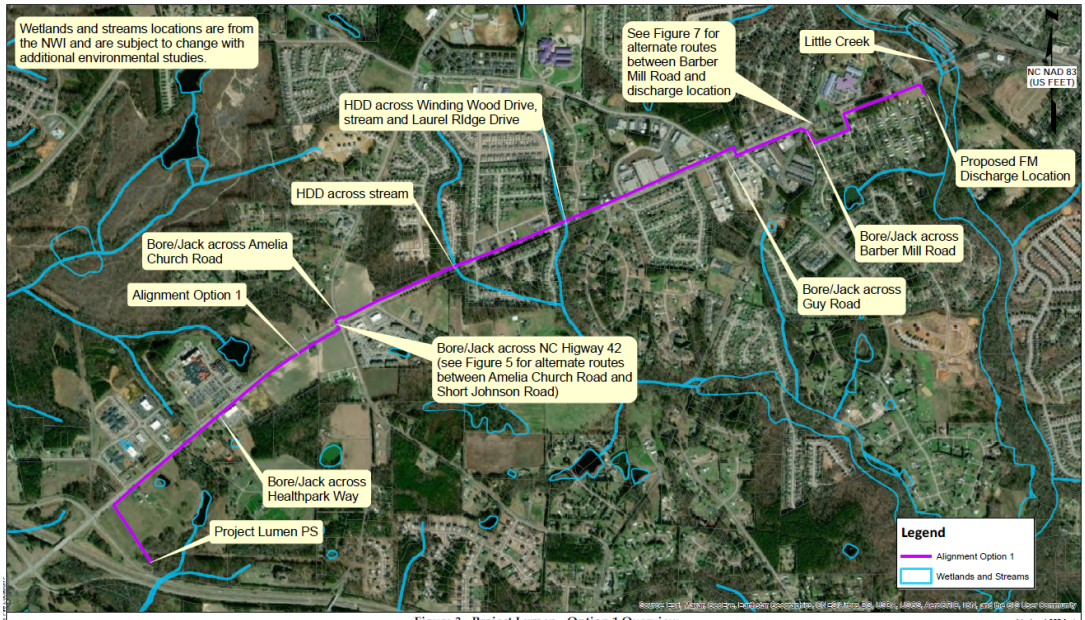


Figure 3 - Project Lumen - Option 1 Overview
Davis Parking LLC
Clayton, Johnston County, NC

1 inch = 1,250 feet
McKIM&CREED
November, 2020

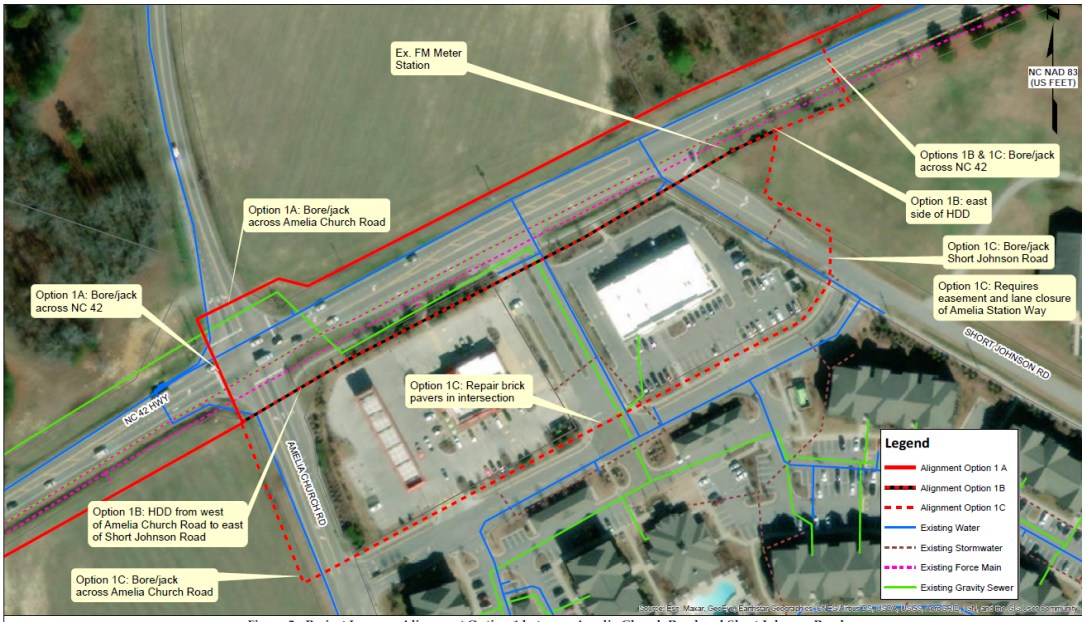


Figure 5 - Project Lumen - Alignment Option 1 between Amelia Church Road and Short Johnson Road
Davis Parking LLC
Clayton, Johnston County, NC

1 inch = 90 feet
McKIM&CREED
November, 2020

PPAB 6458856v4

EXHIBIT B

PROJECT LUMEN, BUDGETARY OPINION OF PROBABLE CONSTRUCTION COST

Executive Summary

	Budgetary Opinion of Probable Construction Cost for Alignment Option 1A	
Description	**8-inch FM**	**16-inch FM**
FM Construction Cost Estimate	$ 4,100,000.00	$ 6,800,000.00
PS Construction Cost Estimate	$ 1,500,000.00	$ 1,900,000.00
Easement Land Value	$ 3,800,000.00	$ 3,800,000.00
Engineering and Consulting Fees	$ 1,600,000.00	$ 1,600,000.00
Total Construction Cost	**$ 11,000,000.00**	**$ 14,100,000.00**

McKim & Creed understands Alignment 1A is being selected. Therefore, this table only compares the 8-inch and 16-inch sizes for Option 1A.
Construction costs include a 30% estimating contingency. Easement Land Value includes a 15% estimating contingency.
Estimate being provided for budgetary purposes only and is subject to change pending scope of work, material and labor costs.
See Tech Memo for additional details and assumptions.



MCKIM CREED PROJECT NUMBER: 08183-0001 10/11/2021

EXHIBIT C

MINIMUM INSURANCE REQUIREMENTS

1. Developer's Liability Insurance

The **Developer** will provide and maintain the following types and amounts of insurance:

1.1 Commercial General Liability Insurance

Developer must provide Commercial General Liability insurance (2013 ISO **Occurrence Form** or its equivalent). The Commercial General Liability insurance must include coverage for "Premises-Operations", "Independent Contractors", "Products-Completed Operations", Personal Injury" and "Contractual Liability". The "Contractual Liability" must include coverage for liability assumed under the Contract and the tort liability of another assumed in a business contract. Such coverage shall not exclude or limit coverage for explosion, collapse, or underground (formerly known as the "XCU"). This insurance shall be maintained throughout the performance of the Work and for a minimum of one year after ***FINAL PAYMENT.*** Limits shall be as follows:

Each Occurrence Limit	
Bodily Injury/Property Damage Liability	**$1,000,000**
Personal Injury Liability	**$1,000,000**
General Aggregate Limit	**$2,000,000**
Products/Completed Operations Aggregate Limit	**$2,000,000**

The General Aggregate Limit is to be written on a "per project" basis using Contractor's "Per Project" endorsement: **Amendment-Aggregate Limits of Insurance** (*CG 2503*). The "**Products/Completed Operations" Aggregate Limit** must be at least **$2,000,000**, or written confirmation provided that the Commercial Umbrella coverage affirmatively "follows form" and includes liability coverage arising out of the insured's "Completed Operations". Such coverage shall not exclude or limit coverage for explosion, collapse and underground (f/k/a "XCU") wherever work involving these exposures is undertaken.

The Town, and its employees, as well as authorized agents, are to be named as additional insureds in the Developer's commercial general liability policy. Verification of additional insured status shall be furnished to Town by providing a copy of the endorsement or Certificate of Insurance.

This insurance will apply as primary insurance with respect to any other insurance or self-insurance that Town may have or elect to carry.

1.2 Business Automobile Liability Insurance

Developer must provide and maintain business automobile liability insurance for all "owned", "non-owned" and "hired" vehicles on ISO form *CA 00 01 12/90* or equivalent coverage form with the following limits:

Combined Single Limit	**$1,000,000** per accident

The Town, its employees, as well as authorized agents, are to be named as additional insureds on the Business Automobile Liability policy. Verification of additional insured status shall be furnished to Town by providing a copy of the endorsement or Certificate of Insurance:

This insurance will apply as primary insurance with respect to any other insurance or self-insurance that Town may have or elect to carry with respect to this Project.

1.3 Workers' Compensation

Developer shall provide and maintain Workers' Compensation and Employers Liability insurance providing coverage in North Carolina. Limits and coverage shall be as follows:

Workers' Compensation Insurance	Statutory Benefits
Employers Liability Insurance	**$1,000,000** each accident
	$1,000,000 policy limit
	$1,000,000 each employee

The "Workers' Compensation" policy must allow a Waiver of Subrogation and the policy must be endorsed accordingly if the Waiver of Subrogation is not permitted without the insurance company's express consent in writing.

1.4 Umbrella Excess Liability

Developer shall provide umbrella and/or excess liability insurance on an "occurrence" basis providing "following form" coverage for the underlying coverages outlined above with the following minimum limits:

Each Occurrence Limit	**$10,000,000**
Aggregate Limit	**$10,000,000**

The Town, and its employees, as well as authorized agents, are to be named as additional insureds on the Umbrella/Excess Liability policy. Verification of additional insured status shall be furnished to the Town by providing a Certificate of Insurance.

This insurance will apply as primary insurance with respect to any other insurance or self-insurance that Town may have or elect to carry.

1.5 Waiver of Subrogation

Developer waives all rights of subrogation or recovery of damages against Town (and Town's agents, officers, directors, and employees) to the extent such damages are covered by the insurance carried or required to be carried by Developer. Developer (and its consultants and subcontractors, or anyone directly or indirectly employed by any of them) shall cause each policy required hereunder to contain provisions allowing waiver of rights of recovery prior to a loss and waivers of rights of subrogation against Town on the part of the insurer. Developer shall cause its consultants, subcontractors and sub-subcontractors, agents and employees to execute similar waivers of subrogation in favor of Town for all insurance coverage except Worker's Compensation. A waiver of subrogation shall be effective as to a person or entity even though that person or entity would otherwise have a duty of indemnification, contractual or otherwise, did not pay the insurance premium directly or indirectly, and whether or not the person or entity had an insurable interest in the property damage.

1.6 Evidence of Insurance

Developer shall furnish Certificates of Insurance to the Town prior to commencement of the work. The certificate holder (and additional insured) should read as follows:

Town of Clayton
111 East 2nd Street
Clayton, NC 27520
Attention: Town Manager

The Certificate(s) of Insurance shall be signed by a duly authorized representative of each insurance company, showing compliance with the insurance requirements set forth herein. The certificate should expressly state that if there is any material change in coverage (cancellation, expiration, or exclusion of a specifically required coverage such as completed operations) that the Developer or his agent will make every reasonable effort to notify the Town at least ten (10) days prior to such change by written notice.

1.7 Professional Liability Insurance (if applicable)

Contractor must obtain and maintain professional liability insurance covering any damages caused by an error, omission or any negligent acts of the Contractor, its sub-contractors, agents, officers, or employees, with the following limits:

Combined Single Limit	**$1,000,000 per claim**
Annual Aggregate Limit	**$2,000,000**

This insurance will apply as primary insurance with respect to any other insurance or self-insurance that Town may have or elect to carry.

1.8 Pollution Liability Insurance (if applicable)

Developer shall obtain and maintain pollution liability insurance covering bodily injury, property damage and environmental damage resulting from sudden or gradual accidental pollution and related cleanup costs arising out of the work or services to be performed, with the following limits:

Combined Single Limit	**$1,000,000 per claim**
Annual Aggregate Limit	**$2,000,000**

1.9 Miscellaneous

1.9.1 The insurance companies providing coverage must be rated "A-" or better by A. M. Best's and be licensed or otherwise approved in the state of North Carolina.

1.9.2 Developer shall be responsible for ensuring that Developer's contractors maintain adequate insurance.

1.9.3 This insurance will apply as primary insurance with respect to any other insurance or self-insurance that the Town may have or elect to carry.

1.9.4 Town and its employees, as well as authorized agents, are to be named as additional insureds in with respect all polies other than worker's compensation and professional liability.

WATER TOWER OPTION AND PUT AGREEMENT

THIS WATER TOWER OPTION AND PUT AGREEMENT, dated as of _____, 2021 (this "**Agreement**"), is by and among Davis Park Leasing, LLC, a North Carolina limited liability company ("**DPL**") and the Town of Clayton, North Carolina, a municipal corporation of the State of North Carolina (the "**Town**").

WHEREAS, DPL owns +/- 74 acres of land located in the Town of Clayton, Johnston County, North Carolina, as described on **Exhibit A** attached hereto and incorporated herein (the "Property"); and

WHEREAS, DPL has agreed to provide certain elements to the Town related to the Property and its development; and

WHEREAS, DPL and the Town wish to enter into this Agreement in order to effectuate those provisions and to otherwise set forth certain rights and obligations among the parties.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

Section 1. Water Tower Construction. DPL shall construct a water tower (the "**Tower**") to be located on the Property in the location depicted on **Exhibit B** attached hereto and incorporated herein (the "**Tower Site**"), and, prior to any subdivision of the Property, a metes and bounds description of the Tower Site shall be delivered to the Town. The Tower shall be constructed pursuant in all aspects to the plans and specifications as set forth on **Exhibit C** attached hereto and incorporated herein. DPL shall perform the construction in a professional and workman-like manner and in accordance with (i) all permits and approvals obtained in connection therewith, and (ii) all applicable laws, codes, ordinances, rules and regulations.

Section 2. Option. For a period of thirty-six (36) months following the Town's issuance of a certificate of occupancy for the Tower (the "**Option Period**") and upon not less than thirty (30) days' written notice to DPL (the "**Option Notice**"), the Town shall have the exclusive right and option (the "**Option**") to purchase the Tower and the Tower Land (as defined herein) from DPL. The exercise price for the Tower and the Tower Land shall be an amount in cash or other immediately available funds equal to $6,500,000.00 (the "**Purchase Price**"). The Town shall pay the Purchase Price to DPL on the closing date (the "**Option Closing**"), which

shall be set forth in the Option Notice, and which Option Closing shall be no more than sixty (60) days following the exercise of the Option. During Option Period, DPL shall not transfer, sale, or otherwise dispose of the Tower or the Tower Land without the prior written consent of the Town.

Section 3. Put. Notwithstanding the Option set forth above, during the Option Period and upon not less than thirty (30) days' written notice to the Town (the "**Put Notice**"), DPL shall have the right and option, but not the obligation, to require the Town to purchase the Tower and the Tower Land (the "**Put Right**") at the Purchase Price. The Town shall pay the Purchase Price to DPL on the closing date (the "**Put Closing**"), which shall be set forth in the Put Notice, and which Put Closing shall be no more than sixty (60) days following the exercise of the Put Right.

Section 4. Conveyance Documents. Upon either of the Option Closing or Put Closing, the Tower along with the +/- ___ [square feet/acres] situated immediately thereunder (the "**Tower Land**") shall be conveyed to the Town pursuant to a special warranty deed (the "**Deed**"), which Deed shall contain a restriction prohibiting any repainting of the Tower whatsoever for a period of ten (10) years following either of the Option Closing or Put Closing except as may be strictly necessary in connection with the Town's maintenance and repair of the Tower. Notwithstanding the foregoing, the Town shall not alter the color or design of the Tower in any aspect during the pendency of DPL's ownership of the Property. At Closing, the parties shall as applicable also record a form of easement agreement governing the dedication and acceptance of the Tower as well as access rights necessary to effectuate the Town's ongoing maintenance and repair of the Tower.

Section 5. Notices. All notices, requests, demands, claims and other communications required or permitted to be delivered, given or otherwise provided under this Agreement must be in writing and must be delivered, given or otherwise provided: (a) by hand (in which case, it will be effective upon delivery); (b) by facsimile (in which case, it will be effective upon receipt of confirmation of good transmission); (c) by registered or certified first-class mail, return receipt requested (in which case, it will be effective on the fifth (5th) business day after being so mailed); or (d) by overnight delivery by a nationally recognized courier service (in which case, it will be effective on the business day after being deposited with such courier service); in each case, to the address (or facsimile number) listed below:

If to DPL, to:

Davis Park Leasing, LLC
c/o Craig Davis Properties, Inc.
8000 Weston Parkway, Suite 360
Cary, NC 27513
Attn: Craig M. Davis

with a copy (which shall not constitute notice) to:

Morningstar Law Group
421 Fayetteville Street, Suite 530
Raleigh, NC 27601
Attention: Amanda S. Bambrick
abambrick@morningstarlawgroup.com

Each of the parties to this Agreement may specify different address or facsimile number by giving notice in accordance with this Section 6 to each of the other parties hereto.

Section 6. Succession and Assignment. This Agreement will be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns, each of which such successors and permitted assigns will be deemed to be a party hereto for all purposes hereof. The Town may not assign, delegate or otherwise transfer either this Agreement or any of its rights, interests, or obligations hereunder without the prior written approval DPL. DPL shall have the right to assign its rights under this Agreement to any person or entity.

Section 7. Amendments and Waivers. No amendment or waiver of any provision of this Agreement will be valid and binding unless it is in writing and signed by the parties hereto, or in the case of a waiver, by the party against whom the waiver is to be effective. No waiver by any party of any breach or violation or, default under any covenant hereunder, whether intentional or not, will be deemed to extend to any prior or subsequent breach, violation, default of any covenant hereunder or affect in any way any rights arising by virtue of any prior or subsequent such occurrence. No delay or omission on the part of any party in exercising any right, power or remedy under this Agreement will operate as a waiver thereof.

Section 8. Counterparts. This Agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute but one and the same instrument.

Section 9. Severability. Any term or provision of this Agreement that is invalid or unenforceable in any situation in any jurisdiction will not affect the validity or enforceability of the remaining terms and provisions hereof or the validity or enforceability of the offending term or provision in any other situation or in any other jurisdiction. In the event that any provision hereof would, under applicable law, be invalid or unenforceable in any respect, each party hereto intends that such provision will be construed by modifying or limiting it so as to be valid and enforceable to the maximum extent compatible with, and possible under, applicable law.

Section 10. Governing Law. This Agreement, the rights of the parties and all claims arising in whole or in part under or in connection herewith, will be governed by and construed in accordance with the domestic substantive laws of the State of North Carolina, without giving effect to any choice or conflict of law provision or rule that would cause the application of the laws of any other jurisdiction.

Section 11. Jurisdiction. Each party to this Agreement, by its execution hereof, (a) hereby irrevocably submits to the exclusive jurisdiction of the state courts of the State of North Carolina located in Raleigh or the United States District Court for the Eastern District of North Carolina for the purpose of any action between the parties arising in whole or in part under or in connection with this Agreement, (b) hereby waives to the extent not prohibited by applicable law, and agrees not to assert, by way of motion, as a defense or otherwise, in any such action, any claim that it is not subject personally to the jurisdiction of the above-named courts.

Section 12. Specific Performance. Each of the parties acknowledges and agrees that the other parties would be damaged irreparably in the event any of the provisions of this Agreement are not performed in accordance with their specific terms or otherwise are breached

or violated. Accordingly, each of the parties agrees that, without posting bond or other undertaking, the parties will be entitled to an injunction or injunctions to prevent breaches or violations of the provisions of this Agreement and to enforce specifically this Agreement and the terms and provisions hereof. This remedy shall be in addition to any other remedy to which it may be entitled, at law or in equity. Each party further agrees that, in the event of any action for specific performance in respect of such breach or violation, it will not assert that the defense that a remedy at law would be adequate.

[Signature Page Follows]

IN WITNESS WHEREOF, this Agreement has been duly executed and delivered by the parties hereto as of the day and year first above written.

DPL

Davis Park Leasing, LLC,
a North Carolina limited liability company

By: _____
Name: _____
Title: _____

TOWN

Town of Clayton, North Carolina,
a municipal corporation of the State of North Carolina

By: _____
Name: _____
Title: _____

Exhibit A

The Property

Exhibit B

The Tower Location

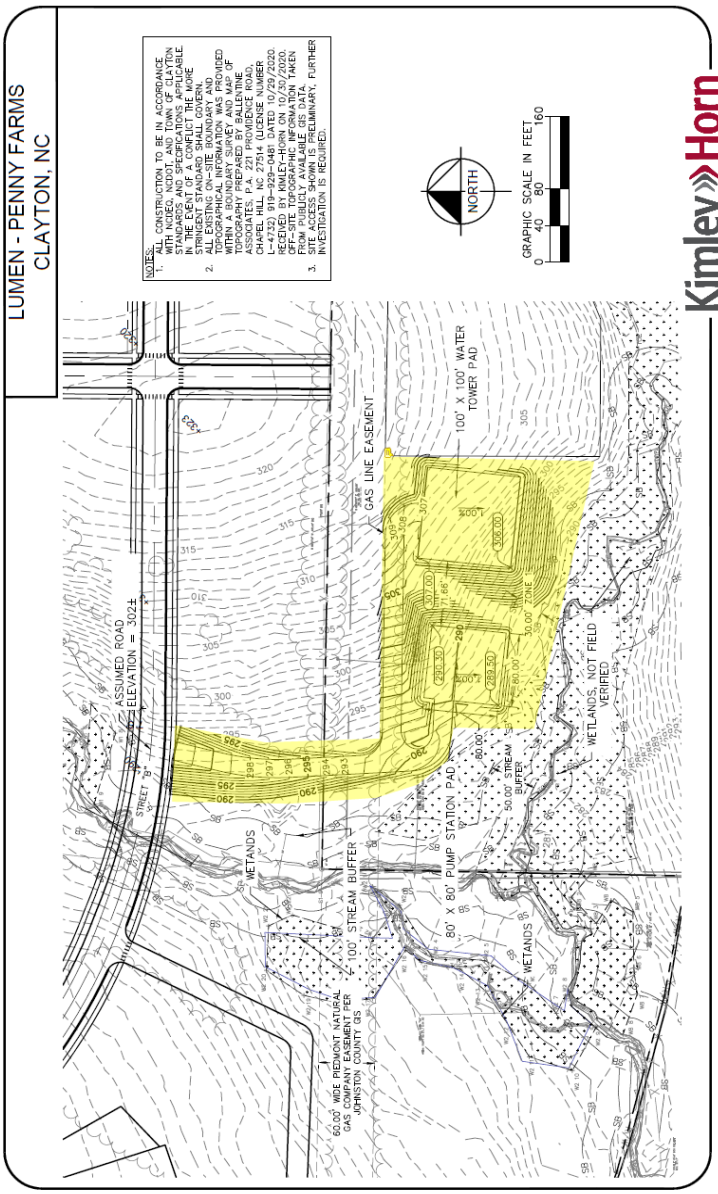


Exhibit C

The Plans and Specifications

- One (1), one million gallon elevated water storage tank (EST)
    - High water elevation / overflow elevation of 492 feet mean sea level (based on the hydraulic grade line of the existing system)
- In-line control valve vault (assume altitude valve) to control water level inside tank, and to provide bypass of the tank inlet
- The EST will be designed to have a pipe network to include:
    - One inlet pipe,
    - One outlet pipe,
    - One overflow pipe,
    - One drainage pipe
        - Overflow and drainage pipe will connect with a common discharge
- Tank mixing device (PAX jet or impeller mixer, or equal)
- Tank aeration device (PAX aeration, or equal)
- Tank ventilation to limit development of dangerous pressures or vacuum

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[Signature Page Follows]

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DPL

Davis Park Leasing, LLC,
a North Carolina limited liability company

By: _____
Name: _____
Title: _____

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Town of Clayton, North Carolina,
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The Property

Exhibit B

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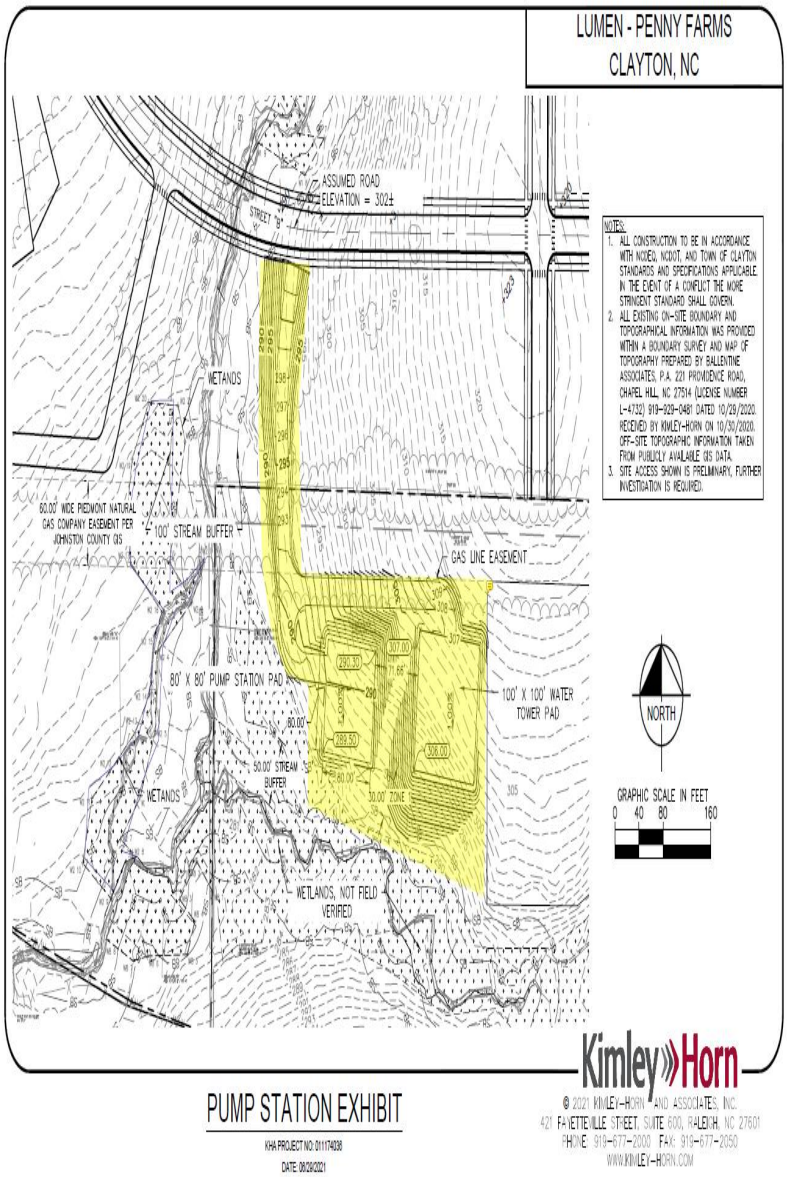


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    - One inlet pipe,
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        - Overflow and drainage pipe will connect with a common discharge
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- Tank aeration device (PAX aeration, or equal)
- Tank ventilation to limit development of dangerous pressures or vacuum

Document comparison by Workshare 10.0 on Wednesday, October 27, 2021 2:41:16 PM

Input:	
Document 1 ID	netdocuments://4814-1290-7766/2
Description	CDP Option and Put Agreement
Document 2 ID	netdocuments://4814-1290-7766/3
Description	CDP Option and Put Agreement
Rendering set	standard

Legend:	
Insertion	
~~Deletion~~	
~~Moved from~~	
Moved to	
Style change	
Format change	
~~Moved deletion~~	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	1
Deletions	0
Moved from	0
Moved to	0
Style changes	0
Format changes	0
Total changes	1

Town of Clayton
Town Council
Preliminary Subdivision Plat Motion Sheet

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

- ■ Approve
- ■ Deny
- ■ Approve with Conditions

Preliminary Subdivision Plat Application Number 2020-104-SD - Lumen

This motion is based on the following findings:

1. The preliminary subdivision plat **IS** consistent with the adopted plans and policies of the town.

OR

The preliminary subdivision plat **IS NOT** consistent with the adopted plans and policies of the town. (State evidence supporting finding.)

****

2. The subdivision **MEETS** all required specifications of the Town of Clayton Unified Development Code.

OR

The subdivision **DOES NOT MEET** all required specifications of the Town of Clayton Unified Development Code. (State evidence supporting finding.)

****

3. The subdivision **WILL NOT** be detrimental to the use or orderly development of other properties in the surrounding area and **WILL NOT** violate the character of existing standards for development of properties in the surrounding area.

OR

The subdivision **WILL** be detrimental to the use or orderly development of other properties in the surrounding area and **WILL** violate the character of existing standards

MOTION FORM
Item 6a
2020-104-SD
Lumen



for development of properties in the surrounding area. (State evidence supporting finding).

****

4. The subdivision design **WILL** provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, **WILL** provide for the unified and orderly use of or extension of public infrastructure, and **WILL NOT** materially endanger the environment, public health, safety, or the general welfare.

OR

The subdivision design **WILL NOT** provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, **WILL NOT** provide for the unified and orderly use of or extension of public infrastructure, and **WILL** materially endanger the environment, public health, safety, or the general welfare. (State evidence supporting finding).

****

[If approved with conditions] The applicant meets this finding subject to conditions as agreed to by staff and application and included in approval document:

MOTION FORM
Item 6a
2020-104-SD
Lumen

Town Council Agenda Cover Sheet

Meeting Date
November 15, 2021

Agenda Location
Public Hearings

Item Title

Economic Development Incentive Agreement - Lumen

Presenter

Patrick Pierce, Economic Development Director

Summary/Description

The Developer has requested an economic development incentive for the portion of the development that will be built as Class A Office space. This portion of the project will consist of four phases, netting a minimum of 525,000 sq ft of new Class A Office space, $200,000,000 million in investment and at least 100 new full-time jobs with an average minimum wage of $55,000 annually, including benefits.

The incentive agreement will provide a grant of 50% of the ad valorem taxes paid on the Class A Office space for a period of seven years, beginning in 2024. The maximum total grant amount over the life of the project is $2,500,000. Clawback provisions are provided for underperformance or untimely delivery of the project.

The subject properties are not currently in the Town Limits and will be required to be annexed. This project will increase the tax base of the Town, provide additional job opportunities for its residents and open new opportunities to attract businesses seeking Class A office space in Clayton and Johnston County.

Requested Action
Approval

Funding Source (If Applicable):
N/A

Cost: **Up to $2,500,000 over seven years** **Yes** ☒ **No** ☐

Additional Documents to be Included in Agenda Packet

Notice of Public Hearing
Economic Development Incentive Agreement

Meeting Timeline
Click or tap here to enter text.

NOTICE OF PUBLIC HEARING
BEFORE THE TOWN COUNCIL OF THE TOWN OF CLAYTON

WHEREAS, the Local Development Act of 1925 authorizes cities and counties to make appropriations and expenditures and to acquire and convey interests in real property for the purposes of aiding and encouraging the location of manufacturing enterprises, and locating industrial and commercial plants in the county which will, in the discretion of the governing body of the city or county, increase the population, taxable property, agricultural industries, employment, industrial output, or business prospects of the city or county; and

WHEREAS, these expenditures may be funded by the levy of property taxes and by the allocation of other revenues whose use is not otherwise restricted by law; and

WHEREAS, Davis Park Leasing, LLC (the "Company") has requested an economic development incentive from the Town of Clayton for the purpose of development of a Class A office complex to be located within the Town of Clayton, resulting in additional monetary investment and the creation of new jobs within the Town; and

WHEREAS, the Company will, at its sole cost and expense, invest not less than $200,000,000.00 in the office complex and, upon completion, the facility will employ an additional 100 full-time employees to be paid an average annual wage of $55,000 including benefits; and

WHEREAS, the development and construction of said office complex will increase the taxable property and business prospects of the Town; and

WHEREAS, the public benefit from the aforesaid improvements will include, inter alia, additional ad valorem tax revenues for the Town and additional employment opportunities for the citizens of the Town of Clayton and County of Johnston; and

WHEREAS, in accordance with the terms of N.C.G.S. 158-7.1, and subject to receipt by the Town of sufficient ad valorem tax revenues attributable to the investment by the Company as described herein, and further subject to the other terms and conditions hereinafter set forth, and such additional terms as the Town Council may impose following a public hearing, the Town desires to make the appropriations and expenditures and to authorize payment of the economic development incentives described herein.

THEREFORE, NOTICE is hereby given that the Town Council of the Town of Clayton will hold a public hearing to consider the following economic development incentives:

A monetary incentive to be paid to the Company in the estimated amount of $2,500,000 over a period of seven years, provided that the annual incentive grant paid by the Town shall not exceed the total ad valorem taxes paid by the Company to the Town each year.

The funds to be appropriated and expended herein as economic development incentives shall be appropriated from the economic development line item of the Town budget for the applicable fiscal years.

NOTICE is further given that the Town Council intends to approve the foregoing economic development incentives following the public hearing.

NOTICE is further given that the Town Council reserves the right to impose such additional or different covenants, conditions, and restrictions as it deems appropriate in its discretion.

NOTICE is further given that the Town Council of the Town of Clayton will hold the public hearing on the making of said appropriations and expenditures at its regular meeting to be held on October 18, 2021 at 6:00 p.m. in the Town Council Chambers, Clayton Town Hall, 111 East 2nd Street, Clayton, North Carolina.

All interested citizens are invited to appear and be heard.

This the 27th day of September, 2021.

Kimberly A. Moffett
Town Clerk
Town of Clayton

Publish: on or before October 7, 2021
Affidavit Requested

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

Dated this _____ day of _____, 2021

by and between

TOWN OF CLAYTON

and

DAVIS PARK LEASING, LLC

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

THIS ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT (the "**Agreement**") is entered into this ____ day of _____, 2021, (the "**Effective Date**") by and between **THE TOWN OF CLAYTON, NORTH CAROLINA**, a legal subdivision of the State of North Carolina (the "**Town**"), and **Davis Park Leasing, LLC**, a NC limited liability company (the "**Company**"), each referred to individually as a "Party" or collectively as the "Parties."

WITNESSETH:

WHEREAS, the Town seeks to promote economic growth and development within its jurisdiction and the social and economic improvement of its citizens, and desires to accelerate the quality and quantity of economic growth and employment opportunities in its jurisdiction by encouraging business enterprises satisfying the aforementioned public purposes and thereby reduce physical, economic and social distress resulting from unemployment and underemployment existing in its jurisdiction; and

WHEREAS, the Town's rapidly growing population would benefit from the availability of additional employment opportunities; and

WHEREAS, the Company intends to develop approximately 64 acres to be annexed into the Town that will include development and construction of not less than 525,000 gross square feet of Class A office space, including all common areas and accessory spaces associated with such office use (the "**Office Complex**") and the Office Complex will be located on the parcels (the "**Project Site**") more fully described on Exhibit A attached hereto, both exhibits being incorporated herein by reference; and

WHEREAS, the buildings and other improvements to be installed and constructed at the Project Site in connection with the construction and equipping of the Office Complex will expand the Town's tax base through increased ad valorem tax value created as a consequence of the Company's capital investment in such buildings, machinery and equipment being brought into the Town and the construction of other new improvements at and near the Project Site; and

WHEREAS, in recognition of the significant public benefits derived by the Town from its expanded tax base and the new employment opportunities provided by the Company as a result of the Office Complex, the Town has agreed to provide the economic incentives and inducements to the Company described herein; and

WHEREAS, in consideration of the inducements set forth herein, the Company has agreed to locate the Office Complex at the Project Site, all on the terms and conditions as hereinafter described; and

WHEREAS, The Town Council of the Town of Clayton following a public hearing approved the Town's entry into this Agreement by resolution.

NOW, THEREFORE, in consideration of the premises and the terms herein, the sufficiency of which are hereby acknowledged, the parties contract and agree as follows:

1. Required Minimum Investment. The Company will construct the Office Complex at the Project Site and, in connection therewith, construct or cause to be constructed the improvements comprising the Office Complex which are subject to ad valorem taxation by the Town with a non-depreciated capital investment cost of a minimum of $200,000,000.00 (the "**Required Minimum Investment**") by not later than December 31, 2029, and place such real property in service on the Project Site in accordance with the following schedule:

Phase 1: 112,500 gross square feet of Class A office space (including all common and accessory areas associated therewith, but excluding accessory parking, the "**Office Area**") by no later than March 31, 2024

Phase 2: 150,000 additional gross square feet of Office Area by no later than December 31, 2025 (i.e. 262,500 cumulative gross square feet, which may include excess square footage from Phase 1)

Phase 3: 150,000 additional gross square feet of Office Area by no later than December 31, 2027 (i.e. 412,500 cumulative gross square feet, which may include excess square footage from one or more earlier phases)

Phase 4: 112,500 additional gross square feet of Office Area by no later than December 31, 2029 (i.e. 525,000 cumulative gross square feet, which may include excess square footage from one or more earlier phases)

2. New Employment. Within twelve (12) months following the completion of construction of each phase of the Office Complex, there shall be full time employment at the Office Complex of not less than 100 jobs new to Johnston County, North Carolina (i.e. not including any position transferred from another location within the county) with an average wage of not less than $55,000 per year, including benefits, and certification thereof shall be provided by the Company in the form attached hereto as Exhibit B. For avoidance of doubt, such new jobs may include any otherwise qualifying jobs located within an earlier phase of the project and exceeding the minimum required new jobs for such phase.

3. Incentive Grant. If the Company completes construction of the Office Complex in accordance with the schedule set forth above, the Town will realize economic benefits due to the expansion of tax base and the creation of jobs. As an incentive for the Company to construct the Office Complex, the Town will, in accordance with NCGS 158-7.1 and in accordance with the terms and conditions of this Agreement, provide an economic development performance grant (the **"Grant"**) with an estimated value of $2,500,000.00. The amount and timing of the Grant will depend on the net new ad valorem tax value for the Office Complex. The net new tax value means the increase in the total real property tax value of the Office Complex arising out of the Company's investments therein as listed with the Johnston County Tax Department, as such amounts may be reduced from year to year due to depreciation. The Grant is calculated only on

the new value added by the Office Complex to the Town's tax base. Accordingly, the net new tax value shall only include the cumulative value of the increased tax base related to the improvements during the years governed by this Agreement, which is subject to depreciation of such property placed on or in the Project Site as the result of the investments subsequent to the year of initial investment. Under this definition, net new tax value excludes (i) the unimproved value of the Project Site, (ii) any real or personal property of any nature in the surrounding development other than the real property comprising the Office Complex and (iii) any real property which, by whatever means, is permanently removed from the Project Site or the Office Complex.

4. Reporting and Verification. Each year the Company (the "**Reporting Party**") shall, in compliance with applicable law, list with the Tax Office all property comprising any portion of the Office Complex subject to ad valorem taxation. In addition, during the term of this Agreement beginning in the calendar year 2024, the Company shall provide to the Tax Office no later than March 1 an annual certification (the "**Annual Certification**") substantially in the form of Exhibit B attached hereto and incorporated herein by reference certifying the following for the immediately preceding calendar year (the "**Reported Year**"):

a. Total investments in the Office Complex made by the Reporting Party during the Reported Year and cumulatively during the term of this Agreement, including the costs thereof.

b. All ad valorem taxes paid during the Reported Year with respect to the investments for which Grant funds are requested to be paid.

c. Any change affecting ad valorem taxes with respect to any investments reported in prior Reported Years.

d. The employment within the Office Complex as of December 31 of the Reported Year, to be certified by the Reporting Party.

e. That operations are continuing within the Office Complex.

The investments and the property acquired therewith shall be identified to the Office Complex by Company with reference to specific tax parcels and tracked by the Company and the Town. The Reporting Party shall provide to the Town accurate and complete documentation of the investments made by the Company with respect to the Office Complex with each payment of ad valorem taxes and identify the ad valorem taxes applicable to the investments, all in a form reasonably acceptable to the Town with sufficient detail to enable the Town to confirm the accuracy thereof. The information provided to the Town shall include for the Reporting Party: (i) its annual tax listings and (ii) a complete list of all improvements with a designation of any new improvements made during the Reported Year.

The Annual Certification filed by the Reporting Party shall be certified by the Company and the Company shall at all times cooperate with the Town and the tax office as reasonably requested from time to time in order to assure the proper administration of the terms of this Agreement.

Company shall provide the Town with information sufficiently detailed to allow the Town to differentiate improvements and property added from time to time as part of the development of the Office Complex.

The failure of Company to provide any information or take any action required by this Agreement shall be deemed a default by the Company.

5. Grant Payments. Provided that the applicable portion of the Required Minimum Investment pursuant to Section 1 above has been made and reported to the Town as required hereby, that the employment count has been attained and maintained as of the end of each Reported Period and reported to the Tax Office, and further provided the Company is otherwise in full compliance with this Agreement, the Town shall pay the incentive Grant to Company from any lawfully available funds not otherwise restricted upon the terms and conditions hereinafter set forth.

The Grant amount shall at no time exceed ad valorem taxes actually paid and received with respect to the Office Complex. Each phase of the Grant shall be paid in up to seven (7) annual installments on or before April 15 of each calendar year for the previous calendar year beginning with the 2023 calendar year with the first Grant to be paid on or before April 15, 2024. The Grants shall be made based upon the ad valorem taxes paid by the Company as they are tracked through the seven (7)-year grant period (the "**Grant Period**"). Year 1 shall mean calendar year 2023, and Year 2, Year 3, Year 4, Year 5, Year 6 and Year 7 shall be the next successive calendar years through calendar year 2029.

Each of the Parties has determined, independently, that the assessed property tax value of the investments in the Office Complex is the most objective means of accounting for the economic benefit to the Town. For purposes of convenience only in quantifying the benefit to the Town, the amount of each Grant shall be measured by and equal to an amount equal to the following specified percentages of the ad valorem taxes paid by the Company in the previous year with respect to each phase:

Real Property

Tax Year	Grant %
Year 1	**50%**
Year 2	**50%**
Year 3	**50%**
Year 4	**50%**
Year 5	**50%**
Year 6	**50%**

Year 7	**50%**

The calculation of the Grants shall not be based upon any portion of ad valorem taxes paid which represents interest or penalties. Also, the calculation of the Grants shall not be based upon any fire, insurance, or service district ad valorem taxes, or any other charge, fee, assessment, or tax other than the Town's primary general revenue ad valorem tax.

In no event shall any Grants be paid under this Agreement to any party other than the Company and no Grants shall be paid after April 15, 2030 except in remedy of any payment overdue from the Town to the Company.

6. Conditions. During each of the years that the Company is eligible for Grants, the Grant for such year will be paid only after the Company pays in full the taxes applicable to the Office Complex for that year. In addition, the Town will be obligated to make Grants only if the following conditions are satisfied or, at Town's discretion, waived:

- Company is then current in the payments of all taxes, charges, and fees of every nature owed by them to the Town except as may be subject to a bona fide dispute continuously prosecuted and unresolved;

- All taxes, charges, and fees of every nature owed to the Town for the Office Complex are in a current payment status by whoever payable;

- There is no current appeal pending regarding the valuation of property at the Office Complex (in which case any Grant payment will be held in abeyance pending final resolution of the appeal);

- No violation of any other obligations of the Company to the Town, including conformity in all material respects with all Town ordinances and regulations and any laws, orders or regulations that the Town is obligated to enforce against the Company on behalf of another body of government, has occurred and not been cured; and

- The Company has complied with its other obligations and duties to the Town as set forth herein.

The payment of all taxes and other sums due the Town is a material condition of eligibility for a Grant in any year during the term of this Agreement and shall not be construed as implying or suggesting that the Town is reimbursing any or all ad valorem tax collected from the Company.

7. No Pledge of Faith and Credit. No provision of this Agreement shall be construed or interpreted as creating a pledge of the faith and credit of the Town within the meaning of any constitutional debt limitation. The parties acknowledge that the scope, term and duration hereof

are in all events reasonable. No provision of this Agreement shall be construed or interpreted as delegating governmental powers or as a donation or a lending of the credit of the Town within the meaning of the North Carolina Constitution. No provision of this Agreement shall be construed to pledge or to create a lien on any class or source of the Town's moneys. To the extent of any conflict between this Section and any other provision of this Agreement, this Section shall take priority.

If as a result of the Town's investigation and audit of the Annual Certifications, employment records or other matters, it is determined that the Grants have been overpaid, the Town may demand that the overpayment be repaid and any amounts to be repaid shall be due and payable within thirty days after request for repayment and shall accrue interest at the legal rate from that date until repaid.

8. Notices.

a. Whenever this Agreement requires or permits any consent, approval, notice, request, proposal, or demand (collectively, "Notice") from one party to another, the Notice must be in writing and shall be effective upon the first to occur of (i) actual receipt by the intended recipient, or (ii) the first (1st) business day after it is properly addressed and placed in the custody of a nationally-recognized overnight courier, postage prepaid, for next business day delivery.

b. Each party's address to which such Notices shall be delivered is listed below:

If to Company:	Davis Park Leasing, LLC 8000 Weston Parkway, Suite 360 Cary, NC 27513 Attention: Craig M. Davis
With a copy to:	Morningstar Law Group 421 Fayetteville Street, #521 Raleigh, NC 27601 Attn: Molly M. Stuart
If to the Town:	Town of Clayton 111 East 2nd Street Clayton, NC 27520 Attention: Town Manager
With a copy to:	Town Attorney Cauley Pridgen, PA 2500 Nash Street N, Suite C Wilson, NC 27896

c. Any party entitled to receive Notice hereunder may change the address which it previously had specified for receiving the same, at any time and from time to time, by delivering a written change notice in accordance with the above provisions to the other party five (5) business days prior to the effective date of such change.

9. Default. Any of the following shall constitute an event of default under this Agreement, and upon the occurrence thereof, the Town may, at its option, terminate this Agreement. Failure of the Town to exercise this option upon an act of default shall not be construed as a waiver by the Town to exercise said option at a subsequent date. Notwithstanding the foregoing, in the event of a default by the Company, the Town shall deliver written notice thereof to the Company, and the Company shall have an opportunity to cure such default. With respect to monetary defaults, the Company shall cure such defaults within ten business days after receipt of notice thereof. With respect to non-monetary defaults, the Company shall have 30 days to cure such defaults, provided that, if any such default shall not be amenable to cure within such 30-day period, the Town may not terminate this Agreement for so long as the Company is diligently and in good faith pursuing such cure.

a. Failure of the Company to meet any milestone dates herein for the construction of the Office Complex or the new employment.

b. Default beyond all applicable notice and cure periods (and, if disputed by the Company, as determined by a court of competent jurisdiction by final, unappealable decision)s by the Company upon any mortgage, deed of trust, or lease or other obligation secured by real property comprising any portion of the Office Complex or the filing of a petition seeking protection under the bankruptcy laws of the United States, or making an assignment for the benefit of creditors, or otherwise committing any act of insolvency.

Unless the Town waives such requirement in writing, default of the Company beyond all notice and cure periods shall release the Town of its obligation to make any further Grant otherwise required and shall allow the Town to seek reimbursement for all Grants made as of the date of default by the Company in an amount equal to the Grant(s) made to the Company for the year(s) during which such Grants applied.

10. Miscellaneous Provisions.

a. Governing Law. This Agreement has been drafted and shall be interpreted under the laws of the State of North Carolina and in the event any provision is found to be unenforceable or unconstitutional, all other provisions shall remain in full force and effect.

b. Binding Agreement. The parties hereto acknowledge that this Agreement and the foregoing actions and grants each represent binding contractual agreements among the parties hereto and that the Company is acting in reliance upon this Agreement

and the provisions and grants provided herein in its decision as to whether it will make its investment in the Town of Clayton, North Carolina.

c. Successors and Assigns. This Agreement shall not be assignable but shall run with the land comprising any portion of the Office Complex. In the event that any portion of the Project Site shall be developed in a manor such that no portion of the Office Complex shall be located thereon, the Town and the Company shall execute and record a release of this Agreement as to such portion of the Project Site.

d. Survival. The contractual commitments provided for herein and made by the parties hereto shall be deemed to continue into the future, survive, and remain binding upon future elected officials to the full extent permitted under applicable law.

e. Entire Agreement. This writing contains the entire agreement between the parties hereto and may be amended only by writing signed by all parties hereto.

f. Liability of Officers and Agents. No official, officer, agent or employee of the Town or Company shall be subject to any personal liability or accountability by reason of the execution or performance of this Agreement or any other documents related to the transactions contemplated hereby. Such officials, officers, agents, or employees shall be deemed to execute such documents in their official capacities only, and not in their individual capacities. This Section shall not relieve any such official, officer, agent or employee from the performance of any official duty provided by law. Nevertheless, the parties, and each person executing this Agreement on behalf thereof, represent and warrant that they have the full right and authority to enter into this Agreement, which is binding upon the party represented by them, and to sign on behalf of the party indicated, and are acting on behalf of themselves, their constituent members, and the successors and assigns of each of them.

g. Public Records. Notwithstanding any terms or conditions stated herein, the Town is at all times subject to North Carolina laws regarding open meetings and disclosure of public records, and nothing stated herein shall be construed as requiring the Town to violate such laws. Company is directed to N.C.G.S. Section 132-1.2, which describes the instances in which confidential information may be withheld from disclosure, the types of information that qualify as confidential information, and the methods for ensuring that confidential information is not disclosed. The responsibility for complying with these methods to avoid disclosure of confidential information lies with the Company.

h. Recording. This Agreement shall be recorded by the Company in the Johnston County registry within 14 days after execution hereof.

i. Counterparts. This Agreement may be executed in any number of separate counterparts. Each executed counterpart shall constitute an original, but all of

them taken together shall constitute a single document. The signatures of the parties may appear on separate signature pages.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

TOWN OF CLAYTON

By: _____
Jody McLeod, Mayor

ATTEST:

_____
Kimberly A. Moffett, Town Clerk

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in and for said County and State, certify that Kimberly A. Moffett personally came before me this day and acknowledged that she is the Clerk of the Town of Clayton, a municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by herself as its Clerk.

Witness my hand and Notarial Seal, this ____ day of _____, 2021.

_____
_____, Notary Public

My Commission Expires: _____
(SEAL)

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

TOWN OF CLAYTON

By: _____
Robert McKie, Finance Officer

DAVIS PARK LEASING, LLC

By: _____
Craig M. Davis, Member

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public for said County and State, do hereby certify that _____, Member of _____, L.L.C., a North Carolina limited liability company, who is either [ ] personally known by me or [ ] provided satisfactory evidence of his/her identity in the form of _____, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and official seal, this _____ day of _____, 2___.

_____
_____, Notary Public

My Commission Expires: _____
(SEAL)

TABLE OF EXHIBITS

A. Project Site

B. Performance Certificate

EXHIBIT A
Description of Project Site

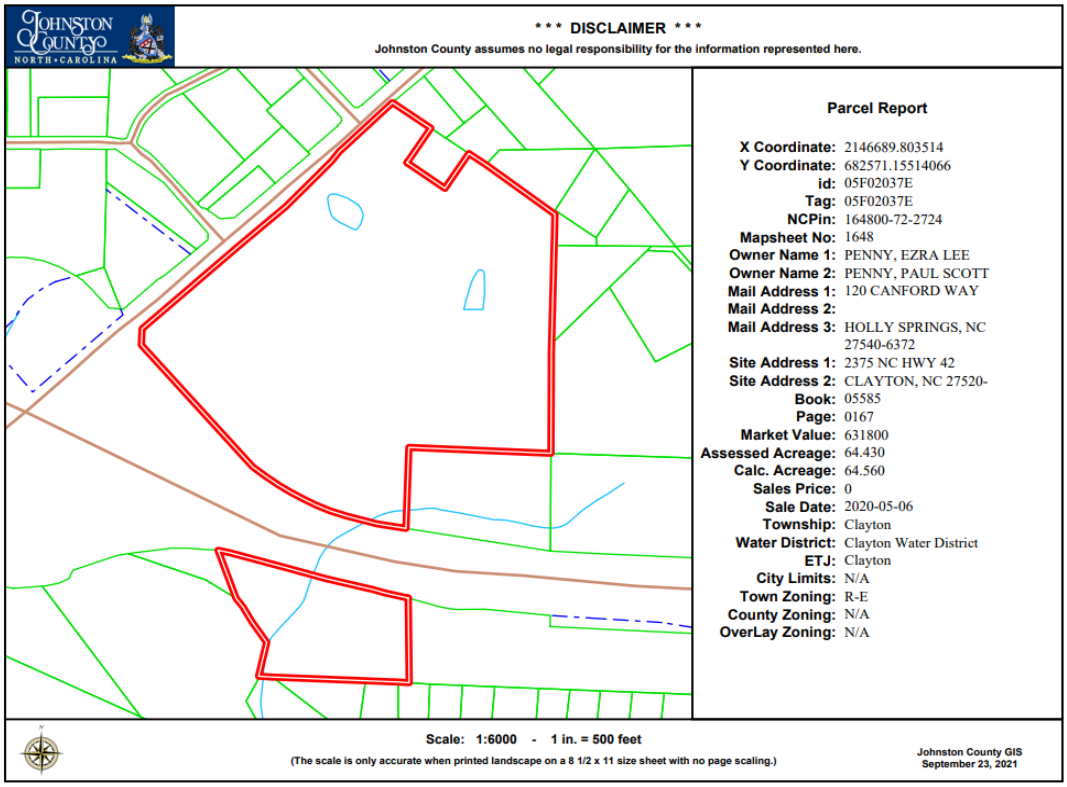


EXHIBIT B
Form of Performance Certificate

(Company Letterhead)

_____, 202___

PERFORMANCE CERTIFICATE

To: Town of Clayton, North Carolina

Attn: Town Manager

This Performance Certificate is furnished pursuant to the terms of that certain Economic Development Incentive Agreement, dated as _____, 2021 (the "Agreement"), by and between the Town of Clayton ("Town") and _____ (the "Company"). All items herein have the meanings given them in the Agreement.

The undersigned certifies that he/she is an employee and agent of the Company, is knowledgeable as to the matter set forth below, that knowledge of the matters set forth below is within the course and scope of his/her duties, and that he/she is authorized by the Company to provide this Certificate. The undersigned does hereby certify that:

As of December 31, 202__, employment at the Office Complex is _____ (_____). Attached hereto is a copy of the last Employer's Quarterly Tax and Wage Report filed with the State of North Carolina for the previous calendar year.

As of December 31, 202__, the total amount of the Company's investments paid or incurred in development of the Office Complex during the Reported Year was $_____ for real estate improvements. Ad valorem Taxes paid with respect to the investments for real estate improvements during the Reported Year were $_____.

No changes affecting ad valorem taxes with respect to any investments reported in prior years occurred except as follows:_____.

The Company was in operation at all times during the Reported Year.

No portion of the sums referred to above was paid or incurred for any improvement to real property other than the Office Complex.

The Company is at the date hereof in compliance with all applicable terms and conditions of the Agreement as set forth therein.

This the ___ day of _____, 202___.

_____
By:_____
Name:_____
Title:_____

	TOWN OF CLAYTON POLICY	
	Department: Finance/Procurement Division	**Effective: November 15, 2021**
Policy Title: Town of Clayton Procurement Policy **Version #1**		**Supersedes:** Purchasing Policy 2012, Resolution 2021-03, Ordinance 2018-07-01, Resolution 2021-04 & 2021-32
		Prepared By: Shaun Mizell Procurement, Contracts and MWBE Manager
Approved By: Town Council ☐ or Town Manager ☐ **Date: November 15, 2021**		

PROCUREMENT

I. Purpose

This procurement policy is intended for use as a guide to the Town of Clayton's Procurement methods and practices. When used properly the policies are established herein will enable the Town to obtain needed materials, equipment, supplies, and services efficiently and economically. It also provides for application of all North Carolina General Statutory provisions pertaining to local governmental purchasing.

The understanding and cooperation of all employees is essential if the Town is to obtain the maximum value for each tax dollar spent. While this policy does not answer all questions related to procurement, it does provide the foundation for a sound centralized procurement system.

The basic goals of the Town's procurement program are:

- To comply with the Federal, State and Local Policies of public procurement.
- To assure vendors that impartial and equal treatment is offered to all that wish to do business with the Town.
- To receive maximum value for each dollar spent by awarding purchase orders to the lowest responsible, responsive bidder, taking into consideration quality, performance, technical support, delivery schedule, past performance and other relevant factors.
- To provide Town departments the required goods, equipment, and services at the time and place needed and in the proper quantity and quality.
- To professionally administer the search for sources of supplies, the development of new sources, the selection of suppliers and negotiations.
- To promote good and effective vendor relations, cultivated by informed and fair buying practices and strict adherence to ethical standards.

If the policies established in this manual are followed, each department can efficiently manage, control and plan its available resources to meet present and future departmental needs and help the Town to meet these goals. Should there be any question(s) pertaining to the policies contact the Procurement Division.

The procurement process is an ever-changing process due to new technology and tools available to the procurement profession. Therefore, this policy shall be reviewed and revised periodically to keep current with continued developments as they pertain to the procurement process.

The Town of Clayton Council has approved the policies contained within this document. Therefore, the Town Council shall approve any and all policy changes prior to their becoming effective. However, the administrative procedures contained within the procurement manual are administrative and may be changed as necessary at staff level.

II. Overview

A. Centralized Procurement

It is the policy of the Town of Clayton that the Procurement Division provides centralized procurement services for the Town. The main purpose of the centralized procurement process is to provide for a uniform and systematic method of procurement of necessary good and services required by the Town departments and to define the responsibilities of the Procurement Division within the Town of Clayton.

The division provides technical assistance to all Town Departments in areas of standardization, specifications, cost reduction, and product and price information. The division ensures that all procurement requirements and limitations imposed by state law and Town policies are adhered to properly and economically.

B. Program Administration

The Procurement, Contract and MWBE Manager shall administer an effective centralized procurement program for the Town by:

- Carrying out the policy approved by Town Council and the procedures established.
- Controlling and reducing the cost of procuring goods, apparatus, and equipment.
- Contractual assistance with services, professional services construction, and repair projects.
- Providing timely, effective, and efficient service to Town departments and to vendors doing business with the Town.
- Maintaining open communications with departmental representatives and the public in general.
- Encouraging free and open competition in the bid process.

C. Competitive Bidding

The Town shall obtain competitive bids on all procurement as required by North Carolina General Statutes and Town Policies. When economically feasible, competitive bids are to be obtained, regardless of the dollar amount, whenever it is deemed to be in the best interest of the Town.

III. Code of Conduct

A. Purpose

To establish a standard written code of conduct.

B. Code

All procurement activities must be conducted according to applicable laws, rules, regulations, and policies of the Federal (Uniform Guidance), State of North Carolina and the Town of Clayton, specifically General Statute 14-234.

All procurement activities must always maintain integrity, keep free from any personal obligations to vendors or contractors and respect their confidence.

No employee or officer of the Town of Clayton shall participate in the award or administration of a federal, state, or locally funded project or purchase if that person, that person's spouse, any member of that person's immediate family, or an organization which employs or is about to employ the person, the person's spouse, or a member of the person's immediate family has a financial or other interest in the company selected for award.

Any Town employee having knowledge of or a reason to know of a potential personal interest or upon the discovery of a potential personal interest has an affirmative duty to disclose such personal interest to the Procurement, Contracts and MWBE Manager. Any attempts by any person, firm or corporation to influence

the decision of a Town employee regarding Town business must be reported to the Procurement, Contracts and MWBE Manager.

IV. Bidding Process

A. Competitive Bidding Methods

Purpose
The purpose of this policy is to define the Town's position regarding competition and to describe the methods used for competitive bidding.

Policy
It is the policy of the Procurement Division to assist in preparation of specifications with the Departments that will ensure competitive bids whenever possible. Because competition is critical to public procurement, it is essential that specifications be developed to ensure a sufficient number of competitive bids will be received. Specifications shall be as simple as possible while maintaining the degree of exactness required to meet the requirements of goods being requested. Specifications utilizing a brand name must include the term "or approved equal" to avoid being restrictive and eliminating fair competition from the bidding process. Well-written specifications will ensure that the Procurement Division and the Departments are able to procure what is needed, when it is needed, at the lowest possible cost.

The Procurement Division will determine which procurement method will be most advantageous to the Town and will ensure all federal and state laws and local policies are met.

B. Informal Bids

Purpose
The purpose is to provide a uniform procedure for obtaining bids for the purchase or lease-purchase of apparatus, supplies, materials, or equipment and for construction or repair work which are classified as **Informal Bids** as referred to by N.C.G.S. 143-131.

Policy
Informal Bids: In accordance with N.C.G.S. 143-131, informal bids are required for *purchase contracts* costing $30,000 to the formal limit of $90,000; and *construction or repair* work costing $30,000 up to the formal limit of $500,000. The use of a registered architect or engineer is required for certain construction or repair projects in the informal range (N.C.G.S. 133-1.1(a)).

Bids may be obtained by utilizing any one of the competitive bidding methods described in this policy if the Procurement, Contracts and MWBE Manager deems it to be in the best interest of the Town. Bids may be received by email or Ebids on the NC IPS website.

All contracts shall be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract.

Bid results shall **not** be subject to public inspection until the contract has been *awarded* (N.C.G.S. 143-131).

C. Formal Bids

Purpose
The purpose is to describe the Town's policy for the purchase or lease-purchase of apparatus, supplies, materials, or equipment, and for construction or repair work which must be secured through the competitive bid process governed by N.C.G.S. 143-129, which are classified as Formal Bids.

Policy

A formal bid is required when:

- The expenditure is $90,000 or more for the purchase of apparatus, supplies, materials, and/or equipment.
- The *estimated* expenditure is $500,000 or more for construction and/or repair projects.

D. Services and Information Technology

Purpose

The purpose is to describe the Town's policy for selection of services not recognized in General Statutes and Procedure for exemption for IT Hardware and Services N.C.G.S. 143-129(e.

Policy

It is the policy of the Town to select firms for services and information technology hardware, software and maintenance agreements through the (Request for Proposal) qualification and pricing selection process.

E. Professional Services

Purpose

The purpose is to describe the Town's policy for the selection of professional service firms in accordance with the N.C.G.S. 143-64.31 and the exemption process as described in N.C.G.S. 143-64.32. Professional services include architectural, engineering, surveying, construction manager-at-risk services, design-build services, and public-private partnership construction services.

Policy

It is the policy of the Town to select firms for professional services through the qualification-based selection process. Requirements for professional services must be "announced" and providers must be selected based on demonstrated competence and qualifications for the type of professional services required without regard to fee.

The Town shall use "good faith efforts" to notify minority firms of the opportunity to submit qualifications for consideration.

The Town may request **unit price** information at the time qualifications are received, and thereafter negotiate a lump sum contract for those services at a fair and reasonable fee with the best qualified firm.

If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best qualified firm.

The Town Manager may exempt projects from the qualified-based selection process in which the estimated professional fee is in an amount less than $50,000.

F. Advertising for Bids

Purpose

The purpose of advertising bids is to inform the public of bidding opportunities and to meet certain statutory requirements.

Policy

N.C.G.S. 143-129 requires that formal bids be advertised in a newspaper having general circulation, or by electronic means, or both.

The Procurement Analyst or its authorized designee shall advertise electronically on the North Carolina Interactive Website (IPS). Electronic advertisements shall appear electronically at least seven days prior to the bid opening date.

G. Bid Opening

Purpose
This policy is to set forth a uniform method of opening sealed bids.

Policy
It is the Town's policy that all sealed bids in the formal range be opened in public to be determined by the Department unless otherwise authorized. The informal bids will be opened from the IPS Ebids by the Procurement Division and sent to the Department.

It is also the Town's policy that the bid opening, evaluation, and award process be governed by the standards of openness and impartiality.

V. Bid Deposit/Bid Bond

Purpose
To explain when a bid deposit/bid bond is required and how it is processed.

Policy

1. N.C.G.S. 143-129 states that "no (formal) proposal for construction or repair work may be considered or accepted unless at the time of its filing it is accompanied by a bid deposit equal to not less than five percent (5%) of the proposal." The bid deposit may be cash, cashier's check, or a certified check.

2. In lieu of making the cash deposit as above provided, bidder may submit an original bid bond executed by a corporate Surety licensed under the laws of North Carolina to execute such bonds. Faxed or copied Bid Bond will not be accepted.

3. Bid deposits are not required for purchase contracts; however, the Town may require a bid deposit on any purchase contract, service, or any informal construction or repair project as it deems necessary.

4. Bid Deposit: If the successful bidder fails to execute the contract within 10 days after the contract award or fails to give satisfactory Surety (required bonds), the bid deposit may be retained by the Town.

5. Bid Bond: If the successful bidder fails to execute the contract within 10 days after the award or fails to give satisfactory notice, the Project Manager or the Procurement, Contracts and MWBE Manager or Project Manager will notify the Surety.

VI. Performance and Payment Bond

Purpose
This policy is to explain when a performance and payment bond is required and how it is processed.

Policy

1. N.C.G.S. 143-129(c) requires a performance and payment bond when the sum of all contracts for a construction or repair project exceed $300,000. The successful bidder must provide performance and payment bonds for the full amount of each contract exceeding $50,000. In place of bonds, the contractor may provide cash, certified checks or governmental securities.

2. N.C.G.S. 143-129 further provides that for construction projects involving a single contract, the performance and payment bond is not required unless the contract exceeds $300,000.

3. The Town may require a performance and payment bond on construction projects costing less than $300,000, certain purchase contracts, or services if it is in the best interest of the Town to do so.

VII. Vendor Relationships

Purpose
To make the Town's policy in developing relationships with vendors and contractors known.

Policy
It is the Town's policy to maintain and practice the highest possible standards of business ethics, professional courtesy, and competence in dealing with vendors and contractors.

VIII. Procurement

A. Requisitions

Purpose
The purpose of the requisition is to initiate the procurement and encumber funds of all supplies, equipment, materials, and/or other expenses being requesting by the Town departments.

Policy
Upon receipt of the online requisition, the Procurement Division will ensure all proper procurement methods have been followed according to Federal Law (if applicable), State Law and Town Policy and Procedures.

B. Purchase Orders

Purpose
The purchase order serves as authorization to the vendor to furnish goods, materials apparatus, services and small construction to the Town. It is also used to encumber funds for purchases and is the instrument used to pre-audit certain contracts.

Policy
A purchase order will not be issued without receiving an approved requisition from the ordering department. The Procurement, Contracts and MWBE Manager or Finance Director, must authorize and pre-audit all purchase orders.

C. Blanket Purchase Orders

Purpose
This procedure is used to provide a procurement tool for obtaining purchases when the amount of paperwork involved makes it impractical to use regular procurement procedures.

Policy
The Procurement, Contracts and MWBE Manager and Procurement Analyst will work together to use these procedures when it appears to be in the Town's best interest.

This procedure shall not be used to avoid the competitive bidding process.

The Procurement, Contracts and MWBE Manager shall be the final authority on the use of this tool for the procurement process.

D. Emergency Purchase Orders

Purpose
This policy is used to define an emergency purchase order.

Policy
Emergency shall be defined as an "**existing, immediate and present condition**" and one where the life and welfare of the general public is in danger. Generally, this may include any situation that severely hinders the ability of a department to operate and provide necessary services. This includes but is not limited to tornadoes, hurricanes, ice and snowstorms after hour power outages, and both natural and mad-made disasters.

If harm to the public or hinderance to the ability to the department to provide services can be averted through temporary measures while proper bidding is being conducted, then the emergency exception cannot be used to avoid bidding.

E. Orders

Purpose
This procedure describes how orders are placed and processed by departments with the Town.

Policy
It is the Town's policy that all orders be placed by purchase order or in accordance with the Procurement Card Policy. Purchases not following the guidelines will be considered a confirming purchase

Orders shall not be placed by any employee prior to receipt of a purchase order unless utilizing a Town-issued procurement card. Failure to comply with the policy and procedures contained herein will cause an employee to be personally liable for any funds obligated for the purchase as provided for in N.C.G.S. 159-28. If the purchase is made without use of a purchase order or Town issued procurement card, considered a confirming purchase the employee will need to have a written email with justification from the Department Head.

IX. Environmental Purchasing & Recycling

Purpose
The purpose of this policy is to support the purchase of recycled and environmentally preferred products in order to minimize environmental impacts relating to the work of Town employees and the citizens of the Town. In addition, to recycle all materials that would otherwise become solid waste and return them to the economic mainstream in the form of raw material for new, reused, or reconstituted materials.

Policy
To purchase environmentally friendly products when practical and economically feasible that have a lesser impact on human health and the environment when compared with competing products.

To recycle as many items as possible to conserve energy consumption and cost. Items to be recycled instead of discarded include but are not limited to: scrap metals, pallets, aluminum cans, plastics, white and mixed paper, toner cartridges, batteries, cardboard, etc.

X. Surplus – Personal Property

Purpose
To establish procedures for declaring personal property as surplus. Surplus is defined as "any Town-owned property that the continued use of is uneconomical or inefficient; or which serves no useful governmental function or further use to the Town."

Policy
The Procurement, Contracts and MWBE Manager, with delegation by the Finance Director, has the authority to declare personal property as surplus providing:

1. Any of item or group of similar items has a fair market value of less than thirty thousand ($30,000); and
2. The property is no longer necessary for the conduct of public business; and
3. Sound property management principles and financial consideration indicated that the interest of the Town would be best be served by disposing of the property.

4. If the above conditions do not apply; the personal property to be declared surplus shall be presented to the Town Council for their consideration.

XI. PROCUREMENT CARD (P-CARD)

Purpose

The purpose of this policy is to provide a procedure for the management and official use of procurement cards for small dollar value purchases in order to increase efficiency, decrease cycling time, and dramatically reduce paperwork by reducing the number of requisitions and purchase orders, and reducing the number of checks

Policy

It will be the policy of the Town of Clayton that procurement cards may be used for official Town purchases for small dollar value purchases of $2,500.00 or less per transaction and $7,500.00 monthly, unless otherwise authorized. The $2,500.00 limit includes all applicable sales tax.

The single transaction limit for travel and training related expenses is authorized up to $2,500.00 per transaction.
The procurement card will not be used to purchase meals for a Town authorized training, you must follow the Town Per Diem.

The procurement card may also be used by cardholders during a declared emergency with an increased limit submitted by the Department Head or Designee and approved by the by the Procurement, Contract and MWBE Manager or Finance Director in conjunction with the Town Managers Office.

It is the responsibility of each department head to ensure funds are available within the existing budget for all procurement card purchases

XII MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE (MWBE)

I. Purpose

It is the purpose of this policy to establish goals for minority participation in single-prime bidding, separate-prime bidding, construction manager at risk, and alternative contracting methods, on **Town of Clayton** construction or repair projects in the amount of $300,000 or more, Town projects involving State funding where the total project cost $100,000 or more. The outreach plan shall also be applicable to the selection process of all professional services.

The Town of Clayton has a current verifiable goal of **ten** percent for minority participation for building construction or repair projects. The goal will be reviewed **every five years.**

A. Policy

It is the purpose of this policy that the Town of Clayton, as awarding authority for construction or repair projects, and the contractors and subcontractors performing the construction contracts awarded shall cooperate and in good faith do all things legal, proper, and reasonable to achieve the goal of ten percent for participation by minority businesses in each construction or repair project. Nothing in these guidelines shall be construed to require contractors or awarding authorities to award contracts or subcontracts to or to make purchases of materials or equipment from minority-business contractors or minority-business subcontractors who do not submit the lowest responsible, responsive bid or bids.

A copy of these Guidelines will be issued with each bid package for applicable Town of Clayton building projects. These Guidelines shall apply to all contractors on such projects, regardless of ownership.

B. Definitions

A. Minority - a person who is a citizen or lawful permanent resident of the United States and who is:
- Black, that is, a person having origins in any of the black racial groups in Africa;
- Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;
- Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent, the Pacific Islands;
- American Indian, that is, a person having origins in any of the original peoples of North America; or
- Female

B. Minority Business (MBE) - means a business:
- In which at least fifty-one percent (51%) is owned by one or more minority persons, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals; and
- Of which the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it.
- The business is certified as a Historically Underutilized Business by the North Carolina Department of Administration Office for Historically Underutilized Business.

C. Socially and economically disadvantaged individual - means the same as defined in 15 U.S.C. 637: Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities. Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged.

D. Public Entity - means the State and all public subdivisions and local governmental units.

E. Owner – Town of Clayton.

F. Designer – Any person, firm, partnership, or corporation which has contracted with the Town of Clayton to perform architectural or engineering work.

G. Bidder - Any person, firm, partnership, corporation, association, or joint venture seeking to be awarded a public contract or subcontract.

H. Contract - A mutually binding legal relationship or any modification thereof obligating the seller to furnish equipment, materials, or services, including construction, and obligating the buyer to pay for them.

I. Contractor - Any person, firm, partnership, corporation, association, or joint venture which has contracted with the Town of Clayton to perform building construction or repair work.

J. Subcontractor - A firm under contract with the prime contractor or construction manager at risk for supplying materials or labor and materials and/or installation. The subcontractor may or may not provide materials in his subcontract.

K. HUB Office – N.C. Department of Administration's Office for Historically Underutilized Businesses.

XIII. FEDERAL UNIFORM GUIDANCE

I. Purpose

The purpose of this policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract. To the extent that other sections of procurement policies and procedures adopted by the Town of Clayton (hereinafter the "Town") are more restrictive that those contained in this policy, local policies and procedures shall be followed.

II. Policy

A. Application of Policy. This policy applies to contracts for purchases, services, and construction or repair work funded with federal financial assistance (direct or reimbursed). The requirements of this Policy also apply to any subrecipient of the funds.

All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

B. Compliance with Federal Law. All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200-326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. The Town will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should the Town have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.

C. Contract Award. All contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract.

D. No Evasion. No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.

E. Contract Requirements. All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II.

F. Contractors' Conflict of Interest. Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, construction for bids or requests for proposals shall be excluded from competing for such requirements.

G. Micro Purchase Thresholds for self-certification of the following micro-purchase thresholds, each of which is a "higher threshold consistent with "State Law" under 2 C.F.R 200.320(a)(1)(iv)(A) and the applicable provisions of North Carolina law, the Town self certifies the micro-purchase as set forth in the memorandum (Exhibit A).

XIV PREQUALIFICATION OF BIDDERS FOR CONSTRUCTION PROJECTS

I Purpose:

The purpose of this policy is to define a prequalification process that complies with the requirements of NCGS §143-135.8, which allows prequalification of bidders for a particular construction and repair project.

II Policy:

The policy is to guide the evaluation of a contractor impartially and objectively and properly determine, based on its responsible business practices, work experience, staff, and equipment, that it meets the minimum qualifications to bid on a construction project. The award of contracts shall be the result of open competition in bidding; impartiality in the selection of contractors; integrity in business practices; and skillful and safe performance of public contracts.

1. This policy is only applicable to specific construction projects as follows:
    a. Single-prime, separate-prime, or dual-bidding methods as defined in NCGS §143-128(a1)(1) through 143-128(a1)(3).
    b. First tier sub-contractors for Construction Manager at Risk contracts as defined in NCGS §143-128.1.
2. Prequalification may not be used for the selection of any qualification-based services, such as architectural, engineering, surveying, design-build services, or the selection of a CM at Risk, under Article 3D of Chapter 143 of the North Carolina General Statutes.
3. Notwithstanding the fact that a contractor was prequalified to bid on a specific project, the Town reserves the right to reject a contractor's bid on that same project if it is determined that the contractor has not submitted the lowest responsible and responsive bid.
    a. The prequalification of the contractor shall not preclude the Town from afterward concluding that the contractor is not a responsible bidder pursuant to NCGS §143-129.
    b. All construction and repair contracts shall be awarded to the lowest responsive and responsible bidder, taking into consideration quality, performance and the time specified in the bids for the performance of the contract.
    c. The prequalification of a contractor for a project shall only apply to the individual project.
    d. A bidder shall be deemed nonresponsive if it submits a bid on a construction project subject to prequalification, for which it has not been deemed prequalified in accordance with this policy.

III DEFINITIONS

1. Project Manager: An employee or consultant responsible for the administration of a construction or repair project who is assigned the responsibility for managing the project and representing the department in matters relating to the project and tasked with the responsibilities of developing evaluation criteria and an evaluation tool consistent with this policy.
2. Construction Manager at Risk: A person, corporation, or entity that provides construction management at risk services.
3. Prequalification: A process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources, and ability necessary to do the faithful performance of a contract for construction or repair work.

4. Prequalification Committee: A committee established by the Project Manager and/or the Construction Manager at Risk for each project and tasked with the responsibility of evaluating applications for prequalification.

XIV. CONTRACTS

I..Purpose:

This policy exists to establish a uniform procedure for processing all contracts where the Town is a party. For the purposes of this document, all agreements, memorandum of understanding or addendums will be referred to as "contracts." It is important to note that no matter what title is used, the legal implications are the same.

II Policy:

This policy is written for County departments and their staff who have the responsibility for procuring goods and services for their department. The policy explains the contract approval process and protects the County's interest in the contracts and agreements to which it is a party.

EXHIBIT A

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

MEMORANDUM

To: Town Council

From: Finance Department, Procurement Division

Copy: Town Clerk

Date: November 1, 2021

Subject: Authorization to increase the Micro -Purchase Threshold

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The Town of Clayton (the Town) at different times purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R Part 200, Subpart D and the Town's procurement of such goods and services is subject to the Town of Clayton Procurement Policy as most recently amended on November 1, 2021

In accordance with 2 C.F.R. 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly. A non-federal entity in accord to 2 C.F.R. 200.320(a)(1)(iii), is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures.

When in accordance with 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed $50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and such self-certification must include (1) a clear identification of the threshold, and (3) supporting documentation, which, for public entities, may be a "higher threshold consistent with State law". The Town Council of the Town now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101.

The Town Council of the Town of Clayton: in accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of North Carolina law, hereby self-certifies the following micro-purchase thresholds, each of which is a "higher threshold consistent with State law" under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in this memorandum

A. $30,000, for the purchase of "apparatus, supplies, materials, or equipment"; and
B. $30,000, for the purchase of "construction or repair work"; and
C. $50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and
D. $50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Unit has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be $0.

The self-certification made herein shall be effective as of the date hereof and shall be applicable until the last council meeting of the current fiscal year of the Unit, but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).

In the event that the Town receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Unit shall comply with the more restrictive threshold when expending such funds and maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

The Town Council of the Town are hereby authorized, individually and collectively, to revise the Procurement Policy of the Town to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing resolution on an annual basis.

PUBLIC NOTICE

In accordance with NC GS 143-128.2, the Clayton Town Council will hold a public hearing on Monday, November 15, 2021, at 6:00 PM in the Council Chambers at the Clayton Center, 111 E Second Street, to consider the Town of Clayton Procurement Policy Revision. Copies of the proposed policy are available in the Finance office, the Town Clerk's office, and on the Town's website for review by the public.

The public is invited to attend.

Shaun Mizell, Contract/Procurement Manager
919-553-5002

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The Johnstonian Newspaper

Please advertise on the following dates:
November 3, 2021
November 10, 2021

Affidavit of publication required.

Resolution #2021-60

TOWN OF CLAYTON
PROCUREMENT POLICY

BE IT RESOLVED by the Clayton Town Council that the addition of a policy related to Town of Clayton Procurement Policy read as follows:

I. Purpose

This procurement policy is intended for use as a guide to the Town of Clayton's Procurement methods and practices. When used properly the policies are established herein will enable the Town to obtain needed materials, equipment, supplies, and services efficiently and economically. It also provides for application of all North Carolina General Statutory provisions pertaining to local governmental purchasing.

The understanding and cooperation of all employees is essential if the Town is to obtain the maximum value for each tax dollar spent. While this policy does not answer all questions related to procurement, it does provide the foundation for a sound centralized procurement system.

The basic goals of the Town's procurement program are:

- To comply with the Federal, State and Local Policies of public procurement.
- To assure vendors that impartial and equal treatment is offered to all that wish to do business with the Town.
- To receive maximum value for each dollar spent by awarding purchase orders to the lowest responsible, responsive bidder, taking into consideration quality, performance, technical support, delivery schedule, past performance and other relevant factors.
- To provide Town departments the required goods, equipment, and services at the time and place needed and in the proper quantity and quality.
- To professionally administer the search for sources of supplies, the development of new sources, the selection of suppliers and negotiations.
- To promote good and effective vendor relations, cultivated by informed and fair buying practices and strict adherence to ethical standards.

If the policies established in this manual are followed, each department can efficiently manage, control and plan its available resources to meet present and future departmental needs and help the Town to meet these goals. Should there be any question(s) pertaining to the policies contact the Procurement Division.

The procurement process is an ever-changing process due to new technology and tools available to the procurement profession. Therefore, this policy shall be reviewed and revised periodically to keep current with continued developments as they pertain to the procurement process.

The Town of Clayton Council has approved the policies contained within this document. Therefore, the Town Council shall approve any and all policy changes prior to their becoming effective. However, the administrative procedures contained within the procurement manual are administrative and may be changed as necessary at staff level.

II. Overview

A. Centralized Procurement

It is the policy of the Town of Clayton that the Procurement Division provides centralized procurement services for the Town. The main purpose of the centralized procurement process is to provide for a uniform and systematic method of procurement of necessary good and services required by the Town departments and to define the responsibilities of the Procurement Division within the Town of Clayton.

The division provides technical assistance to all Town Departments in areas of standardization, specifications, cost reduction, and product and price information. The division ensures that all procurement requirements and limitations imposed by state law and Town policies are adhered to properly and economically.

B. Program Administration

The Procurement, Contract and MWBE Manager shall administer an effective centralized procurement program for the Town by:

- Carrying out the policy approved by Town Council and the procedures established.
- Controlling and reducing the cost of procuring goods, apparatus, and equipment.
- Contractual assistance with services, professional services construction, and repair projects.
- Providing timely, effective, and efficient service to Town departments and to vendors doing business with the Town.
- Maintaining open communications with departmental representatives and the public in general.
- Encouraging free and open competition in the bid process.

C. Competitive Bidding

The Town shall obtain competitive bids on all procurement as required by North Carolina General Statutes and Town Policies. When economically feasible, competitive bids are to be obtained, regardless of the dollar amount, whenever it is deemed to be in the best interest of the Town.

III. Code of Conduct

A. Purpose

To establish a standard written code of conduct.

B. Code

All procurement activities must be conducted according to applicable laws, rules, regulations, and policies of the Federal (Uniform Guidance), State of North Carolina and the Town of Clayton, specifically General Statute 14-234.

All procurement activities must always maintain integrity, keep free from any personal obligations to vendors or contractors and respect their confidence.

No employee or officer of the Town of Clayton shall participate in the award or administration of a federal, state, or locally funded project or purchase if that person, that person's spouse, any member of that person's immediate family, or an organization which employs or is about to employ the person, the person's spouse, or a member of the person's immediate family has a financial or other interest in the company selected for award.

Any Town employee having knowledge of or a reason to know of a potential personal interest or upon the discovery of a potential personal interest has an affirmative duty to disclose such personal interest to the Procurement, Contracts and MWBE Manager. Any attempts by any person, firm or corporation to influence the decision of a Town employee regarding Town business must be reported to the Procurement, Contracts and MWBE Manager.

IV. Bidding Process

A. Competitive Bidding Methods

Purpose
The purpose of this policy is to define the Town's position regarding competition and to describe the methods used for competitive bidding.

Policy
It is the policy of the Procurement Division to assist in preparation of specifications with the Departments that will ensure competitive bids whenever possible. Because competition is critical to public procurement, it is essential that specifications be developed to ensure a sufficient number of competitive bids will be received. Specifications shall be as simple as possible while maintaining the degree of exactness required to meet the requirements of goods being requested. Specifications utilizing a brand name must include the term "or approved equal" to avoid being restrictive and eliminating fair competition from the bidding process. Well-written specifications will ensure that the Procurement Division and the Departments are able to procure what is needed, when it is needed, at the lowest possible cost.

The Procurement Division will determine which procurement method will be most advantageous to the Town and will ensure all federal and state laws and local policies are met.

B. Informal Bids

Purpose
The purpose is to provide a uniform procedure for obtaining bids for the purchase or lease-purchase of apparatus, supplies, materials, or equipment and for construction or repair work which are classified as **Informal Bids** as referred to by N.C.G.S. 143-131.

Policy
Informal Bids: In accordance with N.C.G.S. 143-131, informal bids are required for *purchase contracts* costing $30,000 to the formal limit of $90,000; and *construction or repair* work costing $30,000 up to the formal limit of $500,000. The use of a registered architect or

engineer is required for certain construction or repair projects in the informal range (N.C.G.S. 133-1.1(a)).

Bids may be obtained by utilizing any one of the competitive bidding methods described in this policy if the Procurement, Contracts and MWBE Manager deems it to be in the best interest of the Town. Bids may be received by email or Ebids on the NC IPS website.

All contracts shall be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract.

Bid results shall **not** be subject to public inspection until the contract has been *awarded* (N.C.G.S. 143-131).

C. Formal Bids

Purpose
The purpose is to describe the Town's policy for the purchase or lease-purchase of apparatus, supplies, materials, or equipment, and for construction or repair work which must be secured through the competitive bid process governed by N.C.G.S. 143-129, which are classified as Formal Bids.

Policy
A formal bid is required when:

- The expenditure is $90,000 or more for the purchase of apparatus, supplies, materials, and/or equipment.

- The *estimated* expenditure is $500,000 or more for construction and/or repair projects.

D. Services and Information Technology

Purpose
The purpose is to describe the Town's policy for selection of services not recognized in General Statutes and Procedure for exemption for IT Hardware and Services N.C.G.S. 143-129(e.

Policy
It is the policy of the Town to select firms for services and information technology hardware, software and maintenance agreements through the (Request for Proposal) qualification and pricing selection process.

E. Professional Services

Purpose
The purpose is to describe the Town's policy for the selection of professional service firms in accordance with the N.C.G.S. 143-64.31 and the exemption process as described in N.C.G.S. 143-64.32. Professional services include architectural, engineering, surveying, construction

manager-at-risk services, design-build services, and public-private partnership construction services.

Policy
It is the policy of the Town to select firms for professional services through the qualification-based selection process. Requirements for professional services must be "announced" and providers must be selected based on demonstrated competence and qualifications for the type of professional services required without regard to fee.

The Town shall use "good faith efforts" to notify minority firms of the opportunity to submit qualifications for consideration.

The Town may request **unit price** information at the time qualifications are received, and thereafter negotiate a lump sum contract for those services at a fair and reasonable fee with the best qualified firm.

If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best qualified firm.

The Town Manager may exempt projects from the qualified-based selection process in which the estimated professional fee is in an amount less than $50,000.

F. Advertising for Bids

Purpose
The purpose of advertising bids is to inform the public of bidding opportunities and to meet certain statutory requirements.

Policy
N.C.G.S. 143-129 requires that formal bids be advertised in a newspaper having general circulation, or by electronic means, or both.

The Procurement Analyst or its authorized designee shall advertise electronically on the North Carolina Interactive Website (IPS). Electronic advertisements shall appear electronically at least seven days prior to the bid opening date.

G. **Bid Opening**

Purpose
This policy is to set forth a uniform method of opening sealed bids.

Policy
It is the Town's policy that all sealed bids in the formal range be opened in public to be determined by the Department unless otherwise authorized. The informal bids will be opened from the IPS Ebids by the Procurement Division and sent to the Department.

It is also the Town's policy that the bid opening, evaluation, and award process be governed by the standards of openness and impartiality.

V. Bid Deposit/Bid Bond

Purpose
To explain when a bid deposit/bid bond is required and how it is processed.

Policy

1. N.C.G.S. 143-129 states that "no (formal) proposal for construction or repair work may be considered or accepted unless at the time of its filing it is accompanied by a bid deposit equal to not less than five percent (5%) of the proposal." The bid deposit may be cash, cashier's check, or a certified check.

2. In lieu of making the cash deposit as above provided, bidder may submit an original bid bond executed by a corporate Surety licensed under the laws of North Carolina to execute such bonds. Faxed or copied Bid Bond will not be accepted.

3. Bid deposits are not required for purchase contracts; however, the Town may require a bid deposit on any purchase contract, service, or any informal construction or repair project as it deems necessary.

4. Bid Deposit: If the successful bidder fails to execute the contract within 10 days after the contract award or fails to give satisfactory Surety (required bonds), the bid deposit may be retained by the Town.

5. Bid Bond: If the successful bidder fails to execute the contract within 10 days after the award or fails to give satisfactory notice, the Project Manager or the Procurement, Contracts and MWBE Manager or Project Manager will notify the Surety.

VI. Performance and Payment Bond

Purpose
This policy is to explain when a performance and payment bond is required and how it is processed.

Policy

1. N.C.G.S. 143-129(c) requires a performance and payment bond when the sum of all contracts for a construction or repair project exceed $300,000. The successful bidder must provide performance and payment bonds for the full amount of each

contract exceeding $50,000. In place of bonds, the contractor may provide cash, certified checks or governmental securities.

2. N.C.G.S. 143-129 further provides that for construction projects involving a single contract, the performance and payment bond is not required unless the contract exceeds $300,000.

3. The Town may require a performance and payment bond on construction projects costing less than $300,000, certain purchase contracts, or services if it is in the best interest of the Town to do so.

VII. Vendor Relationships

Purpose
To make the Town's policy in developing relationships with vendors and contractors known.

Policy
It is the Town's policy to maintain and practice the highest possible standards of business ethics, professional courtesy, and competence in dealing with vendors and contractors.

VIII. Procurement

A. Requisitions

Purpose
The purpose of the requisition is to initiate the procurement and encumber funds of all supplies, equipment, materials, and/or other expenses being requesting by the Town departments.

Policy
Upon receipt of the online requisition, the Procurement Division will ensure all proper procurement methods have been followed according to Federal Law (if applicable), State Law and Town Policy and Procedures.

B. Purchase Orders

Purpose
The purchase order serves as authorization to the vendor to furnish goods, materials apparatus, services and small construction to the Town. It is also used to encumber funds for purchases and is the instrument used to pre-audit certain contracts.

Policy
A purchase order will not be issued without receiving an approved requisition from the ordering department. The Procurement, Contracts and MWBE Manager or Finance Director, must authorize and pre-audit all purchase **orders.**

C. Blanket Purchase Orders

Purpose
This procedure is used to provide a procurement tool for obtaining purchases when the amount of paperwork involved makes it impractical to use regular procurement procedures.

Policy
The Procurement, Contracts and MWBE Manager and Procurement Analyst will work together to use these procedures when it appears to be in the Town's best interest.

This procedure shall not be used to avoid the competitive bidding process.

The Procurement, Contracts and MWBE Manager shall be the final authority on the use of this tool for the procurement process.

D. Emergency Purchase Orders

Purpose
This policy is used to define an emergency purchase order.

Policy
Emergency shall be defined as an "**existing, immediate and present condition"** and one where the life and welfare of the general public is in danger. Generally, this may include any situation that severely hinders the ability of a department to operate and provide necessary services. This includes but is not limited to tornadoes, hurricanes, ice and snowstorms after hour power outages, and both natural and mad-made disasters.

If harm to the public or hinderance to the ability to the department to provide services can be averted through temporary measures while proper bidding is being conducted, then the emergency exception cannot be used to avoid bidding.

E. Orders

Purpose
This procedure describes how orders are placed and processed by departments with the Town.

Policy
It is the Town's policy that all orders be placed by purchase order or in accordance with the Procurement Card Policy. Purchases not following the guidelines will be considered a confirming purchase

Orders shall not be placed by any employee prior to receipt of a purchase order unless utilizing a Town-issued procurement card. Failure to comply with the policy and procedures contained herein will cause an employee to be personally liable for any funds obligated for the purchase as provided for in N.C.G.S. 159-28. If the purchase is made without use of a purchase order or Town issued procurement card, considered a confirming purchase the employee will need to have a written email with justification from the Department Head.

IX. Environmental Purchasing & Recycling

Purpose
The purpose of this policy is to support the purchase of recycled and environmentally preferred products in order to minimize environmental impacts relating to the work of Town employees and the citizens of the Town. In addition, to recycle all materials that would otherwise become solid waste and return them to the economic mainstream in the form of raw material for new, reused, or reconstituted materials.

Policy
To purchase environmentally friendly products when practical and economically feasible that have a lesser impact on human health and the environment when compared with competing products.

To recycle as many items as possible to conserve energy consumption and cost. Items to be recycled instead of discarded include but are not limited to: scrap metals, pallets, aluminum cans, plastics, white and mixed paper, toner cartridges, batteries, cardboard, etc.

X. Surplus – Personal Property

Purpose
To establish procedures for declaring personal property as surplus. Surplus is defined as "any Town-owned property that the continued use of is uneconomical or inefficient; or which serves no useful governmental function or further use to the Town."

Policy
The Procurement, Contracts and MWBE Manager, with delegation by the Finance Director, has the authority to declare personal property as surplus providing:

1. Any of item or group of similar items has a fair market value of less than thirty thousand ($30,000); and
2. The property is no longer necessary for the conduct of public business; and
3. Sound property management principles and financial consideration indicated that the interest of the Town would be best be served by disposing of the property.

4. If the above conditions do not apply; the personal property to be declared surplus shall be presented to the Town Council for their consideration.

XI. PROCUREMENT CARD (P-CARD)

Purpose
The purpose of this policy is to provide a procedure for the management and official use of procurement cards for small dollar value purchases in order to increase efficiency, decrease cycling time, and dramatically reduce paperwork by reducing the number of requisitions and purchase orders, and reducing the number of checks

Policy
It will be the policy of the Town of Clayton that procurement cards may be used for official Town purchases for small dollar value purchases of $2,500.00 or less per transaction and $7,500.00 monthly, unless otherwise authorized. The $2,500.00 limit includes all applicable sales tax.

The single transaction limit for travel and training related expenses is authorized up to $2,500.00 per transaction. The procurement card will not be used to purchase meals for a Town authorized training, you must follow the Town Per Diem.

The procurement card may also be used by cardholders during a declared emergency with an increased limit submitted by the Department Head or Designee and approved by the by the Procurement, Contract and MWBE Manager or Finance Director in conjunction with the Town Managers Office.

It is the responsibility of each department head to ensure funds are available within the existing budget for all procurement card purchases

XII. MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE (MWBE)

I. Purpose

It is the purpose of this policy to establish goals for minority participation in single-prime bidding, separate-prime bidding, construction manager at risk, and alternative contracting methods, on **Town of Clayton** construction or repair projects in the amount of $300,000 or more, Town projects involving State funding where the total project cost $100,000 or more. The outreach plan shall also be applicable to the selection process of all professional services.

The Town of Clayton has a current verifiable goal of **ten** percent for minority participation for building construction or repair projects. The goal will be reviewed **every five years.**

A. Policy

It is the purpose of this policy that the Town of Clayton, as awarding authority for construction or repair projects, and the contractors and subcontractors performing the construction contracts awarded shall cooperate and in good faith do all things legal, proper, and reasonable to achieve the goal of ten percent for participation by minority businesses in each construction or repair project. Nothing in these guidelines shall be construed to require contractors or awarding authorities to award contracts or subcontracts to or to make purchases of materials or equipment from minority-business contractors or minority-business subcontractors who do not submit the lowest responsible, responsive bid or bids.

A copy of these Guidelines will be issued with each bid package for applicable Town of Clayton building projects. These Guidelines shall apply to all contractors on such projects, regardless of ownership.

B. Definitions

A. Minority - a person who is a citizen or lawful permanent resident of the United States and who is:
- Black, that is, a person having origins in any of the black racial groups in Africa;
- Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;
- Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent, the Pacific Islands;
- American Indian, that is, a person having origins in any of the original peoples of North America; or
- Female

B. Minority Business (MBE) - means a business:
- In which at least fifty-one percent (51%) is owned by one or more minority persons, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals; and

- Of which the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it.
- The business is certified as a Historically Underutilized Business by the North Carolina Department of Administration Office for Historically Underutilized Business.

C. Socially and economically disadvantaged individual - means the same as defined in 15 U.S.C. 637: Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities. Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged.

D. Public Entity - means the State and all public subdivisions and local governmental units.

E. Owner – Town of Clayton.

F. Designer – Any person, firm, partnership, or corporation which has contracted with the Town of Clayton to perform architectural or engineering work.

G. Bidder - Any person, firm, partnership, corporation, association, or joint venture seeking to be awarded a public contract or subcontract.

H. Contract - A mutually binding legal relationship or any modification thereof obligating the seller to furnish equipment, materials, or services, including construction, and obligating the buyer to pay for them.

I. Contractor - Any person, firm, partnership, corporation, association, or joint venture which has contracted with the Town of Clayton to perform building construction or repair work.

J. Subcontractor - A firm under contract with the prime contractor or construction manager at risk for supplying materials or labor and materials and/or installation. The subcontractor may or may not provide materials in his subcontract.

K. HUB Office – N.C. Department of Administration's Office for Historically Underutilized Businesses.

XII. FEDERAL UNIFORM GUIDANCE

I. Purpose

The purpose of this policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract. To the extent that other sections of procurement policies and procedures adopted by the Town of Clayton (hereinafter the "Town") are more restrictive that those contained in this policy, local policies and procedures shall be followed.

II. Policy

A. Application of Policy. This policy applies to contracts for purchases, services, and construction or repair work funded with federal financial assistance (direct or reimbursed). The requirements of this Policy also apply to any subrecipient of the funds.

All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

B. Compliance with Federal Law. All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200-326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. The Town will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should the Town have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.

C. Contract Award. All contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract.

D. No Evasion. No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.

E. Contract Requirements. All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II.

F. Contractors' Conflict of Interest. Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work,

construction for bids or requests for proposals shall be excluded from competing for such requirements.

G. Micro Purchase Thresholds for self-certification of the following micro-purchase thresholds, each of which is a "higher threshold consistent with "State Law" under 2 C.F.R 200.320(a)(1)(iv)(A) and the applicable provisions of North Carolina law, the Town self certifies the micro-purchase as set forth in the memorandum (Exhibit A).

XIII PREQUALIFICATION OF BIDDERS FOR CONSTRUCTION PROJECTS

I Purpose:
The purpose of this policy is to define a prequalification process that complies with the requirements of NCGS §143-135.8, which allows prequalification of bidders for a particular construction and repair project.

II Policy:
The policy is to guide the evaluation of a contractor impartially and objectively and properly determine, based on its responsible business practices, work experience, staff, and equipment, that it meets the minimum qualifications to bid on a construction project. The award of contracts shall be the result of open competition in bidding; impartiality in the selection of contractors; integrity in business practices; and skillful and safe performance of public contracts.

1. This policy is only applicable to specific construction projects as follows:

    a. Single-prime, separate-prime, or dual-bidding methods as defined in NCGS §143-128(a1)(1) through 143-128(a1)(3).

    b. First tier sub-contractors for Construction Manager at Risk contracts as defined in NCGS §143-128.1.

2. Prequalification may not be used for the selection of any qualification-based services, such as architectural, engineering, surveying, design-build services, or the selection of a CM at Risk, under Article 3D of Chapter 143 of the North Carolina General Statutes.

3. Notwithstanding the fact that a contractor was prequalified to bid on a specific project, the Town reserves the right to reject a contractor's bid on that same project if it is determined that the contractor has not submitted the lowest responsible and responsive bid.

    a. The prequalification of the contractor shall not preclude the Town from afterward concluding that the contractor is not a responsible bidder pursuant to NCGS §143-129.

    b. All construction and repair contracts shall be awarded to the lowest responsive and responsible bidder, taking into consideration quality, performance and the time specified in the bids for the performance of the contract.

    c. The prequalification of a contractor for a project shall only apply to the individual project.

d. A bidder shall be deemed nonresponsive if it submits a bid on a construction project subject to prequalification, for which it has not been deemed prequalified in accordance with this policy.

III Definitions

1. Project Manager: An employee or consultant responsible for the administration of a construction or repair project who is assigned the responsibility for managing the project and representing the department in matters relating to the project and tasked with the responsibilities of developing evaluation criteria and an evaluation tool consistent with this policy.

2. Construction Manager at Risk: A person, corporation, or entity that provides construction management at risk services.

3. Prequalification: A process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources, and ability necessary to do the faithful performance of a contract for construction or repair work.
4. Prequalification Committee: A committee established by the Project Manager and/or the Construction Manager at Risk for each project and tasked with the responsibility of evaluating applications for prequalification.

XIV. CONTRACTS

I Purpose:

This policy exists to establish a uniform procedure for processing all contracts where the Town is a party. For the purposes of this document, all agreements, memorandum of understanding or addendums will be referred to as "contracts." It is important to note that no matter what title is used, the legal implications are the same.

II Policy:

This policy is written for County departments and their staff who have the responsibility for procuring goods and services for their department. The policy explains the contract approval process and protects the County's interest in the contracts and agreements to which it is a party.

Duly adopted this the 15th day of November, 2021 while in regular session.

_____
Jody McLeod
Mayor

ATTEST:

_____
Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Exhibit "A"
Memorandum

The Town of Clayton (the Town) at different times purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R Part 200, Subpart D and the Town's procurement of such goods and services is subject to the Town of Clayton Procurement Policy as most recently amended on November 1, 2021

In accordance with 2 C.F.R. 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly. A non-federal entity in accord to 2 C.F.R. 200.320(a)(1)(iii), is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures.

When in accordance with 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed $50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and such self-certification must include (1) a clear identification of the threshold, and (3) supporting documentation, which, for public entities, may be a "higher threshold consistent with State law". The Town Council of the Town now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101.

The Town Council of the Town of Clayton: in accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of North Carolina law, hereby self-certifies the following micro-purchase thresholds, each of which is a "higher threshold consistent with State law" under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in this memorandum

A. $30,000, for the purchase of "apparatus, supplies, materials, or equipment"; and
B. $30,000, for the purchase of "construction or repair work"; and
C. $50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and
D. $50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Town has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be $0.

The self-certification made herein shall be effective as of the date hereof and shall be applicable until the last council meeting of the current fiscal year of the Town, but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).

In the event that the Town receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Town shall comply with the more restrictive threshold when expending such funds and maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

The Town Council of the Town are hereby authorized, individually and collectively, to revise the Procurement Policy of the Town to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing resolution on an annual basis.

Town Council Agenda Cover Sheet

Meeting Date
November 1, 2021

Agenda Location
Old Business

Item Title

Comprehensive Growth Plan Update

Presenters

Patrick Pierce, Economic Development Director
Ben Howell, Planning Director

Summary/Description

The Town of Clayton has been working on an update to its 2015 Comprehensive Growth Plan since Spring 2020. Town Council and the Planning Board were both presented with a draft plan at a Joint Meeting in September. Since then, staff conducted an Open House and along with an online public comment period on the draft.

This most recent draft incorporates input from those activities and received a recommendation for approval from the Planning Board at their October 25 meeting. Staff would like to review the revisions to the plan since the September Joint Meeting and address any concerns the Town Council may have ahead of the scheduled Public Meeting at the November 15 Town Council meeting. Staff will also be seeking approval of the Plan at the November 15 Town Council meeting.

Requested Action

Provide Direction to Staff

Funding Source (If Applicable):

N/A

Cost: **N/A** **Yes** ☐ **No** ☒

Additional Documents to be Included in Agenda Packet

Draft of Comprehensive Growth Plan (10.20.2021 version)
List of changes since the September Joint Meeting
Newspaper Ad for Public Hearing
Appendices to the Comprehensive Growth Plan

Meeting Timeline

Click or tap here to enter text.



Think CLAYTON.

2045 Comprehensive Growth Plan

Draft October 29, 2021

With assistance from:

STEWART

Acknowledgements

Thank you to all the organizations and individuals who committed their time, energy and resources to this effort. This plan would not have been possible without the support of many throughout the process.

Town Council
Jody McLeod, Mayor
Jason Thompson, Mayor Pro-Tem
Michael Grannis, Councilman
Art Holder, Councilman
Avery Everett, Councilman
Bobby Bunn, Councilman

Planning Board
Andria Archer
Steven Powers
George "Bucky" Coats
James Moore
James Lipscomb
Brian Tiede
Lisa Begley
Michael Grannis (Ex-Officio Member)

Town Staff
Rich Cappola, Interim Town Manager
Ben Howard, Planning Director
Jeff Caines, Senior Planner
Dede Bumgarner, Zoning Administration Officer
Lori Bryant, Development Services Coordinator
Josh Cotten, Code Enforcement Officer
Scott Barnard, Parks & Recreation Director
Matthew Sutphin, Deputy Fire Chief
Dale Medlin, Electric Systems Director
Susan Locklear, Stormwater Engineer
Ethan Poppe, Utilities Compliance Technician
Joshua Baird, Engineering Director
Patrick Pierce, Economic Development Director
Blake Mills, Public Services Director
Lee Barbee, Deputy Town Manager/Fire Chief
Joy Garretson, Library Director
Pam Baumgartner, Historian
Greg Tart, Police Chief
Dolores Gill, Deputy Town Manager
Matt Moore, GIS Technician
Michael Tutwiler, GIS Coordinator
Byron Poelman, Distribution & Collection System Superintendent
Nathanael Shelton, Public Information Officer
Catherine White, Public Information Intern
Nadar Aboulhosn, Video Communications Specialist

Steering Committee
Marty Bizzell
Nathan Evans
Ava Evans
Michael Grannis
Andria Merritt
H. Dean Penny
Jim Perricone
Sara Perricone
Patrick Pierce
Michael Sims
Christi Thompson
Dana Wooten

Special Thanks
A special thanks to the citizens, business owners, and other stakeholders that participated in the development of the 2045 Comprehensive Growth Plan.

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Think Clayton.

Think. Land Use & Housing.
Think. Downtown.
Think. Economic Development.
Think. Parks, Recreation and Natural Resources.
Think. Public Services & Infrastructure.
Think. Mobility.
Think. Arts & Culture.

Think. Action.


1

Think Clayton

A thriving, diverse community. Small town ambiance. Quality housing choices. Easy access. Shops, dining, parks and schools. Vibrant downtown. Successful businesses that locate, value and invest in community.

The vision for the Town of Clayton includes a thriving town where growth contributes to the quality of life enjoyed by long-time residents and newcomers alike; easy access but with an atmosphere that feels smaller than it is; a system of parks and greenways that connect people and places; neighborhoods with a variety of quality living options; a town that offers opportunities for people to live, create, shop and eat; a bustling and historic downtown, and businesses that are successful, growing, and investing in the community.

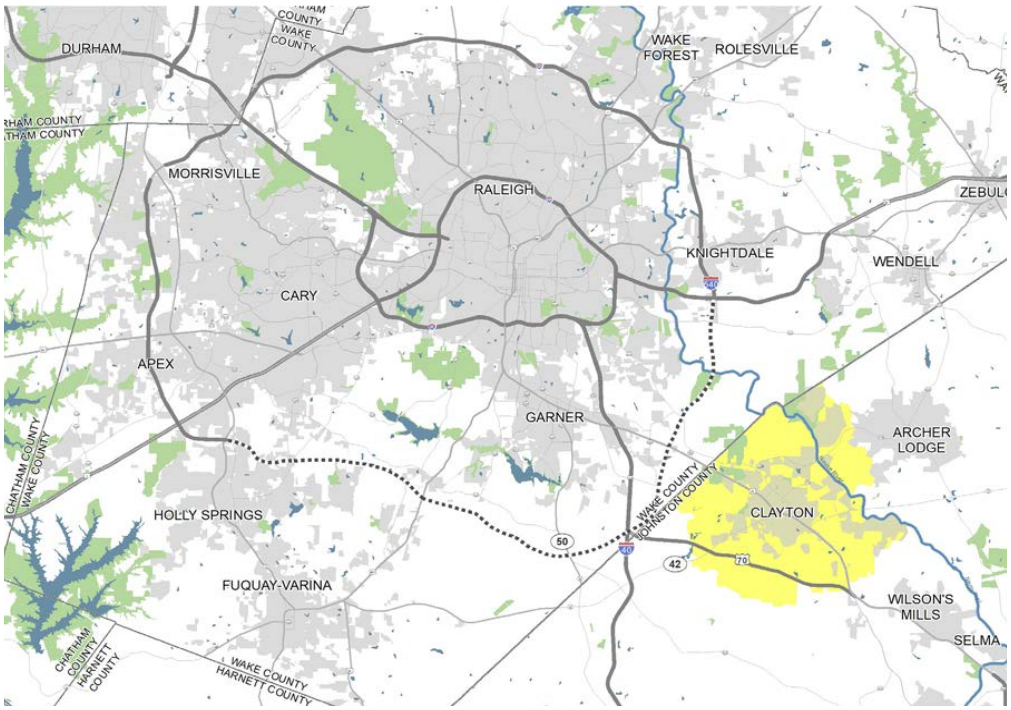
The Comprehensive Growth Plan advances the ideas described in the Vision. It is organized by themes that expand on the vision and provide specific goals, objectives and strategies necessary to facilitate implementation.

Clayton Yesterday and Today

Clayton looks much different than it did 20 years ago. Major employers have opened state-of-the-art facilities within the Town's Planning Area. Johnston UNC Health Care operates a growing, full-service hospital at the intersection of NC 42 West near US 70. US 70 provides direct access to I-40 and Downtown Raleigh.

In the near future US 70 will be designated as I-42 providing industry and residents improved access to two of the nation's primary arteries, I-95 and I-40. I-540 will soon be complete between I-40 and Holly Springs , better connecting Clayton, the Research Triangle Park, and Durham.

The Town's population has grown by 63% from 2010 to 2020. A variety of new facilities have been built and infrastructure expanded to serve the growing population. Clayton is now a unique combination of old and new. From new and renovated buildings in the historic Downtown to new neighborhoods like Academy Pointe and East Village, Clayton is a place where individuals prosper, families thrive, and businesses grow.

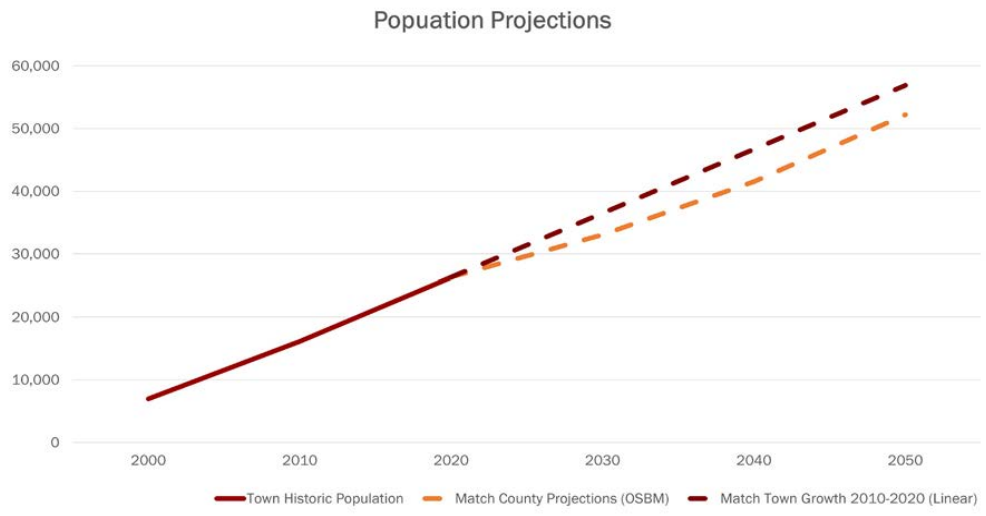


Clayton Tomorrow

Clayton has grown by more than 275% from 2000 to 2020 to a current population of 26,307. If current projections maintain, the Town could exceed 50,000 by 2050.

Where will people live? What steps can the Town take to ensure quality development? How will growth impact the region's resources? Can the existing systems of infrastructure support additional people, housing, jobs and cars?

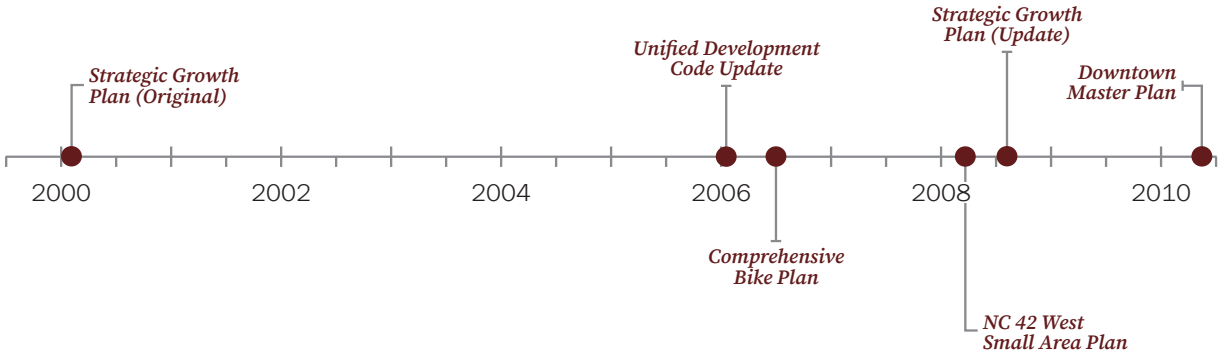
These are all important questions that deserve careful thought. This plan will help the community answer some of these questions and keep Clayton on a path to proactively manage growth in a way that results in a stronger and more prosperous community.



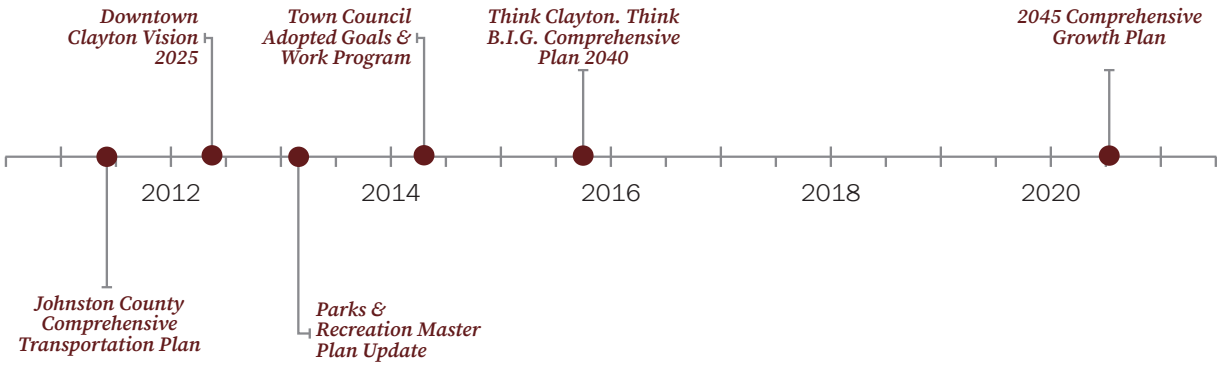
Sources: 2020 US Census, North Carolina Office of State Budget and Management (OSBM)

Previous Plans

The Town has a long-standing tradition of preparing plans and making investments to proactively manage growth, take advantage of opportunities and deal with challenges within the community. The most recent effort, the 2040 Comprehensive Plan, was completed in 2015. The goals and recommendations identified in that plan has shaped growth and development, served as a blue print for a parks and greenway system and infrastructure that supports an active downtown and strong employment base. This plan recognizes that a lot has been accomplished since adoption of the 2015 plan. It also builds on previous efforts such as the Economic Development Strategic Plan and Parks and Recreation Master Plan. This plan outlines the next steps to ensure that as Clayton grows it continues to be defined by the values that make it a unique, inviting and prosperous place.



Great PLANS

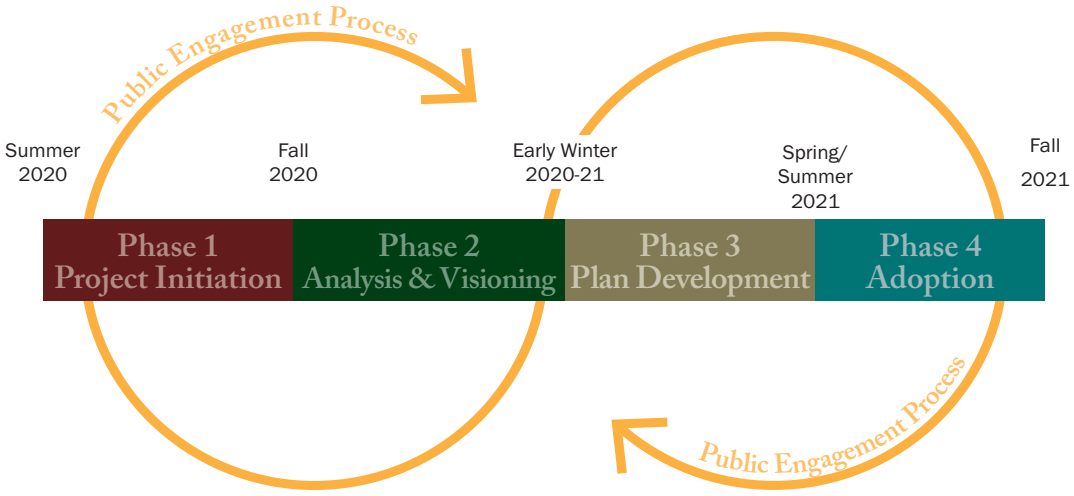


transform communities into Great PLACES.

Plan Development

The process to update Clayton's Comprehensive Plan was divided into four phases. The first phase focused on project initiation tasks such as data collection, a review of existing plans and a kick-off meeting with a study area tour. During Phase Two, the consultant team inventoried existing conditions in the study area to provide an overview of issues and opportunities to be considered in subsequent phases. Phase 2 also included public meetings and a community survey.

Based on the results of the previous phases, a set of recommendations and strategies that support the concepts were developed in Phase Three. The final phase of the process consisted of a merger of all plan components into a single comprehensive document and presenting the plan to the public, planning board and town council.



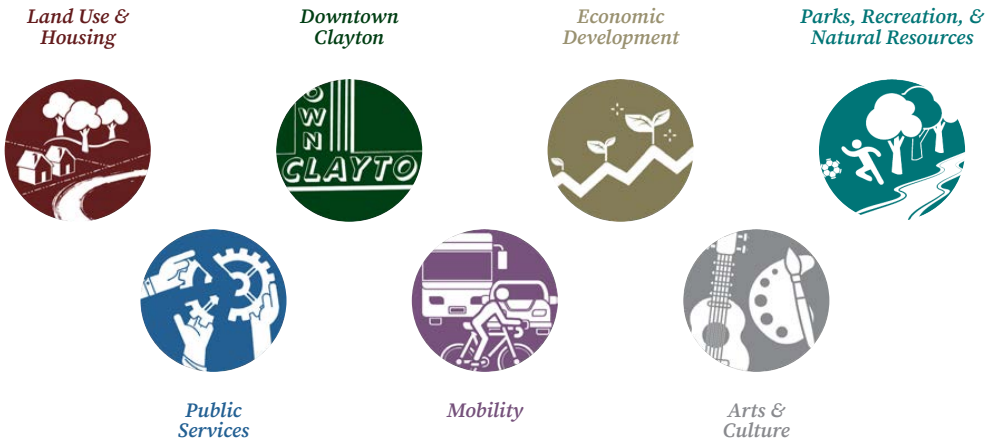
Public Engagement Events

- Public Workshop, November 10, 2020
- Virtual Meeting Recording, December 8, 2020
- Walking Tour, December 11, 2020
- Public Open House, October, 7, 2021

How to Use this Plan

This Comprehensive Plan provides the basis for Clayton's regulations and policies that guide its physical development. The Plan establishes priorities for public action and direction for complementary private decisions. It provides a flexible framework that can be updated, revised, and improved upon over time to stay relevant to the issues the Town must confront as well as the opportunities the Town chooses to pursue. It serves as a tool to evaluate new development proposals, and direct capital improvements and to guide public policy in a manner that ensures that Clayton continues to be a premier community within the Research Triangle region of North Carolina.

This Plan is made up of the following 7 elements. Within each element are narrative statements that describes guiding values of how Clayton should grow. There are also goals that serve as the overarching principles toward which the Town will direct effort. The goals were derived primarily from public, staff and stakeholder input. Supporting each of the goals are policies and strategies. The strategies provide a specific action or recommendation to achieve an identified goal or objective. The plan also includes a Future Land Use Map and designated character areas that should guide zoning decisions and development design.



Public Engagement

Thorough community engagement is a vital component of making a plan that supports and advances community priorities. The process featured a variety of formats to collect feedback from the community and maximize engagement opportunities.

Steering Committee

The Town Council appointed a Steering Committee comprised of residents, business owners, and members of appointed advisory boards. The Steering Committee met six times throughout the project to provide their valuable perspective on the community's needs and to steer the direction of the plan.

Stakeholder Interviews

A series of hour-long interviews were conducted with stakeholder groups in Phase One of the project. These groups featured property and business owners, real estate professionals, nonprofit and community group members, education and healthcare representatives, elected officials and Town staff. The lively conversations focused on what people valued about Clayton, their goals for the Town, and what priority issues this plan should address.

Public Meetings

Public meetings were held during the analysis phase of the workshop in Fall 2020. Due to COVID-19 restrictions, both in-person and virtual meetings were held. At the meetings, community members were able to give real time feedback on what they see in their community.

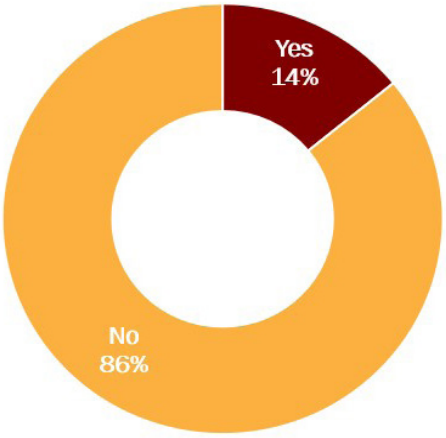
Survey

The largest engagement opportunity was the community survey, which covered a broad range of topics from vision, to housing preference, to city budget priorities. They survey ran in Fall 2020 and received over 2,300 responses.

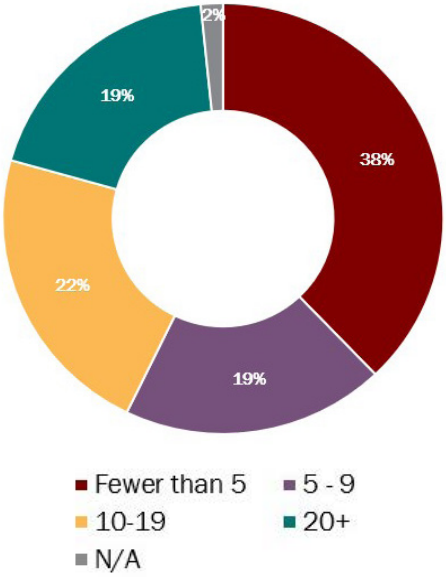
Survey Results

The following is an overview of the survey responses that helped inform the Plan recommendations. In total, 2,346 people took the survey, or the equivalent of 9.4% of the 2020 Clayton municipal population. The survey was primarily distributed online, and was also promoted at public meetings.

Did you participate in the planning process for the 2015 Growth Plan five years ago?

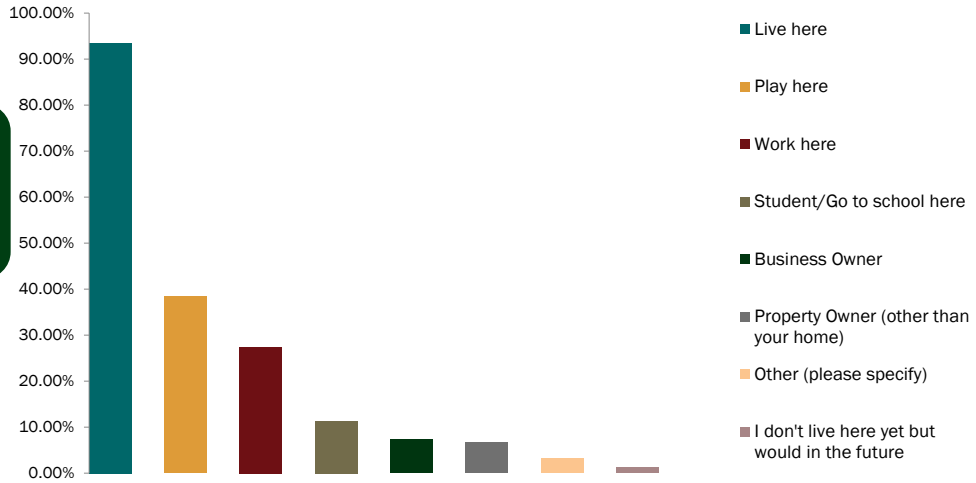


How many years have you lived, worked, or owned property in Clayton?



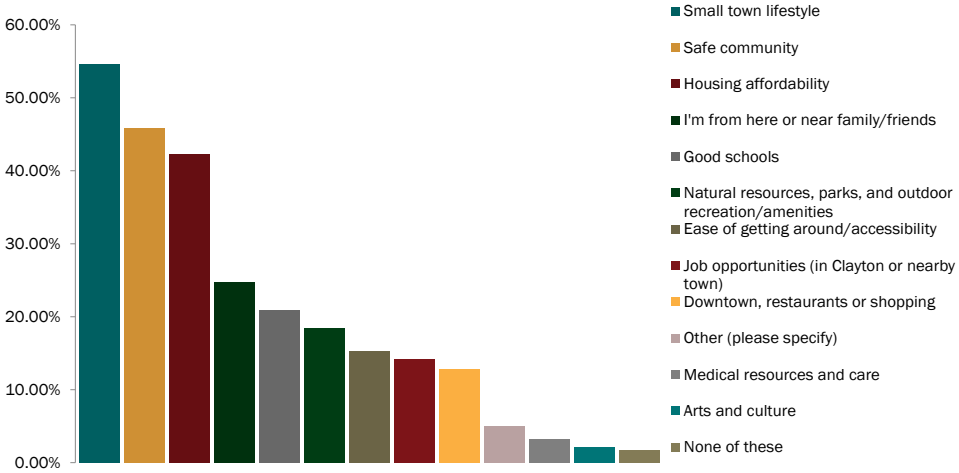
How do you relate to Clayton?

Over 90% of respondents lived in Clayton



What are you top three reasons for being in Clayton?

1. Small town lifestyle
2. Safe community
3. Housing affordability



What are your top three concerns for the future of Clayton?



What is your vision for Clayton?



Providing a range of housing types for various incomes and ages was a goal in the previous growth plan. A greater diversity of types can help increase housing availability and affordability. Select the two moderate density types below that most appeal to you.

1. Small lot single family homes (60%)



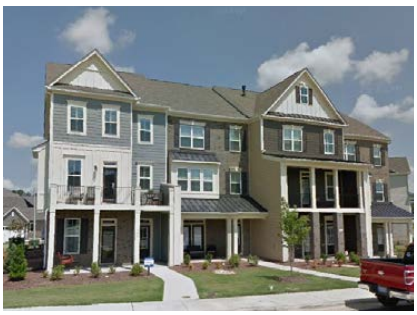
2. Small homes with common yard (42%)



3. Duplexes and similar (23%)



4. Alley-accessed townhomes (19%)

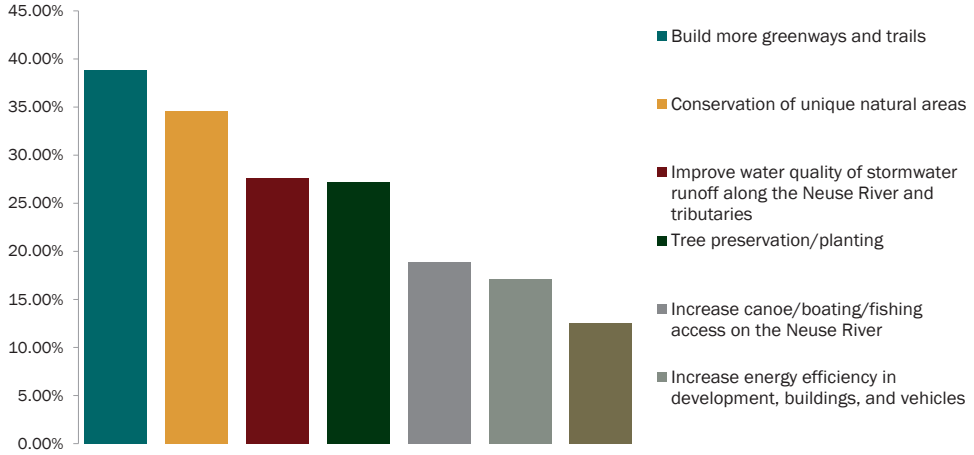


5. Driveway-accessed townhomes (18%)



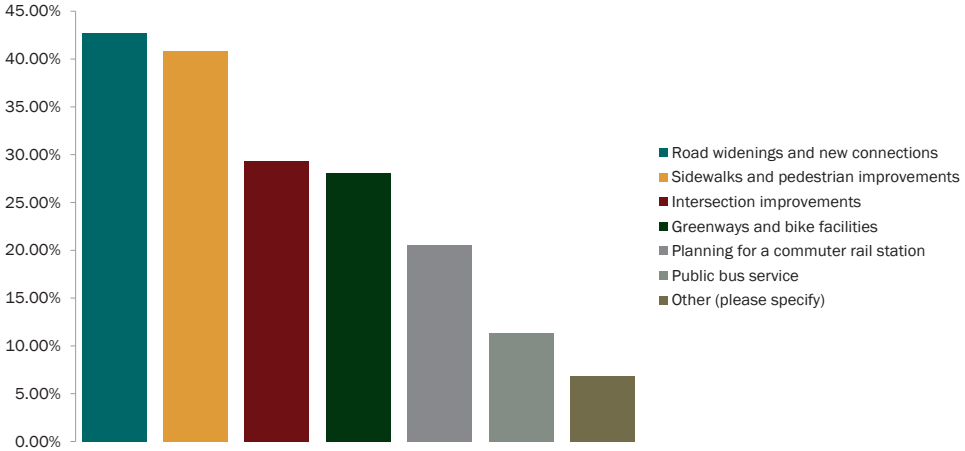
Environmental Priorities:

1. Building greenways and trails
2. Conservation
3. Improve water quality of stormwater runoff



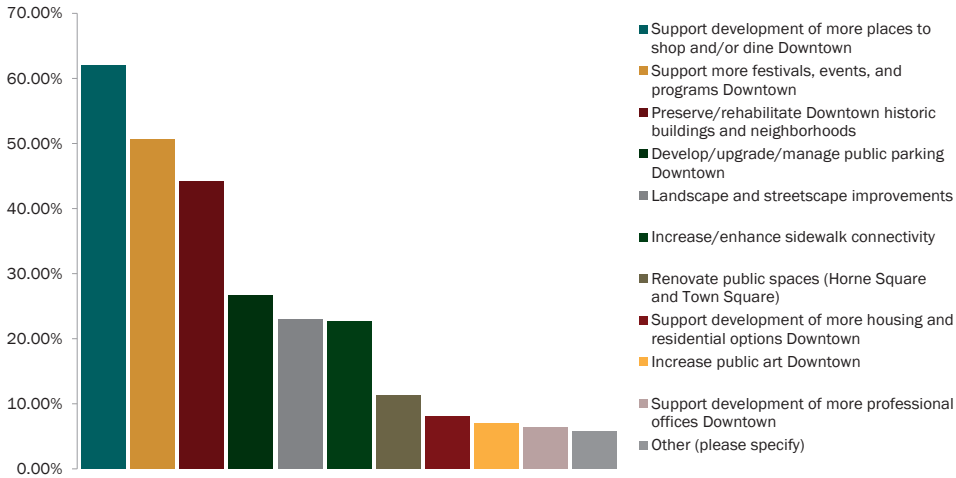
Transportation Priorities:

1. Road widenings and connections
2. Sidewalks and pedestrian improvements
3. Intersection improvements



Downtown Priorities:

1. More places to shop/dine
2. More events and program-ming
3. Historic preservation



VISION

"Clayton is a thriving, diverse community with a small town ambiance that is home to individuals and families seeking choices in quality housing with easy access to shopping, dining, parks, recreation and schools, anchored by a vibrant downtown, and with growing businesses that value locating and investing in a connected community."



Goals

Land Use & Housing

LU-1: Preserve Clayton's character while allowing for growth and development in appropriate areas.
LU-2: Provide a sense of place and enhance aesthetics along major corridors and in new developments.
LU-3: Encourage a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.
LU-4: Provide safe, sound, and well-maintained housing and neighborhoods.

Downtown

D-1: Promote quality adaptive re-use and infill development projects Downtown while preserving historic character.
D-2: Protect and preserve Downtown Clayton's historic character.
D-3: Make access to and movement within Downtown safer and more efficient for all users.

Mobility

M-1: Develop and maintain a multimodal transportation system.
M-2: Support interconnected street systems that efficiently disperses vehicular traffic.
M-3: Support system user safety and prioritize bike and pedestrian activity.

Parks & Natural Resources

PR-1: Support the development of Clayton as a regional destination for recreation and trail-based tourism.
PR-2: Develop the Neuse River corridor as a greenway and blueway with multiple access points for hiking, biking and paddling.
PR-3: Provide all Clayton residents convenient access to a park within a 10-minute walk of their residence.
NR-1: Protect and enhance natural resources.
NR-2: Protect water quality and quantity.

Economic Growth

ED-1: Increase opportunities for companies that provide well-paid jobs.
ED-2: Continue promoting Clayton for new businesses and residents regionally and beyond.
ED-3: Support Downtown Clayton as an economic asset.

Arts & Culture

AC-1: Expand arts and culture offerings.
AC-2: Support and market Clayton as a regional destination for arts and culture.

Services and Infrastructure

SI-1: Invest in utility infrastructure that supports land use patterns envisioned by the Future Land Use Map.
SI-2: Ensure adequate water and sewer capacity to support quality development.
SI-3: Coordinate the timing and location of electric utilities to minimize cost and service disruptions.
SI-4: Encourage undergrounding of overhead utilities and co- location of utilities to reduce aesthetic impacts.
SI-5: Continue to provide support for solid waste service.
SI-6: Coordinate with local, regional, state, and federal agencies to ensure consistency among plans and policies, identify and resolve conflicts, and promote cooperation.
SI-7: Ensure the capacity of emergency services and public safety operations keeps pace with recent and anticipated growth.
SI-8: Support the Clayton Library.


2

Think Land Use and Housing



Clayton will grow in a way that maintains its character while accommodating new opportunities for quality growth and development. The development pattern balances the social, economic and environmental interests of Clayton residents and maximizes return on investment. Land use decisions support Downtown Clayton's development as the social, civic and cultural center of town.

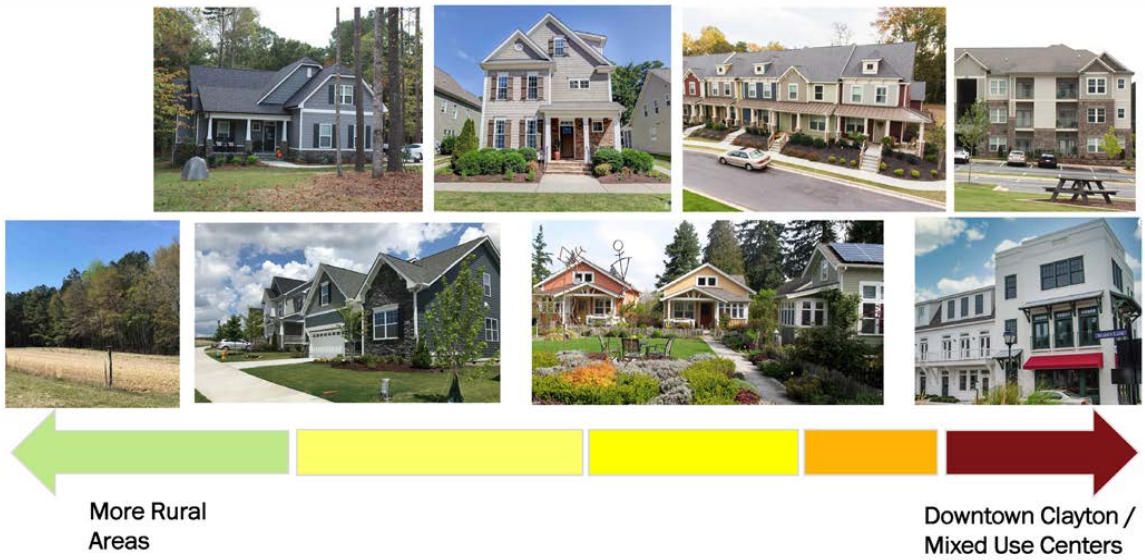
People continue to move to Clayton for many reasons including its affordability, small-town lifestyle, high quality schools and sense of safety. There are a variety of housing types with prices ranging from estate housing to townhouses and apartments that are available to accommodate Clayton's diversifying population. Families continue to build wealth and retirees are able to age in-place. New housing is developed in a way that is sensitive to the natural environment.

Future Land Use Map Overview

The Future Land Use Map categorizes land into eleven character areas. Each character area is described in subsequent pages and includes allowable uses, intensity, building types and development design. The future land use map is based on availability of infrastructure, the character of existing development and input received from the steering committee, members of elected and appointed boards, staff and the public.

The Future Land Use Map should inform infrastructure investment decisions and be utilized by staff, the planning board and town council when evaluating proposed developments and zoning requests.

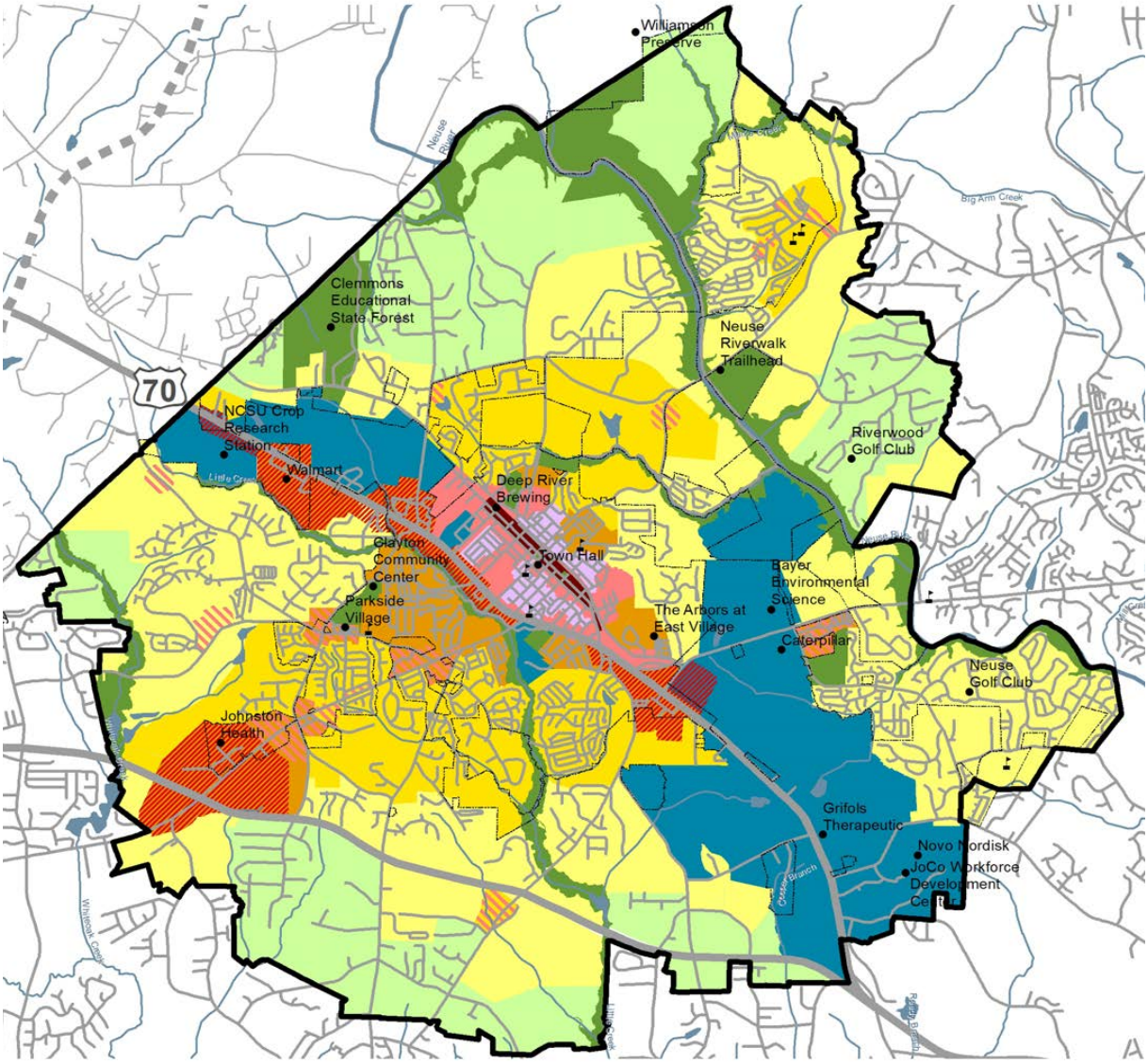
The Clayton Transect



A transect is an urban planning tool that defines a series of zones that transition from town or city centers to sparsely populated rural areas. The graphic above illustrates the transect envisioned in the Future Land Use map on the following page. The Clayton Future Land Use Map identifies a set of character areas that vary by the intensity and types of land uses allowed. The map along with policies and recommendations in the Land Use & Housing chapter of this plan attempt to encourage a pattern development that reinforces and the character of more developed areas of town and provides a transition to more suburban and lower density areas. More intense residential and commercial uses should be focused in and near Downtown and planned mixed-use areas such as Neighborhood and Community Centers. Employment Centers will also have more intense non-residential development. Less intense residential areas illustrate the transition between areas with greater access to major roads, other infrastructure and services and more isolated areas where lower density development is envisioned.

Future Land Use Map

The Future Land Use Map is a conceptual representation of the development pattern that supports leaders' and residents' desires for the future of the town. The map is descriptive, not prescriptive, conveying the community's desires for the future and the flexibility needed to accommodate opportunities.



Description of Future Land Uses

Eleven land use categories are depicted on the Future Land Use Map. Each category is intended to indicate a predominant land use—or set of uses—as well as relative intensity and shared design features that define the character of the category. A brief description of each category is provided below. Each is consistent with the community's ideas and vision for the future development pattern. Furthermore, these descriptions do not propose a change to existing development within each category; instead, they suggest a direction for moving forward.

Residential Land Uses

ARR Agricultural/Rural Residential (ARR)



The predominate existing land uses include low-density residential uses, as well as large tracts of agricultural land. The rural character in these areas can be retained by encouraging only low-intensity uses and context-sensitive rural design. Single family residential at gross densities up to two units per acre are appropriate. Most of these areas rely on septic systems for wastewater treatment, have a limited road network, with some areas within the water supply watershed. These areas are primarily located outside of existing sewer service areas and may or may not have sewer service in the future. Large lots are required if new development is not connected to sewer. Conservation subdivisions, which are subdivisions with smaller lots and more open space, are encouraged if new development is connected to sewer.

- **Gross Residential Density*:** ≤2 units/acre
- **Unit Type:** Single family detached homes
- **Open Space:** Larger lots if on septic systems, minimum of 30+% open space** if lots are under 20,000 square feet and development is connected to town sewer. Open space should primarily be passive and consist of sensitive natural features such as floodplain, wetlands, riparian areas, steep slopes, mature forests, habitat areas, and viewsheds.

LDR Low Density Residential (LDR)



Areas designated as Low-Density Residential are intended to remain predominantly suburban in character and provide for low-density, single-family residential development on smaller lots than those in Rural Residential areas. However, a mix of residential housing types may occur under a conditional zoning district to support conservation of open space, as long as a gross density of 3 units per acre is not exceeded.

- **Gross Residential Density*:** ≤3 units/acre
- **Unit Type:** Mostly single family detached homes, generally less than 25% attached units
- **Open Space:** Minimum of 25%**. Open space should be a mix of preserved natural features with passive recreation such as greenways and trails and more formal or developed open space such as common greens, playgrounds or sports fields.

**Gross Residential Density is defined as the number of dwelling units divided by the total project area without subtracting areas devoted to open space, road right-of-ways, parks or similar public use and infrastructure areas.*

***Open Space minimums suggested for new developments over a minimum size or number of units. Does not apply to existing development.*

MDR Medium Density Residential (MDR)



The Medium Density Residential area is comprised predominantly of neighborhoods with housing units that are more urban in character and in closer proximity to commercial services and centers. This area provides a transition from the more suburban areas of the Town to more developed areas. The density of development in this area will vary based on the presence of utilities, topography and environmental features. This designation is applied to land which is developed, or is to be developed, at a density that is generally between three and five units per acre.

- **Gross Residential Density*:** 3-5 units/acre
- **Unit Type:** Single family detached homes, generally less than 50% attached units
- **Open Space:** Minimum of 20%**. Open space should be a mix of preserved natural features with passive recreation such as greenways and trails and more formal or developed open space such as common greens, plazas, playgrounds or sports fields.

HDR High Density Residential (HDR)



The High Density Residential area provides for housing near major transportation corridors, existing commercial areas, and Downtown. These areas have a connected street network, adequate pedestrian and bicycle facilities, and are served by public water and sewer. High Density Residential includes all housing types while providing higher-density development than the other residential categories. In some places, HDR serves as a transition between commercial uses and lower-density residential uses. In other instances, it accompanies neighborhood commercial uses such as a grocery store or services in established or growing areas of Town.

- **Gross Residential Density*:** ≤10 units/acre, with higher densities allowed as part of planned developments that are walkable to commercial areas.
- **Unit Type:** Single family detached homes, townhomes and apartments.
- **Open Space:** Minimum of 10%**. Open space should be a mix of preserved natural features with passive recreation facilities, buffers to existing development and more formal or developed open space such as common greens, plazas, and/or playgrounds.

DN Downtown Neighborhood (DN)



The Downtown Neighborhood area is comprised of primarily single-family residential uses with some house-scale multifamily and townhomes permitted. The Downtown Neighborhood category is designed to retain established downtown neighborhoods and maintain their historic character while allowing some flexibility of housing types. Downtown Neighborhood districts are found adjacent to Downtown Support areas. In the Downtown Neighborhood, streets are connected and have pedestrian facilities.

- **Gross Residential Density*:** ≤9 units/acre
- **Unit Type:** Primarily single family with some house-scale multifamily structures.
- **Open Space:** Minimum of 10%**. Open space should be a mix of preserved natural features with passive recreation facilities and more formal or developed open space such as common greens, plazas, and/or playgrounds.

Mixed-Use and Nonresidential Land Uses

DS Downtown Support (DS)



The Downtown Support area provides 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 areas. The Downtown Support category is 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. Higher-density development should be directly bordering the Downtown Core, along 2nd Street, or along US 70. The Downtown area should have a connected street network with short block lengths, a grid-style street system, access via alleys between public streets, and wide sidewalks.

- **Gross Residential Density*:** ≤25 units/acre
- **Unit Type:** High density single family detached homes, townhomes, apartments, mixed use buildings with live/work units.

DC Downtown Core (DC)



The Downtown Core applies to the area where the highest-density commercial, employment, residential and other uses are located. It fosters an urban environment characterized by a sensitive blending of carefully preserved older structures, high-quality and context-sensitive new construction, and public spaces all working together and integrated with surrounding neighborhoods. The Downtown Core includes a variety of uses including commercial services (restaurants, retail, professional services, and entertainment), office, high-density residential, upper-story apartments, and older homes renovated to accommodate commercial uses. This area provides a connected grid-style street network with alley access, future transit opportunities and pedestrian friendly sidewalks, safe crossings and streets with on-street parking and slow speeds.

- **Gross Residential Density*:** ≤30 units/acre
- **Unit Type:** Apartments, condos, mixed use buildings with live/work units.

NC Neighborhood Center (NC)



A Neighborhood Center is generally located near concentrations of existing or planned residences, and areas with access to major thoroughfares and utilities. These areas incorporate neighborhood-serving commercial uses including grocery stores, retail establishments, restaurants and services. A limited amount of office, civic and institutional uses are also appropriate. Higher-density residential including small-lot, single-family, townhouses and apartments should be located in close proximity to shopping and service destinations to provide more walking opportunities to internal and external pedestrian facilities and destinations. The scale of the Neighborhood Center varies depending on the market demand, competition, and context, however typical Neighborhood Centers have a service area of one to two miles and less than 70,000 square feet of non-residential.

- **Gross Residential Density*:** ≤10 units/acre with higher densities allowed within walking distance to downtown and/or access to transit services.
- **Unit Type:** High density single family detached homes, townhomes, apartments, mixed use buildings with live/work units.
- **Open Space:** Typically 5-10% including tree save, plazas and amenities

CC Community Center (CC)



Compared to the Neighborhood Center category, a Community Center typically serves a larger population and includes a typical trade area of three-to-six miles, and is located adjacent to major thoroughfares or situated at a major intersection. A Community Center includes at least one major anchor such as a grocery store or retailer and incorporates community-serving commercial uses and opportunities for office, civic, and institutional uses. Multi-family housing opportunities may be integrated as part of a mix of uses. As with Neighborhood Centers, apartments and townhouses should be located in close proximity to shopping and services. All portions of the development should be accessible by both a convenient road network and a system of sidewalks or greenways.

- **Gross Residential Density*:** ≤12 units/acre, with higher densities allowed within walking distance to downtown and/or access to transit services.
- **Unit Type:** High density single family detached homes, townhomes, apartments, mixed use buildings with live/work units.
- **Open Space:** Typically 5-10% including tree save, plazas and amenities

EC Employment Center (EC)



Clayton's Employment Center Areas are designated on the Future Land Use Map to provide locations for primary employment and economic development opportunities. The Employment Centers are located along a major transportation corridor, and have adequate levels of infrastructure along with access to rail and parcels large enough to accommodate future employment growth. Uses encouraged in Employment Centers include but are not limited to, industrial, warehouse, office, research and development, tech-flex, hospital, renewable energy, recycling, fabrication, assembly, and technology. Employment Center land uses may also include a limited amount of supporting commercial uses, such as restaurants and convenience retailers to serve employees. However, these uses should only be situated where not in conflict with existing employment land uses and should not be built in such a way as to jeopardize the use of those lands most suitable for office or industrial development.

ROS Recreation and Open Space (ROS)



The Recreation and Open Space designation applies to parks, public recreational areas, conservation areas and floodplains. Uses include active and passive recreation (including trails and greenways), wildlife management, environmental restoration/ mitigation/preservation, and educational uses. Structures that support or are associated with the intended uses shall be permitted. The primary use of land shown under this designation should be recreation, open space, or conservation.

Land Use and Housing Goals and Recommendations

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.

Strategy LU 1.1.2

Support residential development at varying densities based on the Future Land Use Map, associated character area descriptions and other relevant plans (i.e. Downtown Master Plan, Small Area Plans, etc.).

Strategy LU 1.1.3

Review and update the Unified Development Code within 1-2 years to ensure consistency with the Goals, Policies and Strategies of the Comprehensive Growth Plan.

- » Review the existing General Design Guidelines (2006) and incorporate applicable updates into the Unified Development Code.

Strategy LU 1.1.4

Consider expansion of ETJ based on population growth and land use trends.

Policy LU 1.2

Encourage developments which incorporate high-quality design and enhance the quality of life for existing and future residents of the Town.

Strategy LU 1.2.1

Encourage high-quality design in commercial and mixed-use development.

- » Buildings should be oriented toward public streets where feasible.



Commercial and mixed-use development should integrate plazas and/or parks. These areas can provide outdoor dining and gathering spaces for events. Precedent Image from Birkdale Village in Huntersville, NC. Image Source: Stewart.

- » Landmark features such as cupolas, steeples, towers, special roofs, or chimney forms should be utilized for significant buildings, centers or transportation hubs to provide points of orientation.
- » Pedestrian connections should be made between parking lots, building entrances and other destinations on sites.
- » Open space and plazas should be integrated into developments and edges of these features should be given special attention through building design and/or landscaping.
- » Screening and landscaped buffers should be used to minimize visibility of service areas, utilities and parking lots and to transition between new development to existing residential land uses.
- » Street trees should be located along street frontages. Additional landscaping, including trees, decorative grasses, flowers and shrubs should be located near entries and along building foundations.

Strategy LU 1.2.2

Encourage high-quality design in residential projects.

- » New developments should contain attractive streets including a planting strip with street trees and sidewalks.
- » New developments should be designed to preserve a significant amount of open space. Open space should be located to preserve significant trees, riparian areas, views and environmental constraints such as steep slopes, wetlands and floodplains (also see Nat. Resources recs.)
- » Higher density developments should be designed with adequate on-street parking. Narrow lots should be designed with alley loaded access. Apartments should have shared parking lots that are shielded from the street.
- » Screening and landscaped buffers should be used to minimize visibility of service areas, utilities and parking lots and to transition between new development to existing residential land uses.



New neighborhoods should have well designed streets, with sidewalks and street trees and adequate width to accommodate on-street parking where needed. Precedent Image from Bedford in Raleigh, NC. Image Source: Stewart.

Policy LU 1.3

Encourage non-residential land uses in areas consistent with the Future Land Use Map.

Strategy LU 1.3.1

Ensure the scale of non-residential uses are consistent with the Future Land Use Map.

- » Larger scale non-residential uses and mixed-use developments should be located in Employment Centers, Community Centers and the Downtown Core.
- » Encourage smaller-scale mixed-use development and commercial uses in Neighborhood Centers and the Downtown Support areas.

Strategy LU 1.3.2

Create and implement small area plans to attract infill development and redevelopment to areas identified as Neighborhood and Community centers on the Future Land Use Map.

- » Future Small Area Plans needed include:
  - » Update of Downtown Master Plan (including eastern and western gateways)
  - » US 70 Bus / NC 42 East
  - » US 70 Bus / Western Gateway (near Wake County)
  - » ECIA (East Clayton Industrial Area)
  - » US 70 Bypass / Future I-42 Corridor (including an update of the NC 42 Interchange Area Small Area Plan and the Ranch Rd Area)

Goals and Recommendations(cont.)

Policy LU 1.4

Encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map.

Strategy LU 1.4.1

Encourage a mix of non-residential land use in Employment Centers including industrial, warehouse, office, research and development, tech-flex, renewable energy, recycling, fabrication, assembly, and technology uses.

Strategy LU 1.4.2

Discourage residential subdivisions in prime industrial locations including larger parcels in Employment Centers with good access to roads or rail.

Strategy LU 1.4.3

Allow for integration of compatible uses in Employment Centers including commercial development as a supporting use.

See Economic Development Chapter for more specifics.

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.

Policy LU 1.6

Promote location and intensity of development that mitigates impacts to the transportation network and leads to reduced vehicle trips and/or shorter trip lengths, enhanced circulation, and increased public safety.

Strategy LU 1.6.1

Focus growth in and near Community Centers, Neighborhood Centers and Downtown.

» Higher density near mixed-use areas defined on the Future Land Use Map and along corridors with existing and planned transit can reduce vehicular trips by promoting internal pedestrian circulation and encouraging transit trips.



Novo Nordisk pictured above and Grifols (not pictured) are located along US 70 Business in Clayton's Planning jurisdiction. The area on either side of US 70 Business is identified as an Employment Center on the Future Land Use map. New businesses and non-residential development is encouraged in this area to take advantage of existing water and sewer infrastructure and access to highways, diversity the tax base, as well as provide jobs to residents.

Strategy LU 1.6.2

Require vehicular interconnectivity between existing and future adjacent development.

Strategy LU 1.6.3

Require development to integrate sidewalks internally and provide pedestrian connections to existing and future adjacent development and/or destinations.

Strategy LU 1.6.4

Prohibit isolated, mid-block or strip commercial development which negatively impacts existing infrastructure, has poor circulation, and inadequate access.

GOAL LU 2

Provide a sense of place and enhance aesthetics along major corridors and in new developments.

Policy LU 2.1

Encourage the redevelopment or adaptive reuse of under-utilized commercial development.

Strategy LU 2.1.1

Conduct a small area plan or corridor study for US 70 Business to identify opportunities for redevelopment, transportation improvements and aesthetic improvements.

» Special emphasis should be placed on the US 70 / NC 42 East Area and the Town's western gateway.

Policy LU 2.2

Pursue public improvements and utilize regulatory standards to preserve or enhance aesthetics within and adjacent to the main corridors in town.

Strategy LU 2.2.1

Identify primary and secondary gateway locations into town, and establish a highly visible gateway design which reflects Clayton's brand.

Strategy LU 2.2.2

Utilize the Thoroughfare Overlay District to enhance the aesthetic appearance of businesses along the corridor.

Strategy LU 2.3.1

Review the Thoroughfare Overlay District and the Downtown Overlay District for necessary updates to ensure that regulations support Town character, enhance aesthetics along the roadways, and support successful commercial development.

Policy LU 2.3

Utilize landscaping to enhance the visual appeal and pedestrian comfort and safety along new streets.

Strategy LU 2.3.1

Require street trees and a minimum planting strip width in new developments in most commercial and residential zoning districts.



US 70 Business is home to a variety of commercial developments of different ages and sizes. A small area plan is suggested that would study redevelopment potential along the corridor and make recommendations to improve the Town's key gateways. Image of Clayton Village Shopping Center. Image Source: Stewart.

Goals and Recommendations(cont.)

» Consider alternative standards for very low density residential development.

Strategy LU 2.3.2

Update the Town's roadway cross-sections to incorporate requirements and standards for planting strips, sidewalks and landscaped medians.

GOAL LU 3

Encourage a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.

Policy LU 3.1

Encourage a range of housing types based on the availability of infrastructure, proximity to services and amenities, and compatibility with existing development as described in the Future Land Use map.

Strategy LU 3.1.1

Review development proposals for consistency with the Future Land Use Map and negotiate with developers to provide a range of quality housing types within developments.

Strategy LU 3.1.2

Within larger developments, encourage higher density housing types to be located in those areas with closest proximity to services, amenities, and infrastructure.

» Allow higher density developments in the Downtown Core and in the Downtown Support area.

» Allow medium to high density townhomes and apartments in High Density Residential, Neighborhood Center and Community Center areas.

» Allow for house-scale multi-family structures in the Downtown Neighborhood character area and as a defined percentage of new homes in LDR and MDR areas (See LU-3.1.4 for more detail).

Strategy LU 3.1.3

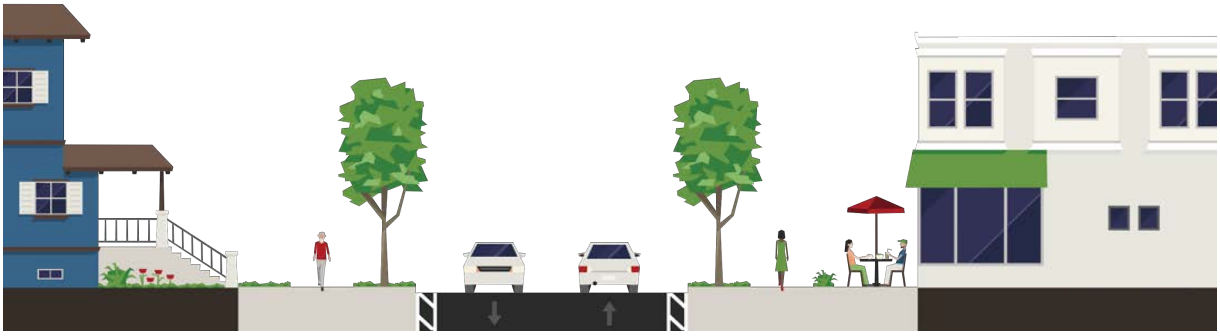
Consider adjustments to the Unified Development Code (UDC) to allow for a higher density development in certain areas.

» Consider making townhomes and apartments a permitted use in certain zoning districts.

» Townhomes and apartments could be permitted in B-1 and B-2 zoning districts and/or a new zoning district that would allow for well-designed structures as a component of new development in planned Neighborhood Center (NC) or Community Center (CC) mixed-use areas.

» Consider creation of a Mixed Residential district that would allow higher density housing types (including smaller lot homes and townhomes and apartments with increased standards) by right in certain areas of town.

» Consider allowances for higher density development if certain conditions exist or standards are met.



Attractive streets were identified as a high priority during the 2020 Town Council Retreat and through the Comprehensive Growth Plan survey. The Town's roadway cross-section standards should be updated to specify standards for planting strips, sidewalks and medians.

- Conditions could include proximity to downtown, within walking distance and with accessible walking route to commercial areas, near existing or future transit.

» Consider alllowing Accessory Dwelling Units (ADUs) by-right with defined dimensional criteria and/or supplemental design standards.

Strategy LU 3.1.4

Encourage or require a mix of lot sizes (2+) in some areas

- Target areas could be HDR, MDR, and LDR areas and associated zoning districts.
- This could be tied to the existing Open Space Subdivision option.
- Criteria could be established related to minimum acreage and minimum variations.

Strategy LU 3.1.4

Encourage a range of housing types and styles through the Conditional Zoning process.

- Consider modifications to the UDC that establish a tiered approach to mix of housing types.

GOAL LU 4

Provide safe, sound, and well-maintained housing and neighborhoods.

Policy LU 4.1

Reduce the number of substandard dwelling units and maintain quality housing.

Strategy LU 4.1.1

Inspect deteriorated and dilapidated housing, and provide uniform standards to maintain quality housing through the Town's Code Enforcement Program.

Strategy LU 4.1.2

Reduce the number of substandard dwelling units through rehabilitation and demolition activities.

Strategy LU 4.1.3

Seek federal, state and local funding for the rehabilitation or demolition of substandard housing.

Strategy LU 4.1.4

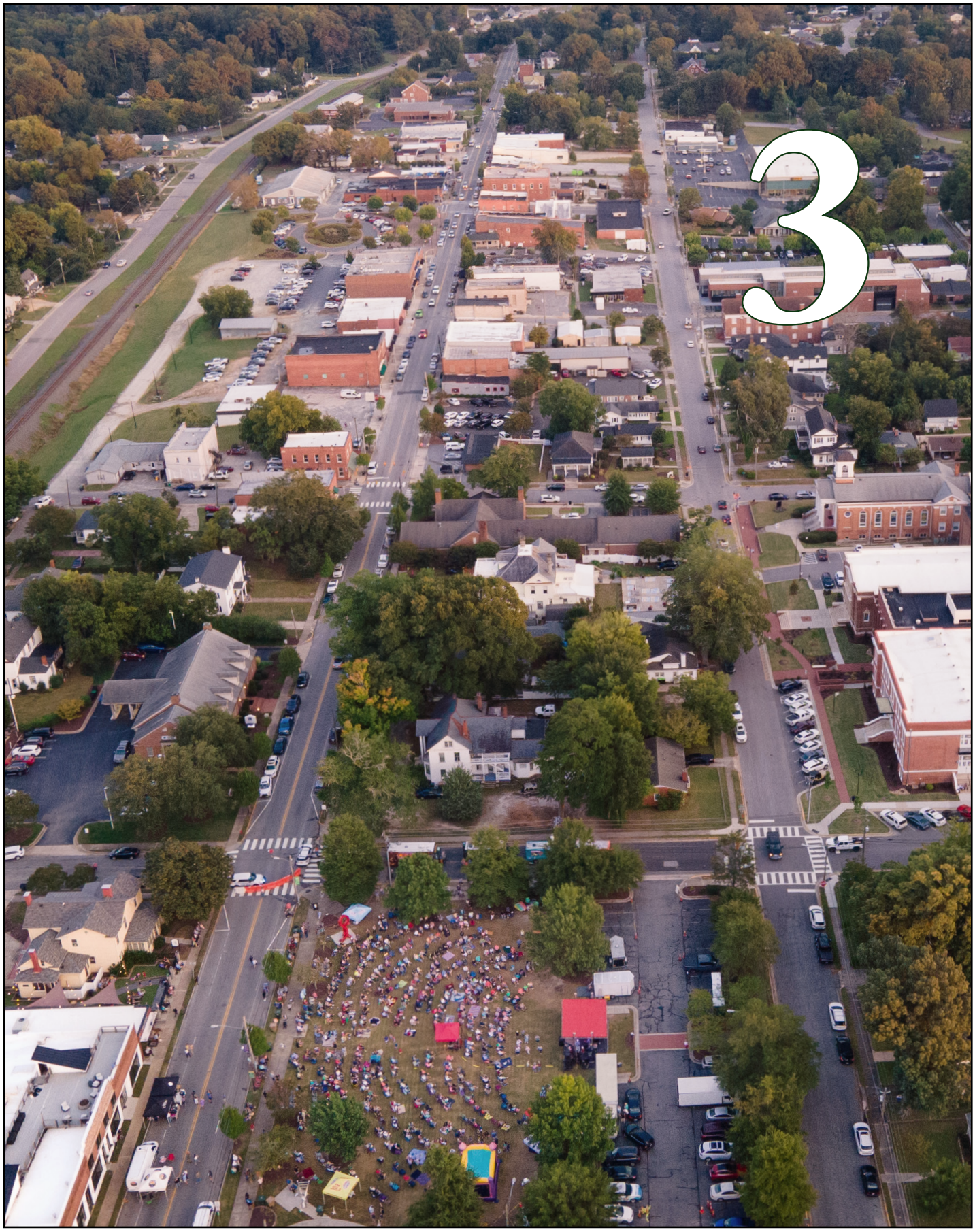
Implement code enforcement activities aimed at reducing or eliminating blighted areas of Town.

Housing Variety: Why, Where, and How

During the development of the Comprehensive Plan participants conveyed a need to maintain housing affordability and encourage housing variety while maintaining high standards for new development. In order to accomplish this, modifications to the Unified Development Code (UDC) could be made to clarify the maximum percentage of attached housing units allowed in new development based on the Future Land Use Map. Steps could be taken to make it easier to build attached housing where it makes sense, and the Open Space Subdivision option could be utilized to provide flexibility in some zoning districts while ensuring compatibility with existing residents.

Open Space Subdivisions currently allow for up to 50% attached units. Attached unit allowances should be tiered based on Future Land Use area. The conditional zoning process or code changes could encourage or require development in line with the following ranges:

- Low Density Residential (LDR): Up to 25-33% Attached units
- Medium Density Residential (MDR): Up to 50% Attached units
- High Density Residential (HDR), Mixed-Use Areas (CC & NC), and Downtown (DC & DS): Up to 100% Attached units
- *Special Use Permit (SUP) or Conditional Zoning could be required for higher percentages.*


3

Think Downtown



Clayton's historic Downtown is a great asset to the community and functions as the social, civic and cultural center of town. Activity and investments downtown will benefit the entire community. One of the goals of the 2020 Economic Development Strategic Plan is to "Build on a charming and historic downtown through redevelopment and placemaking" and the recommendations in the Comprehensive Plan elaborate on this effort. The need for quality infill and redevelopment is balanced with the desire to respect the historic character of certain areas of Downtown. They also address the physical conditions of Downtown, and seek to make access to and within the area safer and more enjoyable for all users, so that it may continue to be active and lively.

Recommendations regarding Downtown as an economic engine can be found in the economic development section of this document.

Goals and Recommendations

Goal DT 1

Promote quality adaptive re-use, and infill development projects 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.

Strategy DT 1.1.2

Consider changes to the extent of the Downtown Overlay and/or additional modifications to promote a development pattern in the Downtown Core as described in the Future Land Use Map.

- Re-examine boundaries of Downtown Overlay to meet the goals of Downtown.
- Consider modifications to the requirement for active uses on the ground floor facing Main Street. Active uses remain a goal, but providing some flexibility to meet current market demand could encourage reuse or redevelopment. Allowing for a percentage of frontage to be active uses and/or allowing for new construction to be built in a way to allow for future conversion may be beneficial.
- Consider changes to the development review and permitting process to encourage innovation and dialog between property owners, developers, town staff, citizens and the town council.
  - For example, the current process requires a site plan for outdoor seating. This is the same level of detail required with a complete redevelopment. Alternatives that could be considered include administrative approvals, conditional zoning, and/or form-based zoning.

Downtown Future Land Use Character Areas

The Future Land Use Map includes three different character areas for properties within and surrounding Downtown Clayton (Downtown Core, Downtown Support, and Downtown Neighborhood). These areas call for slightly different types and intensities of infill and redevelopment. **The Downtown Neighborhood character area** is meant to preserve established downtown neighborhoods while allowing for some residential infill. **The Downtown Core** is centered along Main Street. In this are historic structures should be preserved, but infill and redevelopment can be a variety of uses, including multi-story mixed use development. The design of buildings and sites should reinforce and extend the historic building pattern of the existing core with primary entrances on the street and parking lots accessed via alleys. The **Downtown Support area** is a flexible district that includes a mix of developed and undeveloped properties within walking distance to the Downtown Core. The Downtown Support area provides 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 areas. The Downtown Support category is 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.

Strategy DT 1.1.3

Encourage the use of and regularly update the General Design Guidelines policy manual.

- Consider incorporating design elements from the Design Guidelines Manual into the Unified Development Code (UDC) that are allowed by state law to be regulated.
- Utilize the future Downtown Master Plan to refine character areas and zoning districts and define necessary code changes. Design elements to be addressed include:
  - Streetscape standards
  - Driveway spacing
  - Parking lot design and location
  - Setback standards
  - Nonresidential building massing
  - Blank wall requirements
  - Location of mechanical equipment
  - Incorporating balconies
  - Signage standards
  - Buffering
  - Lighting
  - Transparency
  - Pedestrian entrance and pass-through requirements

Policy DT 1.2

Utilize existing resources and partners to continue to improve Downtown Clayton's economy and aesthetics.

Strategy DT 1.2.1

Enhance the aesthetic quality of Downtown through the continuation of the Downtown Façade and Site Element Improvement Grant Program, building rehabilitation, and code enforcement.

Strategy DT 1.2.2

Support the Downtown Development Association in its duties, activities, and events.

Strategy DT 1.2.3

Continue to coordinate with the Chamber of Commerce and downtown businesses on events, improvement and priorities downtown.

Facade Grant

The Clayton Downtown Development Association administers the facade grant program, which provides up to $2,500 per facade to local businesses to make upgrades to their building's exterior. The Clayton Façade Grant Program is well utilized, and has contributed to twelve projects Downtown In fiscal years 2019-2020 and 2020-2021 combined. Expanding the availability of the facade grant program to all businesses within the Downtown Core and Downtown Support future land use character areas would allow this program to expand its reach.



A before and after of a project completed using facade grant funds on E Main Street. Image via *downtownclayton.blogspot.com*.



Goals and Recommendations (cont.)

Strategy DT 1.2.4
Continue to conduct Downtown market analysis and property inventories to determine the best opportunities for infill and redevelopment in Downtown Clayton. Recruit small businesses to Downtown based on market analysis.

Strategy DT 1.2.5
Utilize Economic Development Strategy as a toolbox for recommendations to improve Downtown.

Strategy DT 1.2.6
Explore the establishment of a "Social District" before or during the update of the Downtown Master Plan.

Policy DT 1.3
Support adaptive re-use of under-utilized sites and buildings to revitalize Downtown.

Create resources to make the redevelopment process Downtown approachable for those wishing to redevelop property. Provide informational resources for people wishing to open businesses or develop properties downtown.

Strategy DT 1.3.1
Update the Downtown Master Plan to better address recommendations in this Plan, emerging issues, needed pedestrian connections, open space improvements, and parking.

» Emerging issues and opportunities include the need to formalize parking and access to existing development and redevelopment along the railroad and potential development west of downtown.

Strategy DT 1.3.2

Conduct a review of existing Town ordinances to determine barriers and potential solutions to redevelopment of existing structures and sites downtown. Pay special attention to:

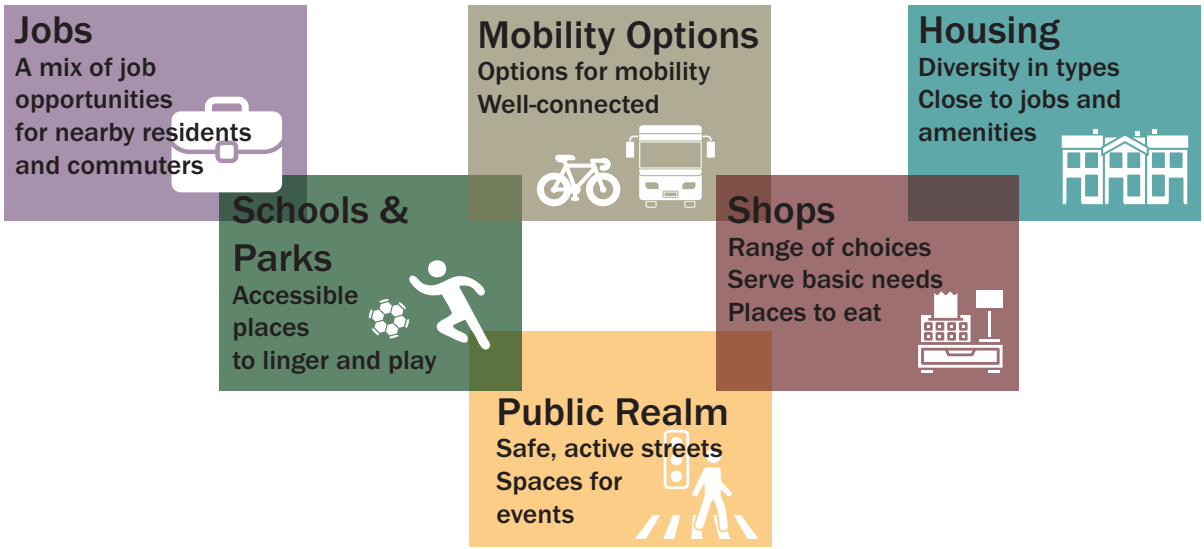
» Stormwater requirements

» Parking requirements

Strategy DT 1.3.3

Research and recommend a modified development approval process for key Downtown Areas, such as those within the Downtown Core or existing Downtown Overlay zoning district. Meet with the development community in a round table format to gather input on current process obstacles.

Components of a Vibrant Downtown



Strategy DT 1.3.4

Study the potential for public/private partnerships for parking improvements Downtown. This could include the study of new surface parking lots, improvements to existing lots, and/or the evaluation of a potential parking deck.

Strategy DT 1.3.5

Identify, research, and consider matching funds for grants and incentives available to support Downtown redevelopment including the following:

- » Tax incentives/abatements
- » Incentive grants for projects that meet goals
- » Crowd-funding/local fundraising
- » State and National grant programs
- » Public-private partnerships
- » Parking requirement reduction

Policy DT 1.4

Increase residential activity and promote mixed-use projects in Downtown.

Strategy DT 1.4.1

Provide incentives to projects which utilize upper stories for residential uses, increase residential density, and/or enhance the commercial character in the Downtown Core.

Strategy DT 1.4.2

Update Future Land Use Map and zoning districts to allow for increased residential density in key downtown locations.

- » Modifications could include allowances for certain types of attached housing without a special use permit in the Downtown Core and/or Downtown Support areas.

Strategy DT 1.4.3 Strategy D1.4.3

Study parking requirements for downtown residential uses to determine potential for efficiencies.

- » Compare current parking requirements to peer towns.



The Massey-Sanders-Vinson-Tew House built in 1912, is an example of a historic structure with distinct architectural features in downtown Clayton. Encouraging renovation and reuse of historic structures can preserve landmark buildings downtown.

- » Consider available on-street and off-street parking as well as opportunities for shared parking.

Goal DT 2

Protect and preserve Downtown Clayton's historic character.

Policy DT 2.1

Preserve and protect Clayton's historic landmarks.

Strategy DT 2.1.1

Apply to re-survey the Town's national register historic district to include structures that previously did not qualify.

Strategy DT 2.1.2

Establish and apply project planning criteria that require evaluation and mitigation of adverse impacts to historic resources for all town capital projects.

Goals and Recommendations (cont.)

Strategy DT 2.1.3

Encourage the use of federal and state historic tax credits for renovation projects in the downtown area. And explore additional methods and funding sources for preservation of historic landmarks.

- » Encourage the use of State or Federal standards for rehabilitation of historic structures. For more information see the Secretary of Interior Standards for Rehabilitation here.

Strategy DT 2.1.4

Consider a larger role for the Town of Clayton and/or partner organizations in historic preservation.

- » Establish a formal agreement between CHA and Town of Clayton via the Hocutt-Ellington Memorial Library.
  - » Plan for adequate staffing and space for programming, management and storage of archival, historically-significant materials.
- » Partner with the Clayton Historic Association (CHA) to establish a local register of historic landmarks and designate landmarks within Clayton.
  - » Maintain the inventory of local landmarks in Town databases to be used during development decision-making.
- » Consider establishing a local historic district and commission. This could include designation of a local historic overlay district in Downtown Clayton for all or part of the National Register defined Clayton Historic District.

Policy DT 2.2

Ensure new development is compatible with existing historic areas.

Strategy DT 2.2.1

Encourage development in the Downtown Neighborhood area that preserves existing neighborhood character.

- » New residential development should reference the existing context and be of similar mass and scale.

Existing Downtown Neighborhood Character



Residential home along South Lombard Street. Source: Google Streetview.

New development in historic neighborhoods in Downtown Clayton should include design features that reinforce the character of the area. Design features that should be encouraged include:

- Single-family homes or house-scale multifamily units
- Three stories maximum
- Setbacks that match existing averages along a block frontage
- Front porches
- Garages and/or carports located on the side or rear of the home and/or recessed behind the front façade of the home
- Side or rear parking for larger buildings
- Streetscapes should include a sidewalk buffered from the street by a planting strip
- Tree preservation should be prioritized

Goal DT 3

Make access to and movement within Downtown safer and more efficient for all users.

Policy DT 3.1

Encourage pedestrian safety, comfort, and connectivity throughout the Downtown streetscapes and open spaces.

Strategy DT 3.1.1

Increase investment in fixing existing sidewalks, growing the sidewalk network and pedestrian safety improvements, including additional crosswalks and ADA ramps.

Strategy DT 3.1.2

Incorporate the concepts from the Clayton Downtown Streetscape Plan when planning improvements for Main Street and parallel roadways.

- A key finding from the Downtown Streetscape Plan included that improvements to the pedestrian realm are possible in the existing right-of-way however more study will be needed to determine a preferred alternative.
- The design of streetscape improvements will need to balance parking, pedestrian comfort with street and sidewalk improvements. Necessary utility upgrades and moving power lines underground also need to be factored in to any streetscape project.

Policy DT 3.2

Improve pedestrian and vehicular wayfinding signage into Downtown and incorporate the Downtown wayfinding signage into a broader town-wide signage plan.

Strategy DT 3.2.1

Update Downtown wayfinding signage for:

- Public Parking
- Civic buildings
- Local and state trails
- Destinations such as historic resources and public parks
- "Minute-walk" language to encourage exploration.



Pedestrian oriented wayfinding signs such as this one from the Swamp Rabbit Trail in Greenville, South Carolina are recommended for assisting visitors navigating the Mountains to Sea Trail way through Downtown Clayton.

Policy DT 3.3

Improve pedestrian and bicycle connections from Downtown from existing neighborhoods, parks, and activity centers.

Strategy DT 3.3.1 Prioritize pedestrian improvements, especially along Main Street, identified in the Downtown Improvements Map and the ongoing Bike and Pedestrian Plan. Coordinate with NCDOT on Main Street improvements.

Strategy DT 3.3.2

Improve pedestrian facilities and crossings between the current terminus of the Sam's Branch Greenway, MST/ECG, Municipal Park, and Main Street, through the Downtown Core to the existing Front Street Multi-use Path.

Strategy DT 3.3.3

Support opportunities to increase safe pedestrian connections between the Downtown Core and nearby neighborhoods. These include connections over the railroad tracks or other transportation corridors.

Goals and Recommendations (cont.)

Strategy DT 3.3.4

New development should adhere to and replicate the existing historic block pattern. This can be reinforced through block side standards in future UDC updates.

Policy DT 3.4

Monitor and manage parking supply.

Strategy DT 3.4.1

Conduct a Parking Study for Downtown Clayton.

» Consider potential locations, need and funding options for additional surface parking lots, shared parking and/or a parking deck Downtown.

Strategy DT 3.4.2

Manage existing parking.

» Consider changes to time limits, meters and/or enhanced enforcement of existing parking ordinances.

Strategy DT 3.4.3

Regularly evaluate and suggest revisions to parking regulations.

» The Planning Department should work with the Parking Task Force to address this need.

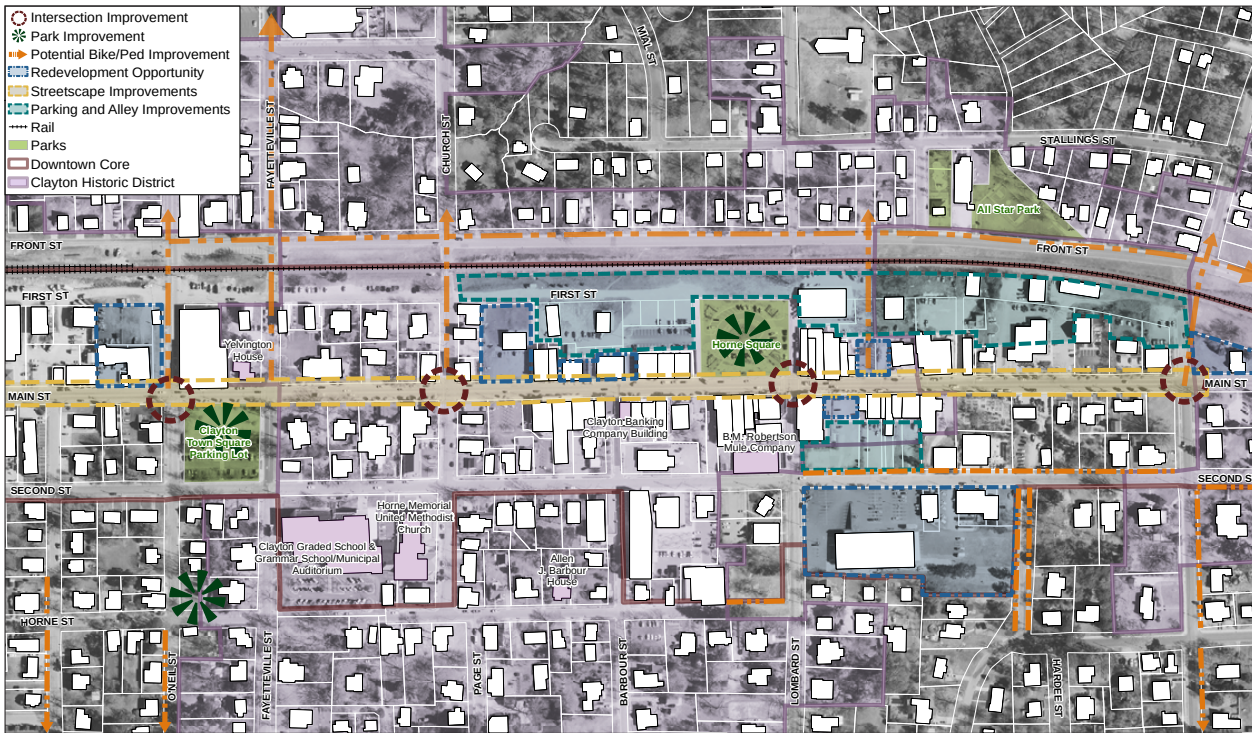
Strategy DT 3.4.4

Evaluate mechanisms to fund the creation and maintenance of new or improved parking in the downtown area, wayfinding and safety improvements.

Policy DT 3.5

Support alternative modes and emerging transportation technologies downtown including micro-transit, golf cart parking, EV Parking, scooters, etc.

Downtown Improvements Map



The Downtown Improvements Map above was created early in the Growth Plan process based on feedback from the public and stakeholder interviews. Potential improvements needed downtown were identified including filling sidewalk gaps and improving pedestrian crossings. It also identifies potential redevelopment opportunities, parking and public space improvements. These improvements need to be refined during the Downtown Master Plan update and through further study.


4

Think Economic Development



These recommendations further the goals set out in the 2020 Strategic Economic Development Plan while also reflecting input heard throughout the planning process. The town's charge in the face of its recent and predicted future growth are to harness the momentum and resources in a way that benefits its residents and maintains a strong financial base for the town. The recommendations continue the Strategic Plan's goals of attracting jobs, leveraging Downtown, building up community amenities and assets, and investing in infrastructure to support all this activity. If progress is made on these goals incrementally Clayton's economy will become stronger and more sustainable.

Goals and Recommendations

Goal ED 1 Increase opportunities for companies that provide well-paid jobs.

Policy ED 1.1

Partner with Johnston County Economic Development, the Clayton Chamber of Commerce, ElectriCities, and the Research Triangle Regional Partnership to market Clayton as a premier destination for employers.

Strategy ED 1.1.1

Establish regular meetings with these or other groups to discuss economic development and coordinate on marketing materials.

Strategy ED 1.1.2

Continue progress with Grifols, Johnston Community College (JCC) and other partners on Project Goodwill; an effort to build a JCC Clayton campus - a key workforce development asset for existing and future companies.

Policy ED 1.2

Preserve and develop prime industrial land for employment growth.

Strategy ED 1.2.1

Protect and market existing industrial areas including the existing biopharma district.

Strategy ED 1.2.2

Protect industrial land uses by encouraging compatible uses within and near the Employment Center areas identified on the Future Land Use Map.

Strategy ED 1.2.3

Support the biotech and pharmaceutical cluster through marketing and recruitment efforts.

Strategy ED 1.2.4

Develop an incentive policy to assist with recruiting target industries.

Policy ED 1.3

Identify and position available sites and buildings for potential investors or employers.

Strategy ED 1.3.1

Maintain an inventory of available sites and non-residential buildings within the Town's jurisdiction.

» Provide detailed information in a format to enable the county economic development website to advertise the most recent and complete information about the buildings and sites in Clayton

Policy ED 1.4

Implement and regularly update the Strategic Economic Development Plan.

Policy ED 1.5

Continue business retention efforts and support existing commercial corridors.

Strategy ED 1.5.1

Continue business retention and expansion strategies to engage with existing businesses to support existing operations and expansions.

Strategy ED 1.5.2

Increase employment and redevelopment opportunities along key corridors including 70 Bus and NC 42 and at 70 Bypass interchanges.

Goal ED 2 Continue promoting Clayton for new businesses and residents regionally and beyond.

Policy ED 2.1

Develop an identity and marketing strategy that promotes the Town's unique and distinctive qualities including Downtown, arts and recreation.

Strategy ED 2.1.1

Develop a branding plan to formalize Clayton's image and marketing strategy. The plan should include, but not be limited to, standardization of Town documents and marketing materials, signage and events.

Policy ED 2.2

Market economic data to potential investors and businesses.

Strategy ED 2.2.1

Develop a public dashboard of recent economic data and available sites compared to competitor jurisdictions.

Goal ED 3 Support Downtown Clayton as an economic asset.

Policy ED 3.1

Build on the success of existing Downtown events and increase Downtown programming for residents and visitors alike.

Strategy ED 3.1.1

Make Downtown Clayton an evening and weekend destination by increasing the amount of businesses operating outside of normal office hours. Make sure lighting at night is sufficient in public parks, parking areas, and streets.

Strategy ED 3.1.2

Work with Clayton Downtown Development Association to increase regular programming and events for all ages.

Policy ED 3.2

Promote Downtown Clayton as a regional tourism destination.

Strategy ED 3.2.1

Partner with organizations such as Visit JoCo to advertise Downtown Clayton as a historic, artistic, destination.

Strategy ED 3.2.2

Create tourism draws such as walking tours that feature Clayton's unique offerings.

Strategy ED 3.2.3

Evaluate additional services for visitors and tourists. This could include a Visitors Center, Welcome Center or kiosk.

Policy ED 3.3

Support entrepreneurship and existing small businesses.

Strategy ED 3.3.1

Follow Strategic Economic Development Plan recommendations for supporting small businesses through programmatic support.



Events Downtown such as the Harvest Festival, pictured above, bring thousands of visitors to Clayton. These events support local businesses and contribute revenue to the town in the form of sales tax.


5

Think Parks, Rec, & Natural Resources



Clayton is and will remain a premier community for active families. The Town provides a wide variety of park and recreation facilities and programs to people of all ages, abilities and skill levels. The local greenway system connects Downtown and neighborhoods to the Mountains to Sea Trail/ East Coast Greenway enhancing quality of life and making Clayton a destination for hikers and nature enthusiasts. Additionally, residents and visitors alike enjoy safe and easy access to the Neuse River. Recommendations in this chapter build on previous efforts to connect the parks system, enhance recreational opportunities and encourage tourism. This Plan outlines how new development should respect Clayton's unique natural resources including forested floodplains, steep slopes, and water quality in the Neuse River and Swift Creek.

Goals and Recommendations

Goal PR 1 Support the development of Clayton as a regional destination for recreation and trail-based tourism.

Policy PR 1.1

Increase the number of safe connections to Downtown and surrounding neighborhoods from the Mountains-to-Sea Trail (MST) / East Coast Greenway (ECG).

Strategy PR 1.1.1

Install wayfinding signage for trail route from Wake County to East Clayton Community Park.

Strategy PR 1.1.2

Improve pedestrian crossings along trail route through downtown.

Strategy PR 1.1.3

Study potential on-street bicycle facility improvements between Municipal Park and the existing multi-use path along Front Street. This could include signage, striping and/or a two-way cycle track with vertical bollards.

Policy PR 1.2

Coordinate with the county and other partners to identify the preferred alignment, design and fund the construction of the Mountains to Sea/East Coast Greenway Trail through the Town's planning jurisdiction and between its current terminus in Clayton and Smithfield.

Strategy PR 1.2.1

Participate in a feasibility study to finalize the proposed alignment and conduct preliminary design of the MST/ECG from the NC 42E bridge over the Neuse River southward to the Town of Smithfield.

Strategy PR 1.2.2

Contribute staff time and potentially funds, along with other partners to determine future alignment of the MST/ECG (NC State Parks, Johnston County, non-profits and private industry).

Strategy PR 1.2.3

Seek agreements to play a role in maintaining portions of the Mountains to Sea Trail near the Clayton Planning Area.

Policy PR 1.3

Review development proposals within the vicinity of planned or constructed greenways for trail connections and contributions to the greenway system.

Strategy PR 1.3.1

Work with landowners and developers to identify potential trail connections and require the dedication of trail easements and the construction of segments of planned greenways.

- Candidates for greenway connections include:
  - Those shown on the Parks and Greenways System Map or Pedestrian Plan
  - Riparian corridors
  - Potential high-traffic pedestrian connectors between new housing developments and key destinations such as downtown, shopping centers and recreational facilities.

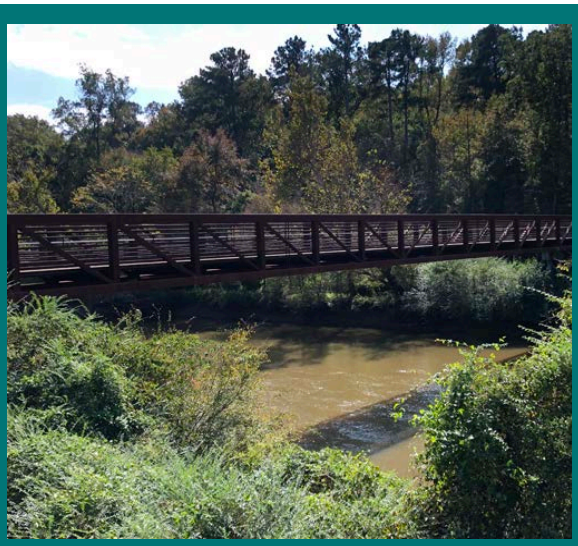
Strategy PR 1.3.2

Ensure that new greenways that are part of the public greenway system or are used to meet minimum recreation and open space standards are built to Town standards.

- Spine greenways (existing and planned public greenways shown on the Parks and Greenways System Map) must be built to town standards.
  - Publicly owned and maintained greenways should be a minimum of 12ft wide and meet Town standards such as asphalt and base thickness.
  - Easements that include any associated stormwater management features (e.g. – ditches, level spreaders, ponds, etc.) should be a mininum of 20-30ft wide.
  - All other greenways, including private used to meet recreational requirements, should be minimum of 10ft wide.
- In order for the Town to maintain greenways they must be built to Town standards.

The Mountains to Sea Trail and East Coast Greenway

The Mountains to Sea Trail (MST) is a designated trail that traverses greenways and footpaths 1,200 miles from Clingmans Dome in the Great Smoky Mountains to Jockey's Ridge on the Outer Banks. The Clayton River Walk on the Neuse and recently completed Sam's Branch Greenway have been designated as part of the MST. These sections of greenway have also been designated as part of the 2,500 mile East Coast Greenway (ECG) that stretches from Maine to Florida. These trails provide residents a way to embark on outdoor activities and are also a draw to regional tourists. Improving signage and facilities of the MST through Downtown and making the future link to Smithfield are important next steps that can build Clayton's identity as a "Trail Town, USA."



» Additional spur connections to be maintained by HOAs are encouraged but should be limited to short segments internal to new subdivisions.

Policy PR 1.4

Implement, maintain and refine the greenway system as depicted in the Parks and Greenways System Map in the Growth Plan or current bicycle or pedestrian plan.

Strategy PR 1.4.1

Prioritize funding for greenway projects that address gaps in the greenway system.

Strategy PR 1.4.2

Update the Parks and Greenways System Map in the Growth Plan as needed based on future studies, completion of greenway projects and private development approvals.

Strategy PR 1.4.3

Annual review and revision of the Parks and Greenways System Map by the Parks and Recreation Advisory Board and bring to the Town Council to update.

Strategy PR 1.4.4

Establish a repavement interval for existing greenways.

» For MST/ECG section of greenway along the Neuse River widen to 12 ft during repaving due to high levels of use.

Policy PR 1.5

Promote awareness of Clayton's recreational amenities and embrace opportunity become a "Trail Town."

Strategy PR 1.5.1

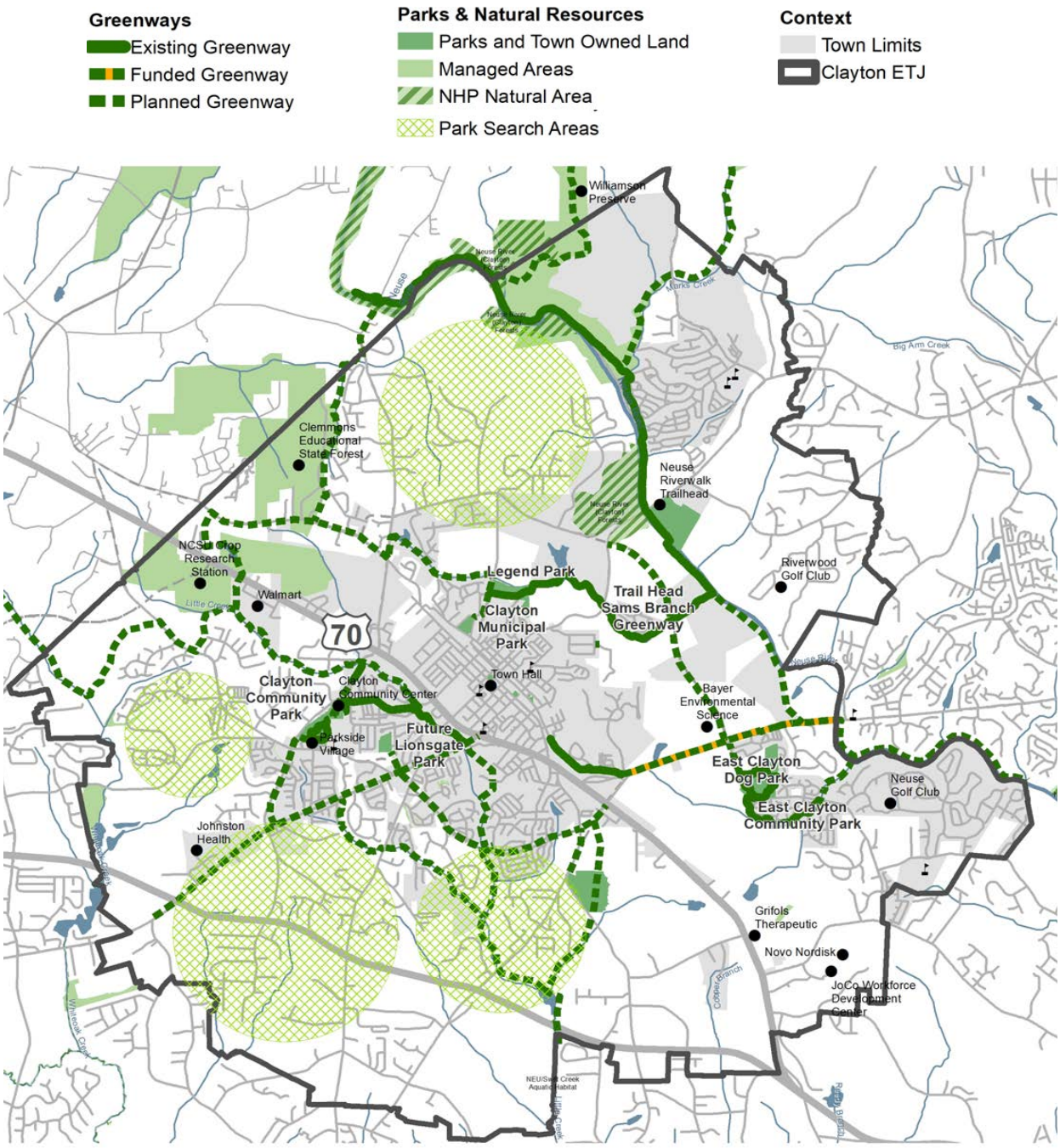
Update website and marketing materials.

» Update trail guides to include newly completed greenway segments, access points, and mileage of trails.

Strategy PR 1.5.2

Install trail user amenities such as bicycle repair or tire filling stations, water bottle refill stations, permanent restroom facilities with plumbing, ADA accessible parking and access points at every trailhead, benches, wayfinding, lighting, etc.

Clayton Parks & Greenways System Map



The Parks & Greenways System Map above shows existing and planned greenways as well as existing parks, publicly owned lands and park search areas.

Goals and Recommendations (cont.)

Strategy PR 1.5.3

Establish a greenway user count program and study economic impact of facilities.

Strategy PR 1.5.4

Continue to support a parks police officer and identify ways to ensure all users feel safe when using greenways and parks.

Goal PR 2 Develop the Neuse River corridor as a greenway and blueway with multiple access points for hiking, biking and paddling.

Policy PR 2.1

Increase public canoe, kayak and fishing access to the Neuse River.

Strategy PR 2.1.1

Partner with Johnston County and NC Wildlife Resources Commission to enhance/formalize and manage the NC 42 paddling access.

» Consider improvements for formal small craft boat launches at Shotwell Road and Covered Bridge Road.

Strategy PR 2.1.2

Coordinate with the county and other entities on creating a new, formal access at Fire Dept. Road and/or at the Johnston County Water Treatment Plant in Wilson's Mills.

Strategy PR 2.1.3

Improve areas for bank fishing in partnership with NC Wildlife Resources Commission.

» Candidate locations include areas near the river and access points.

Strategy PR 2.1.4

Coordinate with Johnston County to create and maintain an online map showing public access points for recreation on the Neuse River.

Strategy PR 2.1.5

Coordinate with City of Raleigh and Wake County on maps,signage, and wayfinding for trails and blueways.



Image via Neuse River Adventures, a local business that recognizes the economic opportunities for eco-tourism in Clayton.

Goals and Recommendations (cont.)

Goal PR 3 Provide all Clayton residents convenient access to a park within a 10-minute walk of their residence.

Policy PR 3.1

Develop and enhance active and passive recreation facilities that serve local neighborhoods and attract regional users.

Strategy PR 3.1.1

Acquire land for active and passive recreational facilities in park search areas on the Parks and Greenways System Map (on page 46).

Strategy PR 3.1.2

Continue to make improvements to existing parks.

- » Complete projects included in the Park Bond.
- » Consider improvements at other parks during Parks & Recreation Plan updates and as part of annual budgeting process.

Strategy PR 3.1.3

Create a comprehensive GIS inventory of public, semi-public, and private recreational facilities, and fill gaps with new facilities for areas with underserved residents.

- » This inventory should include passive recreational facilities, such as conservation easements that are publicly accessible and private open space areas that are in residential subdivisions and are accessible.

Strategy PR 3.1.4

Coordinate with landowners, private development and other entities on opportunities and incentive options to provide greenways and parkland that meet the needs identified in this plan and/or the Parks and Recreation Master Plan.

Strategy PR 3.1.5

Coordinate with Johnston County Schools to determine opportunities for joint-use agreements for sports fields and other recreational amenities.

Strategy PR 3.1.6

Coordinate with Johnston County during the acquisition of new school sites.

- » Acquire additional acreage for co-use, parks and recreation space.
- » Establish shared use agreements so that those facilities can be used during off school hours.

Strategy PR 3.1.7

Prioritize connecting all parks, libraries, squares, and schools to bicycle and pedestrian facilities.

Policy PR 3.2

Implement and regularly update the Parks and Recreation Master Plan.

Strategy PR 3.2.1

Update the Parks and Recreation Master Plan every 5 years or whenever the town experiences 10% growth, whichever comes first.

- » Facility priorities and programming recommendations should be refined. The plan should build on the level-of-service analysis conducted and recommendations made as part of the Growth Plan.
- » As part of updates for land-banked park land.

Policy PR 3.3

Increase the amount of integrated, usable, high-quality, and connected open space in new developments.

Strategy PR 3.3.1

Modify Unified Development Code to increase open space requirements and to require the preservation of meaningful, usable open space in new developments.

- » Consider minimum open space requirements for base zoning districts (R-10, R-8, R-6). A minimum of 10% is suggested, but higher amounts are preferable. This could incentivize the use of the existing Open Space Subdivision

option that allows for more flexibility on lot size but require higher open space amounts.

- Consider requiring new commercial and mixed use developments to include a minimum amount of open space depending on size.
  - -<25 Acre = Require one small open space type in the form of a plaza, active use area (patio), amenity center, common green, pocket park or linear park/greenway.
  - -25-50 Acres = Require one small open space type and 1 medium open space type in the form of a plaza, square, amenity center, green, linear park/greenway or neighborhood park.

Specific modifications to open space requirements, design guidelines and incentives should be determined during the UDC update.

Strategy PR 3.3.2

Consider incentives to encourage conservation design in areas with high value natural resources.

- Consider changes to incentivize the use of Open Space Subdivisions (OSS) as a development alternative to conventional subdivisions in areas with sensitive natural resources.
- Enhance Open Space Subdivision standards to encourage the protection of additional open space and tree canopy.
  - Current OSS standard requires 12.5% open space. A requirement of 15-30% open space is recommended based on land use character area.
  - Consider prioritizing open space types. Priorities are listed in NR 1.1.2 (at right).

Policy PR 3.4

Improve and increase Downtown public spaces.

Strategy PR 3.4.1

Downtown public spaces should be of superior quality and designed according to the principles of placemaking, where people of all stages of life and ability can safely gather.

Strategy PR 3.4.2

Study potential public space improvements downtown including improvements to Clayton Town Square, Horne Square, and All Star Park and the creation of a pocket park to serve nearby neighborhoods.

Strategy PR 3.4.3

Consider beautification improvements along the NC Railroad corridor downtown.

Strategy PR 3.4.4

When making development decisions, consider the uses of properties at the edges of public spaces. These properties should be active, with uses that complement and integrate with the adjacent public space such as ground-floor active uses and upper-story balconies or terrace space.

Goal NR 1 Protect and enhance natural resources.

Policy NR 1.1

Preserve key natural areas while accommodating new development.

Strategy NR 1.1.1

Continue to discourage development in Primary Resource Conservation Areas (PRCAs), which include floodplains, protected stream buffers, slopes above 20% of at least 5,000 square feet contiguous areas, slopes above 15% within 100ft of blue line streams, and wetlands.

Strategy NR 1.1.2

Encourage the conservation of Secondary Resource Conservation Areas (SRCAs) as passive recreational amenities into the design of new developments.

Goals and Recommendations (cont.)

- SRCAs include areas of high biodiversity (identified on the NCDENR Biodiversity and Wildlife Habitat Assessment), Natural Heritage Natural Areas, mature forest, unprotected riparian areas (up to 150 ft away from perennial streams), rock outcrops, vernal pools, seeps, heath bluffs, other steep slopes, vistas, and other unique natural features, and areas within 150ft of existing or planned greenways.

Open space priorities should be refined and specified in future updates to the UDC.

Policy NR 1.2

Preserve and enhance the Town's tree canopy and other green infrastructure.

Strategy NR 1.2.1

Consider requirements or incentives for tree preservation in certain zoning districts.

- Tree canopy provides aesthetic, environmental and economic benefits to the Town. In addition, loss of trees due to new development was mentioned as a significant concern during from the public during the development of the Growth Plan.
- Consider updating the UDC to incentivize the preservation of a portion of existing tree canopy in new developments.
  - The standard could vary based on existing site conditions, acreage or zoning districts.
  - Incentives could be included for preservation of "heritage trees" which are mature specimens of native tree species over a certain size threshold.

Strategy NR 1.2.2

Conduct an inventory of street trees and heritage trees (old-growth) on publicly owned lands. Create a tree planting master plan for street right-of-ways and publicly owned lands.

Strategy NR 1.2.3

Consider the incorporation of green infrastructure elements into town-funded plans and projects. These elements should address tree canopy and stormwater enhancements needed in the study areas.

Open Space Recommendations

Parks, common greens and preserved natural areas can help provide gathering areas for residential and commercial developments. They also can preserve unique natural or historic features and increase property values. It is recommended to consider changes to open space requirements for certain types of larger-scale developments. Exact requirements and incentives should be determined during future updates of the Unified Development Code (UDC). Recommended open space by Future Land Use Character Area:

- ARR: 30% (only required if sewer service is provided and smaller lots are proposed)
- LDR: 25%
- MDR: 20%
- HDR: 10-15%
- Commercial / Mixed Use Areas: 5-10%



Open space can provide gathering spaces for community events, increase property values and preserve unique natural areas.

Strategy NR 1.2.4

Encourage the use of native plants and limit the spread of invasive species.

- » Encourage the use of native plants in town projects and in private development.
- » Update the UDC to prohibit the inclusion of any plant on a landscaping plan that includes a species identified on the NC Invasive Plant Council invasive species list.
- » Work with public and private partners to address invasive species.

Policy NR 1.3

Preserve high quality, connected open space.

Strategy NR 1.3.1

Support and encourage protection of connected and intact habitats and corridors by locating passive recreation areas adjacent to PRCA and SRCAs on adjacent parcels.

Strategy NR 1.3.2

Consider requiring an Existing Resources Map (ERM) for larger development projects (i.e. over 20-50 acres), in certain FLU character areas or zoning districts. This map should show tree canopy or stands of mature trees, areas high in biodiversity (see NR1.1), and other significant natural features.

- » The Existing Resource Map (ERM) should include existing tree lines, location of forests and heritage trees, topography at two feet intervals, lakes, streams, floodplain, stream buffers, historic sites, slope analysis (0-10%, 10-15%, 15-20%, >20%), areas high in biodiversity, designated Natural Heritage Natural Areas (NHNAs), and adjacent conserved areas.
- » The site analysis could be required to be submitted to planning staff prior to sketch plan review and prior to any clearing. The map can be helpful for designers, staff and boards to understand the best areas for potential open space preservation and tree save.

Strategy NR 1.3.3

Support the Johnston County Green Infrastructure Plan by encouraging integrated, usable, high quality and connected open space in new developments.

Goal NR 2 Protect water quality and quantity.

Policy NR 2.1

Protect water quality and quantity in the Neuse River and major tributaries.

Strategy NR 2.1.1

Encourage the use of best practices in sedimentation control and the design and construction of stormwater control measures in new development.

Strategy NR 2.1.2

Ensure enforcement of stormwater requirements by funding adequate permitting and inspection staff.

Heritage Tree Programs

Heritage trees are trees that, because of their age, rarity, grouping, overall beauty or historical significance, represent an important aspect of the Town's natural landscape. The City of Wilmington has a program that encourages awareness and preservation of its heritage trees. The City's Urban Arborist sets the criteria for a heritage tree, which may then be nominated to the list. The growing catalog of trees is mapped and routinely updated.

Adapting a program like this for Clayton is possible, and would provide more information Town staff and the public about trees that contribute significant to Clayton's character. Protection of heritage trees could even be encouraged through the development review process.



Goals and Recommendations (cont.)

Strategy NR 2.1.3

Consider more restrictive impervious surface limitations in the Water Supply Watershed and in watersheds with federally endangered species.

Strategy NR 2.1.4

Inventory and monitor 10/70 rule. Consider allocation of impervious surface carefully and reserve 70% of the remaining allocation for non-residential development and employment centers.

Strategy NR 2.1.5

Consider the implementation of a stormwater utility fee based on impervious surface amounts or other measure of density.

- This fee would allow for funding of projects to upgrade drainage infrastructure and retrofit areas with inadequate infrastructure.

Policy NR 2.2

Support Low-Impact Development (LID) strategies.

Strategy NR 2.2.1

Encourage new development to mimic the natural, pre-development runoff characteristics of sites including peak runoff flows, water storage and infiltration.

Strategy NR 2.2.2

Support innovative site and street design that reduces the impact of the built environment on water quality.

- Low impact development techniques that should be supported include:
  - Limiting areas of disturbance and discouraging mass grading (especially in Medium Density Residential, Low Density Residential and Rural Residential).
  - Clustering dwellings to the degree that soils and/or available water and sewer infrastructure allows .
  - Exceeding requirements for riparian buffers.
  - Innovative, green stormwater infrastructure that allows infiltration and filtering of pollutants.
  - Incorporating pervious pavements, rain gardens, bio-swales, stormwater planters and other features in new development.
  - Consider incentives and/or develop LID stormwater manual or other educational materials to support innovative site design.

Policy NR 2.3

Support the local agricultural economy.

Strategy NR 2.3.1

Continue to support the farmers market.

Strategy NR 2.3.2

Evaluate provisions for Urban Agriculture during future updates of the Unified Development Code (UDC).

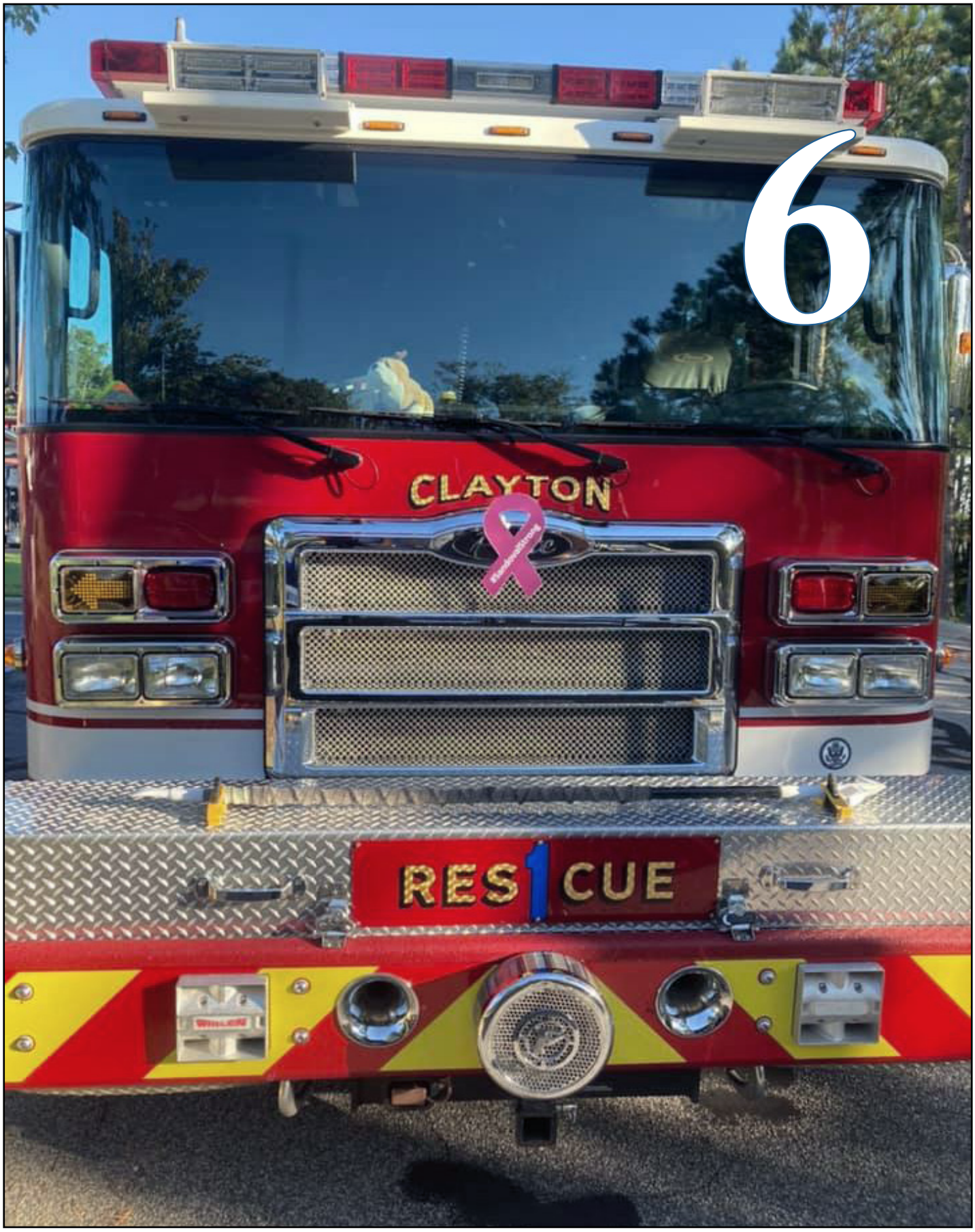
Low Impact Development (LID) Strategies

Encouraging Low Impact Development (LID) strategies in new developments and public projects can help address and mitigate stormwater impacts. Bioswales, rain gardens, stormwater planters, pervious pavements, disconnected impervious surfaces and green ("living") roofs can help increase the retention of stormwater and improve infiltration rates. This can improve water quality in streams and the Neuse River and decrease the impacts of new development.



Planted bioswale border of a park.

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6
CLAYTON
RES 1 CUE

Think Services & Infrastructure



Services and infrastructure provided by the Town of Clayton needs to be expanded to keep pace with growth. Residents and businesses will have access to reliable water, sewer, electric and solid waste services within town limits. Clayton's growth will be encouraged where adequate infrastructure exists to support the influx of residents and employers and reduce costs of services. In conjunction with its partners, the Town will seek to provide quality services and facilities to citizens. From schools to the library, to police and fire service, residents feel safe, secure and supported in all areas of Town.

Goals and Recommendations

Goal SI 1 Invest in utility infrastructure that supports land use patterns envisioned by the Future Land Use Map.

Policy SI 1.1

Consolidate water and sewer utility infrastructure where appropriate.

Strategy SI 1.1.1

Periodically review existing infrastructure for potential efficiency improvements and consolidation opportunities.

Policy SI 1.2

Ensure utility and broadband capacity exists to facilitate continued industrial, commercial, and residential growth.

Strategy SI 1.2.1

Complete the new wastewater treatment plant and associated transmission improvements.

Strategy SI 1.2.2

Create a Water and Sewer Master Plan that reinforces the goals set out in the Future Land Use Map.

Strategy SI 1.2.3

Ensure economic development needs are clear in utility and broadband capacity and expansion conversations.

Strategy SI 1.2.4

Enhance marketing of the Town's electric system's capacity and reliability to the development community.

Goal SI 2 Ensure adequate water and sewer capacity to support quality development.

Policy SI 2.1

Require that adequate water and sewer infrastructure be available to support development.

Strategy SI 2.1.1

Review future development proposals to ensure that necessary infrastructure (a) is available or will be in place when development occurs; (b) is funded; or (c) is addressed by a developer through performance guarantees.

Strategy SI 2.1.2

Track water/wastewater allocation approvals for proposed developments.

Strategy SI 2.1.3

Require annexation to connect to the Town's water or wastewater system.

» Review and clarify language in UDC .

Policy SI 2.2

Plan for adequate future water and wastewater needs.

Strategy SI 2.2.1

Coordinate closely with Johnston County and the City of Raleigh to ensure the Town's estimates of future wastewater needs and flows based on population projections, development activity, and wastewater generation estimates are met.

Strategy SI 2.2.2

Implement and update the Five-Year Local Water Supply Plan as required by the State of North Carolina.

Strategy SI 2.2.3

Study capacity of water and sewer infrastructure as a component an update for the Downtown Master Plan.

Strategy SI 2.2.4

Plan strategically for personnel needs to maintain water and sewer operations.

Policy SI 2.3 Support the conservation and reuse of water.

Strategy SI 2.3.1

Support innovative site and street design that reduces the impact of the built environment on water quality including exceeding requirements for riparian buffers and incorporating pervious pavements, rain gardens, bio-swales, stormwater planters and other features in new development.

Policy SI 2.4

Continue to enforce stormwater related ordinances.

Strategy SI 2.4.1

Ensure flows are based on population projections and development activity.

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

Strategy 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

Improve electric service to accommodate growth in a timely manner.

Strategy SI 4.1.1

Encourage new development to utilize the Town's electric system.

Goal SI 5 Encourage undergrounding of overhead utilities and co- location of utilities to reduce aesthetic impacts.

Policy SI 5.1

To the extent feasible, require underground utility networks in new developments in the Town's service area.

Strategy SI 5.1.1

Where significant work in existing rights-of-way will occur, pursue underground or buried lines where existing overhead lines are presently located.

Water and Wastewater Capacity

Water is purchased from Johnston County Utilities and primarily comes from the water treatment plant located on the Neuse River in Wilson Mills. The county system includes other municipal water systems. Additional water capacity for Clayton and the county as a whole will be needed to sustain growth over the long-term. The Town has been proactive in planning for additional wastewater capacity. Currently the Little Creek Water Reclamation Facility is permitted to accept up to 2.5 MGD of wastewater. Inter-local agreements exist with Johnston County and the City of Raleigh for wastewater treatment that provide additional capacity. The Town is currently in the process of building a new wastewater treatment plant along the Neuse River. The facility will have a capacity of 6 MGD.

Goals and Recommendations (cont.)

Goal SI 6 Continue to provide support for solid waste service.

Policy SI 6.1
Support and encourage the collection of waste and recycling of materials.

Strategy SI 6.1.1
Coordinate with waste service providers to create and sustain adequate solid waste facilities for development.

Strategy SI 6.1.2

Continue to provide yard waste pick-up to residents within the Town's corporate limits to reduce yard waste in landfills.

Goal SI 7 Coordinate with local, regional, state, and federal agencies to ensure consistency among plans and policies, identify and resolve conflicts, and promote cooperation.

Policy SI 7.1

Facilitate communication between the Town and other governmental and educational entities.

Strategy SI 7.1.1

Support and facilitate coordination of planning with Johnston County Schools and other educational entities (i.e. JCC, charter schools, etc.) for the location and development of public educational facilities to support both existing and future population growth.

Strategy SI 7.1.2

Coordinate with Johnston County Schools by tracking approved developments.

Strategy SI 7.1.3
Coordinate and assist Johnston County with the five-year updates to the Multi-Jurisdictional Hazard Mitigation Plan.

Strategy SI 7.1.4
Operate the Emergency Operation Center (EOC) for conducting emergency services during major storm events and other natural or human-caused disasters.

- » Consider updates to the EOC to improve monitoring of events and response to hazards.

Strategy SI 7.1.5 Coordinate with Johnston County to expand the Town's Extraterritorial Jurisdiction (ETJ) boundary.

Goal SI 8 Ensure the capacity of emergency services as population increases.

Policy SI 8.1

Plan for building and personnel needs for essential emergency services and public safety operations.

Fire and EMS

Strategy SI 8.1.1

Hire personnel as needed to maintain adequate fire response based on the 2018 Fire Department Study

- » Update the 2018 fire study regularly (at least every 5 years)

Strategy SI 8.1.2

Plan for, design and fund training facilities and stations to maintain emergency services. Priorities include:

- » Emergency Services Training Facility: Explore potential partnership with Archer's Lodge to enhance their facility.
- » New Fire Stations: Priorities are a new Southwest Fire Station and a North Side Fire Station. Study needs and coordination opportunities on the Southeast Side.

Strategy SI 8.1.3

Incorporate facilities needs into future budgets and the Capital Improvement Plan (CIP).

Police

Strategy SI 8.1.4

Continue a proactive approach to maintaining adequate public safety personnel including officers, management and administrative staff.

Strategy SI 8.1.5

Support the Police Department's training needs by constructing a new firing range.

Strategy SI 8.1.6

Address the need for additional police substations.

» The Police Department has recently transitioned from 3 patrol districts to 5 to better serve different areas of Clayton's jurisdiction.

» Priorities for additional substations to improve response time include:

- North side: Call volume is increasing in the Riverwood and depending on traffic response time goals can be difficult to maintain.
- Southwest side: Public safety needs are increasing near the NC 42 West area near the hospital and along the US 70 Bypass.

Policy SI 8.2

Consider opportunities for co-location of facilities for new police and fire stations, as well as, opportunities to partner with neighboring jurisdictions who may be in need of similar services in the area.

Goal SI 9 Support the Hocutt-Ellington Memorial Library

Policy SI 9.1

Plan for continued growth of the Hocutt-Ellington Memorial Library, including the addition of professional staff, increased programming to meet the needs of all segments of the town's population, and expansion of the library's physical facilities to meet programming, informational, and technology needs

Strategy SI 9.1.1

Provide professional development for staffing, programming and consider the expansion, renovation or replacement of the library.

» Staffing:

» Professionalize workforce and employ best practices in technology use and lending, resource lending, and program offerings.

» Build Continuing Education program requirements for staff.

» Create additional management positions to align with best practices and create page/Intern position system to employ local high school and college students.



The Hocutt-Ellington Memorial Library serves as a hub for the community. During the stakeholder interviews for the Growth Plan Library staff conveyed a need for additional staff and space for growing programs.

» Programming:

» Expand outreach to Clayton citizens.

» Continue comprehensive children's programming spanning ages 0-18.

» Build more programming possibilities for adults ages 19-55 and for seniors (55+).

» Increase digital literacy programming and programming for special populations.

» Increase programming related to Clayton's history.

» Building:

» Renovate the Clayton Library facility to increase safety and functionality of the current building.

» Expand current building, create new mixed-use building downtown, or leverage partnerships to build a functional building that meets the needs of Clayton's growing population.

» Consider expansion opportunities and needs of Clayton's History Room.


7

Think Mobility



The transportation network is a vital component of any town and as Clayton grows and develops, the transportation network will be enhanced to maintain mobility for all citizens. The Town will continue to enforce high standards of infrastructure design and construction, maintain existing roads and sidewalks, work with local and regional agencies to identify and implement roadway and transit improvements and enhance the active transportation network. Active transportation facilities like sidewalks and greenways paths that connect trip generators, such as schools and grocery stores, allow for greater transportation options and assist in reducing traffic congestion and parking demand. A fully realized multi-modal mobility network for Clayton supports the overall vision of a connected community with easily accessible amenities for everyone.

Goals and Recommendations

Goal M 1 Develop and maintain a multimodal transportation system.

Policy M 1.1

Continue to coordinate with Regional, State and Federal Agencies to improve Clayton's transportation network.

Strategy M 1.1.1

Coordinate with Johnston County to determine shared priorities for long range transportation projects.

Strategy M 1.1.2

Partner with the Capital Area Metropolitan Planning Organization (CAMPO) to identify and seek funding for roadway, pedestrian, bicycle, and transit priorities during the Metropolitan Transportation Plan 2050 planning process and beyond.

Strategy M 1.1.3

Support the conversion of US 70 to I-42.

Strategy M 1.1.4

Establish coordination protocol with NCDOT, NCDOT Rail Division, and North Carolina Railroad to cooperate on future priorities.

Strategy M 1.1.5

Continue to partner to identify opportunities for bus rapid transit (BRT) and commuter rail service (CRT)

» Partner with GoTriangle, Johnston County Area Transit System, the Capital Area Metropolitan Planning Organization, NCDOT Rail Division and the North Carolina Railroad (NCRR) to identify locations and acquire right-of-way for stations, transit stops, and park and ride lots to support the Garner-Clayton BRT, Hillsborough-Clayton CRT, and future Clayton-Selma CRT extension.

Strategy M 1.1.6

Work with GoTriangle and Johnston County Area Transit System to identify additional regional employers and trip generators that Clayton residents can connect to using bus service, BRT, or CRT.

TIP Projects

There are a number of transportation projects that will impact Clayton's planning area that are programmed in the 2020-2029 State Transportation Improvement Program (STIP) including:

- NC 42 East Widening (Under Construction)
- NC 42 East Greenway (CY 2028)
- NC 42 West Widening (CY 2029
- Extension of Ranch Road (CY 2022)
- Clayton Signal System Upgrade (CY 2025)
- Future NC-540 (North of I-40) (CY 2026)
- Rail Line Grade Separation at Shotwell Rd (CY 2029)
- Bus Rapid Transit Service Morrisville to Clayton (CY 2028)

Strategy M 1.1.7

Develop one or more stations in Clayton that would serve as a multimodal hub for BRT, commuter rail, and Amtrak.

» Consider study of locations downtown, in the vicinity of NC 42 East/70 Business, and the East Clayton Industrial Area.

Policy M 1.2

Plan for the construction of priority road improvements, sidewalks, greenways, bike facilities, and transit facilities.

Strategy M 1.2.1

Support the completion of funded TIP projects and work with partners to identify funding for other priority road improvement projects.

Strategy M 1.2.2

Identify pedestrian and greenway improvement priorities in the on-going Pedestrian Plan that is funded via the NCDOT Pedestrian Planning Grant program.

Strategy M 1.2.3

Create a new Mobility Plan for Clayton that refines priorities and plans for roadway expansion, new location roads, transit services, greenways and evaluates on-road bicycle facility opportunities.

- The plan should build on recommendations in this plan and incorporate previous Johnston County plans and projects, as well as currently funded TIP projects.
- Incorporate existing and planned bicycle and pedestrian facilities into an updated Bike and Pedestrian Network Map that identifies connections to regional networks and destinations such as existing or future schools, parks, greenways and commercial areas.
- Evaluate transit opportunities, including micro-transit and emerging technologies

Strategy M 1.2.4

Partner with the County to establish a transportation enhancement fund to alleviate congestion.

Policy M 1.3

Promote the development of "Complete Streets" in appropriate locations.

Strategy M 1.3.1

Adopt a Complete Streets policy that supports the NCDOT 2019 Complete Streets policy and applies to new location or roadway improvements projects to ensure pedestrian and bicycle facilities are included.

Strategy M 1.3.2

Revise and simplify the Town's current cross section standards

- Revise the 40 existing street cross sections to 10 or less preferred sections that continue to address multimodal travel needs while simplifying the roadway design process for developers.
- Update the UDC to specify standards for residential streets, including when on-street parking and alleys are required.

Strategy M 1.3.3

Continue to review planned road improvement projects and planned developments and advocate for adequate pedestrian and bicycle facilities that support the Pedestrian Plan and future transportation plans.

Complete Streets



Portland Oregon, source: NACTO

By 2030 nearly half the state's population will be in age ranges where driving is either not an option or a diminishing option (*NCDOT*). Applying NCDOT's Complete Streets Policy will help create streets for all users. Complete Streets policies require all streets to be planned and designed to consider all users' safety and accessibility, no matter their age and ability. Complete streets prioritize sidewalks, bicycle facilities, and safe crossings in accordance with the street's context and function.

Goals and Recommendations (cont.)

Policy M 1.4

Prioritize the maintenance of town-owned streets and sidewalks.

Strategy M 1.4.1

Maintain an inventory and condition assessment of town-owned streets and sidewalks.

Strategy M 1.4.2

Dedicate funds annually for maintenance of town-owned streets and sidewalks.

Goal M 2 Support interconnected street systems that efficiently disperse vehicular traffic.

Policy M 2.1

Continue to evaluate and mitigate potential impacts of new or future development on existing and future roadway infrastructure through updates to the UDC and policy changes.

Strategy M 2.1.1

Continue to require Traffic Impact Analyses (TIA) for development projects which meet or exceed the established trip count thresholds. Current requirement is for projects that generate at least 100 vehicle trips at peak hour.

- Require off-site transportation improvements (widenings, intersection improvements, turn lanes, etc.) through the Traffic Impact Analysis process for larger developments.

Strategy M 2.1.2

Require new developments to include:

- An interconnected system of streets.
- Stub streets for future connections to adjacent parcels where there is potential for future development that is compatible with the developing uses.
- Street connections that tie into existing adjacent stub streets.
- Adequate street width to accommodate on-street parking, typically needed if lots are less than a quarter acre.

Strategy M 2.1.3

Promote access management by requiring non-residential developments on adjacent parcels with compatible uses to connect service streets and parking lots to minimize the number of driveway curb cuts onto adjacent roadways.

Who Maintains Our Roads?

The North Carolina Department of Transportation maintains many of the main roads in Town including US 70, NC 42, Main Street and secondary roads like Amelia Church Rd, Guy Rd, O'Neil Street and many more. The Town of Clayton maintains 90 miles of roads inside the municipal limits. The Town's Capital Improvement Program (CIP) includes over $1 million per year for road maintenance ($5.5 million is planned to be spent in the next 5 years).



Most neighborhood streets are owned and maintained by the Town of Clayton.

Policy M 2.2

Preserve right-of-way for future road widening and new roads.

Strategy M 2.2.1

Through coordination with new developments, NCDOT, and regional planning updates (MTP and CTP), maintain the Roadway System map which identifies the ultimate right-of-way width and preferred cross-section for each facility.

Strategy M 2.2.2

Continue to refine plans for new location thoroughfares and collector streets and assess priorities for long-term roadway projects through further study.

Strategy M 2.2.3

Support new UDC requirements for right-of-way dedication for widening and new location roads within new developments.

Strategy M 2.2.4

Study potential roadway connections for new collector streets to relieve traffic and provide access for desired development.

Goal M 3 Support system user safety and prioritize bike and pedestrian activity.

Policy M 3.1

Prioritize vehicular safety issues and take steps to make improvements with NCDOT and the County.

Strategy M 3.1.1

Monitor crash hotspots and traffic safety issues in coordination with NCDOT, County, local police and sheriffs' offices.

Strategy M 3.1.2

Create a hotspots map and apply a prioritizing system to rank projects and improvements.

Strategy M 3.1.3

Work with NCDOT, CAMPO, Property Owners, and the County to fund improvements.

Policy M 3.2

Promote bicycle and pedestrian network user safety and knowledge.

Strategy M 3.2.1

Improve crosswalks downtown and develop wayfinding and map signage on active transportation facilities. (See specific recs for Downtown)

Strategy M 3.2.2

Require new facilities to install bollards at trailheads to prevent vehicular access

Strategy M 3.2.3

Include appropriate pedestrian level lighting that is dark sky friendly and energy efficient on pedestrian facilities Downtown and on major trail segments.

Strategy M 3.2.4

Promote safe cycling and driving habits through educational events and materials housed on the Town's websites.

Strategy M 3.2.5

Promote safe cycling and driving habits by hosting bike safety clinics for all ages.

Strategy M 3.2.6

Partner with NCDOT and Public Works to properly sign and maintain MUTCD standard signage or pavement markings for active transportation facilities.

Policy M 3.3

Create an equitable transportation system and enhance options for mobility challenged populations.

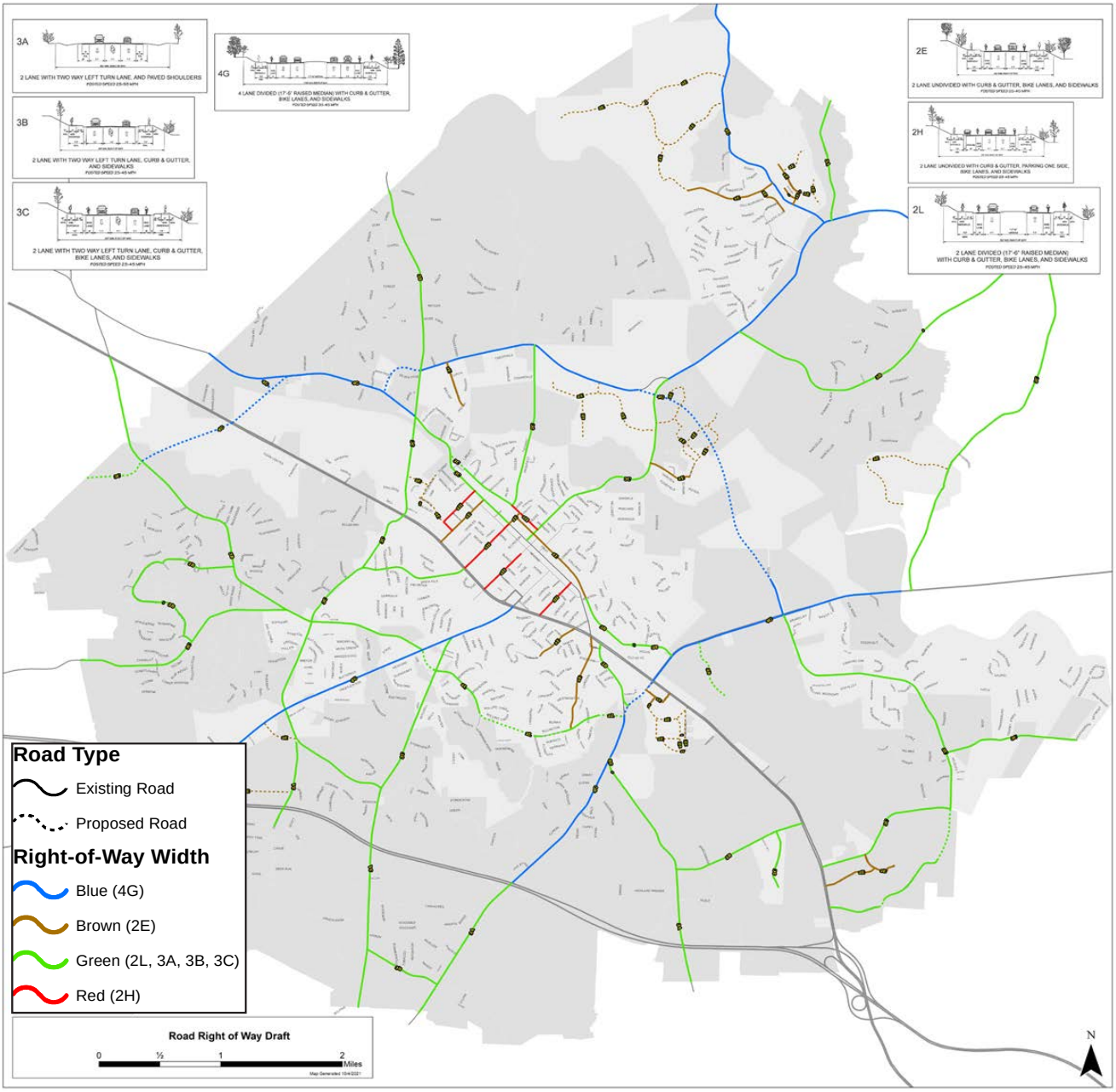
Strategy M 3.3.1

Create a safe route to school for all students to their zoned school (within a 2-mile network distance), including crosswalks with activated signals where traffic signals exist.

Strategy M 3.3.2

Address priority ADA issues identified in the ADA Transition Plan.

Roadway System Map



The Roadway System map identifies future right of way widths for key roadways in the Town of Clayton's planning jurisdiction. See the Appendix for detailed recommendations.

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8

Think Arts & Culture



Clayton is a regionally-recognized arts, culture, and event destination that attracts visitors to its many galleries, studios, and events Downtown and beyond. The Town integrates art into new developments and uses art installations to define its entryways. Clayton works with its artist community to promote and expand cultural offerings in Town, while in turn attracting visitors.

Goals and Recommendations

Goal AC-1 Expand arts and culture offerings.

Policy AC 1.1

Support a strong public art presence and implement strategies to enhance and expand public art in Downtown.

Strategy AC 1.1.1

Coordinate with Clayton Visual Arts, Public Arts Advisory Board, and Downtown Development Association to enhance existing or establish new public art and art-related events in the Downtown.

- » Continue to support the growth and development of the Clayton Sculpture Trail program.
- » Emphasize the newly created Downtown Mural Program to increase vibrancy in Downtown Clayton.

Strategy AC 1.1.2

Expand the number and type of public area displays through allowing elements of the public realm (public buildings, streetscapes, sewer manholes, transformers, bike racks, etc) which are owned and maintained by the Town to serve as canvasses for local arts.

Strategy AC 1.1.3

Explore new public and private funding opportunities for public art.

Policy AC 1.2

Encourage public art in new development in and gateways to Clayton.

Strategy AC 1.2.1

Identify key gateways to Town for potential public art installations. These include on US 70, when entering Downtown, and at town entry points along the ECG/MST.



A concert at Town Square

Strategy AC 1.2.2

Consider ways to incentivize public art in large new development. Amend the UDC to allow developers unable to meet certain site requirements to include public art as a design alternative. Prioritize larger-scale mixed use and nonresidential development.

» For example, allow for a percent reduction in open space required in exchange for art.

Strategy AC 1.2.3

Require public art in all new city-led park projects.

Goal AC-2 Support and market Clayton as a regional destination for arts and culture.

Policy AC 2.1

Develop a marketing strategy that celebrates Clayton as a destination for arts and culture, targeted at tourists and people looking to relocate to Clayton.

Strategy AC 2.1.1

Prepare marketing materials to distribute to partners such as Visit JoCo and other tourism bureaus.

Strategy AC 2.1.2

Circulate information about public art events and opportunities widely within Town, including the library and local schools.

Keeping Arts in Clayton

The arts are a well-documented tool for encouraging the revitalization of traditional downtowns, and Clayton's Downtown exemplifies this. The arts have long been a staple in downtown Clayton, having helped establish its status as a regional arts center. Arts have also had an economic impact on Clayton that should be preserved. As Downtown Clayton's success continues, it will be crucial to retain the arts presence in the area. Art studios, galleries, and similar facilities can be at-risk of being priced out of successful downtowns, as has been seen in cities large and small around the country. In the coming years, the needs of the arts communities should be considered when making decisions regarding the future of Downtown. Identifying current stakeholders, establishing partnerships, and inviting feedback from this vibrant community will help preserve and expand Clayton's arts presence as Downtown continues to grow.




9
main street
COMMUNITY GARDEN
Welcome To Snoopy's Playground
WELCOME TO THE GARDEN

Think Action

The following table identifies priority actions that can be taken in the next 1-10 years to advance recommendations of the 2045 Comprehensive Growth Plan.

Land Use & Housing Implementation

Goal	Implementation Steps	Responsible Party	Time-Frame	Estimated Cost
GOAL LU 1 Preserve Clayton's character while allowing for growth and development in appropriate areas.	Evaluate rezoning requests based on Comprehensive Growth Plan and FLU Map	Planning Department Planning Board Town Council	Ongoing	N/A
	UDC Update	Planning Department	Near-term	$150,000
	Ensure adequate staffing in Planning Department » Consider the addition of a dedicated long-range planner position	Planning Department Town Council	Near-term	~$80,000-90,000 including salary and benefits
GOAL LU 2 Provide a sense of place and enhance aesthetics along major corridors and in new developments.	Small Area Plans » US 70 / NC 42 W » Update of Downtown Master Plan » US 70 Business / NC 42 E » US 70 Business Western Gateway	Planning Department Economic Development Other Departments	Near-term and Mid-term	Varies
GOAL LU 3 Encourage a range of housing types and lot sizes that meets the needs of various income levels, family sizes, and ages.	Study alternative for Special Use Permits for attached housing in some districts. Potential changes could include administrative approval with design standards or conditional zoning.	Planning Department	Pair with update of UDC	N/A
	Additional UDC updates to encourage a greater mix of housing, including: » Encourage or require a mix of lot sizes in some districts. » Consider allowing accessory dwelling units (ADUs) by-right with defined design criteria.	Planning Department	Pair with update of UDC	N/A

Time-Frame Key: Near-term = 1-2 Years, Mid-term = 2-3 Years, Long-term = 3-5 Years

Downtown Implementation

Goal	Implementation Steps	Responsible Party	Time-Frame	Estimated Cost
GOAL D 1 Promote quality adaptive re-use and infill development projects Downtown while preserving historic character.	Update Downtown Master Plan (Could include parking and wayfinding plan)	Planning Department Economic Development	Near-term	$100,000
GOAL D 2 Protect and preserve Downtown Clayton's historic character.	Re-survey the Town's national register historic district to update inventory of historic structures	Planning Department Clayton Historical Association Clayton Library	Mid-term	$25,000
GOAL D 3 Make access to and movement within Downtown safer and more efficient for all users.	Continue to monitor and evaluate Downtown parking regulations	Planning Department Economic Development Downtown Parking Task Force	Ongoing	Minimal / Staff Time
	Partner with private land owners to increase parking supply downtown.	Planning Department Economic Development Downtown Parking Task Force	Mid-term	More study needed
	Pedestrian crossing improvements Downtown	Planning Department Engineering Department	Design - Near-term Construction - Mid-term	Varies
	Implement recommendations from Pedestrian Plan (ongoing)	Planning Department Engineering Department	Mid-term and Long-term	Pending completion of Pedestrian Plan
	Consider taking over ownership and maintenance of Main Street from NCDOT	Planning Department Engineering Department Public Services Town Administration	Long-term	Additional ongoing maintenance costs
	Main Street Streetscape Upgrade (Full project is $24m but there are steps that could occur to refine designs, cost estimates and phasing options.)	Planning Department Economic Development Engineering Department Public Services Downtown Development Association Electric Department	Refine design and phasing - Mid-term Construction - Long-term	Design ($250,000) Construction ($24m)

Time-Frame Key: Near-term = 1-2 Years, Mid-term = 2-3 Years, Long-term = 3-5 Years

Economic Development Implementation

Goal	Implementation Steps	Responsible Party	Time-Frame	Estimated Cost
GOAL ED 1 Increase opportunities for companies that provide well-paid jobs.	Maintain inventory and market available sites and buildings.	Economic Development Department	Ongoing	$5k-10k annually
	Encourage compatible uses in defined Employment Centers.	Economic Development Department Planning Department Planning Board & Town Council	Ongoing	N/A
	Develop an incentive policy to assist with recruiting target industries.	Economic Development Department	Near-term	More Study Needed
	Update the Strategic Economic Development Plan.	Economic Development Department	Long-term	$30,000
GOAL ED 2 Continue promoting Clayton for new businesses and residents regionally and beyond.	Develop a branding plan to formalize Clayton's image and marketing strategy.	Economic Development Department Public Information Officer	Mid-term	$30,000
	Develop a public dashboard of recent economic data and available sites compared to competitor jurisdictions.	Economic Development Department	Mid-term	$10,000
GOAL ED 3 Support Downtown Clayton as an Economic Asset.	Build on existing Downtown events and increase Downtown programming.	Downtown Development Association Economic Development Planning Department The Clayton Center Chamber of Commerce	Ongoing	$25,000
	Consider the designation of a "Social District" to allow for open containers	Downtown Development Association Economic Development	Short-term	

Time-Frame Key: Near-term = 1-2 Years, Mid-term = 2-3 Years, Long-term = 3-5 Years

Parks and Natural Resources Implementation

Goal	Implementation Steps	Responsible Party	Time-Frame	Estimated Cost
GOAL PR 1 Support the development of Clayton as a regional destination for recreation and trail-based tourism.	Improve routes, wayfinding and crossings to Downtown and surrounding neighborhoods from the Mountains-to-Sea Trail (MST) / East Coast Greenway (ECG).	Planning Department Economic Development Engineering Parks and Recreation	Near-Term (Design) Mid-Term (Construction)	More Study Needed
	Coordinate with the county and other partners to study and extend the MST to Smithfield.	Parks and Recreation Planning Department Engineering	Near-Term	More Study Needed
	Expand the greenway network.	Parks and Recreation Planning Department Engineering Recreation Advisory Board Planning Board and Town Council Private Development	Ongoing	Varies
	Improve guides and website materials for greenways and access points	Parks and Recreation Economic Development Planning Department	Near-Term	<$10,000
GOAL PR 2 Develop the Neuse River corridor as a greenway and blueway with multiple access points for hiking, biking and paddling.	Enhance/formalize and manage the NC 42 paddling access.	Parks and Recreation Engineering	Mid-Term	More Study Needed
	Create a new, formal river accesses and improve areas for bank fishing.	Parks and Recreation Engineering NC Wildlife Resources Commission	Long-Term	More Study Needed
	Create and maintain an online map showing public access points for recreation on the Neuse River.	Parks and Recreation Planning Department Johnston County	Near-Term	Minimal / Staff Time
GOAL PR 3 Provide all Clayton residents convenient access to a park within a 10-minute walk of home	Continue to make improvements to existing parks including the completion of Park Bond Projects and basic amenities.	Parks and Recreation	Ongoing	Minimal / Staff Time

Time-Frame Key: Near-term = 1-2 Years, Mid-term = 2-3 Years, Long-term = 3-5 Years

Parks and Natural Resources Implementation

Goal	Implementation Steps	Responsible Party	Time-Frame	Estimated Cost
GOAL PR 3 Provide all Clayton residents convenient access to a park within a 10-minute walk of home	Acquire land for active and passive recreational facilities in park search areas on the Parks and Greenways System Map.	Parks and Recreation Planning Department Recreation Advisory Board Town Council	Long-Term	Varies
	Coordinate with Johnston County, Wake County and City of Raleigh on parks and recreation needs.	Parks and Recreation Johnston County	Ongoing	N/A
	Update the Parks and Recreation Master Plan	Parks and Recreation Recreation Advisory Board	Long-Term	$100,000
	Modify UDC to increase the amount of open space in new developments. Options for requirements and incentives are included in PR 3.3.1 and 3.3.2.	Planning Department Parks and Recreation Planning Board Town Council	Near-Term	Included in UDC Update
	Pursue key public space improvements downtown	Parks and Recreation Downtown Development Association Economic Development	Mid-Term	Varies / More Study Needed
GOAL NR 1 Protect and enhance Clayton's natural resources.	Update UDC to require or incentivize steps to preserve key natural areas.	Planning Department Parks and Recreation Planning Board Town Council	Near-Term	Included in UDC Update
	Conduct an inventory of street trees and heritage trees (old-growth) on publicly owned lands.	Parks and Recreation Planning Department	Long-Term	Minimal / Staff Time
	Encourage the use of native plants and limit the spread of invasive species.	Parks and Recreation Planning Department Citizen Volunteers	Ongoing	Minimal / Staff Time
GOAL NR 2 Protect water quality and quantity.	Ensure enforcement of stormwater requirements by funding adequate staff.	Engineering	Mid-Term	Cost of hiring additional staff
	Monitor and reconsider allowances for impervious surface in water supply watersheds.	Engineering	Ongoing	Minimal / Staff Time
	Consider options to fund long-term maintenance of stormwater infrastructure.	Engineering Planning Board Town Council	Long-Term	More Study Needed
	Support innovative site and street design through UDC updates.	Planning Department Engineering	Mid-Term	Minimal / Staff Time

Services and Infrastructure Implementation

Goal	Implementation Steps	Responsible Party	Time-Frame	Estimated Cost
GOAL SI 1 Invest in utility infrastructure that supports land use patterns envisioned by the Future Land Use Map.	Create a Water and Sewer Master Plan.	Engineering Utilities Planning Department Economic Development	Mid-Term	$200,000
GOAL SI 2 Ensure adequate water and sewer capacity to support quality development.	Track water/wastewater allocation approvals for proposed developments.	Engineering Utilities	Ongoing	N/A
	Require annexation to connect to the Town's water or wastewater system.	Planning Department Engineering Utilities	Ongoing	N/A
Goal SI 3 Plan for maintenance and replacement of governmental facilities.	Study and fund building maintenance and replacement needs for public facilities that provide key services.	Engineering Public Services Town Administration	Near-Term	Varies
GOAL SI 4 Coordinate the timing and location of electric utilities to minimize cost and service disruptions.	Improve electric service and encourage new development to utilize the Town's electric system.	Electric	Ongoing	N/A
GOAL SI 6 Continue to provide support for solid waste service.	Hire additional personnel or contractors as needed.	Public Services	Mid-Term	More Study Needed
GOAL SI 7 Coordinate with local, regional, state, and federal agencies to ensure consistency among plans and policies, identify and resolve conflicts, and promote cooperation.	Coordinate with Johnston County on planning for schools and hazard mitigation.	Planning Department Town Administration Fire & Police	Ongoing	N/A
GOAL SI 8 Ensure the capacity of emergency services and public safety operations keeps pace with recent and anticipated growth.	Hire personnel and plan for, design and fund facilities.	Fire & Police Town Administration	Ongoing	Varies
GOAL SI 9 Support the Hocutt Ellington Memorial Library.	Support the growth of the Library by investing in the programming, staffing and building.	Library Staff Town Administration	Short-Term / Mid-Term / Long-Term	More Study Needed

Time-Frame Key: Near-term = 1-2 Years, Mid-term = 2-3 Years, Long-term = 3-5 Years



Mobility Implementation

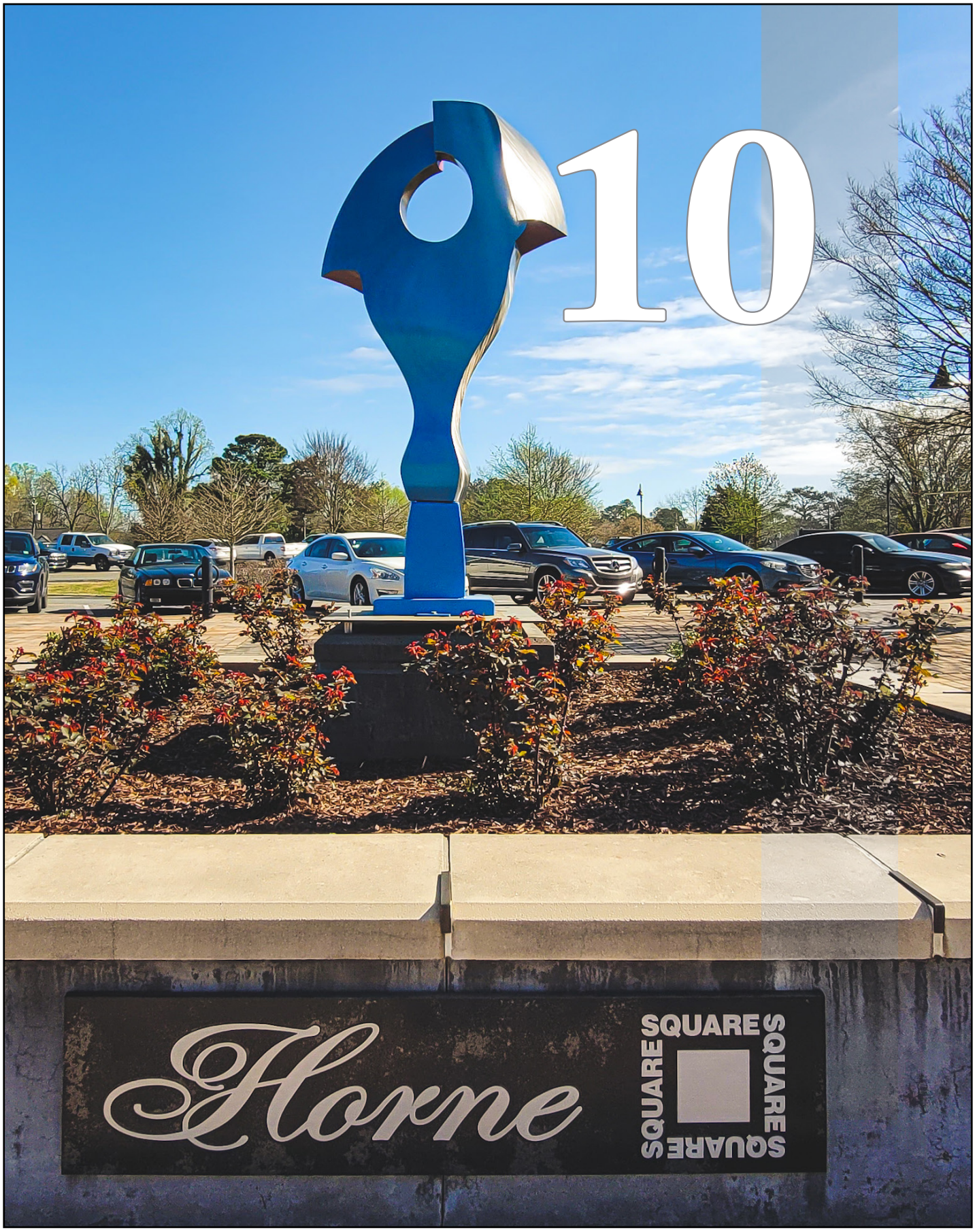
Goal	Implementation Steps	Responsible Party	Time-Frame	Estimated Cost
GOAL M 1 Develop and maintain a multimodal transportation system.	Coordinate with Johnston County and the Capital Area Metropolitan Planning Organization (CAMPO) to determine priorities and secure funding for transportation improvements.	Planning Department Economic Development Engineering Public Services Johnston County CAMPO	Ongoing	N/A
	Study locations for future BRT or commuter rail stations.	Planning Department Economic Development Engineering Public Services Johnston County CAMPO	Mid-Term	Include as part of Mobility Plan or Downtown Plan
	Create a new Mobility Plan for Clayton	Planning Department Engineering Economic Development Public Services	Mid-Term	$150,000
	Partner with the County to study options and establish a transportation enhancement fund to alleviate congestion.	Planning Department Engineering Economic Development Public Services Town Administration Town Council	Long-Term	More Study Needed.
	Prioritize the maintenance of town-owned streets and sidewalks	Engineering Public Services Town Administration Town Council	Ongoing	$1-1.4 million per year
	Revise the Town's current cross-section standards	Planning Department Engineering Public Services	Near-Term	$25,000
GOAL M 2 Support interconnected street systems that efficiently disperses vehicular traffic.	Continue to require traffic impact analysis for new large developments.	Planning Department Engineering Public Services	Ongoing	N/A
	Promote connectivity and access management in new developments.	Planning Department Engineering Public Services	Ongoing / Coordinate with UDC Update	N/A
	Preserve right-of-way for future roads and widenings based on the Roadway System Map.	Planning Department Engineering Public Services	Ongoing / Coordinate with UDC Update	N/A
GOAL M 3 Support system user safety and prioritize bike and pedestrian activity.	Monitor crash hotspots and safety issues	Engineering Fire and Police	Ongoing	N/A
	Improve bicycle and pedestrian safety	Planning Department Engineering Fire and Police	Ongoing	Varies



Arts and Culture Implementation

Goal	Implementation Steps	Responsible Party	Time-Frame	Estimated Cost
GOAL AC 1 Expand arts and culture offerings in Clayton.	Coordinate with Clayton Visual Arts, Public Arts Advisory Board, and Downtown Development association to expand public art.	Public Arts Advisory Board Town of Clayton Economic Development The Clayton Center Hocutt Ellington Memorial Library Parks & Recreation	Ongoing	Varies
GOAL AC2 Support and market Clayton as a regional destination for arts and culture.	Identify key gateways for public art installations and/or beautification.	Planning Department Public Arts Advisory Board Economic Development	Mid-Term	Include with small area plans.
	Consider ways to incentivize public art in new development.	Planning Department Public Arts Advisory Board Planning Board	Mid-Term	Pair with UDC Update
	Develop policy for including/requiring public art in large town-led building or park projects.	Planning Department Public Arts Advisory Board Town Administration	Long-Term	To be determined (i.e. 1% of Project Budgets)

Time-Frame Key: Near-term = 1-2 Years, Mid-term = 2-3 Years, Long-term = 3-5 Years


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Appendix

The Appendix includes supporting information including background analysis, roadway recommendations and survey results. The Appendix is a digital document that can be accessed by clicking here.

ThinkCLAYTON.

2045 Comprehensive Growth Plan

Clayton Growth Plan Update

Updates to the Draft Growth Plan(since 9/15 version)

General Updates

- Throughout: Updated call outs and captions. Minor text edits for clarity.
- Page V: Updated text to match chapter headings.

Think Land Use & Housing

- Page 18: Changed description of attached units under Low Density Residential Future Land Use character area to be "generally less than 25% attached units"
- Page 18-21:
    - Changed description of attached units under Medium Density Residential Future Land Use character area to be "generally less than 50% attached units"
    - Removed "Max of 100% attached units" under High Density Residential. Not needed.
    - Changed Downtown Support Gross Density from 20 units/acre to 25 units/acre based on potential for small-scale infill that is greater than 20 units/acre.
    - For DS, DC, NC and CC removed "Up to 100% of Attached Units" as it is implied.
- Page 22-23:
    - Added strategy LU 1.1.4: Consider expansion of ETJ based on population growth and land use trends.
    - Strategy LU 1.3.2: Added that Downtown Master Plan should address eastern and western gateways to downtown.
- Page 27:
    - Added strategy to LU3.1.3: Consider creation of a Mixed Residential district that would allow higher density housing types (including smaller lot homes and townhomes and apartments with increased standards) by right in certain areas of town.
        - *Note: Currently there is no proper mixed use district or a zoning district that allows for higher density housing types without requiring a special use permit. This could be seen as a disincentive to locate apartments and townhomes where they make sense.*
    - Added: During UDC rewrite consider allllowing ADUs by right with defined dimensional design criteria and/or supplemental standards.

Think Downtown

- Page 31: Added a new strategy: Explore the establishment of a "Social District" before or during the update of the Downtown Master Plan.
    - *Note: HB890 recently passed and will allow cities and towns to allow drinking alcohol on sidewalks and public areas in designated "Social Districts".*
- Page 34: Added recommendations related to the library's potential role in preserving local history.
- Page 35: Changed DT 3.1.1 from "Street maintenance, sidewalk improvements, etc." to "Increase investment in fixing existing sidewalks, growing the sidewalk network and pedestrian safety improvements, including additional crosswalks and ADA ramps."
- Page 36: Deleted Policy DT 3.5 "Look for additional parking to accommodate infill and redevelopment." Added strategy instead: DT 3.4.4 "Evaluate mechanisms to fund the creation and maintenance of new or improved parking in the downtown area, wayfinding and safety improvements."
    - *Note: DT 3.5 as written was a duplicate of DT 1.3.4. New source of funding needed for downtown improvements including parking.*
- Page 37: Added new policy DT 3.5: Support alternative modes and emerging transportation technologies downtown including micro-transit, golf cart parking, EV Parking, scooters, etc.

Think Economic Development

- Page 40-41:
    - Added Strategy ED 1.1.2: Continue progress with Grifols, Johnston Community College (JCC) and other partners on Project Goodwill; an effort to build a JCC Clayton campus - a key workforce development asset for existing and future companies.
    - Combined ED 1.4 and 1.5 (implement and update the Strategic Economic Development Plan)
    - Changed Policy 1.5 to: Continue business retention efforts and support existing commercial corridors. Added two strategies (ED 1.5.1 and 1.5.2):
        - Strategy ED 1.5.1: Continue business retention and expansion strategy to engage with existing businesses to support existing operations and expansions.
        - Strategy ED 1.5.2: Increase employment and redevelopment opportunities along key corridors including 70 Bus and NC 42 and at 70 Bypass interchanges.
    - Added Strategy ED 3.2.3: Evaluate additional services for visitors and tourists. This could include a Visitors Center, Welcome Center or kiosk.

Think Parks, Recreation, & Natural Resources

- Page 44:
  - Strategy PR 1.3.2:
    - Defined the term "Spine greenways" to be existing and planned public greenways shown on the Parks and Greenways System Map)
    - Edited text for required greenway easements
  - Policy PR 1.5: edited policy and strategies
    - Included new strategy: Continue to support a parks police officer and identify ways to ensure all users feel safe when using greenways and parks.
- Page 47:
  - Policy PR 2.2 converted to a Strategy (2.1.4)
  - Added Strategy 2.1.5: Coordinate with COR and Wake County on maps and signage and wayfinding for trails and blueways.
- Page 48:
  - Strategy PR 3.1.2: Changed second strategy from "Install at least one bench, one water fountain, and restroom facilities at every park." To be more general: "Consider improvements at other parks during Parks & Recreation Plan updates and as part of annual budgeting process."
  - Strategy PR 3.1.4: Changed "Review development proposals for opportunities…" to "Coordinate with landowners, private development and other entities on opportunities…"
    - Also added mention of "incentive options"
- Page 49:
  - Strategy PR 3.3.1: Added note about specifics related to open space requirements should be determined during the UDC update and include design guidelines and incentives.
  - Strategy PR 3.4.2: Simplified text to read: Study potential public space improvements downtown including improvements to Clayton Town Square, Horne Square, and All Star Park and the creation of a pocket park to serve nearby neighborhoods.
  - Added Strategy 3.4.3: Consider beautification improvements along the NC Railroad corridor downtown. (Strategy 3.4.3 became 3.4.4)
- Page 50-51:
  - Call out box on Open Space: Added sentence that specified exact requirements and incentives should be determined during future updates of the UDC.
  - Strategy NR 1.3.2: Simplified strategy recommending an Existing Resources Map for larger-scale developments. Noted that it could only be for larger developments in certain areas or zoning districts. Details should be worked out with the UDC update.
- Page 52:

- Added bullet about low impact development and site design: Consider incentives and/or develop LID stormwater manual or other educational materials to support innovative site design.
- Added policy and strategies related to support for the local agricultural economy (Policy NR 2.3 and associated strategies.)

Think Services & Infrastructure

- Page 57:
  - Changed Goal SI 3 from goal to policy: Support Conservation and Reuse of Water
  - Changed Policy on innovative site and street design to a strategy.
  - Added new Goal SI 3: Plan for maintenance and replacement of governmental facilities.
  - Policy SI 3.2: Deleted reference to Johnston County due to changes in stormwater enforcement recently. (Town now enforces this)
  - Deleted Strategy SI 3.2.1. "Ensure flows are based on population projections and development activity." Not necessary.
- Page 58:
  - Policy SI 7.1 and associated strategies: Mentioned charter schools.
- Page 59:
  - Added recommendations related to staffing, programming and building needs for the Library.

Think Mobility

- Page 62:
  - Added a new Strategy 1.1.3: Support the conversion of US 70 to I-42.
  - Removed reference to Roadway Priority Map and Table. Replaced with Roadway System Map and Future Right of Way and Cross Section Table (table now in appendix).
- Page 66/71: Retitled Right Of Way Map to be Roadway System Map. Removed Roadway System Map on page 71.

Think Arts & Culture

- Page 74: Added recommendation to continue sculpture trail and support mural program.

Think Action

- Page 72: Added Implementation Plan

PUBLIC NOTICE

In accordance with NC GS 160D-601(a), the Clayton Town Council will hold a public hearing on Monday, November 15, 2021, at 6:00 PM in the Council Chambers at the Clayton Center, 111 E Second Street, to consider the 2045 Comprehensive Growth Plan for the Town of Clayton. Copies of the proposed Plan are available in the Planning office, the Town Clerk's office, and on the Town's website for review by the public.

The public is invited to attend.

Ben Howell, Planning Director
919-553-5002

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The Johnstonian Newspaper

Please advertise on the following dates:
November 3, 2021
November 10, 2021

Affidavit of publication required.

Town Council Agenda Cover Sheet

Meeting Date
November 15, 2021

Agenda Location
Public Hearings

Item Title

2021-126-OA Resource Conservation Area – Steep Slopes Text Amendment

Presenter: Ben Howell, Planning Director

Summary/Description
The Planning Department has worked with the Engineering Department to prepare multiple options for clarifying or revising the Resource Conservation Area section of the Unified Development Code (Section 155.500), based on requests from the Development Community and staff working with the Code.

Requested Action
Approval

Funding Source (If Applicable):
N/A

Cost: N/A **Yes** ☐ **No** ☒

Additional Documents to be Included in Agenda Packet
Staff Report
Existing UDC Text Section 155-500
Text Amendment Option 1
Text Amendment Option 2 (Planning Board Recommended Option)
Text Amendment Option 3
Text Amendment Option 4
Text Amendment Option 5
Map of Steep Slope Areas in Clayton Planning Jurisdiction

Meeting Timeline
Planning Board Review and Recommendation – October 25, 2021
Town Council Public Hearing and Potential Action - November 15, 2021

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

Planning Board, October 25, 2021
Town Council Public Hearing, November 15, 2021

STAFF REPORT

Application Number: 2021-126-OA
Project Name: Resource Conservation Area – Steep Slopes Text Amendment

Applicant: Town of Clayton

Public Noticing:
Newspaper ad for Town Council Public Hearing published November 3rd and November 10th

REQUEST: Request to amend the Unified Development Code Title XV, §155.502. This amendment seeks to revise the Resource Conservation Area section of the Unified Development Code regarding steep slopes. Staff has provided five different text amendment options for the Planning Board to consider.

SECTIONS PROPOSED FOR AMENDMENT:

The following section of Title XV, Chapter 155, is proposed for amendment:

- Article V, Section 500 – Resource Conservation Areas

STAFF ANALYSIS AND COMMENTARY:

Overview
The proposed text amendment(s) would modify the definition and requirement for protection of Steep Slopes as Resource Conservation Areas in the Unified Development Code. As currently written, the definition and requirement for protection of steep slopes can be difficult to administer, and there have been two variances recently submitted for projects related to the protection of steep slopes. Engineering staff have reviewed the section and the requirements, and have provided several text options for amending this section to clarify the requirements or even remove the requirement altogether. All text amendment options would reorganize and provide minor clarifications throughout the Resource Conservation Areas section of the Unified Development Code. Other changes are listed below:

- Option 1: Minor revisions to clarify steep slope definition;

- Option 2: Require steep slopes to be protected if directly connected to 100-year floodplain, wetlands or stream buffer(s) and at least 5,000 square feet of contiguous area in size;
- Option 3: Require steep slopes to be protected if within 100 feet of 100-year floodplain, wetlands or stream buffer(s);
- Option 4: Require steep slopes to be protected if directly connected to 100-year floodplain, wetlands or stream buffer(s) by a width of at least 20 feet;
- Option 5: Remove steep slopes from Resource Conservation Areas (no protection required)

The five options are provided as Attachments 1-5, with changes shown in underline and ~~strikethrough~~. A map has also been provided as Attachment 6 showing the areas in the Town of Clayton Planning Jurisdiction where there are 25% or greater slopes.

Approval Criteria:

- **Consistency with remainder of the Chapter**
  The request is consistent with the remainder of Chapter 155.

- **Novelty of the request**
  The request does not represent novel changes to the Code. The code is being revised to clarify and/or revise requirements around protection of steep slopes.

CONSIDERATIONS

The Town Council should take the following criteria into consideration when reviewing the proposed text amendment:

- 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;
- 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;
- Whether or not the proposed text amendment corrects an error in the chapter; and
- Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law; and
- Any adopted plans of the Town.

In deciding whether to adopt a proposed text amendment to this chapter, the central issue before the Town Council is whether the proposed amendment advances the public health, safety or welfare and is consistent with the adopted plans and policies of the Town and the specific intent of this chapter.

STAFF RECOMMENDATION:

Staff recommended that the Planning Board recommend one of the 5 text amendment options to the Town Council for Public Hearing. The Planning Board reviewed and discussed the options at their meeting on October 25, 2021.

PLANNING BOARD RECOMMENDATION:

The Planning Board reviewed the proposed UDC text amendment options at their meeting on October 25, 2021. After discussion, the Planning Board recommended the Council approve Text Amendment Option 2: Require steep slopes to be protected if directly connected to 100-year floodplain, wetlands or stream buffer(s) and at least 5,000 square feet of contiguous area in size, provided as Attachment 2 in the Council Packet.

ATTACHMENTS:

1) Existing UDC Text: 155.500 – Resource Conservation Areas
2) Planning Board Recommended Text Amendment Option 2
3) Strikethrough Text Amendment Option 1
4) Strikethrough Text Amendment Option 3
5) Strikethrough Text Amendment Option 4
6) Strikethrough Text Amendment Option 5
7) Map of Slope Areas in Clayton Planning Jurisdiction
8) Town Council Public Hearing Newspaper Ad

ARTICLE 5: NATURAL RESOURCE PROTECTION

CONTENTS:

§ 155.500 RESOURCE CONSERVATION AREAS 1
§ 155.501 WATERSHED PROTECTION 4
§ 155.502 STREAM BUFFERS 8

§ 155.500 RESOURCE CONSERVATION AREAS

(A) **DEFINED**

(1) All resource conservation areas shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces. Unoccupied or predominately unoccupied by buildings or other impervious surfaces shall mean that not more than 5% of the area of any resource conservation area shall be occupied by such surfaces.

(2) Resource conservation areas shall be identified on plats as being permanently set aside from development, except passive uses pursuant to this Ordinance. No resource conservation area shall be counted towards lot area required by §§ 155.200 through 155.204, with the exceptions for stream buffers pursuant to G.S. §143-214.23A. This shall not preclude the platting of lots in such areas, provided that adequate lot area outside the resource conservation area is provided to meet the minimum lot area requirements of §§ 155.200 through 155.204.

(3) No resource conservation area shall be counted towards the recreation and open space requirements as set forth in §§ 155.200 through 155.204, with the exceptions for stream buffers pursuant to G.S. §143-214.23A, except developed greenway or greenway-access or water-access facilities may be counted provided they are developed to the standards of this Ordinance.

(B) **DETERMINATION OF RESOURCE CONSERVATION AREAS**

The following are considered resource conservation areas and shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces.

(1) The 100-year floodplain

(2) Stream buffer areas

(3) Slopes above 25% of at least 5,000 square feet contiguous area; and

(4) Jurisdictional wetlands under federal law () that meet the definition applied by the United States Army Corps of Engineers.

RESOURCE CONSERVATION AREAS SHOWN ON PLAT

All resource conservation areas shall be shown on any preliminary or final plat approved after January 1, 2006.

(C) **PERMITTED USES OF RESOURCE CONSERVATION AREAS**

Uses of resource conversation areas may include the following:

(1) Conservation areas for natural, archeological or historical resources;

(2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

(3) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;

(4) Walking or bicycle trails;

(5) Easements for drainage, access, and underground utility lines;

(6) Other conservation-oriented uses compatible with the purposes of this chapter;

(7) Public infrastructure projects and supporting facilities.

(D) **PROHIBITED USES OF RESOURCE CONSERVATION AREAS**

Use of resource conservation areas may not include the following:

(1) L; Stormwater Control Measures

(2) Roads, parking lots and impervious surfaces, except as specifically authorized; and

(3) Golf courses, agricultural and forestry activities not conducted according to accepted best management practices.

(E) **OWNERSHIP AND MAINTENANCE**

(1) **Ownership**

Resource conservation areas shall be accepted and owned by one of the following entities:

(a) Land conservancy or land trust. The responsibility for maintenance shall be borne by a land conservancy or land trust.

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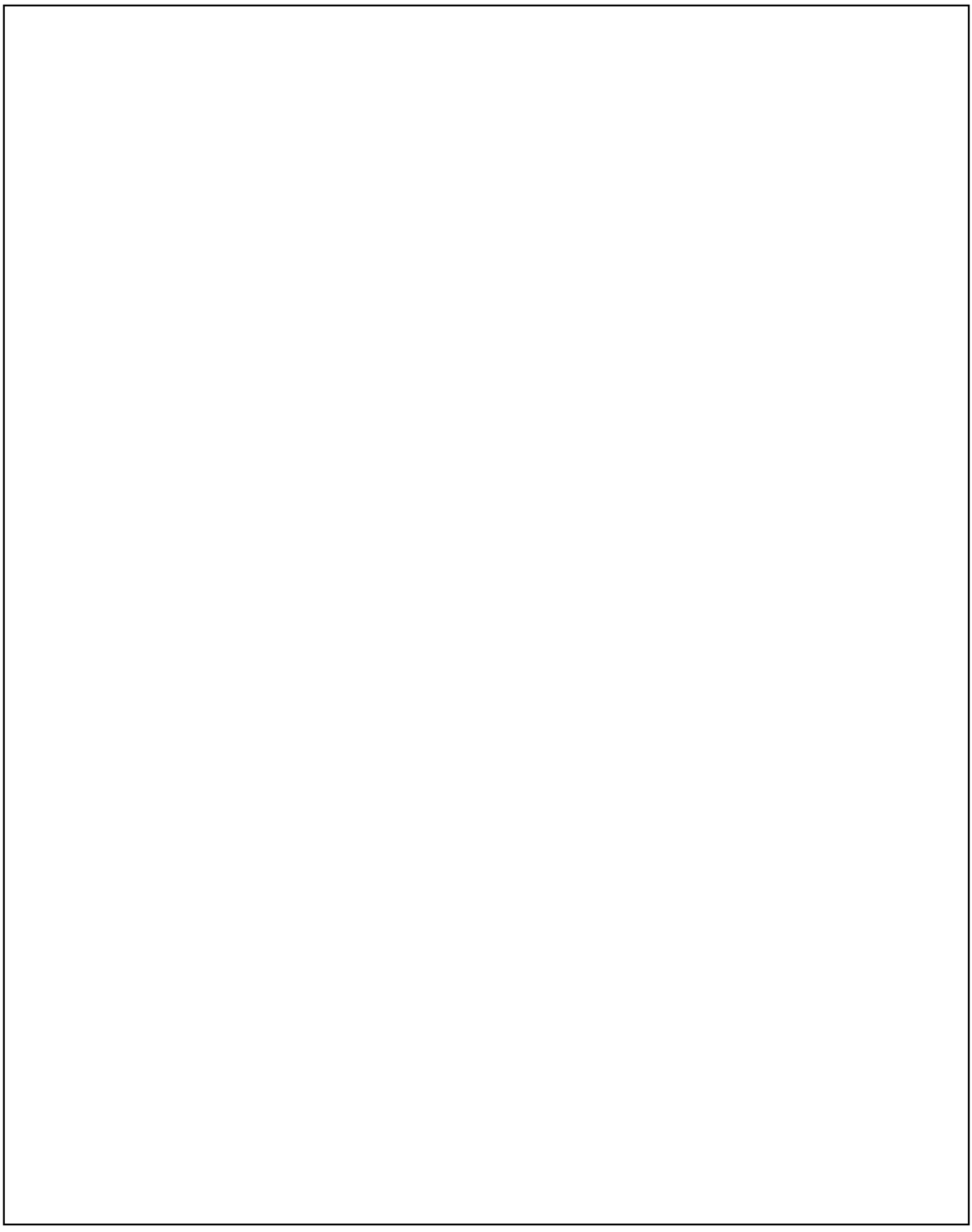
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(Ord. 2005-11-02, passed 11-21-05)



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ARTICLE 5: NATURAL RESOURCE PROTECTION

CONTENTS:

§ 155.500 RESOURCE CONSERVATION AREAS 1
§ 155.501 WATERSHED PROTECTION ..... **Error! Bookmark not defined.**~~4~~
§ 155.502 STREAM BUFFERS ..... **Error! Bookmark not defined.**~~9~~

§ 155.500 RESOURCE CONSERVATION AREAS

(A) **DETERMINATION OF RESOURCE CONSERVATION AREAS**

The following are considered resource conservation areas and shall be unoccupied ~~or predominately unoccupied~~ by buildings or other impervious surfaces unless permitted below.

(1) The 100-year floodplain

(2) Stream buffer areas

(3) Natural steep slopes defined as slopes 25% (4:1) or greater ~~above 25%~~ that are directly connected to one of the above features and with a contiguous area of at least 5,000 square feet ~~contiguous area~~; and

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N

0 0.5 1 2 3 Miles

25% Slope and Area >= 5,000 Square Feet
Streams
ETJ Boundary
Clayton Town Limits

Streets

Town of Clayton
Planned
NC DOT
Under Construction
Private

PUBLIC NOTICE

In accordance with NC GS 160D-601(a), the Clayton Town Council will hold a public hearing on Monday, November 15, 2021, at 6:00 PM in the Council Chambers at the Clayton Center, 111 E Second Street, to consider the following amendment to the Unified Development Code:

- **2021-126-OA Resource Conservation Areas Ordinance Amendment, proposed to amend Title XV, Chapter 155, Section 500 – Resource Conservation Areas. Copies of the proposed amendment are available in the Planning office, the Town Clerk's office, and on the Town's website for review by the public.**

The public is invited to attend.

Ben Howell, Planning Director
919-553-5002

_____

The Johnstonian Newspaper

Please advertise on the following dates:
November 3, 2021
November 10, 2021

Affidavit of publication required.

Town Council Agenda Cover Sheet

Meeting Date
November 15, 2021

Agenda Location
Old Business

Item Title

Resolution of Tentative Award for Little Creek Transmission Project

Presenter

TOC Project Team

Summary/Description

The Town of Clayton received four (4) bids on November 3rd for the Little Creek Transmission Project and upon review by the Town's Engineer, WithersRavnel, there is an apparent low bidder, J.F. Wilkerson Contracting Company. The bid is in the amount of $11,587,061, which is below the engineer's estimate of $15,600,000 for the Project. It should be noted that formal Authority to Award is contingent on approval from North Carolina Department of Environmental Quality.

Requested Action
Approval

Funding Source (If Applicable):
CWSRF

Cost: **$11,587,061** **Yes** ☒ **No** ☐

Additional Documents to be Included in Agenda Packet

Recommendation of Award
Bid Summary
Bid Tabulation

Meeting Timeline
Click or tap here to enter text.

Town of Clayton - Neuse River WRF - Little Creek Wastewater Transmission Linework Improvements
Neuse River Water Reclamation Facility Project No.: CS370431-07
Clayton, North Carolina
Bid Opening - November 3 , 2021, 2:00 PM

	Prime Bidder	SUBTOTAL - SECTION I - FORCE MAIN	SUBTOTAL - SECTION II - GRAVITY SEWER	SUBTOTAL - SECTION III - DURHAM STREET WATERLINE REPLACEMENT	TOTAL BID AMOUNT SECTION I,FORCE MAIN-SECTION II, GRAVITY SEWER AND SECTION III, DURHAM STREET WATERLINE REPLACEMENT
2	Moffat Pipe, Inc.	$ 3,742,655.00	$ 9,592,010.00	$ 33,200.00	$ 13,367,865.00
3	T.A. Loving	$ 3,563,861.80	$ 11,017,313.20	$ 34,325.00	$ 14,615,500.00
1	J.F. Wilkerson Contracting Co. Inc.	$ 3,280,785.00	$ 8,276,636.00	$ 29,640.00	$ 11,587,061.00
4	S.J. Louis Construction, Inc.	$ 3,971,635.00	$ 11,252,209.00	$ 66,156.00	$ 15,290,000.00

DocuSigned by:
Michael Wicker
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11/4/2021

NORTH CAROLINA PROFESSIONAL SEAL 11325 ENGINEER MICHAEL C. WICKER

Project Bid Tabulation				11/3/2021													
Town of Clayton - Neuse River WRF - Little Creek Wastewater Transmission Linework Improvements Neuse River Water Reclamation Facility Project No.: CS370431-07 WithersRavenel Project No. 02190247.00				Moffat Pipe, Inc.		T.A. Loving		J.F. Wilkerson Contracting Co., Inc.		S.J. Louis Construction, Inc.		Engineer's Estimate for Opinion of Probable Cost	
Item No.	Item Description	Unit	Est. Quan.	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price
SECTION I - FORCE MAIN													
1	Mobilization (3%)	LS	1	$ 112,000.00	$ 112,000.00	$ 75,000.00	$ 75,000.00	$ 88,000.00	$ 88,000.00	$ 100,000.00	$ 100,000.00	$ 107,000.00	$ 107,000.00
2	Clearing and Grubbing	LS	1	$ 75,000.00	$ 75,000.00	$ 65,000.00	$ 65,000.00	$ 20,600.00	$ 20,600.00	$ 35,000.00	$ 35,000.00	$ 15,000.00	$ 15,000.00
3	24" DR 18 C-900 PVC or DIP Class 250 Force Main (Open Cut)	LF	2,600	$ 305.00	$ 793,000.00	$ 300.00	$ 780,000.00	$ 245.00	$ 637,000.00	$ 300.00	$ 780,000.00	$ 250.00	$ 650,000.00
4	Connect 24" FM to Stub Out	LS	1	$ 15,000.00	$ 15,000.00	$ 17,500.00	$ 17,500.00	$ 10,100.00	$ 10,100.00	$ 50,000.00	$ 50,000.00	$ 6,000.00	$ 6,000.00
5	24" DIP Fittings	LBS	28,000	$ 19.00	$ 532,000.00	$ 5.00	$ 140,000.00	$ 11.00	$ 308,000.00	$ 22.00	$ 616,000.00	$ 10.00	$ 280,000.00
6	24" Restrained Joint C-900 PVC or DIP Force Main (Open Cut)	LF	1,600	$ 410.00	$ 656,000.00	$ 380.00	$ 608,000.00	$ 310.00	$ 496,000.00	$ 400.00	$ 640,000.00	$ 450.00	$ 720,000.00
7	42" Steel Casing Bore and Jack Under US70 with 24" Restrained Joint DIP Carrier Pipe & Accessories	LS	1	$ 235,000.00	$ 235,000.00	$ 325,000.00	$ 325,000.00	$ 292,000.00	$ 292,000.00	$ 300,000.00	$ 300,000.00	$ 287,500.00	$ 287,500.00
8	42" Steel Casing Bore and Jack Under Main St. with 24" Restrained Joint DIP Carrier Pipe & Accessories	LS	1	$ 120,000.00	$ 120,000.00	$ 130,000.00	$ 130,000.00	$ 109,000.00	$ 109,000.00	$ 135,000.00	$ 135,000.00	$ 237,500.00	$ 237,500.00
9	42" Steel Casing Bore and Jack Under RR and Front St. with 24" Restrained Joint DIP Carrier Pipe & Accessories	LS	1	$ 390,000.00	$ 390,000.00	$ 480,000.00	$ 480,000.00	$ 395,000.00	$ 395,000.00	$ 460,000.00	$ 460,000.00	$ 318,750.00	$ 318,750.00
10	Bore and Jack Under RR and Front St. for Wire Conduits	LS	1	$ 130,000.00	$ 130,000.00	$ 135,000.00	$ 135,000.00	$ 158,000.00	$ 158,000.00	$ 16,000.00	$ 16,000.00	$ 800.00	$ 800.00
11	Thrust Collars	EA	10	$ 2,500.00	$ 25,000.00	$ 5,500.00	$ 55,000.00	$ 3,800.00	$ 38,000.00	$ 5,000.00	$ 50,000.00	$ 800.00	$ 8,000.00
12	Remove and Replace 8" PVC	LF	5	$ 205.00	$ 1,025.00	$ 500.00	$ 2,500.00	$ 365.00	$ 1,825.00	$ 600.00	$ 3,000.00	$ 150.00	$ 750.00
13	Remove and Replace 4" CPP	LF	20	$ 165.00	$ 3,300.00	$ 200.00	$ 4,000.00	$ 140.00	$ 2,800.00	$ 300.00	$ 6,000.00	$ 50.00	$ 1,000.00
14	Sanitary Sewer Service	EA	8	$ 4,100.00	$ 32,800.00	$ 2,000.00	$ 16,000.00	$ 3,300.00	$ 26,400.00	$ 7,500.00	$ 60,000.00	$ 4,000.00	$ 32,000.00
15	Sanitary Sewer Lateral	LF	10	$ 450.00	$ 4,500.00	$ 600.00	$ 6,000.00	$ 210.00	$ 2,100.00	$ 700.00	$ 7,000.00	$ 60.00	$ 600.00
16	Abandon Existing Sewer Service	EA	8	$ 1,000.00	$ 8,000.00	$ 1,500.00	$ 12,000.00	$ 1,100.00	$ 8,800.00	$ 500.00	$ 4,000.00	$ 1,000.00	$ 8,000.00
17	Remove and Replace Ex. Fire Hydrant and Connection	EA	1	$ 7,500.00	$ 7,500.00	$ 8,975.00	$ 8,975.00	$ 8,300.00	$ 8,300.00	$ 16,000.00	$ 16,000.00	$ 8,000.00	$ 8,000.00
18	Remove and Replace Water Meter	EA	12	$ 1,100.00	$ 13,200.00	$ 1,500.00	$ 18,000.00	$ 1,500.00	$ 18,000.00	$ 300.00	$ 3,600.00	$ 1,200.00	$ 14,400.00
19	New Water Service Line	EA	13	$ 2,000.00	$ 26,000.00	$ 2,500.00	$ 32,500.00	$ 2,200.00	$ 28,600.00	$ 5,000.00	$ 65,000.00	$ 1,900.00	$ 24,700.00
20	24" Gate Valve and Manhole Assembly	EA	5	$ 45,500.00	$ 227,500.00	$ 40,000.00	$ 200,000.00	$ 34,500.00	$ 172,500.00	$ 45,000.00	$ 225,000.00	$ 30,000.00	$ 150,000.00
21	Combination Air Release Valve Assembly with Odor Control	EA	2	$ 36,000.00	$ 72,000.00	$ 30,000.00	$ 60,000.00	$ 50,700.00	$ 101,400.00	$ 30,000.00	$ 60,000.00	$ 25,000.00	$ 50,000.00
22	Asphalt Pavement Repair	SY	1,700	$ 32.50	$ 55,250.00	$ 55.00	$ 93,500.00	$ 69.00	$ 117,300.00	$ 60.00	$ 102,000.00	$ 150.00	$ 255,000.00
23	Asphalt Drive Repair	SY	450	$ 20.00	$ 9,000.00	$ 60.00	$ 27,000.00	$ 47.00	$ 21,150.00	$ 60.00	$ 27,000.00	$ 125.00	$ 56,250.00
24	Asphalt Sidewalk	SY	400	$ 70.00	$ 28,000.00	$ 42.45	$ 16,980.00	$ 32.00	$ 12,800.00	$ 80.00	$ 32,000.00	$ 80.00	$ 32,000.00
25	Concrete Drive Repair	SY	200	$ 90.00	$ 18,000.00	$ 115.00	$ 23,000.00	$ 105.00	$ 21,000.00	$ 70.00	$ 14,000.00	$ 160.00	$ 32,000.00
26	Gravel Driveway Repair	SY	20	$ 15.00	$ 300.00	$ 25.00	$ 500.00	$ 33.00	$ 660.00	$ 22.00	$ 440.00	$ 90.00	$ 1,800.00
27	Concrete Curb and Gutter	LF	600	$ 35.00	$ 21,000.00	$ 70.00	$ 42,000.00	$ 57.00	$ 34,200.00	$ 55.00	$ 33,000.00	$ 100.00	$ 60,000.00
28	Remove and Replace Fence	LS	1	$ 3,500.00	$ 3,500.00	$ 12,500.00	$ 12,500.00	$ 20,700.00	$ 20,700.00	$ 4,000.00	$ 4,000.00	$ 22,500.00	$ 22,500.00
29	Remove and Replace 4' High Chainlink Fence	LF	60	$ 45.00	$ 2,700.00	$ 60.00	$ 3,600.00	$ 49.00	$ 2,940.00	$ 30.00	$ 1,800.00	$ 50.00	$ 3,000.00
30	Remove and Replace Handrail	LS	1	$ 3,500.00	$ 3,500.00	$ 6,000.00	$ 6,000.00	$ 3,200.00	$ 3,200.00	$ 2,500.00	$ 2,500.00	$ 3,000.00	$ 3,000.00
31	Rock Excavation	CY	120	$ 150.00	$ 18,000.00	$ 300.00	$ 36,000.00	$ 220.00	$ 26,400.00	$ 200.00	$ 24,000.00	$ 150.00	$ 18,000.00
32	Remove and Replace Ex. Storm Inlet	EA	1	$ 5,000.00	$ 5,000.00	$ 3,750.00	$ 3,750.00	$ 7,400.00	$ 7,400.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00
33	15" Class V RCP Culvert	LF	70	$ 100.00	$ 7,000.00	$ 165.00	$ 11,550.00	$ 67.00	$ 4,690.00	$ 90.00	$ 6,300.00	$ 100.00	$ 7,000.00
34	15" CPP Culvert	LF	25	$ 200.00	$ 5,000.00	$ 200.00	$ 5,000.00	$ 37.00	$ 925.00	$ 85.00	$ 2,125.00	$ 150.00	$ 3,750.00
35	36" Class V RCP Culvert	LF	5	$ 250.00	$ 1,250.00	$ 255.00	$ 1,275.00	$ 195.00	$ 975.00	$ 275.00	$ 1,375.00	$ 400.00	$ 2,000.00
36	Tree Protection Fence	LF	1,650	$ 2.50	$ 4,125.00	$ 3.00	$ 4,950.00	$ 2.00	$ 3,300.00	$ 4.00	$ 6,600.00	$ 5.00	$ 8,250.00
37	Silt Fence/Tree Protection Fence	LF	930	$ 3.50	$ 3,255.00	$ 3.65	$ 3,394.50	$ 2.00	$ 1,860.00	$ 4.00	$ 3,720.00	$ 6.00	$ 5,580.00
38	Silt Fence	LF	1,500	$ 3.00	$ 4,500.00	$ 3.50	$ 5,250.00	$ 2.00	$ 3,000.00	$ 4.00	$ 6,000.00	$ 7.00	$ 10,500.00
39	Silt Fence Outlet	EA	10	$ 125.00	$ 1,250.00	$ 175.00	$ 1,750.00	$ 110.00	$ 1,100.00	$ 320.00	$ 3,200.00	$ 300.00	$ 3,000.00
40	Erosion Control Matting	SY	600	$ 5.00	$ 3,000.00	$ 5.00	$ 3,000.00	$ 5.00	$ 3,000.00	$ 2.00	$ 1,200.00	$ 4.00	$ 2,400.00
41	Check Dam	EA	3	$ 200.00	$ 600.00	$ 150.00	$ 450.00	$ 330.00	$ 990.00	$ 175.00	$ 525.00	$ 150.00	$ 450.00
42	Catch Basin Inlet Protection	EA	20	$ 200.00	$ 4,000.00	$ 360.00	$ 7,200.00	$ 275.00	$ 5,500.00	$ 225.00	$ 4,500.00	$ 350.00	$ 7,000.00
43	Pipe Inlet Protection	EA	5	$ 200.00	$ 1,000.00	$ 500.00	$ 2,500.00	$ 645.00	$ 3,225.00	$ 225.00	$ 1,125.00	$ 200.00	$ 1,000.00
44	Pipe Outlet Protection	EA	5	$ 200.00	$ 1,000.00	$ 500.00	$ 2,500.00	$ 785.00	$ 3,925.00	$ 225.00	$ 1,125.00	$ 350.00	$ 1,750.00
45	Rip Rap	TN	50	$ 50.00	$ 2,500.00	$ 110.00	$ 5,500.00	$ 71.00	$ 3,550.00	$ 100.00	$ 5,000.00	$ 100.00	$ 5,000.00
46	Construction Entrance	EA	5	$ 1,500.00	$ 7,500.00	$ 2,000.00	$ 10,000.00	$ 3,800.00	$ 19,000.00	$ 3,500.00	$ 17,500.00	$ 5,000.00	$ 25,000.00

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Town of Clayton - Neuse River WRF - Little Creek Wastewater Transmission Linework Improvements Neuse River Water Reclamation Facility Project No.: CS370431-07 WithersRavenel Project No. 02190247.00				Moffat Pipe, Inc.		T.A. Loving		J.F. Wilkerson Contracting Co., Inc.		S.J. Louis Construction, Inc.		Engineer's Estimate for Opinion of Probable Cost	
Item No.	Item Description	Unit	Est. Quan.	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price
47	Remove and Replace Unsuitable Material with #67 Stone	TN	430	$ 20.00	$ 8,600.00	$ 33.11	$ 14,237.30	$ 59.00	$ 25,370.00	$ 50.00	$ 21,500.00	$ 75.00	$ 32,250.00
48	Site Restoration	LS	1	$ 45,000.00	$ 45,000.00	$ 50,000.00	$ 50,000.00	$ 10,200.00	$ 10,200.00	$ 12,500.00	$ 12,500.00	$ 16,000.00	$ 16,000.00
SUBTOTAL - SECTION I - FORCE MAIN				$3,742,655.00		$3,563,861.80		$3,280,785.00		$3,971,635.00		$3,539,480.00	
SECTION II - GRAVITY SEWER													
1	Mobilization(3%)	LS	1	$ 287,500.00	$ 287,500.00	$ 300,000.00	$ 300,000.00	$ 240,000.00	$ 240,000.00	$ 300,000.00	$ 300,000.00	$ 286,000.00	$ 286,000.00
2	Odor Control System	EA	1	$ 45,000.00	$ 45,000.00	$ 90,000.00	$ 90,000.00	$ 74,400.00	$ 74,400.00	$ 50,000.00	$ 50,000.00	$ 70,000.00	$ 70,000.00
3	Clearing and Grubbing	LS	1	$ 550,000.00	$ 550,000.00	$ 175,000.00	$ 175,000.00	$ 183,000.00	$ 183,000.00	$ 125,000.00	$ 125,000.00	$ 90,000.00	$ 90,000.00
4	2" SDR 21 PVC Water line	LF	235	$ 65.00	$ 15,275.00	$ 30.00	$ 7,050.00	$ 37.00	$ 8,695.00	$ 200.00	$ 47,000.00	$ 30.00	$ 7,050.00
5	8" DIP Class 50 or PVC SDR 35 Gravity Sewer (16'+) (Open Cut)	LF	25	$ 225.00	$ 5,625.00	$ 400.00	$ 10,000.00	$ 150.00	$ 3,750.00	$ 400.00	$ 10,000.00	$ 200.00	$ 5,000.00
6	24" DIP,FRP, PVC Gravity Sewer (0-8') (Open Cut)	LF	20	$ 186.00	$ 3,720.00	$ 265.00	$ 5,300.00	$ 200.00	$ 4,000.00	$ 400.00	$ 8,000.00	$ 240.00	$ 4,800.00
7	24" DIP,FRP, PVC Gravity Sewer (8'-12') (Open Cut)	LF	900	$ 202.00	$ 181,800.00	$ 280.00	$ 252,000.00	$ 210.00	$ 189,000.00	$ 410.00	$ 369,000.00	$ 260.00	$ 234,000.00
8	24" DIP,FRP, PVC Gravity Sewer (12'-16') (Open Cut)	LF	1,680	$ 229.00	$ 384,720.00	$ 300.00	$ 504,000.00	$ 220.00	$ 369,600.00	$ 420.00	$ 705,600.00	$ 280.00	$ 470,400.00
9	24" DIP,FRP, PVC Gravity Sewer (16'+) (Open Cut)	LF	690	$ 293.00	$ 202,170.00	$ 370.00	$ 255,300.00	$ 240.00	$ 165,600.00	$ 430.00	$ 296,700.00	$ 300.00	$ 207,000.00
10	24" DIP Gravity Sewer (0-8') (Open Cut)	LF	20	$ 274.00	$ 5,480.00	$ 365.00	$ 7,300.00	$ 255.00	$ 5,100.00	$ 450.00	$ 9,000.00	$ 260.00	$ 5,200.00
11	24" DIP Gravity Sewer (8'-12') (Open Cut)	LF	20	$ 286.00	$ 5,720.00	$ 380.00	$ 7,600.00	$ 260.00	$ 5,200.00	$ 450.00	$ 9,000.00	$ 270.00	$ 5,400.00
12	24" DIP Gravity Sewer (12'-16') (Open Cut)	LF	75	$ 306.00	$ 22,950.00	$ 400.00	$ 30,000.00	$ 270.00	$ 20,250.00	$ 460.00	$ 34,500.00	$ 290.00	$ 21,750.00
13	24" DIP Gravity Sewer (16'+) (Open Cut)	LF	20	$ 346.00	$ 6,920.00	$ 470.00	$ 9,400.00	$ 275.00	$ 5,500.00	$ 500.00	$ 10,000.00	$ 310.00	$ 6,200.00
14	30" DIP,FRP, PVC Gravity Sewer (0-8') (Open Cut)	LF	20	$ 223.00	$ 4,460.00	$ 315.00	$ 6,300.00	$ 265.00	$ 5,300.00	$ 450.00	$ 9,000.00	$ 330.00	$ 6,600.00
15	30" DIP,FRP, PVC Gravity Sewer (8'-12') (Open Cut)	LF	20	$ 238.00	$ 4,760.00	$ 330.00	$ 6,600.00	$ 275.00	$ 5,500.00	$ 450.00	$ 9,000.00	$ 350.00	$ 7,000.00
16	30" DIP,FRP, PVC Gravity Sewer (12'-16') (Open Cut)	LF	350	$ 265.00	$ 92,750.00	$ 350.00	$ 122,500.00	$ 295.00	$ 103,250.00	$ 460.00	$ 161,000.00	$ 370.00	$ 129,500.00
17	30" DIP,FRP, PVC Gravity Sewer (16'+) (Open Cut)	LF	220	$ 329.00	$ 72,380.00	$ 415.00	$ 91,300.00	$ 330.00	$ 72,600.00	$ 470.00	$ 103,400.00	$ 400.00	$ 88,000.00
18	36" DIP,FRP, PVC Gravity Sewer (0-8') (Open Cut)	LF	20	$ 271.00	$ 5,420.00	$ 365.00	$ 7,300.00	$ 295.00	$ 5,900.00	$ 470.00	$ 9,400.00	$ 415.00	$ 8,300.00
19	36" DIP,FRP, PVC Gravity Sewer (8'-12') (Open Cut)	LF	20	$ 292.00	$ 5,840.00	$ 380.00	$ 7,600.00	$ 310.00	$ 6,200.00	$ 480.00	$ 9,600.00	$ 430.00	$ 8,600.00
20	36" DIP,FRP, PVC Gravity Sewer (12'-16') (Open Cut)	LF	3,570	$ 333.00	$ 1,188,810.00	$ 400.00	$ 1,428,000.00	$ 340.00	$ 1,213,800.00	$ 490.00	$ 1,749,300.00	$ 450.00	$ 1,606,500.00
21	36" DIP,FRP, PVC Gravity Sewer (16'+) (Open Cut)	LF	1,010	$ 456.00	$ 460,560.00	$ 470.00	$ 474,700.00	$ 380.00	$ 383,800.00	$ 500.00	$ 505,000.00	$ 500.00	$ 505,000.00
22	36" DIP Gravity Sewer (0-8') (Open Cut)	LF	20	$ 444.00	$ 8,880.00	$ 555.00	$ 11,100.00	$ 425.00	$ 8,500.00	$ 550.00	$ 11,000.00	$ 420.00	$ 8,400.00
23	36" DIP Gravity Sewer (8'-12') (Open Cut)	LF	170	$ 460.00	$ 78,200.00	$ 570.00	$ 96,900.00	$ 440.00	$ 74,800.00	$ 550.00	$ 93,500.00	$ 440.00	$ 74,800.00
24	36" DIP Gravity Sewer (12'-16') (Open Cut)	LF	760	$ 488.00	$ 370,880.00	$ 590.00	$ 448,400.00	$ 450.00	$ 342,000.00	$ 560.00	$ 425,600.00	$ 460.00	$ 349,600.00
25	36" DIP Gravity Sewer (16'+) (Open Cut)	LF	470	$ 553.00	$ 259,910.00	$ 660.00	$ 310,200.00	$ 500.00	$ 235,000.00	$ 570.00	$ 267,900.00	$ 500.00	$ 235,000.00
26	42" DIP,FRP, PVC Gravity Sewer (0-8') (Open Cut)	LF	20	$ 321.00	$ 6,420.00	$ 425.00	$ 8,500.00	$ 350.00	$ 7,000.00	$ 500.00	$ 10,000.00	$ 500.00	$ 10,000.00
27	42" DIP,FRP, PVC Gravity Sewer (8'-12') (Open Cut)	LF	20	$ 341.00	$ 6,820.00	$ 440.00	$ 8,800.00	$ 365.00	$ 7,300.00	$ 510.00	$ 10,200.00	$ 520.00	$ 10,400.00
28	42" DIP,FRP, PVC Gravity Sewer (12'-16') (Open Cut)	LF	260	$ 382.00	$ 99,320.00	$ 460.00	$ 119,600.00	$ 395.00	$ 102,700.00	$ 520.00	$ 135,200.00	$ 540.00	$ 140,400.00
29	42" DIP,FRP, PVC Gravity Sewer (16'+) (Open Cut)	LF	20	$ 505.00	$ 10,100.00	$ 530.00	$ 10,600.00	$ 425.00	$ 8,500.00	$ 530.00	$ 10,600.00	$ 550.00	$ 11,000.00
30	42" DIP Gravity Sewer (0-8') (Open Cut)	LF	20	$ 814.00	$ 16,280.00	$ 975.00	$ 19,500.00	$ 800.00	$ 16,000.00	$ 700.00	$ 14,000.00	$ 520.00	$ 10,400.00
31	42" DIP Gravity Sewer (8'-12') (Open Cut)	LF	20	$ 830.00	$ 16,600.00	$ 980.00	$ 19,600.00	$ 815.00	$ 16,300.00	$ 710.00	$ 14,200.00	$ 540.00	$ 10,800.00
32	42" DIP Gravity Sewer (12'-16') (Open Cut)	LF	300	$ 858.00	$ 257,400.00	$ 1,000.00	$ 300,000.00	$ 835.00	$ 250,500.00	$ 730.00	$ 219,000.00	$ 560.00	$ 168,000.00
33	42" DIP Gravity Sewer (16'+) (Open Cut)	LF	30	$ 924.00	$ 27,720.00	$ 1,100.00	$ 33,000.00	$ 865.00	$ 25,950.00	$ 750.00	$ 22,500.00	$ 570.00	$ 17,100.00
34	48" DIP,FRP, PVC Gravity Sewer (0-8') (Open Cut)	LF	20	$ 384.00	$ 7,680.00	$ 500.00	$ 10,000.00	$ 395.00	$ 7,900.00	$ 600.00	$ 12,000.00	$ 655.00	$ 13,100.00
35	48" DIP,FRP, PVC Gravity Sewer (8'-12') (Open Cut)	LF	20	$ 412.00	$ 8,240.00	$ 515.00	$ 10,300.00	$ 405.00	$ 8,100.00	$ 620.00	$ 12,400.00	$ 675.00	$ 13,500.00
36	48" DIP,FRP, PVC Gravity Sewer (12'-16') (Open Cut)	LF	270	$ 478.00	$ 129,060.00	$ 535.00	$ 144,450.00	$ 420.00	$ 113,400.00	$ 640.00	$ 172,800.00	$ 690.00	$ 186,300.00
37	48"DIP,FRP, PVC Gravity Sewer (16'+) (Open Cut)	LF	310	$ 560.00	$ 173,600.00	$ 605.00	$ 187,550.00	$ 490.00	$ 151,900.00	$ 650.00	$ 201,500.00	$ 720.00	$ 223,200.00
38	Open Cut 42"Steel Casing with 24" Restrained Joint DIP Carrier Pipe & Accessories	LF	45	$ 1,250.00	$ 56,250.00	$ 1,325.00	$ 59,625.00	$ 665.00	$ 29,925.00	$ 1,400.00	$ 63,000.00	$ 800.00	$ 36,000.00
39	Open Cut 48"Steel Casing with 36" Restrained Joint DIP Carrier Pipe & Accessories	LF	160	$ 1,700.00	$ 272,000.00	$ 2,100.00	$ 336,000.00	$ 1,100.00	$ 176,000.00	$ 2,000.00	$ 320,000.00	$ 1,100.00	$ 176,000.00
40	Open Cut 56"Steel Casing with 42" Restrained Joint DIP Carrier Pipe & Accessories	LF	45	$ 3,000.00	$ 135,000.00	$ 3,000.00	$ 135,000.00	$ 2,100.00	$ 94,500.00	$ 2,400.00	$ 108,000.00	$ 1,700.00	$ 76,500.00
41	5' Dia. Precast Concrete Manhole (8-10')	EA	2	$ 13,400.00	$ 26,800.00	$ 22,000.00	$ 44,000.00	$ 14,800.00	$ 29,600.00	$ 15,000.00	$ 30,000.00	$ 8,000.00	$ 16,000.00
42	5' Dia. Precast Concrete Manhole (10-12')	EA	1	$ 15,200.00	$ 15,200.00	$ 22,750.00	$ 22,750.00	$ 15,600.00	$ 15,600.00	$ 16,000.00	$ 16,000.00	$ 9,600.00	$ 9,600.00
43	5' Dia. Precast Concrete Manhole (12-14')	EA	1	$ 17,500.00	$ 17,500.00	$ 23,500.00	$ 23,500.00	$ 17,500.00	$ 17,500.00	$ 17,000.00	$ 17,000.00	$ 11,200.00	$ 11,200.00

Project Bid Tabulation				11/3/2021		Moffat Pipe, Inc.		T.A. Loving		J.F. Wilkerson Contracting Co., Inc.		S.J. Louis Construction, Inc.		Engineer's Estimate for Opinion of Probable Cost	
Town of Clayton - Neuse River WRF - Little Creek Wastewater Transmission Linework Improvements Neuse River Water Reclamation Facility Project No.: CS370431-07 WithersRavenel Project No. 02190247.00															
Item No.	Item Description	Unit	Est. Quan.	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price
44	5' Dia. Precast Concrete Manhole (14-16')	EA	6	$ 20,000.00	$ 120,000.00	$ 24,000.00	$ 144,000.00	$ 20,400.00	$ 122,400.00	$ 18,000.00	$ 108,000.00	$ 12,800.00	$ 76,800.00		
45	5' Dia. Precast Concrete Manhole (16-18')	EA	3	$ 23,200.00	$ 69,600.00	$ 24,750.00	$ 74,250.00	$ 22,900.00	$ 68,700.00	$ 19,000.00	$ 57,000.00	$ 14,400.00	$ 43,200.00		
46	5' Dia. Precast Concrete Manhole (18-22')	EA	1	$ 28,700.00	$ 28,700.00	$ 25,500.00	$ 25,500.00	$ 26,500.00	$ 26,500.00	$ 20,000.00	$ 20,000.00	$ 17,600.00	$ 17,600.00		
47	5' Dia. Flat Top Precast Concrete Manhole	EA	1	$ 19,500.00	$ 19,500.00	$ 17,750.00	$ 17,750.00	$ 16,400.00	$ 16,400.00	$ 9,000.00	$ 9,000.00	$ 8,000.00	$ 8,000.00		
48	6' Dia. Precast Concrete Manhole (12-14')	EA	7	$ 20,000.00	$ 140,000.00	$ 29,000.00	$ 203,000.00	$ 23,900.00	$ 167,300.00	$ 21,000.00	$ 147,000.00	$ 14,000.00	$ 98,000.00		
49	6' Dia. Precast Concrete Manhole (14-16')	EA	10	$ 22,800.00	$ 228,000.00	$ 30,000.00	$ 300,000.00	$ 26,600.00	$ 266,000.00	$ 22,000.00	$ 220,000.00	$ 16,000.00	$ 160,000.00		
50	6' Dia. Precast Concrete Manhole (16-18')	EA	3	$ 26,400.00	$ 79,200.00	$ 31,000.00	$ 93,000.00	$ 29,400.00	$ 88,200.00	$ 23,000.00	$ 69,000.00	$ 18,000.00	$ 54,000.00		
51	6' Dia. Precast Concrete Manhole (18-22')	EA	5	$ 32,000.00	$ 160,000.00	$ 32,000.00	$ 160,000.00	$ 38,800.00	$ 194,000.00	$ 24,000.00	$ 120,000.00	$ 22,000.00	$ 110,000.00		
52	6' Dia. Doghouse Manhole (8-10')	EA	1	$ 20,000.00	$ 20,000.00	$ 24,500.00	$ 24,500.00	$ 24,500.00	$ 24,500.00	$ 18,000.00	$ 18,000.00	$ 12,000.00	$ 12,000.00		
53	6' Dia. Doghouse Manhole (12-14')	EA	1	$ 32,500.00	$ 32,500.00	$ 26,000.00	$ 26,000.00	$ 23,900.00	$ 23,900.00	$ 19,000.00	$ 19,000.00	$ 16,800.00	$ 16,800.00		
54	7' Dia. Precast Concrete Manhole (16-18')	EA	2	$ 36,000.00	$ 72,000.00	$ 35,750.00	$ 71,500.00	$ 32,500.00	$ 65,000.00	$ 28,000.00	$ 56,000.00	$ 21,600.00	$ 43,200.00		
55	7' Dia. Precast Concrete Manhole (20-22')	EA	1	$ 46,000.00	$ 46,000.00	$ 37,750.00	$ 37,750.00	$ 41,900.00	$ 41,900.00	$ 29,000.00	$ 29,000.00	$ 26,400.00	$ 26,400.00		
56	7' Dia. Doghouse Manhole (18-20')	EA	1	$ 41,700.00	$ 41,700.00	$ 35,000.00	$ 35,000.00	$ 34,400.00	$ 34,400.00	$ 30,000.00	$ 30,000.00	$ 28,000.00	$ 28,000.00		
57	8' Dia. Precast Concrete Manhole (16-18')	EA	1	$ 44,400.00	$ 44,400.00	$ 41,000.00	$ 41,000.00	$ 43,800.00	$ 43,800.00	$ 35,000.00	$ 35,000.00	$ 25,200.00	$ 25,200.00		
58	8' Dia. Precast Concrete Manhole (24-26')	EA	1	$ 71,000.00	$ 71,000.00	$ 60,500.00	$ 60,500.00	$ 63,400.00	$ 63,400.00	$ 46,000.00	$ 46,000.00	$ 36,400.00	$ 36,400.00		
59	8' Dia. Doghouse Manhole (14-16')	EA	1	$ 60,000.00	$ 60,000.00	$ 40,000.00	$ 40,000.00	$ 40,400.00	$ 40,400.00	$ 34,000.00	$ 34,000.00	$ 25,600.00	$ 25,600.00		
60	DIP Fittings	LBS	20,000	$ 20.00	$ 400,000.00	$ 2.50	$ 50,000.00	$ 11.00	$ 220,000.00	$ 20.00	$ 400,000.00	$ 10.00	$ 200,000.00		
61	New Castings on Existing Manhole	EA	36	$ 725.00	$ 26,100.00	$ 1,000.00	$ 36,000.00	$ 890.00	$ 32,040.00	$ 2,500.00	$ 90,000.00	$ 2,500.00	$ 90,000.00		
62	Install Vents on Existing Manholes	EA	12	$ 2,250.00	$ 27,000.00	$ 2,500.00	$ 30,000.00	$ 2,400.00	$ 28,800.00	$ 6,000.00	$ 72,000.00	$ 1,400.00	$ 16,800.00		
63	Raise Existing 4' Diameter Manhole to 2' Above Grade	EA	26	$ 1,700.00	$ 44,200.00	$ 1,500.00	$ 39,000.00	$ 1,300.00	$ 33,800.00	$ 5,000.00	$ 130,000.00	$ 2,000.00	$ 52,000.00		
64	Rehabilitate Existing 4' Diameter Manholes with Spray Lining	VF	440	$ 250.00	$ 110,000.00	$ 335.00	$ 147,400.00	$ 630.00	$ 277,200.00	$ 250.00	$ 110,000.00	$ 250.00	$ 110,000.00		
65	Cut, Plug, and Abandon Existing 12" Force Main	LS	1	$ 3,500.00	$ 3,500.00	$ 5,000.00	$ 5,000.00	$ 5,300.00	$ 5,300.00	$ 15,000.00	$ 15,000.00	$ 5,000.00	$ 5,000.00		
66	18" Gate Valve Installed in Manhole	EA	1	$ 42,000.00	$ 42,000.00	$ 35,000.00	$ 35,000.00	$ 26,100.00	$ 26,100.00	$ 45,000.00	$ 45,000.00	$ 8,000.00	$ 8,000.00		
67	20" Gate Valve Installed in Manhole	EA	3	$ 47,000.00	$ 141,000.00	$ 145,000.00	$ 435,000.00	$ 29,400.00	$ 88,200.00	$ 46,000.00	$ 138,000.00	$ 25,000.00	$ 75,000.00		
68	24" Gate Valve Installed in Manhole	EA	1	$ 55,000.00	$ 55,000.00	$ 45,750.00	$ 45,750.00	$ 33,600.00	$ 33,600.00	$ 62,000.00	$ 62,000.00	$ 30,000.00	$ 30,000.00		
69	30" Gate Valve Installed in Manhole	EA	2	$ 106,000.00	$ 212,000.00	$ 40,000.00	$ 80,000.00	$ 57,700.00	$ 115,400.00	$ 100,000.00	$ 200,000.00	$ 35,000.00	$ 70,000.00		
70	Gravel Driveway Repair	SY	80	$ 17.00	$ 1,360.00	$ 75.00	$ 6,000.00	$ 32.00	$ 2,560.00	$ 24.00	$ 1,920.00	$ 90.00	$ 7,200.00		
71	Asphalt Drive Repair	SY	290	$ 24.00	$ 6,960.00	$ 60.00	$ 17,400.00	$ 44.00	$ 12,760.00	$ 60.00	$ 17,400.00	$ 150.00	$ 43,500.00		
72	Greenway Trail Replacement	SY	4,200	$ 80.00	$ 336,000.00	$ 42.50	$ 178,500.00	$ 39.00	$ 163,800.00	$ 55.00	$ 231,000.00	$ 125.00	$ 525,000.00		
73	Reinstall Greenway Bridge	EA	4	$ 12,000.00	$ 48,000.00	$ 15,000.00	$ 60,000.00	$ 10,300.00	$ 41,200.00	$ 20,000.00	$ 80,000.00	$ 10,000.00	$ 40,000.00		
74	Rock Excavation	CY	10,000	$ 0.01	$ 100.00	$ 125.00	$ 1,250,000.00	$ 61.00	$ 610,000.00	$ 95.00	$ 950,000.00	$ 150.00	$ 1,500,000.00		
75	Salvage and Reinstall 12" Culvert	LF	30	$ 40.00	$ 1,200.00	$ 100.00	$ 3,000.00	$ 57.00	$ 1,710.00	$ 100.00	$ 3,000.00	$ 35.00	$ 1,050.00		
76	Salvage and Reinstall 24" Culvert	LF	113	$ 40.00	$ 4,520.00	$ 100.00	$ 11,300.00	$ 57.00	$ 6,441.00	$ 110.00	$ 12,430.00	$ 70.00	$ 7,910.00		
77	Salvage and Reinstall 30" Culvert	LF	40	$ 40.00	$ 1,600.00	$ 100.00	$ 4,000.00	$ 69.00	$ 2,760.00	$ 130.00	$ 5,200.00	$ 85.00	$ 3,400.00		
78	18" RCP Culvert	LF	35	$ 50.00	$ 1,750.00	$ 175.00	$ 6,125.00	$ 67.00	$ 2,345.00	$ 125.00	$ 4,375.00	$ 150.00	$ 5,250.00		
79	36" Class V RCP Culvert	LF	30	$ 80.00	$ 2,400.00	$ 255.00	$ 7,650.00	$ 140.00	$ 4,200.00	$ 275.00	$ 8,250.00	$ 250.00	$ 7,500.00		
80	Bypass Pumping	LS	1	$ 975,000.00	$ 975,000.00	$ 692,588.20	$ 692,588.20	$ 202,000.00	$ 202,000.00	$ 200,000.00	$ 200,000.00	$ 200,000.00	$ 200,000.00		
81	Salvage and Reinstall Fence	LF	1,360	$ 55.00	$ 74,800.00	$ 25.00	$ 34,000.00	$ 11.00	$ 14,960.00	$ 8.00	$ 10,880.00	$ 15.00	$ 20,400.00		
82	Silt Fence/Tree Protection Fence	LF	13,500	$ 3.50	$ 47,250.00	$ 3.75	$ 50,625.00	$ 2.30	$ 31,050.00	$ 5.00	$ 67,500.00	$ 6.00	$ 81,000.00		
83	Silt Fence Outlet	EA	70	$ 125.00	$ 8,750.00	$ 175.00	$ 12,250.00	$ 110.00	$ 7,700.00	$ 325.00	$ 22,750.00	$ 300.00	$ 21,000.00		
84	Check Dam	EA	5	$ 200.00	$ 1,000.00	$ 250.00	$ 1,250.00	$ 330.00	$ 1,650.00	$ 30.00	$ 150.00	$ 150.00	$ 750.00		
85	Catch Basin Inlet Protection	EA	4	$ 200.00	$ 800.00	$ 375.00	$ 1,500.00	$ 275.00	$ 1,100.00	$ 225.00	$ 900.00	$ 350.00	$ 1,400.00		
86	Pipe Inlet Protection	EA	8	$ 200.00	$ 1,600.00	$ 700.00	$ 5,600.00	$ 645.00	$ 5,160.00	$ 225.00	$ 1,800.00	$ 350.00	$ 2,800.00		
87	Construction Entrance	EA	3	$ 1,500.00	$ 4,500.00	$ 2,000.00	$ 6,000.00	$ 3,800.00	$ 11,400.00	$ 4,000.00	$ 12,000.00	$ 5,000.00	$ 15,000.00		
88	Stream Bypass	EA	6	$ 8,000.00	$ 48,000.00	$ 6,500.00	$ 39,000.00	$ 4,600.00	$ 27,600.00	$ 85,000.00	$ 510,000.00	$ 30,000.00	$ 180,000.00		
89	Connect Existing Arbors Force Main to Existing Manhole	LS	1	$ 20,000.00	$ 20,000.00	$ 5,000.00	$ 5,000.00	$ 20,900.00	$ 20,900.00	$ 20,000.00	$ 20,000.00	$ 15,000.00	$ 15,000.00		
90	Connect Existing Summerlyn Force Main to Existing Manhole	LS	1	$ 20,000.00	$ 20,000.00	$ 5,000.00	$ 5,000.00	$ 10,500.00	$ 10,500.00	$ 18,000.00	$ 18,000.00	$ 15,000.00	$ 15,000.00		

Project Bid Tabulation				11/3/2021													
Town of Clayton - Neuse River WRF - Little Creek Wastewater Transmission Linework Improvements Neuse River Water Reclamation Facility Project No.: CS370431-07 WithersRavenel Project No. 02190247.00				Moffat Pipe, Inc.		T.A. Loving		J.F. Wilkerson Contracting Co., Inc.		S.J. Louis Construction, Inc.		Engineer's Estimate for Opinion of Probable Cost	
Item No.	Item Description	Unit	Est. Quan.	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price
91	Remove and Replace Unsuitable Material with #67 Stone	TN	500	$ 20.00	$ 10,000.00	$ 40.00	$ 20,000.00	$ 59.00	$ 29,500.00	$ 50.00	$ 25,000.00	$ 75.00	$ 37,500.00
92	Security Fencing	LF	140	$ 45.00	$ 6,300.00	$ 50.00	$ 7,000.00	$ 22.00	$ 3,080.00	$ 10.00	$ 1,400.00	$ 30.00	$ 4,200.00
93	Site Restoration	LS	1	$ 120,000.00	$ 120,000.00	$ 175,000.00	$ 175,000.00	$ 89,100.00	$ 89,100.00	$ 48,354.00	$ 48,354.00	$ 40,000.00	$ 40,000.00
94	Cut In and Plug Neuse 2 PS 12-inch FM Near Front Street to Abandon line.	LS	1	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 16,500.00	$ 16,500.00	$ 5,000.00	$ 5,000.00	$ 3,000.00	$ 3,000.00
SUBTOTAL - SECTION II - GRAVITY SEWER				**$9,592,010.00**		**$11,017,313.20**		**$8,276,636.00**		**$11,252,209.00**		**$9,795,460.00**	
CONSTRUCTION TOTAL SECTION I, FORCE MAIN AND II, GRAVITY SEWER				**$13,334,665.00**		**$14,581,175.00**		**$11,557,421.00**		**$15,223,844.00**		**$13,334,940.00**	
SECTION III - DURHAM STREET WATERLINE REPLACEMENT													
1	6" DIP Class 350 or SDR 21 PVC Water Line	LF	200	$ 105.00	$ 21,000.00	$ 60.00	$ 12,000.00	$ 97.00	$ 19,400.00	$ 90.78	$ 18,156.00	$ 120.00	$ 24,000.00
2	MJ Solid Sleeve Connection to Existing Water Line	LS	1	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 1,300.00	$ 1,300.00	$ 11,000.00	$ 11,000.00	$ 3,000.00	$ 3,000.00
3	Abandon Existing Water Service	LS	1	$ 800.00	$ 800.00	$ 2,000.00	$ 2,000.00	$ 1,900.00	$ 1,900.00	$ 7,000.00	$ 7,000.00	$ 1,000.00	$ 1,000.00
4	Cut and Plug Ex. Water Line and Remove Valve	LS	1	$ 1,800.00	$ 1,800.00	$ 5,000.00	$ 5,000.00	$ 2,700.00	$ 2,700.00	$ 20,000.00	$ 20,000.00	$ 3,000.00	$ 3,000.00
5	Remove and Replace Water Meter	EA	1	$ 1,100.00	$ 1,100.00	$ 1,750.00	$ 1,750.00	$ 2,100.00	$ 2,100.00	$ 2,000.00	$ 2,000.00	**$ 1,200.00**	$ 1,200.00
6	New Water Service Line	EA	1	$ 1,800.00	$ 1,800.00	$ 3,575.00	$ 3,575.00	$ 440.00	$ 440.00	$ 4,000.00	$ 4,000.00	**$ 1,900.00**	$ 1,900.00
7	Abandon Existing 1-1/2" Galv. Water Line	LS	1	$ 1,700.00	$ 1,700.00	$ 5,000.00	$ 5,000.00	$ 1,800.00	$ 1,800.00	$ 4,000.00	$ 4,000.00	$ 1,000.00	$ 1,000.00
SUBTOTAL - SECTION III - DURHAM STREET WATERLINE REPLACEMENT				**$33,200.00**		**$34,325.00**		**$29,640.00**		**$66,156.00**		**$35,100.00**	
TOTAL BID AMOUNT SECTION I,FORCE MAIN-SECTION II, GRAVITY SEWER AND SECTION III, DURHAM STREET WATERLINE REPLACEMENT				**$13,367,865.00**		**$14,615,500.00**		**$11,587,061.00**		**$15,290,000.00**		**$13,370,040.00**	

By: DocuSigned by: Michael Wicker
CF2CBAE2882C404...
Michael Wicker, P.E.

Date: November 3, 2021

11/4/2021

NORTH CAROLINA PROFESSIONAL SEAL 11325 ENGINEER MICHAEL C. WICKER

WithersRavenel
Our People. Your Success.

November 4, 2021

Richard D. Cappola, Jr., Town Manager
Town of Clayton
116 East Second Street
Clayton, North Carolina 27520

RE: Neuse River WRF – Little Creek Wastewater Transmission Linework Contract I
Neuse River Water Reclamation Facility Project No.: CS370431-07
Bid Results and Recommendation of Award
WR Project No. 02190247.00

Dear Mr. Cappola:

Please find attached a bid summary sheet and certified bid tabulation of the bids received for the subject project on November 3, 2021 at 2:00 pm at the Town Hall. Four (4) bidders provided bids for the project.

The low bidder was:

J.F. Wilkerson Contracting Company, Inc.
10710 Chapel Hill Road
Morrisville, NC 27560

The total bid amount is $11,587,061.00. We recommend tentative award to the low bidder, J.F. Wilkerson Contracting Company, Inc. in this amount.

A tentative resolution of award pending NCDWI-SRF approval is attached for Board action. Pending NCDWI-SRF approval a Notice to Award will be drafted for signature and contract documents for execution.

If you need further information, please do not hesitate to call.

Sincerely,

WITHERSRAVENEL

Michael C. Wicker

Michael C. Wicker, P.E.
Project Manager

Attachments:
Bid Summary
Certified Bid Tabulation
Tentative Resolution of Award
J.F. Wilkerson Contracting Company Bid Package

115 MacKenan Drive | Cary, NC 27511
t: 919.469.3340 | f: 919.467.6008 | www.withersravenel.com | License No. C-0832
Cary | Greensboro | Pittsboro | Raleigh | Wilmington

Resolution #2021-61

RESOLUTION OF TENTATIVE AWARD

WHEREAS, the Town of Clayton, North Carolina has received bids, pursuant to duly advertisement notice therefore, for construction of the Neuse River WRF – Little Creek Wastewater Transmission Linework Contract for the Neuse River Water Reclamation Facility Project No.: CS370431-07, and

WHEREAS, WithersRavenel, the Town Consulting Engineers, have reviewed the bids; and

WHEREAS, J.F. Wilkerson Contracting Company was the lowest bidder for the Neuse River WRF - Little Creek Wastewater Transmission Linework Contract, in the total bid amount of $11,587,061.00, and

WHEREAS, WithersRavenel recommend **TENTATIVE AWARD** to J.F. Wilkerson Contracting Company the lowest bidder.

NOW, THERE FORE, BE IT RESOLVED that TENTATIVE AWARD is made to J.F. Wilkerson Contracting Company, in the Total Bid Amount of $11,587,061.00.

BE IT FURTHER RESOLVED that such TENTATIVE AWARD be contingent upon the approval of the North Carolina Department of Environmental Quality.

Upon motion of _____, seconded by_____, the above **RESOLUTION** was unanimously adopted.

Duly adopted this the 15th day of November 2021 while in regular session.

_____
Jody McLeod
Mayor

Attest:

_____
Kimberly Moffett, CMC, NCCMC
Town Clerk

Town Council Agenda Cover Sheet

Meeting Date
November 15, 2021

Agenda Location
Old Business

Item Title

WRF Funding Package No.2

Presenter

TOC Project Team

Summary/Description

Gannett Fleming is requesting for Funding Package No.2, which includes Sitework, Concrete Structures and Building Slabs, Under-slab Ductile and Plumbing, Clarifiers, and remaining Scope for the D110 Tanks. These areas were competitively bid, and the proposals can be found in the agenda packet for review. Upon Council approval the vendors will begin producing shop-drawings, which will be reviewed by Gannett Fleming (who's Construction Administration fee is included in this package). There will also be further consideration put forth by the Project Team to value engineer these areas of work for potential cost savings.

The Team is also requesting approval for the Budget Amendment for the 641 Fund, which includes the Closing Fee for the additional $80M SRF Loan that was recently approved by the LGC.

Requested Action
Approval

Funding Source (If Applicable):
CWSRF

Cost: **$37,387,459** **Yes** ☒ **No** ☐

Additional Documents to be Included in Agenda Packet

Funding Request 002
Bid Information for Concrete, Sitework, and Plumbing
Fund 641 Budget Amendment_SRF Closing Fee

Meeting Timeline
Click or tap here to enter text.

Gannett Fleming

Excellence Delivered ***As Promised***

November 8, 2021

Town of Clayton
111 E. Second Street, PO Box 879
Clayton, North Carolina 27528

Attn: Mr. Louis Duffie
Asst. Program Manager

RE: Funding Request 002, Rev. 0
ToC New Neuse River Water Reclamation Facility

Dear Louis,

Gannett Fleming Project Development Corp (GFPDC) is formally submitting Funding Request 002 for your review and approval. The details of this request have been included for your review. Additional details for each funding package referenced below are available in Procore and can be made available at your request.

The funding approval that is being requested is for the following:

- **Prestressed Concrete Tanks** (SOW001): Construction of the tanks. Engineering of the tanks was requested and approved in Funding 001.
- **Sitework** (SOW003). The sitework number that is being presented is based on the early Major Site Plan submittal. The Major Site Plan submittal has been updated/revised and is being resubmitted on November 8, 2021. Subcontractor pricing will need to be adjusted if the scope of work has been defined differently than the subcontractor's bid assumptions or additional work has been added. An amended sitework funding request will be presented with Funding Request 003 if needed.
- **Under Slab Plumbing** (SOW004): Construction of the plumbing systems that are located under concrete slabs.
- **Under Slab Ductile Iron Piping** (SOW005): This funding package will close on November 10, 2021, due to the ToC request to encase the pipe in concrete. We are using our preliminary numbers from the pipe bid without concrete encasement for requesting the funds. An amended under slab ductile iron piping funding request will be presented with Funding Request 003 if needed.
- **Concrete Structures and Building Slabs** (SOW009): Construction of the structures and slabs as outlined in the documents. Also included with this package are structural embeds and anchor bolts defined in the construction drawings. Refer to the Structural Steel and Misc. Metals section.
- **Clarifiers** (SOW011): This funding package has been readvertised due to the ToC's acceptance of CROM's proposal for internal launders and also to allow for proposal adjustments to address the full-length bridge for the middle clarifier. The bid will close on November 9, 2021. We are using our preliminary bid numbers for requesting the funds. An amended clarifier funding request will be presented with Funding Request 003 if needed.
- **Construction Management Fees:** Associated allowances for management fees per the terms of the contract.

Gannett Fleming Project Development Corporation
Suite 900• One Glenwood Avenue Raleigh, NC 27603
t: 919-420-7660 • f: 919-999-3632
www.**gannettfleming**.com

- **Insurance:** Associated Builders Risk as shown in the estimate.
- **Permits:** Associated allowances for permit fees as shown in the estimate.
- **Contingency:** Associated contingency allowances as shown in the estimate. Escalation has not been included.

Additional funding for this work may be needed and will be presented in subsequent funding requests if required.

GFPDC recommends approval and award of this request for funding in the amount of **$37,387,459** (thirty-seven million, three hundred eighty-seven thousand, four hundred fifty-nine dollars and 00/100). This is not a lump sum offer and is an estimate of costs. Approval of the funding request is required no later than **November 16, 2021**. Authorization after this date may cause project delays.

We respectfully request authorization for GFPDC to proceed with the award of this Scope of Work by having both Mr. Rich Cappola and the Finance Officer or Designee sign and date in the provided space below and returning an executed copy to GFPDC procurement (Lee White; lwhite@gfnet.com). Please let me know if you have any questions or require additional detail.

Sincerely,

Craig E. Crowther, PE
EPC Director, Senior Vice President

Town of Clayton

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

Rich Cappola	**Date**	**FINANCE OFFICER OR DESIGNEE**	**Date**

C: GFPDC Project Team

FUNDING REQUEST #002

Project : **Water Reclamation Facility**

Location : **Clayton, NC**

Owner : **Town of Clayton**

Engineer : **Gannett Fleming**

Estimator : **GFPDC**

Due Date : **11/10/21**

Size : **0** **SQFT**

Type Estimate : **Funding**

Schedule : **0** **wks**

Cost : **$37,387,459**
(Refer to Summary Tab for Breakdown)

Estimate No. : **002**

Revision: ***1***

Note 1: **This estimate does not represent the GMP or final contract amount.**

Planning | Engineering | Procurement | Construction Management | Commissioning

ESTIMATE SUMMARY

Project : Water Reclamation Facility | **Issue Date :** 11/10/21 | **Budget Type :** Funding
Location : Clayton, NC | **Floor Area (SF) :** 0 | **Estimate No. :** 002
Owner : Town of Clayton | **Estimator :** GFPDC | **Revision :** 1

Item Description			Amount	
ESTIMATE SUMMARY BREAKDOWN				
DIVISIONS		(% of Directs)		
General Requirements		0.0%	$0	
Site Work		16.7%	$5,870,136	**Funding 002**
Concrete and Foundations		52.0%	$18,301,685	**Funding 002**
Masonry		0.0%	$0	
Structural Steel and Misc Metals		1.2%	$412,312	**Funding 002**
Carpentry		0.0%	$0	
Moisture Protection		0.0%	$0	
Doors and Windows		0.0%	$0	
Finishes		0.0%	$0	
Equipment		27.7%	$9,750,184	**Funding 002**
Furnishings-Building		0.0%	$0	
Specialties		0.0%	$0	
Fire Protection		0.0%	$0	
Plumbing		1.0%	$356,259	**Funding 002**
H V A C		0.0%	$0	
Piping		1.3%	$473,107	**Funding 002**
Electrical		0.0%	$0	
Instrumentation and Controls		0.0%	$0	
SUBTOTAL		100.0%	$35,163,682	
General Conditions		NIC	$0	
SUBTOTAL			$35,163,682	
Insurance Builders Risk	0.10 Per $100 value	Allowance	$35,164	**Funding 002**
General Liability-Directs-Paid to GFPDC	$4.29 Per $1,000 payroll	Allowance	$0	
GFPDC Payment and Performance Bond		Allowance	$0	
SUBTOTAL			$35,198,846	
Erosion Control		NIC	$0	
General Building Permit (On Directs)		Allowance	$76,557	**Funding 002**
ATC		Not Req'D	$0	
NPDES-Major Impact Fee (Does not include express fee)		NIC	$0	
Nationwide Permit #7-Application/Labor		By ToC	$0	
Nationwide Permit #7		NIC	$0	
General Plan Reviews/Inspections		NIC	$0	
SUBTOTAL			$35,275,403	
Management Fee-Dir Costs, Insur, Bonds, Permits, GCs	2.0%		$705,508	**Funding 002**
Phase 1 Services-60% Design, Precon and Geotech		Approved	$0	
Phase 1 Services-Change Orders		Amendment 1	$0	
Design Labor-GF Phase 2		Amendment 1	$0	
Pending Change Orders-IPS and Headworks		Pending	$0	
Const Admin-Design Team (Time and Material)	(For Shop Dwgs, RFI's, Record Dwgs, Startup Supt)	NIC		
SUBTOTAL			$35,980,912	
GFPDC Contingency On Direct Cost	4.0%	Allowance	$1,406,547	**Funding 002**
SUBTOTAL			$37,387,459	
Special Inspections-Structural, Masonry, Concrete, Sitework		Incl W/Trades	$0	
Escalation	0.0%	NIC	$0	
TOTAL ESTIMATE SUMMARY BREAKDOWN			**$37,387,459**	

ESTIMATE

Project : Water Reclamation Facility | **Issue Date :** 11/08/21 | **Budget Type :** Funding
Location : Clayton, NC | **Floor Area (SF) :** 0 | **Estimate No. :** 002
Owner : Town of Clayton | **Estimator :** GFPDC | **Revision :** 0

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Subcontract Name	Total Cost	Subtotal
SITE WORK							**$5,870,136**
Mobilization/Layout							
Mobilization-Site	1	ls	40,000.00	40,000	**KLB #663**	40,000	**Funding 002**
Demobilization-Site	1	ls	38,000.00	38,000	**KLB #663**	38,000	**Funding 002**
General Conditions, Safety, Training, Drug Testing, Supervision	1	ls	175,000.00	175,000	**KLB #663**	175,000	**Funding 002**
Trench Shoring Equipment	1	ls	25,000.00	25,000	**KLB #663**	25,000	**Funding 002**
Barricades	1	ls	15,000.00	15,000	**KLB #663**	15,000	**Funding 002**
As-Builts	1	ls	22,500.00	22,500	**KLB #663**	22,500	**Funding 002**
Site Demolition/Prep							
Site Security Lighting-(4) Pole Lights-Rental/Power	0	mo	0.00	0	**Below**	0	**Funding 002**
Prestressed Tank Dewatering-EQ and Clarifier	0	al	0.00	0	**Below**	0	**Funding 002**
General Dewatering	0	al	0.00	0	**Below**	0	**Funding 002**
Erosion Control							
Erosion Control Maintenance	1	al	48,750.00	48,750	**KLB #663**	48,750	**Funding 002**
Inlet Protection	65	ea	375.00	24,375	**KLB #663**	24,375	**Funding 002**
Install and Remove Gutter Buddies	62	ea	525.00	32,550	**KLB #663**	32,550	**Funding 002**
Rip Rap	45	tons	95.00	4,275	**KLB #663**	4,275	**Funding 002**
Construction Entrance-Front (If Required prior to Paving)	0	al	0.00	0	**Below**	0	**Funding 002**
Construction Entrancce-Rear	1	ls	2,750.00	2,750	**KLB #663**	2,750	**Funding 002**
Install Silt Fence with Post Caps-Road (Parallel to Exist)	0	lf	5.25	0	**Below**	0	**Funding 002**
Install Silt Fence with Post Caps-Temporary/Misc	1,208	lf	5.25	6,342	**KLB #663**	6,342	**Funding 002**
Install Combination Tree/Silt Fence with Post Caps-Site	5,041	lf	5.50	27,726	**KLB #663**	27,726	**Funding 002**
Install Silt Fence Outlets-Site (Stock Pile)	2	ea	450.00	900	**KLB #663**	900	**Funding 002**
Install Silt Fence Outlets-Site	13	ea	450.00	5,850	**KLB #663**	5,850	**Funding 002**
Update Existing Silt Fence Outlets-Road	0	ea	0.00	0	**Below**	0	**Funding 002**
Diversion Ditches W/ Matting/Seed	2,225	lf	7.50	16,688	**KLB #663**	16,688	**Funding 002**
Rock Check Dams-(Dwg C02-70)	13	ea	575.00	7,475	**KLB #663**	7,475	**Funding 002**
Demo Silt Fence-Temporary	1,208	lf	3.75	4,530	**KLB #663**	4,530	**Funding 002**
Demo Silt Fence-Combination Site	0	lf	0.00	0	**Below**	0	**Funding 002**
Demo Silt Fence-Road (Existing left by Providence)	0	lf	0.00	0	**Below**	0	**Funding 002**
Demo Silt Fence-Road (New)	0	lf	0.00	0	**Below**	0	**Funding 002**
Temporary Sediment Basin #1 (Small)	1	ls	18,760.00	18,760	**KLB #663**	18,760	**Funding 002**
Excavate	0	cy	0.00	0	**Above**	0	**Funding 002**
Baffles	0	ea	0.00	0	**Above**	0	**Funding 002**
Emergency Spillway	0	al	0.00	0	**Above**	0	**Funding 002**
Skimmer	0	al	0.00	0	**Above**	0	**Funding 002**
Outlet	0	al	0.00	0	**Above**	0	**Funding 002**
Slope Drain	0	ea	0.00	0	**Above**	0	**Funding 002**
Demo Temporary Sediment Basin #1 (Small)	1	ls	12,975.00	12,975	**KLB #663**	12,975	**Funding 002**
Fill/Compact	0	cy	0.00	0	**W/ Grading #s**	0	**Funding 002**
Temporary Sediment Basin #2 (Large)	1	ls	88,695.00	88,695	**KLB #663**	88,695	**Funding 002**
Excavate	0	cy	0.00	0	**Above**	0	**Funding 002**
Baffles	0	ea	0.00	0	**Above**	0	**Funding 002**
Emergency Spillway	0	al	0.00	0	**Above**	0	**Funding 002**
Skimmer	0	al	0.00	0	**Above**	0	**Funding 002**
Outlet	0	al	0.00	0	**Above**	0	**Funding 002**
Slope Drain	0	ea	0.00	0	**Above**	0	**Funding 002**
Demo Temporary Sediment Basin #2 (Large)	1	ls	66,020.00	66,020	**KLB #663**	66,020	**Funding 002**
Fill/Compact	0	cy	0.00	0	**W/ Grading #s**	0	**Funding 002**

ESTIMATE

Project : Water Reclamation Facility | **Issue Date :** 11/08/21 | **Budget Type :** Funding
Location : Clayton, NC | **Floor Area (SF) :** 0 | **Estimate No. :** 002
Owner : Town of Clayton | **Estimator :** GFPDC | **Revision :** 0

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Subcontract Name	Total Cost	Subtotal
Add Additional Diversion Ditches and Regrade After Demo of Sediment Basin #2-If required	0	ea	0.00	0	**Below**	0	**Funding 002**
Sediment Basin #3 (To be Converted to Perm)	1	ea	34,495.00	34,495	**KLB #663**	34,495	**Funding 002**
Excavate	0	cy	0.00	0	**Above**	0	**Funding 002**
Baffles	0	ea	0.00	0	**Above**	0	**Funding 002**
4'X4' Pond riser with 8" GV, Trash Rack	0	ea	0.00	0	**Above**	0	**Funding 002**
Skimmer	0	ea	0.00	0	**Above**	0	**Funding 002**
24" RCP Outlet-Temp	0	ft	0.00	0	**Above**	0	**Funding 002**
Concrete and washstone pipe cradle for outlet	0	ls	0.00	0	**Above**	0	**Funding 002**
Riprap Spillways-Temp Basins	0	tn	0.00	0	**Above**	0	**Funding 002**
Temporary Seed/Straw	0	ac	0.00	0	**Above**	0	**Funding 002**
Dewater and Demuck Sediment Basin #3 and Convert	1	ls	25,520.00	25,520	**KLB #663**	25,520	**Funding 002**
General Maintenance of Basins	0	al	0.00	0	**Below**	0	**Funding 002**
Maintenance/Repair of Silt Fence-Site	0	al	0.00	0	**Below**	0	**Funding 002**
Maintenance/Repair of Silt Fence-Access Road	0	al	0.00	0	**Below**	0	**Funding 002**
Temporary Inlet Protection- (Phase 2 Erosion Control)	0	ea	0.00	0	**Below**	0	**Funding 002**
Temporary Seed and Straw-Site	10	ac	2,850.00	28,500	**KLB #663**	28,500	**Funding 002**
Temporary Seed and Straw-Soil Storage	0	al	0.00	0	**Below**	0	**Funding 002**
Clearing/Grubbing/Grading							
Cut to Fill On-Site	51,175	cy	6.50	332,638	**KLB #663**	332,638	**Funding 002**
Excavate for Bioreactor, EQ Tanks and Pad, Aerator Tanks and Pad, Stockpile On Site (Clarifiers in Cut/Export)	6,464	cy	8.50	54,942	**KLB #663**	54,942	**Funding 002**
Cut, Export to off-site storage, load and return to site as needed and place	4,844	cy	38.00	184,072	**KLB #663**	184,072	**Funding 002**
Off-Site Fill Storage	24	mo	1,250.00	30,000	**KLB #663**	30,000	**Funding 002**
Establish Rough Grade for Site	104,753	sy	1.15	120,466	**KLB #663**	120,466	**Funding 002**
Fine Grade all Subgrades for Impervious Surfaces (paving, concrete, building pads)	40,750	sy	2.25	91,688	**KLB #663**	91,688	**Funding 002**
Final Backfill Curb	7,316	lf	2.25	16,461	**KLB #663**	16,461	**Funding 002**
Final Grade	1	ls	15,500.00	15,500	**KLB #663**	15,500	**Funding 002**
Roads							
Temporary Road-For ToC Access During Conststruction-Dwg C02-70							
Install Geotech Fabric	4,231	sy	3.75	15,866	**KLB #663**	15,866	**Funding 002**
Install 4" #57 Stone to Fill Mat Grid	712	tons	35.00	24,920	**KLB #663**	24,920	**Funding 002**
Temporary Road-Site Circulation-1731ft additional-Logging Mats	220	ea	875.00	192,500	**KLB #663**	192,500	**Funding 002**
Site Circulation Access Road for Construction							
Grading	3,850	sy	1.50	5,775	**KLB #663**	5,775	**Funding 002**
Grading Allowance Beyond KLB #663 based on 2000 lf	0	sy	0.00	0	**Below**	0	**Funding 002**
Install Geotech Fabric	3,850	sy	3.75	14,438	**KLB #663**	14,438	**Funding 002**
Geotech Allowance Beyond KLB #663 based on 2000 lf	0	sy	0.00	0	**Below**	0	**Funding 002**
Install 4" ABC	850	tons	28.00	23,800	**KLB #663**	23,800	**Funding 002**
4" ABC Allowance Beyond KLB #663 based on 2000 lf	0	tons	0.00	0	**Below**	0	**Funding 002**
Install 4" #57 Stone to Fill Mat Grid	650	tons	35.00	22,750	**KLB #663**	22,750	**Funding 002**
#57 Allowance Beyond KLB #663 based on 2000 lf	0	tons	0.00	0	**Below**	0	**Funding 002**
Temporary Road-Site Circulation-1564 ft additional-Logging Mats	200	ea	875.00	175,000	**KLB #663**	175,000	**Funding 002**
Demo Logging Matts and temp stone base	1	al	39,900.00	39,900	**KLB #663**	39,900	**Funding 002**
Site Circulation Road							
Install 8" ABC	13,076	sy	12.32	161,096	**KLB #663**	161,096	**Funding 002**
Fine Grade, Wet, Set and Compact Stone Base	13,076	sy	2.75	35,959	**KLB #663**	35,959	**Funding 002**
Install 3" I-19.0C binder, 2" 9.5B Surface	13,076	sy	34.75	454,391	**KLB #663**	454,391	**Funding 002**

ESTIMATE

Project : Water Reclamation Facility | **Issue Date :** 11/08/21 | **Budget Type :** Funding
Location : Clayton, NC | **Floor Area (SF) :** 0 | **Estimate No. :** 002
Owner : Town of Clayton | **Estimator :** GFPDC | **Revision :** 0

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Subcontract Name	Total Cost	Subtotal
Access Road from O'Neil St to Site							
Remove Construction Entrance	1	ls	3,250.00	3,250	**KLB #663**	3,250	**Funding 002**
Sawcut Existing Asphalt	100	lf	5.75	575	**KLB #663**	575	**Funding 002**
Extend 15" RCP 24 LF plus FES	1	ls	2,250.00	2,250	**KLB #663**	2,250	**Funding 002**
Traffic Control for Entry Repairs	2	days	1,475.00	2,950	**KLB #663**	2,950	**Funding 002**
Install 2" ABC on top of Existing 6" ABC	10,355	sy	3.25	33,654	**KLB #663**	33,654	**Funding 002**
Fine Grade Wet and Set Stone Base	10,355	sy	2.75	28,476	**KLB #663**	28,476	**Funding 002**
Install 3" I-19.0C Binder Course	10,355	sy	22.50	232,988	**KLB #663**	232,988	**Funding 002**
Clean and Prep Existing Binder for Overlay	1	ls	10,500.00	10,500	**KLB #663**	10,500	**Funding 002**
Track and Install Final 2" S9.5B Lift	10,355	sy	12.25	126,849	**KLB #663**	126,849	**Funding 002**
Backfill EOP with Onsite Soils	8,400	lf	2.00	16,800	**KLB #663**	16,800	**Funding 002**
Admin Parking Lot							
Install 8" ABC	730	sy	12.32	8,994	**KLB #663**	8,994	**Funding 002**
Fine Grade Wet, Set and Compact Stone Base	730	sy	2.75	2,008	**KLB #663**	2,008	**Funding 002**
HD Paving -Install 3" I-19.0C binder, 2" 9.5B Surface	288	sy	34.75	10,008	**KLB #663**	10,008	**Funding 002**
LD Paving-Install (2) 1.5" Lifts of S9.5B	442	sy	32.00	14,144	**KLB #663**	14,144	**Funding 002**
HD Paving Option to Replace LD Paving	0	sy	0.00	0	**Below**	0	**Funding 002**
Bollards (Foundation, Pipe Only)-Truck Scale	17	ea	575.00	9,775	**KLB #663**	9,775	**Funding 002**
GFPDC Trailer Prep							
Fine Grade Trailer Parking Area	2,789	sy	2.00	5,578	**KLB #663**	5,578	**Funding 002**
Install Geotech Fabric	2,789	sy	3.75	10,459	**KLB #663**	10,459	**Funding 002**
Install 8" ABC Stone	1,363	tons	28.00	38,164	**KLB #663**	38,164	**Funding 002**
Wet Set and Compact ABC	2,789	sy	1.50	4,184	**KLB #663**	4,184	**Funding 002**
Removal of Temp Parking/Trailer Pads	1	ls	27,750.00	27,750	**KLB #663**	27,750	**Funding 002**
Removal of Temp Parking/Trailer Pads (Duplicate KLB Bid)	(1)	ls	27,750.00	(27,750)	**KLB #663**	(27,750)	**Funding 002**
Removal of Temp Parking/Trailer Pads	1	ls	49,770.00	49,770	**KLB #663**	49,770	**Funding 002**
Stone Areas and Parking-Vehicle/Material							
Install Geotech Fabric W/ 6" Washstone	763	sy	13.80	10,529	**KLB #663**	10,529	**Funding 002**
Fine Grade, Wet and Set ABC (2X)	1,542	sy	16.07	24,780	**KLB #663**	24,780	**Funding 002**
Stone Driveway to EQ Pump Pad (Fabric w/ 8" stone)	121	sy	16.07	1,944	**KLB #663**	1,944	**Funding 002**
Storm Drainage							
15" RCP	2,671	ft	44.96	120,088	**KLB #663**	120,088	**Funding 002**
15" FES	4	ea	1,175.00	4,700	**KLB #663**	4,700	**Funding 002**
18" RCP	424	ft	51.00	21,624	**KLB #663**	21,624	**Funding 002**
24" RCP	1,017	ft	68.75	69,919	**KLB #663**	69,919	**Funding 002**
36" RCP	625	ft	114.00	71,250	**KLB #663**	71,250	**Funding 002**
RCP Bedding (KLB Did Not Include)	0	ft	0.00	0	**Below**	0	**Funding 002**
15" Box	43	ea	2,650.00	113,950	**KLB #663**	113,950	**Funding 002**
18" Box	6	ea	3,250.00	19,500	**KLB #663**	19,500	**Funding 002**
24" Box	10	ea	4,225.00	42,250	**KLB #663**	42,250	**Funding 002**
36" Box	5	ea	4,850.00	24,250	**KLB #663**	24,250	**Funding 002**
36" FES	1	ls	3,675.00	3,675	**KLB #663**	3,675	**Funding 002**
4" PVC	160	ft	23.20	3,712	**KLB #663**	3,712	**Funding 002**
4" PVC Bends	11	ea	125.00	1,375	**KLB #663**	1,375	**Funding 002**
4" Non-Traffic CO	2	ea	425.00	850	**KLB #663**	850	**Funding 002**
4" Gate Valve with Box	1	ls	1,725.00	1,725	**KLB #663**	1,725	**Funding 002**
8" PVC	100	ft	35.92	3,592	**KLB #663**	3,592	**Funding 002**
8" PVC Bends	3	ea	175.00	525	**KLB #663**	525	**Funding 002**
8" Traffic Rated CO	2	ea	675.00	1,350	**KLB #663**	1,350	**Funding 002**
12" PVC	160	ft	58.26	9,322	**KLB #663**	9,322	**Funding 002**
Storm Water Pond-Final							
Convert Sediment Pond #3 to Perm	1	ls	0.00	0	**Above W/ Eros Ctrl**	0	

ESTIMATE

Project : Water Reclamation Facility | **Issue Date :** 11/08/21 | **Budget Type :** Funding
Location : Clayton, NC | **Floor Area (SF) :** 0 | **Estimate No. :** 002
Owner : Town of Clayton | **Estimator :** GFPDC | **Revision :** 0

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Subcontract Name	Total Cost	Subtotal
Water:							
6" Valves (KLB Priced using a 12" GV)-Below	0	ea	0.00	0	**NIC**	0	
Water-Influent Road 6" DIP (Dwg C02-31 and 32) (CL 50)	1,020	ft	51.95	52,989	**KLB #663**	52,989	**Funding 002**
12" Gate Valves (Dwgs show (3) 12" and (1) 6")	4	ea	4,445.00	17,780	**KLB #663**	17,780	**Funding 002**
Water-Site Road 12" DIP (Dwg C031 and 32) (CL 50)	2,480	ft	82.37	204,278	**KLB #663**	204,278	**Funding 002**
12" DIP Bends with Blocking	10	ea	1,545.00	15,450	**KLB #663**	15,450	**Funding 002**
Connect to Existing-12" DIP	1	al	2,450.00	2,450	**KLB #663**	2,450	**Funding 002**
1 1/2" DW Water Service	1	ls	3,250.00	3,250	**KLB #663**	3,250	**Funding 002**
1 1/2" DW Water Service-Missed in Bid	0	ls	0.00	0	**Below**	0	**Funding 002**
2" DW Water Service	3	ea	4,250.00	12,750	**KLB #663**	12,750	**Funding 002**
2" DW Water Service-Missed in Bid	0	ea	0.00	0	**Below**	0	**Funding 002**
Fire Hydrant Assembly (Dwg C02-42 #4/C02-42 #3)	7	ea	7,150.00	50,050	**KLB #663**	50,050	**Funding 002**
4" Flow Meter with 12" bypass-Site	1	ea	36,992.00	36,992	**KLB #663**	36,992	**Funding 002**
12" RPZ Backflow with Hotbox (Power by Others)	1	ea	55,605.00	55,605	**KLB #663**	55,605	**Funding 002**
2" RPZ-Concrete Water	0	al	0.00	0	**Below**	0	**Funding 002**
Temporary Water-Prestressed Tanks-Hose Rental	0	lf	0.00	0	**Below**	0	**Funding 002**
PVC Manifold-for Prestressed Tank Hoses	0	al	0.00	0	**Below**	0	**Funding 002**
Trailer Water							
12""x2" Tap on Existing Main w/ Gate Valve	1	ls	2,475.00	2,475	**KLB #663**	2,475	**Funding 002**
2" Copper Line	40	lf	41.45	1,658	**KLB #663**	1,658	**Funding 002**
2" Meter Setter and Vault	1	ls	3,782.00	3,782	**KLB #663**	3,782	**Funding 002**
2" RPZ with Hot Box	1	ls	3,250.00	3,250	**KLB #663**	3,250	**Funding 002**
Water Distribution Manifold	1	ls	5,735.00	5,735	**KLB #663**	5,735	**Funding 002**
Trench 2" PVC Service from Manifold to Site (To Be Used By D110 Vendor))	1,540	lf	6.75	10,395	**KLB #663**	10,395	**Funding 002**
Sanitary Sewer-Plant							
4' Dia Manhole-SS (Dwg C02-41 and C02-42)	14	ea	6,234.00	87,276	**KLB #663**	87,276	**Funding 002**
Pressure Test and Vacuum MHs	1	ls	5,226.00	5,226	**KLB #663**	5,226	**Funding 002**
ToC Ring and Cover	14	ea	350.00	4,900	**KLB #663**	4,900	**Funding 002**
Adjust Ring and Cover	10	ea	375.00	3,750	**KLB #663**	3,750	**Funding 002**
Stone Bedding for MHs	300	tons	35.00	10,500	**KLB #663**	10,500	**Funding 002**
8" SDR35-SS	1,742	lf	45.70	79,609	**KLB #663**	79,609	**Funding 002**
8" SDR35-SS (Not Accounted for in KLB #663)	0	lf	0.00	0	**Below**	0	**Funding 002**
8" SDR35-SS (Dwg C02-41)	625	lf	0.00	0	**Above**	0	
8" SDR35-SS (Dwg C02-42)	1,230	lf	0.00	0	**Above**	0	
6" PVC-SS (Dwg C02-41/42)-EQ Pump/Chem Bldg	180	lf	38.11	6,860	**KLB #663**	6,860	**Funding 002**
6" PVC-SS (Dwg C02-42)-RAS/WAS Pump Station-Incomplete	0	lf	0.00	0	**Below**	0	**Funding 002**
6" PVC-SS (Dwg C02-42)-UV-not shown	0	lf	0.00	0	**Below**	0	**Funding 002**
6" PVC-SS (Dwg C02-42)-Filter-not shown	0	lf	0.00	0	**Below**	0	**Funding 002**
4" PVC-SS	360	lf	33.20	11,952	**KLB #663**	11,952	**Funding 002**
4" PVC-SS (Not Accounted for in KLB #663)	0	lf	0.00	0	**Below**	0	**Funding 002**
4" PVC-SS (Dwg C02-41)-Head,Admin, Sludge, Maint, Chem	520	lf	0.00	0	**Above**	0	
4" PVC-SS (Dwg C02-42)-Elec Bldg #2	50	lf	0.00	0	**Above**	0	

ESTIMATE

Project : Water Reclamation Facility | **Issue Date :** 11/08/21 | **Budget Type :** Funding
Location : Clayton, NC | **Floor Area (SF) :** 0 | **Estimate No. :** 002
Owner : Town of Clayton | **Estimator :** GFPDC | **Revision :** 0

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Subcontract Name	Total Cost	Subtotal
Site Concrete							
Concrete Washout Pit-Dwg C02-70 Install/Removal	1	ea	3,250.00	3,250	**KLB #663**	3,250	**Funding 002**
Concrete Washout Pit-Maint/Cleanout	1	al	62,500.00	62,500	**KLB #663**	62,500	**Funding 002**
Drive Aprons	4	ea	2,400.00	9,600	**KLB #663**	9,600	**Funding 002**
30" Curb with 4" ABC Stone (Includes 5% for Waste)	7,316	lf	28.00	204,848	**KLB #663**	204,848	**Funding 002**
30" Curb with 4" ABC Stone (Includes 5% for Waste)	0	lf	0.00	0	**Below**	0	**Funding 002**
Sidewalk (Dwg C02-20) (Allows for 3rd Bioreactor Stairs, Plus 10% for Waste)	33,558	sf	4.50	151,011	**KLB #663**	151,011	**Funding 002**
Sidewalk (Dwg C02-20) (Allows for 3rd Bioreactor Stairs, Plus 10% for Waste)	0	sf	0.00	0	**Below**	0	**Funding 002**
H/C Ramps with Treads	9	ea	1,475.00	13,275	**KLB #663**	13,275	**Funding 002**
Dumpster Pads-6" ABC, 8" Thick Pad w/4000 psi	844	sf	14.50	12,238	**KLB #663**	12,238	**Funding 002**
Dumpster Approach	882	sf	14.50	12,789	**KLB #663**	12,789	**Funding 002**
Dumpster-12" Turndown	51	lf	25.00	1,275	**KLB #663**	1,275	**Funding 002**
Entrance Island	1	ea	3,450.00	3,450	**KLB #663**	3,450	**Funding 002**
Site Misc							
Road Crossing Conduits-Trailer Utilities	0	ea	0.00	0	**Below**	0	**Funding 002**
Liquidated Damages	0	days	0.00	0	**Below**	0	**Funding 002**
Liquidated Damages	0	days	6,000.00	0	**NIC**	0	
Misc							
Master Site Plan Reconciliation	1	ea	0.00	0	**W/ Contingency**	0	
Allowances							
Site Security Lighting-(4) Pole Lights-Rental/Power	6	mo	200.00	1,200	**Allowance**	1,200	**Funding 002**
Prestressed Tank Dewatering-EQ and Clarifier	2	al	35,000.00	70,000	**Allowance**	70,000	**Funding 002**
General Dewatering	1	al	50,000.00	50,000	**Allowance**	50,000	**Funding 002**
Construction Entrance-Front (If Required prior to Paving)	1	al	9,600.00	9,600	**Allowance**	9,600	**Funding 002**
Install Silt Fence with Post Caps-Road (Parallel to Exist)	8,400	lf	5.25	44,100	**Allowance**	44,100	**Funding 002**
Update Existing Silt Fence Outlets-Road	22	ea	450.00	9,900	**Allowance**	9,900	**Funding 002**
Demo Silt Fence-Combination Site	5,041	lf	4.75	23,945	**Allowance**	23,945	**Funding 002**
Demo Silt Fence-Road (Existing left by Providence)	8,400	lf	4.75	39,900	**Allowance**	39,900	**Funding 002**
Demo Silt Fence-Road (New)	8,400	lf	4.75	39,900	**Allowance**	39,900	**Funding 002**
Add Additional Diversion Ditches and Regrade After Demo of Sediment Basin #2-If required	1	ea	16,800.00	16,800	**Allowance**	16,800	**Funding 002**
General Maintenance of Basins	1	al	20,000.00	20,000	**Allowance**	20,000	**Funding 002**
Maintenance/Repair of Silt Fence-Site	1	al	7,800.00	7,800	**Allowance**	7,800	**Funding 002**
Maintenance/Repair of Silt Fence-Access Road	1	al	10,800.00	10,800	**Allowance**	10,800	**Funding 002**
Temporary Inlet Protection- (Phase 2 Erosion Control)	57	ea	680.00	38,760	**Allowance**	38,760	**Funding 002**
Temporary Seed and Straw-Soil Storage	1	al	10,000.00	10,000	**Allowance**	10,000	**Funding 002**
Grading Allowance Beyond KLB #663 based on 2000 lf	1,073	sy	1.50	1,610	**Allowance**	1,610	**Funding 002**
Geotech Allowance Beyond KLB #663 based on 2000 lf	1,073	sy	3.75	4,024	**Allowance**	4,024	**Funding 002**
4" ABC Allowance Beyond KLB #663 based on 2000 lf	237	tons	28.00	6,636	**Allowance**	6,636	**Funding 002**
#57 Allowance Beyond KLB #663 based on 2000 lf	181	tons	35.00	6,335	**Allowance**	6,335	**Funding 002**
HD Paving Option to Replace LD Paving	442	sy	2.75	1,216	**Allowance**	1,216	**Funding 002**
RCP Bedding (KLB Did Not Include)	4,741	ft	8.00	37,928	**Allowance**	37,928	**Funding 002**
1 1/2" DW Water Service-Missed in Bid	1	ls	3,250.00	3,250	**Allowance**	3,250	**Funding 002**
2" DW Water Service-Missed in Bid	1	ea	4,250.00	4,250	**Allowance**	4,250	**Funding 002**
2" RPZ-Concrete Water	1	al	3,250.00	3,250	**Allowance**	3,250	**Funding 002**
Temporary Water-Prestressed Tanks-Hose Rental	1,600	lf	4.71	7,534	**Allowance**	7,534	**Funding 002**
PVC Manifold-for Prestressed Tank Hoses	1	al	1,200.00	1,200	**Allowance**	1,200	**Funding 002**
8" SDR35-SS (Not Accounted for in KLB #663)	113	lf	45.70	5,164	**Allowance**	5,164	**Funding 002**
6" PVC-SS (Dwg C02-42)-RAS/WAS Pump Station-Incomplete	290	lf	38.11	11,052	**Allowance**	11,052	**Funding 002**
6" PVC-SS (Dwg C02-42)-UV-not shown	210	lf	38.11	8,003	**Allowance**	8,003	**Funding 002**
6" PVC-SS (Dwg C02-42)-Filter-not shown	190	lf	38.11	7,241	**Allowance**	7,241	**Funding 002**
4" PVC-SS (Not Accounted for in KLB #663)	210	lf	33.20	6,972	**Allowance**	6,972	**Funding 002**
30" Curb with 4" ABC Stone (Includes 5% for Waste)	597	lf	28.00	16,710	**Allowance**	16,710	**Funding 002**

ESTIMATE

Project : Water Reclamation Facility
Location : Clayton, NC
Owner : Town of Clayton
Issue Date : 11/08/21
Floor Area (SF) : 0
Estimator : GFPDC
Budget Type : Funding
Estimate No. : 002
Revision : 0

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Subcontract Name	Total Cost	Subtotal
Sidewalk (Dwg C02-20) (Allows for 3rd Bioreactor Stairs, Plus 10% for Waste)	4,767	sf	4.50	21,452	**Allowance**	21,452	**Funding 002**
Road Crossing Conduits-Trailer Utilities	4	ea	1,200.00	4,800	**Allowance**	4,800	**Funding 002**
Liquidated Damages	15	days	2,500.00	37,500	**Allowance**	37,500	**Funding 002**
Liquidated Damages	0	days	6,000.00	0	**NIC**	0	
Correction Compared to Rev 0 Issuance	1	al	7.00	7	**Allowance**	7	**Funding 002**
Variation	5,699,154	al	0%	0	**NIC**	0	
Bond On Grading Subcontractor	5,699,154	$$	3.00%	170,975	**Allowance**	170,975	**Funding 002**
TOTAL SITE WORK				5,870,136		5,870,136	5,870,136

ESTIMATE

Project : Water Reclamation Facility | **Issue Date :** 11/08/21 | **Budget Type :** Funding
Location : Clayton, NC | **Floor Area (SF) :** 0 | **Estimate No. :** 002
Owner : Town of Clayton | **Estimator :** GFPDC | **Revision :** 1

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Name	Total Cost	Subtotal
CONCRETE FOUNDATIONS AND SLABS							**$18,301,685**
Donley Proposal							
Base	1	ls	13,189,950.00	13,189,950	**Donley**	13,189,950	**Funding 002**
Alt 1-P&P Bond Base	1	ls	101,000.00	101,000	**Donley**	101,000	**Funding 002**
Alt 1-P&P Bond Adder	1	ls	57,384.00	57,384	**Donley**	57,384	**Funding 002**
Alt 2-IPS Excavate/Stockpile/Backfill	1	ls	1,300,000.00	1,300,000	**Donley**	1,300,000	**Funding 002**
Alt 3-Other Structures-Excavate/Stockpile/Backfill	1	ls	300,000.00	300,000	**Donley**	300,000	**Funding 002**
Alt 4-Hard Excavation	1	ls	724,500.00	724,500	**Donley**	724,500	**Funding 002**
Alt 4-Hard Excavation (GFPDC to hold)	(1)	ls	724,500.00	(724,500)	**Donley**	(724,500)	**Funding 002**
Alt 5-Embeds	1	ls	350,000.00	350,000	**Donley**	350,000	**Funding 002**
Alt 5-Embeds (Deduct for Trench Drains)	(1)	ls	21,500.00	(21,500)	**Donley**	(21,500)	**Funding 002**
Alt 6-Scum and Drain Pump	1	ls	120,000.00	120,000	**Donley**	120,000	**Funding 002**
Alt 6-Scum and Drain Pump (Removed allowance)	(1)	ls	120,000.00	(120,000)	**Donley**	(120,000)	**Funding 002**
Alt 7-Soil Pinning at West End	1	ls	290,000.00	290,000	**Donley**	290,000	**Funding 002**
Alt 8-Crack Injection After Leak Testing	1	ls	72,000.00	72,000	**Donley**	72,000	**Funding 002**
Alt 8-Crack Injection After Leak Testing (Hold)	(1)	ls	72,000.00	(72,000)	**Donley**	(72,000)	**Funding 002**
Alt 9-Macro Fiber	1	ls	80,000.00	80,000	**Donley**	80,000	**Funding 002**
Alt 10-Penetron (11,000 cy Concrete)	1	ls	350,000.00	350,000	**Donley**	350,000	**Funding 002**
Major Foundations/Concrete							
Indirects	1	ls	0.00	0	**Donley**	0	**Funding 002**
General Trades	1	ls	0.00	0	**Donley**	0	**Funding 002**
Reinforcing Package-Labor/Equipment	1	ls	0.00	0	**Donley**	0	**Funding 002**
Reinforcing Package-Material	1	ls	0.00	0	**Donley**	0	**Funding 002**
Influent Pump Station							
Dewatering Wells	0	ea	0.00	0	**Below**	0	**Funding 002**
Excavation-Weathered Rock	0	al	0.00	0	**Below**	0	**Funding 002**
Rock Removal-Blasting	0	al	0.00	0	**Below**	0	**Funding 002**
Excavation	2,760	cy	0.00	0	**Donley**	0	**Funding 002**
Excavation Engineering	1	ls	0.00	0	**Donley**	0	**Funding 002**
Excavation Shoring System	1	ls	0.00	0	**Donley**	0	**Funding 002**
Slab (Lower)	123	cy	0.00	0	**Donley**	0	**Funding 002**
Stone (Lower)	78	tons	0.00	0	**Donley**	0	**Funding 002**
Slab (Upper)	36	cy	0.00	0	**Donley**	0	**Funding 002**
Stone (Upper)	36	tons	0.00	0	**Donley**	0	**Funding 002**
Slab (Top)	103	cy	0.00	0	**Donley**	0	**Funding 002**
Exterior Walls (Base Box)	563	cy	0.00	0	**Donley**	0	**Funding 002**
Interior Walls (Base Box)	249	cy	0.00	0	**Donley**	0	**Funding 002**
Interior Walls (Lower Base Box)	25	cy	0.00	0	**Donley**	0	**Funding 002**
Exterior Walls (Upper Box)	34	cy	0.00	0	**Donley**	0	**Funding 002**
Pads/Misc	0	cy	0.00	0	**Below**	0	**Funding 002**
Grout	141	cy	0.00	0	**Donley**	0	**Funding 002**

ESTIMATE

Project : Water Reclamation Facility | **Issue Date :** 11/08/21 | **Budget Type :** Funding
Location : Clayton, NC | **Floor Area (SF) :** 0 | **Estimate No. :** 002
Owner : Town of Clayton | **Estimator :** GFPDC | **Revision :** 1

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Subcontract Name	Total Cost	Subtotal
Septage Receiving							
Excavation	0	cy	28.00	0	**W/Influent**	0	**Funding 002**
Stone	74	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation	73	cy	0.00	0	**Donley**	0	**Funding 002**
Subgrade Pier/Column	6	cy	0.00	0	**Donley**	0	**Funding 002**
Odor Control-IPS							
Excavation	28	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	41	tons	0.00	0	**Donley**	0	**Funding 002**
Structure	36	cy	0.00	0	**Donley**	0	**Funding 002**
Pads/Misc	0	cy	0.00	0	**Below**	0	**Funding 002**
Subgrade Pier/Column	6	cy	0.00	0	**Donley**	0	**Funding 002**
Headworks							
Excavation	276	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	193	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation, Columns, Structure	933	cy	0.00	0	**Donley**	0	**Funding 002**
Pads/Misc	0	cy	0.00	0	**Below**	0	**Funding 002**
Odor Control-Head Works							
Excavation	39	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	27	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation	27	cy	0.00	0	**Donley**	0	**Funding 002**
Pads/Misc	0	cy	0.00	0	**Below**	0	**Funding 002**
EQ Pump Station							
Excavation	296	cy	0.00	0	**Donley**	0	**Funding 002**
Foundation	218	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	207	tons	0.00	0	**Donley**	0	**Funding 002**
Pads/Misc	8	cy	0.00	0	**Donley**	0	**Funding 002**
EQ Tanks							
Foundation Drain System-TBD	0	al	0.00	0	**Below**	0	**Funding 002**
Excavation	0	cy	28.00	0	**W/Sitework & Crom**	0	
Tanks	0	cy	0.00	0	**W/Equipment**	0	
Stone	0	tons	0.00	0	**CROM**	0	
Stair Landings	0	cy	0.00	0	**Below**	0	**Funding 002**
Stair Landings-Stone	0	tons	0.00	0	**Below**	0	**Funding 002**
Odor Control-EQ Tanks							
Excavation	24	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	17	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation	18	cy	0.00	0	**Donley**	0	**Funding 002**
Pads/Misc	0	cy	0.00	0	**Below**	0	**Funding 002**

ESTIMATE

Project : Water Reclamation Facility | **Issue Date :** 11/08/21 | **Budget Type :** Funding
Location : Clayton, NC | **Floor Area (SF) :** 0 | **Estimate No. :** 002
Owner : Town of Clayton | **Estimator :** GFPDC | **Revision :** 1

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Subcontract Name	Total Cost	Subtotal
Bioreactor							
Foundation Drain System-F&R Report Page 15	0	al	0.00	0	**Below**	0	**Funding 002**
Excavation	1,327	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	2,634	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation	3,622	cy	0.00	0	**Donley**	0	**Funding 002**
Drain/Sump Forming	3	ea	0.00	0	**Donley**	0	**Funding 002**
Slope (1%)	569	cy	0.00	0	**Donley**	0	**Funding 002**
Slope (1%)-Base 2" Thick	284	cy	0.00	0	**Donley**	0	**Funding 002**
Exterior Walls	1,353	cy	0.00	0	**Donley**	0	**Funding 002**
Interior Walls-18"	1,027	cy	0.00	0	**Donley**	0	**Funding 002**
Interior Walls-12"	869	cy	0.00	0	**Donley**	0	**Funding 002**
Walkway	467	cy	0.00	0	**Donley**	0	**Funding 002**
Splitter Box-#1	330	cy	0.00	0	**Donley**	0	**Funding 002**
Splitter Box-#2	275	cy	0.00	0	**Donley**	0	**Funding 002**
Splitter Box-Clarifier	191	cy	0.00	0	**Donley**	0	**Funding 002**
Stair Landings	0	cy	0.00	0	**Below**	0	**Funding 002**
Stair Landings-Stone	0	tons	0.00	0	**Below**	0	**Funding 002**
Admin Building							
Excavation	391	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	274	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation (includes Vestibule)	135	cy	0.00	0	**Donley**	0	**Funding 002**
Pads/Misc	0	cy	0.00	0	**Below**	0	**Funding 002**
Electrical Building #04							
Excavation	139	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	97	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation	49	cy	0.00	0	**Donley**	0	**Funding 002**
Pads/Misc	4.1	cy	0.00	0	**Donley**	0	**Funding 002**
Blower Canopy							
Excavation	300	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	210	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation	131	cy	0.00	0	**Donley**	0	**Funding 002**
Pads/Misc	4	cy	0.00	0	**Donley**	0	**Funding 002**
Maint Building							
Excavation	154	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	108	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation	57	cy	0.00	0	**Donley**	0	**Funding 002**
Pads/Misc	0	cy	0.00	0	**Below**	0	**Funding 002**
Thicken/Dewatering/Chemical							
Excavation	1,108	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	663	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation	578	cy	0.00	0	**Donley**	0	**Funding 002**
Pads/Misc	6	cy	0.00	0	**Donley**	0	**Funding 002**
Screw Press Foundations-3 Units	27	cy	0.00	0	**Donley**	0	**Funding 002**
RDT Foundations-3 Units	6	cy	0.00	0	**Donley**	0	**Funding 002**

ESTIMATE

Project : Water Reclamation Facility | **Issue Date :** 11/08/21 | **Budget Type :** Funding
Location : Clayton, NC | **Floor Area (SF) :** 0 | **Estimate No. :** 002
Owner : Town of Clayton | **Estimator :** GFPDC | **Revision :** 1

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Subcontract Name	Total Cost	Subtotal
Chemical Storage							
Excavation	189	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	132	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation/Walls	135	cy	0.00	0	**Donley**	0	**Funding 002**
Pads/Misc	11	cy	0.00	0	**Donley**	0	**Funding 002**
Aerated Sludge Tank							
Foundation Drain System-F&R Report Page 15	0	al	0.00	0	**Below**	0	**Funding 002**
Excavation	0	cy	28.00	0	**W/Sitework & Crom**	0	
Aerated Sludge Tanks	0	cy	0.00	0	**W/ Equipment**	0	
Stone	0	tons	48.00	0	**CROM**	0	
Stair Landings	0	cy	0.00	0	**Below**	0	**Funding 002**
Stair Landings-Stone	0	tons	0.00	0	**Below**	0	**Funding 002**
Secondary Clarifier Tank							
Foundation Drain System-F&R Report Page 15	0	al	0.00	0	**Below**	0	**Funding 002**
Excavation	0	cy	0.00	0	**W/Sitework & Crom**	0	
Secondary Clarifiers	0	cy	0.00	0	**W/Equipment**	0	
Stone	0	tons	0.00	0	**CROM**	0	
Stair Landings	0	cy	0.00	0	**Below**	0	**Funding 002**
Stair Landings-Stone	0	tons	0.00	0	**Below**	0	**Funding 002**
RAS/WAS Pump Station							
Excavation	277	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	194	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation	219	cy	0.00	0	**Donley**	0	**Funding 002**
Pads/Misc	4	cy	0.00	0	**Donley**	0	**Funding 002**
Drain Pump Station							
Dewatering Wells	0	ea	0.00	0	**Below**	0	**Funding 002**
Excavation	0	cy	0.00	0	**Below**	0	**Funding 002**
Stone	0	tons	0.00	0	**Below**	0	**Funding 002**
Valve Vault Structure-Precast	0	lf	0.00	0	**Below**	0	**Funding 002**
Pump Pit Structure-Precast	0	lf	0.00	0	**Below**	0	**Funding 002**
Top-Pump Pit	0	cy	0.00	0	**Below**	0	**Funding 002**
Top-Valve Vault	0	cy	0.00	0	**Below**	0	**Funding 002**
Filters							
Excavation	708	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	127	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation	113	cy	0.00	0	**Donley**	0	**Funding 002**
Columns	65	cy	0.00	0	**Donley**	0	**Funding 002**
Exterior Walls-12"	98	cy	0.00	0	**Donley**	0	**Funding 002**
Interior Walls-12"	47	cy	0.00	0	**Donley**	0	**Funding 002**
Center Slab	6	cy	0.00	0	**Donley**	0	**Funding 002**
Grout	84	cy	0.00	0	**Donley**	0	**Funding 002**
UV Disenfection							
Excavation	87	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	89	tons	0.00	0	**Donley**	0	**Funding 002**
Slab	133	cy	0.00	0	**Donley**	0	**Funding 002**
Walls	90	cy	0.00	0	**Donley**	0	**Funding 002**
Divider Wall	38	cy	0.00	0	**Donley**	0	**Funding 002**

ESTIMATE

Project : Water Reclamation Facility | **Issue Date :** 11/08/21 | **Budget Type :** Funding
Location : Clayton, NC | **Floor Area (SF) :** 0 | **Estimate No. :** 002
Owner : Town of Clayton | **Estimator :** GFPDC | **Revision :** 1

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Subcontract Name	Total Cost	Subtotal
Plant Water Reuse Station							
Excavation	272	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	21	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation	27	cy	0.00	0	**Donley**	0	**Funding 002**
Walls	33	cy	0.00	0	**Donley**	0	**Funding 002**
Top	19	cy	0.00	0	**Donley**	0	**Funding 002**
Pads/Misc	4	cy	0.00	0	**Donley**	0	**Funding 002**
Parshall Flume							
Dewatering Wells	0	ea	0.00	0	**Below**	0	**Funding 002**
Excavation	104	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	12	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation	10	cy	0.00	0	**Donley**	0	**Funding 002**
Exterior Walls	29	cy	0.00	0	**Donley**	0	**Funding 002**
Grout	5	cy	0.00	0	**Donley**	0	**Funding 002**
Post Aeration							
Dewatering Wells	0	ea	0.00	0	**Below**	0	**Funding 002**
Excavation	859	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	60	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation	63	cy	0.00	0	**Donley**	0	**Funding 002**
Exterior Walls-14"	93	cy	0.00	0	**Donley**	0	**Funding 002**
Interior Walls-12"	39	cy	0.00	0	**Donley**	0	**Funding 002**
Process Stairs	31	cy	0.00	0	**Donley**	0	**Funding 002**
Grade Slab	3	cy	0.00	0	**Donley**	0	**Funding 002**
Grout	6	cy	0.00	0	**Donley**	0	**Funding 002**
Electrical Building #South							
Excavation	189	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	132	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation	86	cy	0.00	0	**Donley**	0	**Funding 002**
Pads/Misc	4.1	cy	0.00	0	**Donley**	0	**Funding 002**
Odor Control-Aerated Sludge (Donley Did not have this Dwg S19-12)							
Excavation	0	cy	0.00	0	**Below**	0	**Funding 002**
Stone	0	tons	0.00	0	**Below**	0	**Funding 002**
Foundation	0	cy	0.00	0	**Below**	0	**Funding 002**
Pads/Misc	0	cy	0.00	0	**Below**	0	**Funding 002**
Sludge Holding Pump Pad							
Excavation	69	cy	0.00	0	**Donley**	0	**Funding 002**
Stone	49	tons	0.00	0	**Donley**	0	**Funding 002**
Foundation	62	cy	0.00	0	**Donley**	0	**Funding 002**
Pads/Misc	1.5	cy	0.00	0	**Donley**	0	**Funding 002**

ESTIMATE

Project : Water Reclamation Facility | **Issue Date :** 11/08/21 | **Budget Type :** Funding
Location : Clayton, NC | **Floor Area (SF) :** 0 | **Estimate No. :** 002
Owner : Town of Clayton | **Estimator :** GFPDC | **Revision :** 1

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Subcontract Name	Total Cost	Subtotal
Scum Pit							
Dewatering	0	al	0.00	0	**Below**	0	**Funding 002**
Excavation	0	cy	0.00	0	**Below**	0	**Funding 002**
Stone	0	tons	0.00	0	**Below**	0	**Funding 002**
Foundation	0	cy	0.00	0	**Below**	0	**Funding 002**
Structure-20 ft deep, 8 ft round	0	lf	0.00	0	**Below**	0	**Funding 002**
Top-Round	0	cy	0.00	0	**Below**	0	**Funding 002**
Top-Square	0	cy	0.00	0	**Below**	0	**Funding 002**
Valve Vault-Precast	0	al	0.00	0	**Below**	0	**Funding 002**
Misc Foundations							
Sawcutting Building-Slabs	1	al	0.00	0	**Donley**	0	**Funding 002**
Embeds	0	ls	0.00	0	**W/Struct**	0	**Funding 002**
Baseplate Grout	199	ea	0.00	0	**Donley**	0	**Funding 002**
Misc							
Bioreactor/Non D110 Tank Leak Repair	0	al	0.00	0	**Below**	0	**Funding 002**
Light Cannons-Rental for Night Pours	1	al	0.00	0	**Donley**	0	**Funding 002**
Pipe Sleeve Allowance-Material (Non Coated-Sleeves)	0	al	0.00	0	**Below**	0	**Funding 002**
Penetron Additive	0	al	0.00	0	**Donley**	0	
Fiber Additive-Above in Proposal	1	al	0.00	0	**Donley**	0	**Funding 002**
Fiber Additive (HDR)	0	al	0.00	0	**Below**	0	**Funding 002**
Equipment							
Rental	1	al	0.00	0	**Donley**	0	**Funding 002**
Allowances							
Dewatering Wells	2	ea	60,000.00	120,000	**Allowance**	120,000	**Funding 002**
Excavation-Weathered Rock	1	al	724,500.00	724,500	**Allowance**	724,500	**Funding 002**
Rock Removal-Blasting	1	al	25,000.00	25,000	**Allowance**	25,000	**Funding 002**
Pads/Misc	6	cy	840.00	5,040	**Allowance**	5,040	**Funding 002**
Pads/Misc	6	cy	840.00	5,040	**Allowance**	5,040	**Funding 002**
Pads/Misc	6	cy	840.00	5,040	**Allowance**	5,040	**Funding 002**
Pads/Misc	6	cy	990.00	5,940	**Allowance**	5,940	**Funding 002**

ESTIMATE

Project :	**Water Reclamation Facility**	**Issue Date :**	**11/10/21**	**Budget Type :**	**Funding**
Location :	**Clayton, NC**	**Floor Area (SF) :**	**0**	**Estimate No. :**	**002**
Owner :	**Town of Clayton**	**Estimator :**	**GFPDC**	**Revision :**	**1**

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Subcontract Name	Total Cost	Subtotal
STRUCTURAL AND MISC METALS							**$412,312**
Subcontractor Bid							
Donley Proposal-Alt #5	1	al	350,000.00	350,000	**Donley**	350,000	**Funding 002**
Donley Proposal-Trench Drain Credit	(1)	al	21,500.00	(21,500)	**Donley**	(21,500)	**Funding 002**
Influent Pump Station							
Embeds-Not Shown	0	al	4,000.00	0	**Below**	0	**Funding 002**
Anchor Bolts-Not Shown Hoist Frame	24	ea	0.00	0	**W/ Donley**	0	**Funding 002**
Galv Angles-Not Shown-Hatches	0	lf	53.46	0	**Below**	0	**Funding 002**
Galv Angles-Not Shown-Stop Log	0	lf	53.46	0	**Below**	0	**Funding 002**
Septage Receiving							
Anchor Bolts	24	ea	0.00	0	**W/ Donley**	0	**Funding 002**
Galv Angles-Drain Canal	0	lf	53.46	0	**Below**	0	**Funding 002**
Grating-Drain Canal	0	sf	95.47	0	**Below**	0	**Funding 002**
Pipe Sleeves-Dividing Wall	0	ea	25.00	0	**Below**	0	**Funding 002**
Headworks							
SS Angles-Dumpsters	56	ft	0.00	0	**W/ Donley**	0	**Funding 002**
Handrail-Cups	68	ea	0.00	0	**W/ Donley**	0	**Funding 002**
Bioreactor							
Anchor Bolts-Not Shown	232	ea	0.00	0	**W/ Donley**	0	**Funding 002**
Handrail-Cups	557	ea	0.00	0	**W/ Donley**	0	**Funding 002**
Influent Splitter Box							
Handrail-Cups (Not Shown)	0	ea	62.00	0	**Below**	0	**Funding 002**
Misc Embeds	0	al	2,000.00	0	**Below**	0	**Funding 002**
Galv Angle	520	lf	0.00	0	**W/ Donley**	0	**Funding 002**
Clarifier Splitter Box							
Handrail-Cups (Not Shown)	0	ea	62.00	0	**Below**	0	**Funding 002**
Misc Embeds	0	al	2,000.00	0	**Below**	0	**Funding 002**
Galv Angle	426	lf	0.00	0	**W/ Donley**	0	**Funding 002**
Admin Building							
Anchor Bolts	8	ea	0.00	0	**W/ Donley**	0	**Funding 002**
Electrical Building #04/Blower/Maint							
Anchor Bolts	72	ea	0.00	0	**W/ Donley**	0	**Funding 002**
Thicken/Dewatering/Chemical							
Anchor Bolts-Not Shown	80	ea	0.00	0	**W/ Donley**	0	**Funding 002**
Chemical Tank Canopy							
Anchor Bolts	32	ea	0.00	0	**W/ Donley**	0	**Funding 002**
RAS/WAS Pump Station							
Anchor Bolts-Not Shown	60	ea	0.00	0	**W/ Donley**	0	**Funding 002**
Filters							
Anchor Bolts-Not Shown	60	ea	0.00	0	**W/ Donley**	0	**Funding 002**
Handrail-Cups (Not Shonwn)-Dwg show Metal	0	ea	62.00	0	**Below**	0	**Funding 002**
Galv Angle	600	lf	0.00	0	**W/ Donley**	0	**Funding 002**

ESTIMATE

Project : Water Reclamation Facility | **Issue Date :** 11/10/21 | **Budget Type :** Funding
Location : Clayton, NC | **Floor Area (SF) :** 0 | **Estimate No. :** 002
Owner : Town of Clayton | **Estimator :** GFPDC | **Revision :** 1

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Subcontract Name	Total Cost	Subtotal
UV Disinfection							
Anchor Bolts-Not Shown	36	ea	0.00	0	**W/ Donley**	0	**Funding 002**
Galv Angle-Aluminum Planks	0	lf	53.46	0	**Below**	0	**Funding 002**
Parshall Flume							
Handrail-Cups	16	ea	0.00	0	**W/ Donley**	0	**Funding 002**
Galv Angle Supports-Not Shown	0	lf	53.46	0	**Below**	0	**Funding 002**
Post Aeration							
Anchor Bolts-Not Shown	0	ea	75.44	0	**Below**	0	**Funding 002**
Handrail-Cups	34	ea	0.00	0	**W/ Donley**	0	**Funding 002**
Galv Angle Supports-Not Shown	100	lf	0.00	0	**W/ Donley**	0	**Funding 002**
Sludge Holding Pump Station							
Anchor Bolts-Not Shown	48	ea	0.00	0	**W/ Donley**	0	**Funding 002**
Allowances							
IPS Embeds-Not Shown	1	al	4,000.00	4,000	**Allowance**	4,000	**Funding 002**
IPS Galv Angles-Not Shown-Hatches	278	lf	53.46	14,862	**Allowance**	14,862	**Funding 002**
IPS Galv Angles-Not Shown-Stop Log	36	lf	53.46	1,925	**Allowance**	1,925	**Funding 002**
SR Galv Angles-Drain Canal	68	lf	53.46	3,635	**Allowance**	3,635	**Funding 002**
SR Grating-Drain Canal	120	sf	95.47	11,456	**Allowance**	11,456	**Funding 002**
SR Pipe Sleeves-Dividing Wall	11	ea	25.00	275	**Allowance**	275	**Funding 002**
ISB Handrail-Cups (Not Shown)	83	ea	62.00	5,146	**Allowance**	5,146	**Funding 002**
ISB Misc Embeds	1	al	2,000.00	2,000	**Allowance**	2,000	**Funding 002**
Clarifier Handrail-Cups (Not Shown)	36	ea	62.00	2,232	**Allowance**	2,232	**Funding 002**
Clarifier Misc Embeds	1	al	2,000.00	2,000	**Allowance**	2,000	**Funding 002**
Filters Handrail-Cups (Not Shonwn)-Dwg show Metal	54	ea	62.00	3,348	**Allowance**	3,348	**Funding 002**
UV Galv Angle-Aluminum Planks	350	lf	53.46	18,711	**Allowance**	18,711	**Funding 002**
PF Galv Angle Supports-Not Shown	64	lf	53.46	3,421	**Allowance**	3,421	**Funding 002**
PA Anchor Bolts-Not Shown	36	ea	75.44	2,716	**Allowance**	2,716	**Funding 002**
Liquidatded Damages	0	days	2,500.00	0	**NIC**	0	
Liquidatded Damages	0	days	6,000.00	0	**NIC**	0	
Variation	404,227	al	0.00%	0	**NIC**	0	
Bond On Steel Subcontractor	404,227	$$	2.00%	8,085	**Allowance**	8,085	**Funding 002**
TOTAL STRUCTURAL AND MISC METALS				412,312		412,312	412,312

ESTIMATE

Project : WWTP | **Issue Date :** TBD | **Budget Type :** Screening
Location : Clayton, NC | **Floor Area (SF) :** 0 | **Estimate No. :** TBD
Owner : Town of Clayton | **Estimator :** GFPDC | **Revision :** A

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Name	Total Cost	Subtotal
EQUIPMENT							**$9,750,184**
D110 Prestressed Concrete Tanks							
Tank Engineering	0	ea	287,620.00	0	**CROM**	0	**Funding 001**
Tank Construction Including EQ Underslab Pipe Install $ Includes P&P Bond	1	ea	8,528,130.00	8,528,130	**CROM**	8,528,130	**Funding 002**
Deduct-8 ft Walkways-All Tanks (Potential)	(1)	ea	43,250.00	(43,250)	**CROM**	(43,250)	**Funding 002**
Deduct-PRVs in Clarifiers/Reduce Floor Thickness to 6"	(1)	ea	342,850.00	(342,850)	**CROM**	(342,850)	**Funding 002**
Deduct Floor Slab Thickness 8"-6" Sludge	(1)	ea	27,760.00	(27,760)	**CROM**	(27,760)	**Funding 002**
Deduct Floor Slab Thickness 8"-6" EQ	(1)	ea	57,240.00	(57,240)	**CROM**	(57,240)	**Funding 002**
Remove Floor Coating-Sludge Tank (Potential)	(1)	ea	48,200.00	(48,200)	**CROM**	(48,200)	**Funding 002**
Deduct-Internal Laundrer-Clarifiers (TBD)	(1)	ea	50,550.00	(50,550)	**CROM**	(50,550)	**Funding 002**
Pending-Add Conrete Encasement-EQ Tank Pad	1	ea	0.00	0	**NIC**	0	
Pending-Add DIP Install Between Sludge Tanks (Drain)	1	ea	0.00	0	**NIC**	0	
130 Equalization							
EQ Tank	2	ea	0.00	0	**CROM**	0	**Funding 002**
Aluminum Dome	2	ea	0.00	0	**CROM**	0	**Funding 002**
220 Secondary Clarification							
Clarifier Tanks	3	ea	0.00	0	**CROM**	0	**Funding 002**
Installer Mobilization/Demobilization	1	al	94,700.00	94,700	**Rockwater**	94,700	**Funding 002**
Clarifier Mechanisims	3	ea	463,340.00	1,390,020	**Rockwater**	1,390,020	**Funding 002**
Training	1	al	18,047.00	18,047	**Rockwater**	18,047	**Funding 002**
Clarifier-100% P&P Bond	1	al	47,512.00	47,512	**Rockwater**	47,512	**Funding 002**
Clarifier-Sales Tax	1	al	81,134.00	81,134	**Rockwater**	81,134	**Funding 002**
Clarifier-Extended Warranty	1	al	5,000.00	5,000	**Rockwater**	5,000	**Funding 002**
Clarifier-Touch Up Paint	3	ea	3,800.00	11,400	**Allowance**	11,400	**Funding 002**
600 Aerated Sludge Holding							
Aerated Sludge Tank	2	ea	0.00	0	**CROM**	0	**Funding 002**
Aluminum Dome	2	ea	0.00	0	**CROM**	0	**Funding 002**
Liquidated Damages	0	days	2,500.00	0	**NIC**	0	
Liquidated Damages	0	days	6,000.00	0	**NIC**	0	
Variation	9,606,093	al	0.00%	0	**NIC**	0	
Bond on Subcontractor	9,606,093	$$	1.50%	144,091	**Allowance**	144,091	**Funding 002**
TOTAL EQUIPMENT				9,750,184		9,750,184	9,750,184

Project : Water Reclamation Facility **Issue Date :** 11/10/21 **Budget Type :** Funding
Location : Clayton, NC **Floor Area (SF) :** 0 **Estimate No. :** 002
Owner : Town of Clayton **Estimator :** GFPDC **Revision :** 1

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Subcontract Name	Total Cost	Subtotal
PLUMBING							**$356,259**
Admin Building							
Under Slab/Floor Drains	1	al	22,920.00	22,920	**Freedom**	22,920	**Funding 002**
Under Slab-Potential Changes	0	al	0.00	0	**Below**	0	**Funding 002**
Elec Bldg 04/Blower/Maint							
Under Slab/Floor Drains	1	al	14,765.00	14,765	**Freedom**	14,765	**Funding 002**
Elect Bldg South							
Under Slab/Floor Drains	1	al	9,565.00	9,565	**Freedom**	9,565	**Funding 002**
Headworks							
Under Slab/Floor Drains	1	al	48,970.00	48,970	**Freedom**	48,970	**Funding 002**
EQ Tank							
Under Slab/Floor Drains	1	al	48,060.00	48,060	**Freedom**	48,060	**Funding 002**
RAS/WAS Pump Station							
Under Slab/Floor Drains	1	al	44,160.00	44,160	**Freedom**	44,160	**Funding 002**
Thick/Dewater Building							
Under Slab/Floor Drains	1	al	81,546.00	81,546	**Freedom**	81,546	**Funding 002**
Chemical Building							
Under Slab/Floor Drains	1	al	21,790.00	21,790	**Freedom**	21,790	**Funding 002**
Sludge Hold							
Under Slab/Floor Drains	1	al	17,950.00	17,950	**Freedom**	17,950	**Funding 002**
Allowances							
Admin Under Slab-Potential Changes	1	al	43,459.00	43,459	**Allowance**	43,459	**Funding 002**
Liquidatded Damages	0	days	2,500.00	0	**NIC**	0	
Liquidatded Damages	0	days	6,000.00	0	**NIC**	0	
Variation	353,185	al	0.00%	0	**NIC**	0	
Bond on Plumbing Subcontractor	1	$$	3,074.00	3,074	**Freedom**	3,074	**Funding 002**
TOTAL PLUMBING				356,259		356,259	356,259

ESTIMATE

Project :	**Water Reclamation Facility**	**Issue Date :**	**11/10/21**	**Budget Type :**	**Funding**
Location :	**Clayton, NC**	**Floor Area (SF) :**	**0**	**Estimate No. :**	**002**
Owner :	**Town of Clayton**	**Estimator :**	**GFPDC**	**Revision :**	**1**

Item Description	Est. Qty	U/M	Subcontract Unit Price	Subcontract Cost	Subcontract Name	Total Cost	Subtotal
PIPING							**$473,107**
Under Slab Ductile Iron Installation (Labor and Concrete Encasement Moffiat Updated Bid SOW 005)							
Headworks	1	al	25,364.00	25,364	**Allowance**	25,364	**Funding 002**
EQ Tank Pump Pad	0	al	256,183.00	0	**W/CROM**	0	
Bioreactor	1	al	125,984.00	125,984	**Allowance**	125,984	**Funding 002**
Filter Facility	1	al	75,254.00	75,254	**Allowance**	75,254	**Funding 002**
UV Facility	1	al	49,889.00	49,889	**Allowance**	49,889	**Funding 002**
RAS Pump Station	1	al	100,619.00	100,619	**Allowance**	100,619	**Funding 002**
Thick/Dewater	1	al	63,412.00	63,412	**Allowance**	63,412	**Funding 002**
Aerated Sludge Pump Station	1	al	25,364.00	25,364	**Allowance**	25,364	**Funding 002**
P&P Bond	0	al	7,221.00	0	**Below**	0	**Funding 002**
Liquidatded Damages	0	days	2,500.00	0	**NIC**	0	
Liquidatded Damages	0	days	6,000.00	0	**NIC**	0	
Variation	465,886	al	0.00%	0	**NIC**	0	
Bond on Piping Subcontractor	1	$$	7,221	7,221	**Allowance**	7,221	**Funding 002**
TOTAL PIPING				473,107		473,107	473,107

Ordinance #2021-11-05

Town of Clayton
Amendment to the Capital Project Budget Ordinance

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the Neuse River Water Reclamation Facility Capital Project Budget Ordinance:

Fund: 641 – Neuse River Water Reclamation Facility

Line Item	Previous Appropriation	Adjustment	Revised Appropriation
Revenues			
641-48 05	Misc. Finance Capital		
	$111,290,500	+1,100,000	$112,390,500
Expenditures			
641-58 05	Closing Fees		
	$1,400,000	+1,100,000	$2,500,000

Explanation: Amending the capital project budget ordinance to provide additional funding for the 2% closing fee associated with the SRF loans in conjunction with future revenue bond issuance costs. This amendment is required for compliance with G.S. 159-13.2.

Duly adopted this 15th day of November, 2021 while in regular session.

_____
Jody L. McLeod
Mayor

Attest:

_____
Kimberly A. Moffett, CMC, NCCMC
Town Clerk

§ 31.03 TOWN MANAGER.

(A) The Town Manager shall be chosen by the Town Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as set forth in this section. At the time of his appointment he need not be a resident of the town or state, but during his tenure of office he shall reside within the town.

('71 Code, § 2-11) (Ord. passed 10-16-81)

(B) The Town Manager shall be the chief administrative officer and the head of the administrative branch of the town government. He shall be responsible to the Town Council for the proper administration of all affairs of the town. Required duties are as follows:

(1) He shall appoint and suspend or remove all town officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by the law, except the Town Attorney and the Town Clerk, in accordance with those general personnel rules, regulations, policies, or ordinances as the Town Council may adopt.

(2) He shall direct and supervise the administration of all departments, offices, and agencies of the town, subject to the general direction and control of the Town Council as otherwise provided by law.

(3) He shall attend all meetings of the Town Council and recommend any measures that he deems expedient.

(4) He shall see that all laws of the state, the town Charter, and the ordinances, resolutions, and regulations of the Town Council are faithfully executed within the town.

(5) He shall prepare and submit the annual budget and capital program to the Town Council.

(6) He shall annually submit to the Town Council and make available to the public a complete report on the finances and administrative activities of the town as of the end of the fiscal year.

(7) He shall make any other reports that the Town Council may require concerning the operations of the town departments, offices, and agencies subject to his direction and control.

(8) He shall perform any other duties that may be required or authorized by the Town Council.

(G.S. § 160A-148) ('71 Code, § 2-10)

(C) The Town Manager shall receive as compen- sation such sum as may be fixed by the Town Council.

('71 Code, § 2-12)

(D) When the position of the Town Manager is vacant, the Town Council shall designate a qualified person to exercise the powers and perform the duties of Town Manager until the vacancy is filled.

(G.S. § 160A-150) ('71 Code, § 2-17)

(E) By letter filed with the Town Clerk, the Town Manager may designate, subject to the approval of the Town Council, a qualified person to exercise the powers and perform the duties of the Town Manager during his temporary absence or disability. During this absence or disability, the Town Council may revoke that designation at any time and appoint another to serve until the Town Manager returns or his disability ceases.

(G.S. § 160A-149) ('71 Code, § 2-18) (Ord. passed 8-4-75; Ord. passed 10-16-81)

Code Section 31.03(A) shall be revised to read as follows:

§ 31.03 TOWN MANAGER.

(A) The Town Manager shall be chosen by the Town Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as set forth in this section. ~~At the time of his appointment he need not be a resident of the town or state, but during his tenure of office he shall reside within the town.~~

ARTICLE IV. ORGANIZATION AND ADMINISTRATION

Sec. 4.I FORM OF GOVERNMENT.

The Town shall operate under the Council- Manager form of government, in accordance with G.S. Chapter 160A, Article 7, Part 2.

(Ratified by Gen. Ass., 6-27-88)

Sec. 4.2 TOWN MANAGER.

The Council shall appoint a Town Manager who is responsible for the administration of all departments of the Town government. The Town Manager shall have all the powers and duties conferred by general law, except as expressly limited by the provisions of this Charter.

(Ratified by Gen. Ass., 6-27-88)

Ordinance #2021-11-06

TOWN OF CLAYTON
AMENDMENT TO THE CODE OF ORDINANCES
AMENDING CHAPTER 31.03

BE IT HEREBY ADOPTED THAT THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA amend the Clayton Code of Ordinances Chapter 31.03; Town Officials to read as follows:

§ 31.03 TOWN MANAGER.

(A) The Town Manager shall be chosen by the Town Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as set forth in this section.

Duly adopted this the 15th day of November 2021, while in regular session.

_____

Jody McLeod
Mayor

ATTEST:

_____

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Town Council Agenda Cover Sheet

Meeting Date
November 15, 2021

Agenda Location
New Business

Item Title
Budget Amendments

Presenter
Robert McKie, Finance Director

Summary/Description
The Finance Director will present three budget amendments. One to provide seed money for the startup costs to implement an internal Information Technology function and allocate funding for two new Capital Project Funds.

Requested Action
Approval

Funding Source (If Applicable):
Fund Balance Appropriation

Cost: **N/A** **Yes** ☒ **No** ☐
$3,330,000

Additional Documents to be Included in Agenda Packet
Information Technology Budget Amendment
Greenway System Capital Project Budget Ordinance
Loop Road Athletic Fields Capital Project Budget Ordinance

Meeting Timeline
Click or tap here to enter text.

Ordinance #2021-11-07

Town of Clayton
Amendment to the FY 21-22 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 21-22 Budget:

Fund: General Fund

Line Item		Previous Appropriation	Adjustment	Revised Appropriation
Revenue				
100-40-00-48 99	Fund Balance Appropriated	$3,082,243	+830,000	
Expenditures				
100-47-02-50 00	Salaries Full-Time	$380,494	+100,000	$48
100-47-02-51 10	Benefits FICA	$29,245	+7,700	$36,945
100-47-02-51 11	Benefits Health Insurance	$49,020	+7,300	
100-47-02-51 20	Benefits Retirement	$44,497	+11,000	$5
100-47-02-51 30	Benefits 401K	$15,292	+4,000	$19,292
100-47-02-56 11	Contract Services	$239,220	+100,000	$33
100-47-95-58 50	Capital Outlay	$0	+600,000	$600

Explanation:
Amendment to appropriate fund balance to cover the projected startup costs related to the implementation of an internal Information Technology function. The seed monies are needed to fund two positions, provide contract services to bridge the gap, and procure new IT equipment. This amendment is required for compliance with G.S. 159-15.

Duly adopted this 15th day of November, 2021 while in regular session.

_____
Jody L. McLeod
Mayor

Attest:

_____
Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Ordinance #2021-11-08

TOWN OF CLAYTON
GREENWAY SYSTEM
CAPITAL PROJECT BUDGET ORDINANCE

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following ordinance shall be established to make major improvements to the Town's greenway system, including bridge replacements:

Revenues

Line Item	Description	Amount
614-49 80	Due from General Fund	$1,500,(
	Total	$1,500,000

Expenditures

Line Item	Description	Amount
614-58 01	Construction	$1,250,000
614-58 24	Design $250,000	
	Total	$1,500,000

Duly adopted this 15th day of November 2021 while in regular session.

_____
Jody L. McLeod
Mayor

Attest:

_____
Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Ordinance #2021-11-09

TOWN OF CLAYTON
LOOP ROAD ATHLETIC FIELDS
CAPITAL PROJECT BUDGET ORDINANCE

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following ordinance shall be established to construct athletic fields and parking at the Loop Road site:

Revenues

Line Item	Description	Amount
615-49 80	Due from General Fund	$1,000,(
	Total	$1,000,000

Expenditures

Line Item	Description	Amount
615-58 01	Construction	$800,000
615-58 24	Design $200,000	
	Total	$1,000,000

Duly adopted this 15th day of November, 2021 while in regular session.

_____
Jody L. McLeod
Mayor

Attest:

_____
Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Town Council Agenda Cover Sheet

Meeting Date
November 15, 2021

Agenda Location
New Business

Item Title

Acceptance of property willing to be donated to the Town.

Presenter: Patrick Pierce, Economic Development Director

Summary/Description
The owners of a 0.69 acre parcel of land on US HWY 70 BUS (NC PIN #166811-57-1301) approached the Town wishing to donate it to the Town. The property is encumbered by several different easements and has limited development potential. However, it is located in close proximity to a key intersection, US HWY 70 BUS and NC 42 East and could be of beneficial in the future. Staff have complete both desktop and field reviews of the property and see no evidence of environmental features or contamination that may preclude the Town from accepting the donation.

Requested Action
Approval

Funding Source (If Applicable):
N/A

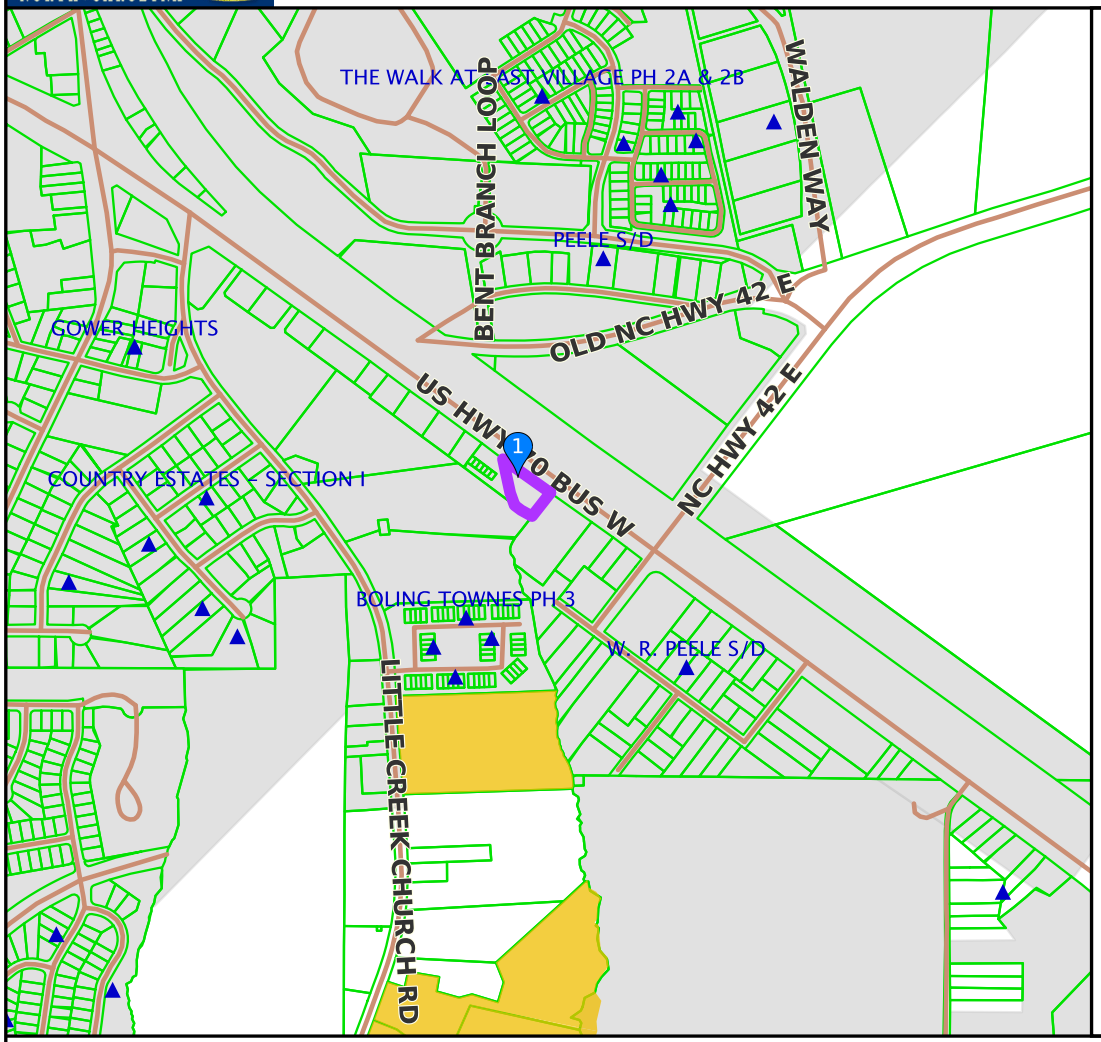
Cost: **N/A** **Yes** ☐ **No** ☒

Additional Documents to be Included in Agenda Packet
Johnston County GIS MAP
Property Appraisal (provided by owner)
NC Secretary of State annual business filing for Comfort Homes, Inc.
Resolution to Accept Real Property

Meeting Timeline
Click or tap here to enter text.

*** DISCLAIMER ***

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



Result 1

id:	05H03016E
Tag:	05H03016E
NCPin:	166811-57-1301
Mapsheet No:	166811
Owner Name 1:	COMFORT HOMES INC
Owner Name 2:	
Mail Address 1:	
Mail Address 2:	PO BOX 369
Mail Address 3:	CLAYTON, NC 27528-0369
Site Address 1:	
Site Address 2:	
Book:	01462
Page:	0461
Market Value:	21040
Assessed Acreage:	0.690
Calc. Acreage:	0.700
Sales Price:	3000
Sale Date:	1995-08-17

Scale: 1:9752 - 1 in. = 812.63 feet

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

Johnston County GIS
October 12, 2021

BUSINESS CORPORATION ANNUAL REPORT

10-2017

NAME OF BUSINESS CORPORATION: **Comfort Homes, Inc.**

SECRETARY OF STATE ID NUMBER: 0344261 STATE OF FORMATION: NC

REPORT FOR THE FISCAL YEAR END: 9/30/2020

Filing Office Use Only
E - Filed Annual Report
0344261
CA202101200707
1/12/2021 10:30
☒ Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Stewart, Julian

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____
SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY
140 State Avenue Suite 100
Clayton, NC 27520 Johnston County

4. REGISTERED AGENT OFFICE MAILING ADDRESS
P O Box 369
Clayton, NC 27528

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: **Construction - Residential/General Building Contractor**

2. PRINCIPAL OFFICE PHONE NUMBER: (919) 553-3242

3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS
140 State Avenue Suite 100
Clayton, NC 27520

5. PRINCIPAL OFFICE MAILING ADDRESS
PO Box 369
Clayton, NC 27528

6. Select one of the following if applicable. (Optional see instructions)

☐ The company is a veteran-owned small business

☐ The company is a service-disabled veteran-owned small business

SECTION C: OFFICERS (Enter additional officers in Section E.)

NAME: Justin R Stewart	NAME: Julian Stewart	NAME:
TITLE: Vice President	TITLE: President	TITLE:
ADDRESS: 2575 Federal Road Benson, NC 27504	ADDRESS: 7969 Raleigh Road Benson, NC 27504	ADDRESS:

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Julian Stewart
SIGNATURE

1/12/2021
DATE

Form must be signed by an officer listed under Section C of this form.

Julian Stewart
Print or Type Name of Officer

President
Print or Type Title of Officer

This Annual Report has been filed electronically.
MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

15149

BOOK 1462 PAGE 461

JOHNSTON COUNTY
1928

08-16-95

$6.00

STATE OF NORTH CAROLINA

Real Estate Excise Tax

State of North Carolina, Johnston Co.
Filed for Registration at 4:50 P M.
18 August 1995 in the
Register of Deeds Office
Recorded in Book 1462 Page 461
Phyllis N. Wall
Register of Deeds
By Joan Parkerson
Deputy

Excise Tax 6.00

Recording Time, Book and Page

Tax Lot No. ..... Parcel Identifier No. 05H03016 E

Verified by ..... County on the ..... day of ....., 19.....

by .....

Mail after recording to R. Dannette Underwood

This instrument was prepared by R. Dannette Underwood No title search done.

Brief description for the Index Lot A, Oldtowne Square

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 14 day of August, 1995, by and between

GRANTOR	GRANTEE
ASHLEY TURNER BUILDING COMPANY, INC.	COMFORT HOMES, INC. PO Box 369 Clayton, NC 27520

CONVEYANCE OF THIS PROPERTY
HAS BEEN DULY NOTED ON THE
TAX RECORDS. BJ 8/17/95
TAX SUPERVISOR

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Clayton, Clayton Township, Johnston County, North Carolina and more particularly described as follows:

BEING all of Lot No. A Containing 30,156 square feet of Oldotowne Square in Clayton Township, Johnston County, State of North Carolina, according to a map prepared by Dennis R. Blackmon, R.L.S., dated January 10, 1984, a plat of which is recorded in Plat Book 25, Page 183, Johnston County Registry, to which reference is hereby made to said map for a fuller and more complete description of said property.

N. C. Bar Assn. Form No. 3 © 1976, Revised © 1977 — James Williams & Co., Inc., Box 127, Youngsville, N. C. 27596
Printed by Agreement with the N. C. Bar Assn. — 1981

The property hereinabove described was acquired by Grantor by instrument recorded in
Deed Book 1192, Page 661, Johnston county Registry.

A map showing the above described property is recorded in Plat Book 25 page 183

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Restrictions and Easements of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

ASHLEY TURNER BUILDING CO., INC.
(Corporate Name)

By: W S Turner

President

ATTEST: Sue O'Brien
Asst

BLACK INK ONLY

(SEAL)

(SEAL)

(SEAL)

Or Rounded to **$126,000** Value

MARKETING PERIOD

Under USPAP, *Marketing Period* is the estimated length of time following the date of the appraisal that the property interest being appraised would have to be offered on the market prior to the hypothetical consummation of a future sale at the indicated market value.

Given current market conditions, I project that if the subject property were to be put on the market at a price at or near the indicated market value estimated above, the marketing period required to sell the property would be 9 months.

There are very few, if any, competing listings in the area which provides a favorable marketing environment for the subject property. The property is ideal for a small business owner needing/requiring space close to the heavily populated and traveled US Hwy 70 corridor and its ancillary linkages.

EXPOSURE TIME

Under USPAP, *Exposure Time* is a retrospective estimate of the length of time the property would have been listed for sale prior to the appraisal date, based upon an analysis of past events assuming a competitive and open market.

Based upon current records of related data to the subject and to the comparables analyzed, I estimate that, if the subject had sold on the effective date of my appraisal (October 25, 2021) at a price at or near the indicated market value estimated above, the exposure time required to sell the property would have been 9 months. This is a reasonable time frame based upon the competitive and open market found in the subject's area.

Reconciliation and Conclusion
I have appraised the subject property "As-Is" as outlined above.

The comparable sales after adjustments indicate a value range for the subject of $6.09 to $9.38 per square foot, with a mean adjusted value of $8.32 per square foot.

Based upon the adjustment discussion above, the sales indicate a fairly wide range. The market has been robust over the past year or more, and the general outlook remains positive moving forward. Given the fact that there are few quality development parcels available to the market, I am of the opinion that a value towards the upper range of the selected sales is warranted, and well supported. I estimate the value of the subject site at $8.00/SF. Therefore, the value of the subject tract measuring approximately 30,078 square feet (0.69 acres) by the Sales Comparison Approach in fee simple as of October 25, 2021 is summarized as follows:

30,156 SF X $8.00 Per SF = $241,249

$241,000 (Rounded)*

***As discussed earlier in the report, the subject has topographical issues which would need to be addressed in order for the site to be useable. The competing sales were useable and primarily viewed as graded pads, or very close thereto. Cost estimates for sitework/grading, etc, have been computed as can be seen in the following table. These costs must be subtracted from the above number in order to give a more accurate estimate of value for the site.**

Site Size	Topo Discrepancy	Cubic Feet		Cubic Yards	
30,156	4	120,624		4,467	
COST ANALYSIS					
Lot Clearing					$10,000
Fill		4467	Cubic Yds	x $10.00 =	$44,670
Grading/Compatction		3900	Tons	x $15.00 =	$58,500
Final Grading		8	Hours	x $200.00 =	$1,600
Survey		1		x $400.00 =	$400
Permit Allowance		1		x $250.00 =	$250
Total					**$115,420**

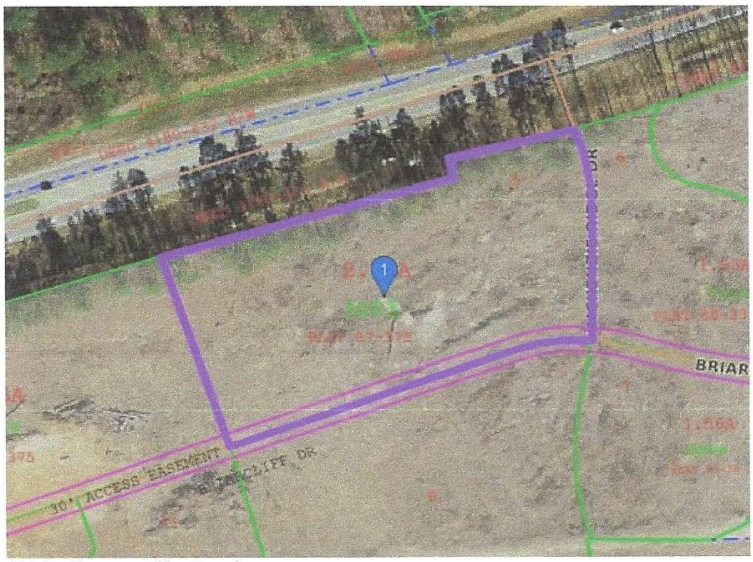
Valuation Conclusion
The valuation above concludes a value of $241,000 for the subject site as a useable pad. The above costs are then subtracted in order to give an indicated value "as-is". Therefore:

Indicated Value via Sales Comparison Approach	**$241,000**
Minus costs to bring the property to a useable state	**$115,420**
Adjusted Value	**$125,580**

0.69 Acres, US Hwy 70, Clayton, NC 27527



0.69 Acres, US Hwy 70, Clayton, NC 27527



Lot 5 – Shoppes at Glen Laurel

Comparable Sale #4			
SALES DATA			
Address:	Lot 5 Shoppes at Glen Laurel	**Sale Date:**	July 30, 2021
City:	Clayton	**Sale Price:**	$1,385,000
State:	North Carolina	**Price / Acre:**	$505,474
County:	Johnston	**Price / SF:**	$11.60
Tax ID #:	05I04003Y	**Projected Bldg Area**	N/A
Grantor:	Shoppes at Glen Laurel, LLC	**Price/Bldg SF**	N/A
Grantee:	ACH 1, LLC	**Transaction Type:**	Closed
Deed Book & Page:	6005 / 443	**Financing:**	Cash Equivalent
Verified By:	Public Records	**Property Rights**	Fee Simple
Planning Department		**Days on Market**	N/A
SITE DATA			
Acres:	2.74	**Topography:**	Near Level
Land (SF):	119,354	**Zoning:**	PD-MU
Shape:	Irregular	**Highest & Best Use:**	General Business
Road Frontage:	450'	**Flood Zone:**	None Known
Utilities:	Water/Sewer	**Environmental Issues:**	None Known
REMARKS			
Building Pad. Purchased for the development of a car wash.			

LAND SALES CHART					
Sale No.	**Subject**	**1**	**2**	**3**	**4**
Location	.69 Acres US Hwy 70	Lot 8 Southern Village	220 Springbrook Ave.	Lot 2 Shoppes at Glen Laurel	Lot 5 Shoppes at Glen Laurel
City	Clayton	Clayton	Clayton	Clayton	Clayton
County	Johnston	Johnston	Johnston	Johnston	Johnston
PIN#	05H03016E	05I05002X	05F02035M	05I04004E	05I04003Y
Sales Date	N/A	06/02/21	06/16/21	12/31/20	07/30/21
Deed Book & Page	N/A	5949 / 633	5963 / 183	5800 /139	6005 / 443
Sales Price	N/A	$260,000	$1,000,000	$1,000,000	$1,385,000
Land area (Acres)	0.692	1.300	2.330	2.160	2.740
Land area (SF)	30,156	56,628	101,495	94,090	119,354
Zoning	B-3 (SUP)	B-3	PD-MU	PD-MU	PD-MU
Use (At time of Sale)	Vacant	Vacant	Vacant	Vacant	Vacant
Price/SF	N/A	$4.59	$9.85	$10.63	$11.60
Primary Adjustments					
Property Rights		0%	0%	0%	0%
Financing Terms		0%	0%	0%	0%
Date of Sale/Market Conditions		2%	2%	3%	1%
Expenditures after Sale		0%	0%	0%	0%
Total Aggregate % Adjustment		**2%**	**2%**	**3%**	**1%**
Primary Adjusted Price/SF		**$4.68**	**$10.05**	**$10.95**	**$11.72**
Other Adjustments					
Location		Inferior	Superior	Superior	Superior
	% Adjustment	20%	-20%	-20%	-20%
Zoning		Similar	Similar	Similar	Similar
	% Adjustment	0%	0%	0%	0%
Land Size		Larger	Larger	Larger	Larger
	% Adjustment	10%	10%	10%	10%
Road Frontage		Similar	Similar	Similar	Similar
	% Adjustment	0%	0%	0%	0%
Utilities		Water / Sewer	Water / Sewer	Water / Sewer	Water/Sewer
	% Adjustment	0%	0%	0%	0%
Shape		Average	Average	Average	Average
	% Adjustment	0%	0%	0%	0%
Topography		Near Level	Near Level	Near Level	Near Level
	% Adjustment	0%	0%	0%	0%
Access/Visibility		Similar	Similar	Superior	Superior
	% Adjustment	0%	0%	-10%	-10%
Net Adjustment:		**30%**	**-10%**	**-20%**	**-20%**
Final Adjusted Price/SF		**$6.09**	**$9.04**	**$8.76**	**$9.38**
Values Before Adjustment		**$4.59**	**to**	**$11.60**	**Per SF**
Values After Adjustment		**$6.09**	**to**	**$9.38**	**Per SF**
Mean		**$8.32**			
Reconciled Value Per SF		**$8.00**			

Number of SF	X	Price/SF	=	Value
30,156		$8.00		$241,249
			Rounded	**$241,000**

ADJUSTMENTS

CONDITION OF SALE (FINANCING AND TERMS) - Each sale must be looked at and considered on the basis of terms of sale; including cash down payment, type and term of mortgage and/or notes, conditions, and concessions of each sale. Each sale has been considered for this item in the comparable description. All of the land sales were considered to be at market without the need of adjustments for financing.

TIME/MARKET CONDITIONS – Overall, as land opportunities dwindle throughout the area, land values have increased along with the local economy. I have made 4% annual adjustments to all sales, or 1% per quarter.

LOCATION - This area of adjustment must take into consideration the surrounding neighborhood (i.e. property compatibility and trends). The subject property is located along US Hwy 70 near the central retail/service corridor through Clayton. Sale #1 is located on the outskirts of Clayton nearing the industrial areas, and is considered inferior to the subject. Sale #1 required a positive adjustment. Sales 2-3 are All sales are similar in location and required no adjustments.

ZONING - The next adjustment is for the municipal zoning of the property with its permissible uses. The current zoning of the subject is B-3 SUP (Business). All sales are similar in zoning and required no adjustments for zoning were necessary.

SIZE - The general rule indicated in the marketplace is that the larger site will sell for less per square foot than a similar, but smaller site. This is generally true because a smaller site can be developed or utilized with less holding cost involved. All sales are larger than the subject and required positive adjustments.

UTILITIES – The subject has access to municipal water and sewer. Each of the competing sales has access to all municipal utilities and are considered similar in this regard. No adjustments are considered necessary.

SHAPE/FUNCTIONAL UTILITY – The subject site is shaped such that it can be efficiently developed for a wide range of uses. All sales are similar in this regard and required no adjustment.

TOPOGRAPHY - This area of adjustment involves the inherent aspects of each parcel. Some factors for consideration include utility of shape, topography, tree cover, soil conditions, mineral/ riparian rights and easements. Also included within this area of adjustment is the site work necessary to develop this site. As mentioned in the Site Analysis section of this report, the subject site is sloping in topography with some issues that would require the site to be cleared, filled, graded, etc. All sales are superior in this regard and required adjustment. Given the level of topographical work needed for the subject site, details have been broken down and detailed at the end of this approach.

ACCESS/FRONTAGE/VISIBILITY – The subject has adequate frontage and access from US Hwy 70. Each of the competing sales have adequate access and are considered similar under this analysis. No adjustments are considered necessary.

ADDENDA

QUALIFICATIONS OF

Jon S. Savage

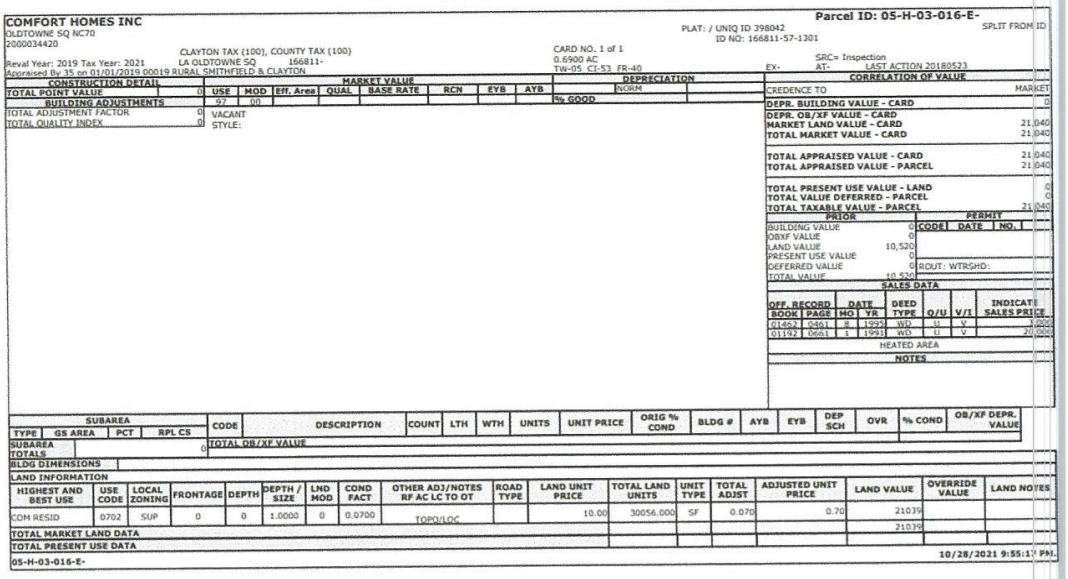
Jon Savage has been appraising and building for over twenty years. He began his career in the North Carolina (Triangle) area, after a 4 year tour as a legal services reporter with the United States Marine Corps. He holds a degree in Business Management with a concentration in construction management. He has worked consistently for over 20 years on numerous appraisal projects including vacant land, mobile homes, single-family dwellings, 2-4 family properties, multi-family properties, log homes, condominium projects, restaurants, office buildings, commercial land, subdivisions, warehouse, and retail space. He has also built several single-family homes and is knowledgeable in the construction industry. He is currently enrolled in the Candidate for Designation program with the Appraisal Institute and completing coursework in pursuit of designation by the Institute.

Special real estate centered courses Include:

Introduction to Real Estate Appraisal	(R-1)
Valuation Principals & Procedures	(R-2)
Applied Residential Property Valuation	(R-3)
Introduction to Income Property Appraisal	(G-1)
Advanced Income Capitalization Procedures	(G-2)
Applied Income Property Valuation	(G-3)
Introduction to Review Appraisal	
Regression Foundations	
Regression Applications	
Uniform Standards of Appraisal Practice	(USPAP) Biennially
Residential Cost Estimation	(NAHB)
The Narrative Appraisal Report	6/24/2000
Environmental Hazards	6/25/2000
CI 101 – Financial Analysis for Commercial Investment Real Estate	(CCIM Institute)
Subdivision Valuation, Appraisal Institute	2/2006 (Appraisal Institute)
Current Issues in Appraising	5/2009
Construction Details & Trends	7/2009
Appraising and Analyzing Office Bldgs	5/2011
Financing Regulations / FHA Guidelines	5/2011
New Law S829, HVCC & The Appraisers Future	5/2011
Real Estate Statistics and Financing	2/2013 (Appraisal Institute)
Advanced Market Analysis and H&BU	5/2013 (Appraisal Institute)
Business Practices & Ethics	8/2013 (Appraisal Institute)
Advanced Income Capitalization	2/2014 (Appraisal Institute)
Broker in Charge	1/2016
Appraisal – Owner Occupied Commercial Property	5/2017
Appraisal – Limited Service Hotels	5/2017
Appraisal – Full Service Hotels	5/2017
Appraisal – Assisted Living Facilities	10/2017
2018-2018 USPAP Update	10/2018
Appraisal – Fast Food Facilities	2/2019
Appraisal – Apartments	2/2019
Appraisal - REO and Foreclosure Properties	5/2021
Appraisal – Industrial and Flex Buildings	5/2021
Expert Witness	5/2021

Licenses Held:
North Carolina General Contractors License #34363
North Carolina General Appraiser Certificate A-6333
North Carolina Broker #243772

0.69 Acres, US Hwy 70, Clayton, NC 27527



COMFORT HOMES INC

Parcel ID: 05-H-03-016-E-

PLAT: / UNIQ ID 398042
ID NO: 166811-57-1301
SPLIT FROM ID

2000034420

CLAYTON TAX (100), COUNTY TAX (100)
LA OLDTOWNE SQ 166811-
Reval Year: 2019 Tax Year: 2021
Appraised By JS on 01/01/2019 00019 RURAL SMITHFIELD & CLAYTON

CARD NO. 1 of 1
0.6900 AC
TW-05 CI-53 FR-40

SRC= Inspection
EX- AT- LAST ACTION 20180523

CONSTRUCTION DETAIL
TOTAL POINT VALUE 0
BUILDING ADJUSTMENTS
TOTAL ADJUSTMENT FACTOR 0
TOTAL QUALITY INDEX 0

MARKET VALUE

USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB
97	00						

VACANT
STYLE:

DEPRECIATION
NORM
% GOOD

CORRELATION OF VALUE

CREDENCE TO	MARKET
DEPR. BUILDING VALUE - CARD	0
DEPR. OB/XF VALUE - CARD	
MARKET LAND VALUE - CARD	21,040
TOTAL MARKET VALUE - CARD	21,040
TOTAL APPRAISED VALUE - CARD	21,040
TOTAL APPRAISED VALUE - PARCEL	21,040
TOTAL PRESENT USE VALUE - LAND	0
TOTAL VALUE DEFERRED - PARCEL	0
TOTAL TAXABLE VALUE - PARCEL	21,040

PRIOR
BUILDING VALUE 0
OBXF VALUE 0
LAND VALUE 10,520
PRESENT USE VALUE 0
DEFERRED VALUE 0
TOTAL VALUE 10,520

PERMIT

CODE	DATE	NO.

ROUT: WTRSHD:

SALES DATA

OFF. RECORD BOOK	PAGE	MO	YR	DEED TYPE	Q/U	V/I	INDICAT SALES PRICE
01462	0461	8	1995	WD	U	V	3,000
01192	0661	1	1993	WD	U	V	20,000

HEATED AREA
NOTES

SUBAREA

TYPE	GS AREA	PCT	RPL CS

SUBAREA TOTALS 0

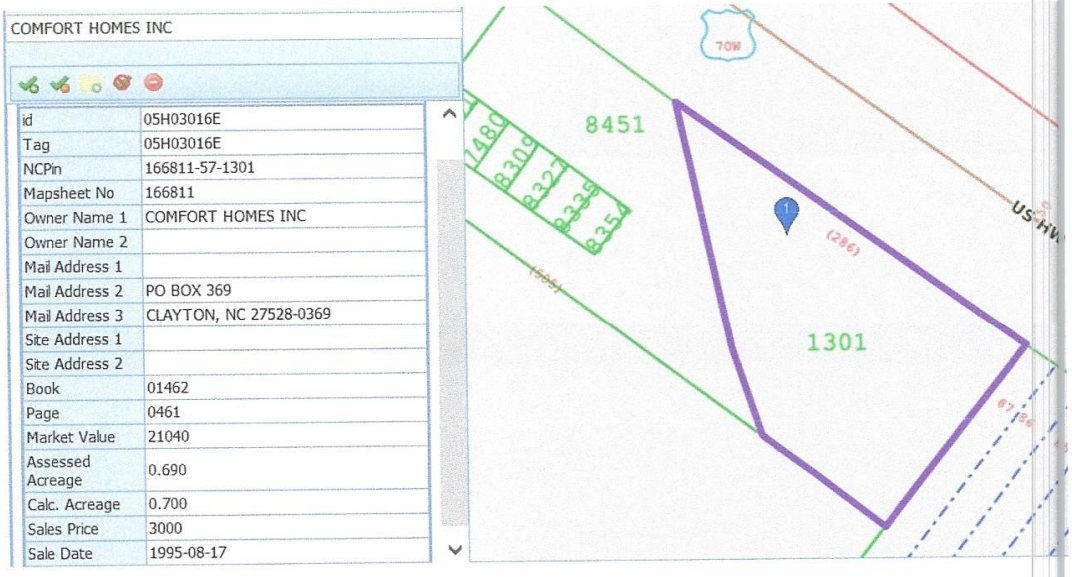
CODE	DESCRIPTION	COUNT	LTH	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG #	AYB	EYB	DEP SCH	OVR	% COND	OB/XF DEPR. VALUE
TOTAL OB/XF VALUE														

BLDG DIMENSIONS

LAND INFORMATION

HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJ/NOTES RF AC LC TO OT	ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNIT TYPE	TOTAL ADJST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES
COM RESID	0702	SUP	0	0	1.0000	0	0.0700	TOPO/LOC		10.00	30056.000	SF	0.070	0.70	21039		
TOTAL MARKET LAND DATA															21039		
TOTAL PRESENT USE DATA																	

05-H-03-016-E- 10/28/2021 9:55:17 PM



15149

BOOK 1462 PAGE 461

JOHNSTON COUNTY
1928

08-16-95

$6.00

STATE OF NORTH CAROLINA

Real Estate Excise Tax

State of North Carolina, Johnston Co.
Filed for Registration at 4:50 P M.
18 August 1995 in the
Register of Deeds Office
Recorded in Book 1462 Page 461
Phyllis N. Wall
Register of Deeds
By Jan Parkerson
Deputy

Excise Tax 6.00

Recording Time, Book and Page

Tax Lot No. ..... Parcel Identifier No. 05H03016 E

Verified by ..... County on the ..... day of ....., 19.....

by .....

Mail after recording to R. Dannette Underwood

This instrument was prepared by R. Dannette Underwood No title search done.

Brief description for the Index Lot A, Oldtowne Square

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 14 day of August, 1995, by and between

GRANTOR	GRANTEE
ASHLEY TURNER BUILDING COMPANY, INC.	COMFORT HOMES, INC. PO Box 369 Clayton, NC 27520

CONVEYANCE OF THIS PROPERTY
HAS BEEN DULY NOTED ON THE
TAX RECORDS. BJ 8/17/95
TAX SUPERVISOR

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Clayton, Clayton Township, Johnston County, North Carolina and more particularly described as follows:

BEING all of Lot No. A Containing 30,156 square feet of Oldotowne Square in Clayton Township, Johnston County, State of North Carolina, according to a map prepared by Dennis R. Blackmon, R.L.S., dated January 10, 1984, a plat of which is recorded in Plat Book 25, Page 183, Johnston County Registry, to which reference is hereby made to said map for a fuller and more complete description of said property.

N. C. Bar Assoc. Form No. 3 © 1976, Revised © 1977 — James Williams & Co., Inc., Box 127, Yadkinville, N. C. 27055
Printed by Agreement with the N. C. Bar Assoc. — 1981

0.69 Acres, US Hwy 70, Clayton, NC 27527

The property hereinabove described was acquired by Grantor by instrument recorded in

Deed Book 1192, Page 661, Johnston county Registry.

A map showing the above described property is recorded in Plat Book 25 page 183

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.
Title to the property hereinabove described is subject to the following exceptions:

Restrictions and Easements of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

ASHLEY TURNER BUILDING CO., INC.
(Corporate Name)

By: W O Turner

President

ATTEST: Sue O'Brien
Asst

BLACK INK ONLY

(SEAL)

(SEAL)

(SEAL)

Resolution #2021-61

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CLAYTON TO ACCEPT DONATION OF REAL PROPERTY

WHEREAS, Comfort Homes, Inc. (the "Donor") owns certain real property located within the corporate limits of the Town of Clayton being located at US Hwy. 70 Business West, known as Lot A, Oldtowne Square and bearing Johnston County Pin No. 166811-57-1301; and

WHEREAS, The Donor desires to donate the said land unto the Town of Clayton; and

WHEREAS, The Town Council of the Town of Clayton finds it in the best interest of the Town to accept the gift of real property from the Donor.

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

1. The property located at US Hwy. 70 Business West, Clayton, North Carolina and bearing Johnston County Pin No. 166811-57-1301, be accepted as a donation to the Town of Clayton from Donor, subject to completion by the Town of any due diligence investigations deemed warranted.
2. The Town Attorney is authorized to prepare or receive a deed from the Donor as necessary or proper to convey the property described herein from the Donor to the Town of Clayton and to assure that said deed is duly recorded among the land records of Johnston County.

DULY ADOPTED, this the 15TH day of November, 2021.

TOWN OF CLAYTON

By: _____
Jody McLeod, Mayor

ATTEST:

_____
Kimberly Moffett, CMC, NCCMC
Town Clerk

MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING is entered into this 15th day of November, 2021, by and between the Clayton Community Recreational Foundation, Inc. a North Carolina non-profit corporation (the "CCRF"), and the Town of Clayton, a North Carolina municipal corporation, (the "Town").

Whereas, the Town of Clayton is experiencing substantial population growth and, in light of this growth, the Town is vitally concerned with the enhancement of public parks and recreation facilities for all citizens of the Town and the Town has incurred substantial bonded debt in furtherance of the Town's goals of enhancing public recreational facilities; and

Whereas, the CCRF is a non-profit corporation whose primary purpose is to aid, support and promote the advancement of recreational opportunities among the people of the Clayton community by, among other things, supplementing resources available and budgeted by the Town for recreational purposes.

Now therefore, in consideration of the mutual goals and objectives of the Town and the CCRF, the benefits accruing to the Town and the public at large hereunder, and other valuable consideration, the Town and the CCRF have agreed to the terms and conditions set forth in this Memorandum of Understanding.

1. SOLICITATION OF GIFTS. From time to time, the CCRF shall solicit and endeavor to raise funds by gifts, contributions or otherwise to be made available to the Town for the enhancement of public recreation facilities. In consideration of such solicitations, the donors to CCRF may request naming rights or sponsorship recognition that impose certain obligations on the Town. Before making any such solicitations on behalf of the Town that include any potential Town obligations, CCRF shall first obtain written consent from the Town Manager indicating that the Town approves of the proposed solicitation and is willing to commit the Town to the obligations associated therewith.

2. COLLABORATION. The Town and CCRF shall collaborate to jointly identify opportunities for funding assistance, gifts and contributions toward the Town's present and future recreational facilities.

3. REVIEW AND ASSIGNMENT OF CONTRACTS. Prior to the execution thereof, the CCRF shall provide the Town with not less than thirty (30) days to review and approve any proposed contracts which involve funding for the Town or any naming rights or sponsorship obligations. Any such approved contracts executed by CCRF shall be assignable to the Town in the Town's sole discretion.

4. NO AGENCY. This MOU does not create an agency relationship between the Town and CCRF. The parties acknowledge that they are not engaging in a partnership or joint venture, and that neither party has authority to act on behalf of the other.

5. NO DISCRIMINATION. The CCRF for itself, its agents, officials, employees and servants, agrees not to discriminate in any manner on the basis of race, color, sex, creed, national origin, age, handicap, or sexual orientation, with reference to any activities to be carried out under terms of this MOU. The CCRF further agrees in all respects to comply with all applicable laws, including the provisions and intent of the Town's policies, ordinances and resolutions applicable hereto.

6. NOTICES. Notices and communications arising under terms of this MOU shall be provided as follows:

To the Town: Town Manager
_____
_____
Clayton, NC

To the CCRF: _____
_____
_____

7. MISCELLANEOUS. This MOU shall remain in effect for the term ending December 31, 2022, unless extended in writing by the parties, or unless terminated prior thereto. The parties agree that this MOU and the performance of work by the CCRF is subject to periodic review by both organizations. Each party is authorized to terminate this Agreement upon ten (10) days written notice to the other party.

In witness of the parties' mutual understandings, the Town and the CCRF have executed this MOU the date first above written, with proper authorization from their respective governing bodies.

Clayton Community Recreational Foundation, Inc.

By: _____

Town of Clayton

By: _____
Town Manager