



**Town of Clayton
Regular Town Council Meeting Agenda
Tuesday, September 8, 2020 @ 6:00 PM
Council Chambers**

THE TOWN OF CLAYTON WILL FOLLOW GUIDELINES FROM THE CENTERS FOR DISEASE CONTROL AND THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES WITH REGARD TO SOCIAL DISTANCING.

BELOW PLEASE FIND CHANGES TO THE COUNCIL MEETING FORMAT:

THE SEPTEMBER 8, 2020 TOWN COUNCIL MEETING WILL BE HELD IN PERSON.

ANY MEMBER OF THE PUBLIC THAT WISHES TO ADDRESS THE COUNCIL, MAY DO SO IN PERSON, HOWEVER YOU ARE ASKED TO CONTACT THE TOWN CLERK IN ADVANCE OF THE MEETING.

IF YOU DO NOT WISH TO ATTEND THE MEETING IN PERSON BUT DO WISH TO SHARE ANY PUBLIC COMMENT WITH THE COUNCIL, PLEASE FORWARD YOUR COMMENT(S) TO THE TOWN CLERK NO LATER THAN NOON THE DAY OF THE MEETING. PLEASE INCLUDE YOUR NAME AND ADDRESS. PUBLIC COMMENT(S) RECEIVED WILL BE READ INTO THE RECORD BY THE TOWN CLERK.
EMAIL: KMOFFETT@TOWNOFCLAYTONNC.ORG

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.
- We will have a separate entrance door and separate exit door.
 - *Entrance will be main door on Horne Street.*
 - *Exit will be rear door facing Horne Street in the council chambers.*
- Any member of the public attending will be asked to wait in the lobby until item they wish to address is ready for discussion.
- Lobby will be set to encourage social distancing.
 - *Chairs will be at least 6' from each other.*
- We will have TWO staff members attending the meeting(s) to ensure smooth transition with those attending the meeting.
 - *One person will serve as LOBBY staff and the other will serve as CHAMBER staff.*
- The meeting will be shown on the monitor in the lobby. (YouTube)
- All council or board members will be socially distanced in the council chambers and wearing face masks.*
- Staff will be socially distanced and seated 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. Draft Minutes

- August 17, 2020 - Regular Session
- August 24, 2020 - Special Session (Open Portion)
- August 28, 2020 - Special Session

[August 17, 2020 DRAFT Minutes](#)

[August 24 , 2020 DRAFT Special Meeting](#)

[August 28, 2020 DRAFT Special Meeting](#)

b. Nutrient Credit Purchase

[Nitrogen Credit Contract Executed](#)

c. Certifications of Sufficiency - Annexations

- 2020-23-ANX - Shoppes at Glen Laurel
- 2020-115-ANX - West End

[Certificate of Sufficiency - 2020-23- ANX - Shoppes at Glen Laurel](#)

[Certificate of Sufficiency- 2020-115-ANX - Shoppes at West End](#)

d. Resolutions to Set Public Hearings

- 2020-23-ANX - Shoppes at Glen Laurel
- 2020-115-ANX - West End

[Resolution Setting Public Hearing - 2020-23-ANX](#)

[Resolution Setting Public Hearing - 2020-115-ANX](#)

POTENTIAL ACTION:

Adoption of Consent Agenda as Presented

e. Warranty Acceptances

- Lot B-6, Moss Creek Village Business Park
- Parkview Phases 8-13, 16 & 17
- Lionsgate Subdivision - Phase 6A-6B
- Ashcroft Subdivision, Phase 2 - FINAL

[Lot B-6, Moss Creek Village Business Park](#)

[Parkview, Phases 8-13, 16 & 17](#)

[Lionsgate Subdivision - Phase 6A-6B](#)

[Ashcroft Subdivision, Phase 2 - FINAL](#)

POTENTIAL ACTION:

Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

- a. Appointment of Mayor Pro Tem Thompson as 2nd Alternate to NCEMPA Board
Presenter: Kimberly Moffett, Town Clerk
[Cover](#)

POTENTIAL ACTION: Appointment of Jason Thompson

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. CAMPO / Go Triangle Presentation
Presenters: Bret Martin, CAMPO & Katharine Eggleston, Go Triangle

6. PUBLIC HEARINGS

- a. 2020-105-SD - Spring Branch Medical Park - Preliminary Plat Modification
(Quasi-Judicial)

Presenter: Samantha Wullenwaber, Planning Director

[Cover](#)

[Application](#)

[Owner Consent Form](#)

[Neighborhood Meeting Materials](#)

[3rd Submittal Site Plan](#)

[Adj Property Letter](#)

[Newspaper Ad -](#)

[Recommended Conditions of Approval Applicant Signed](#)

[Staff Report](#)

[Staff Report Maps](#)

[Trip Generation Letter](#)

[TRC Certification Letter](#)

[Motion Form](#)

POTENTIAL ACTION: Approval/Denial of 2020-105-SD

- b. Street Closure - Enterprise Drive ROW
Presenter: Joshua Baird, Town Engineer

[Cover](#)

[Advertisement](#)

[Adjoining Property Notification](#)

[Resolution to Abandon](#)

POTENTIAL ACTION: Adoption of Resolution #2020-31

7. OLD BUSINESS

- a. Wastewater Pretreatment Program Update
Presenter: J.D. Solomon, Interim Town Manager
[Cover](#)

POTENTIAL ACTION: None - Informational Only

8. NEW BUSINESS

- a. Resolution - Designation of Deputy Finance Officers
Presenter: Robert McKie, Finance Director
[Resolution](#)

POTENTIAL ACTION: Adoption of Resolution #2020-32

- b. Emergency Supplemental Sick Leave - Fire Department & Police Department
Presenter: Delicia Barnes, Human Resource Director
[Cover](#)
[Supplemental Emergency Paid Sick Leave Overview](#)

POTENTIAL ACTION: Approval of Supplemental Emergency Sick Leave
- c. Fat Oil Grease (FOG) Program Update/ Code of Ordinance Update - Chapter 52
Presenter: Brandon Carroll
[Cover](#)
[Presentation](#)
[Strikethrough Proposed Changes Chapter 52 Ordinance - Chapter 52](#)

POTENTIAL ACTION: Adoption of Ordinance #2020-09-01
- d. Code of Ordinance Update - Chapter 50
Presenter: Rich Cappola, Public Services Director
[Cover](#)
[Redline Version Chapter 50 Amendment Ordinance - Chapter 50](#)

POTENTIAL ACTION: Adoption of Ordinance #2020-09-02
- e. Budget Amendment - Deputy Town Manager Position
Presenter: J.D. Solomon, Interim Town Manager
[Cover](#)
[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2020-09-03
- f. Creation of New Position - Assistant Program Manager
Presenter: Rich Cappola, Public Services Director
[Cover](#)

POTENTIAL ACTION: Creation of Assistant Program Manager

POTENTIAL ACTION: Place Budget Amendment on Sept. 21, 2020
Consent Agenda

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. CLOSED SESSION

- a. Closed Session Pursuant to NCGS 143-318.11.(a)(3)(4)

POTENTIAL ACTION: Motion to Go Into Closed Session

12. 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 of Clayton
Regular Town Council Meeting Minutes
Monday, August 17, 2020 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:

Mayor McLeod
Mayor Pro Tem Thompson
Council Member Grannis
Council Member Holder
Council Member Bunn
Council Member Everett

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, Deputy Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Samantha Wullenwaber, Planning Director
Rich Cappola, Public Services Director
Patrick Pierce, Economic Development Director
Stacy Beard, Communications Director
Heidi Holland, Deputy Town Clerk
Joshua Baird, Town Engineer

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:03 p.m. He led everyone in the Pledge of Allegiance and offered the 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) Warranty Acceptances
- Parkview, Phase 13
 - Badger Pass, Phase 7B
- b) DRAFT Minutes
- June 15, 2020 - Closed Session
 - July 20, 2020 - Regular Session
 - July 20, 2020 - Closed Session
- c) Town Hall Basement Renovation
- d) Resolution - NC Governor's Highway Safety Program Grant Agreement
- e) Resolution - Directing Clerk to Certify Sufficiency
- Annexation - Shoppes at Glen Laurel - 2020-23-ANX
- f) Resolution - Directing Clerk to Certify Sufficiency

- Annexation - West End - 2020-115-ANX

ACTION: Adoption of Consent Agenda as Presented

Motion: Mayor Pro Tem Thompson

Second: Council Member Everett

Vote: Unanimous

4 ADMINISTRATIVE ITEMS

- a) Amended - NC State Ordinance #1076840 - Speed Limit .004 E of SR 1552 & .044 W of Laurel Ridge Drive

Presenter: Kimberly Moffett, Town Clerk

Ms. Moffett presented this ordinance which is an amendment of original ordinance from NCDOT that came before council in February 2020. this amended ordinance corrects the speed limit to indicate 45 MPH for cars and trucks between 0.004 mile east of SR 1552 and .044 W of Laurel Ridge Drive.

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Presentation of DDA Awards

Presenters: Patrick Pierce, Economic Development Director & Jody McLeod, Mayor

- Tony Johnson
- Kim Lawter
- Jessica Lloyd
- James Lipscomb

Mr. Pierce expressed his appreciation for the dedication to the DDA. They have all been very instrumental in numerous contributions to the town and specifically downtown. Mayor McLeod stated the town owed these folks a tremendous debt of gratitude for their leadership. Council Member Bunn also offered his appreciation and stated that everyone had put their heart and soul into the DDA.

- b) Comp Plan Update & 160D Regulations

Presenter: Stewart Engineering

Mr. Chad Sary was present and provided an update on the Comprehensive Plan as well as the Chapter 160D Regulations. He provided background on Stewart Engineering. He stated Jay McLeod, who was a planner for the town, will be on the team working on this project. He shared the previous comprehensive plan was completed in 2015 and is good until about 2025, so we are at a point where we need to begin working on the next comprehensive plan. He provided a schedule outlining the timeline for moving forward. He provided names of those who would be involved which include Michael Grannis, Marty Bizzell, Stacy Beard, Nathan Evans, Ava Evans, Will Lawson, Andria Merritt, Dean Penny, Jim Perricone, Sara Perricone, Patrick Pierce, Michael Sims, Christi Thompson and Dana Wooten. There will be a stakeholder meeting held on August 27. Provided were general dates for future meetings of the steering committee. Additionally a visioning workshop will be held in October. He shared slides providing details about the

breakdown of areas located in the town to include 42 West Spring Branch, Downtown, Riverwood, NC 42 East and Powhatan Road. Council Member Grannis asked when it would be expected and would there be an updated version. Mr. Sary stated it would be probably between the April - May 2021 time frame. Mayor McLeod asked why the south side of Highway 70 was not included. Mr. Sary stated he would notate that for further evaluation of that area.

Provided next was an update to the UDC - Chapter 160D. Mr. Sary provided a history overhaul by the General Assembly and stated this is the largest since the 70-80's and would be a statewide change. The deadline to enact is July 1, 2021. This update will consolidate regulations as well as clarifying regulations and procedures, uniform terminology and restrictions on imposing conditions.

He shared information about administrative, legislative and quasi-judicial hearings. Information was also shared regarding decision types. Also discussed was Conditional Zoning. There would be no more conditional use or special use zones. He stated existing PUDS would automatically become Conditional Zoning. He also discussed the subdivision process. Information was shared regarding the current subdivision process. These changes would be brought back to Council prior to the final compliance with state statutes within a month or two. He wrapped up the discussion with a brief recap of these topics. Council Member Grannis asked about the amount of involvement the steering committee would have regarding the 160D update. Mr. Sary stated the committee would mainly be involved in the comprehensive plan. The 160D update would be more staff and planning board technical decisions. There were no additional questions.

6 OLD BUSINESS

a) 2020-17-RZ - Tract on Powhatan Road

Presenter: Samantha Wullenwaber, Planning Director

Public Hearing for this item was held on July 20, 2020. A minimum period of 24 hours was allowed for receipt of additional public comments. All those received in the state time frame are attached to this agenda as part of the official record.

Ms. Wullenwaber was present and stated the public hearing for this item was held on July 20 with a request to rezone from RE (Residential Estate) to I-1 (Industrial-Light). Ms. Wullenwaber provided an overview and refresher of what was shared at the public hearing. Staff recommended approval and so did the Planning Board. Mayor McLeod advised all comments received within the 24 hour period were made part of the record. Council Member Grannis asked for clarification as to whether or not this property would be applicable in respect to a goal that is stated in the Comprehensive Plan 2040 which states that would encourage quality which maximizes existing infrastructure and promotes walking, biking and travel. Ms. Wullenwaber stated she did not believe this would be applicable. Council Member Grannis asked about natural resources and if the property was a conservation area how/if that would affect what could be developed. Council Member Grannis asked if the cemetery is applicable with respect to a rezoning. MS. Wullenwaber stated that would be something the property owner and who holds the deed of the cemetery would

be responsible for. The survey submitted with the application shows this is one parcel so there is authority to rezone this with the current owner's consent. Ms. Wullenwaber stated the Town Attorney Ms. Ross could speak more on this. Ms. Ross stated a state permit level would be required if there were any applicable natural resource issues. She stated additionally, the relocation of the cemetery is handled on a state level. This could be something the Council could address with the applicant if they return to Council with future approval for permitted uses. Mayor Pro Thompson asked if we do rezone, are they subject to traffic studies with future use. Ms. Wullenwaber stated they would be. There were no further questions for staff. Mayor McLeod stated he was happy to hear the cemetery issue would have to be discussed with future use plan.

Council Member Grannis had questions for the applicant, Mr. Orringer, regarding MLS and deed restrictions. He stated he was not aware of any deed restrictions. What could be located on this property would be able to provide jobs for highly skilled/paid employees. Mr. Orringer stated he did feel there was a possibility of that.

Council Member Everett asked why the applicant felt he was getting push back on this item with regards to dust, noise and traffic. Mr. Orringer stated at one time it was a rural road, however, it is not that any longer, it is now industrial with Novo Nordisk located at this location. He stated he is aware of push back and respects their feelings however, he feels it is a loud minority. Council Member Everett asked the applicant if there were anybody else that is in favor of the rezoning. Mr. Orringer stated folks he had conversations with feel it is an industrial area. Council Member Everett stated his concern as he certainly understood this was part of the comprehensive plan but he did understand the concerns of the citizens feeling pushed out. Mr. Orringer stated there would be buffers in place and reminded they would not be receiving carte blanche when it came to the area. He did not feel that denying the rezoning would be a good use of the land. Mayor McLeod stated concerns included on the record are concerns from citizens that it was rural. However, he feels it is in a very centralized location and doesn't feel that it is anyone's intent to cause harm to neighbors and further whatever use is decided, many processes are in place to help protect these folks. He feels this is an industrial area and does not see it as being marketable for residential. He definitely wants folks to have a good quality of life.

With there being nothing further the item was turned over to Council for deliberation at 6:56 p.m.

ACTION: Adoption of Ordinance #2020-08-02

Motion: Council Member Bunn
Second: Council Member Holder
Vote: 3-2 (Opposed: Everett & Thompson)

- b) Delinquent Account Update & Resolution Amending Temporary Changes
Related to Town Utility Policy
Presenter: Ann Game, Customer Service

Ms. Game provided an update on the lifting of the Governor's Order regarding utility bills, no disconnects and no late fees or charges. A total of \$333,000 in late fees and penalties were not billed during that time. Currently there are 500 customers with outstanding balances. These customers have been contacted directly by phone, email and letters. As of July 31, there is a total of \$400,000 due. We will be offering a 6-month payment plan with no late fees or penalties. Of 800 customers that received letters, 392 have paid in full, 174 have arrangements on file and 274 have not responded. Staff will be following up again to advise of outstanding balance and presenting their 6-month payment plan. Ms. Game stated she is pleased with the numbers and further stated staff had been working extremely hard. Council Member Bunn asked if there were allowances to disconnect folks that have not made contact. Ms. Game stated no, we have to reach out to set up payment plan and if they do not respond with their August payment by September they could be cut off. She further explained they would only have to pay their August bill and 1/6 to get turned back on. Mayor McLeod asked if the next letter would be certified. Ms. Game stated it would be certified. Mayor McLeod asked why we weren't offering a 12-month plan. Ms. Game stated we could, however, it was not really doable for staff. Ms. Game stated if there were a crisis situation, they would work with people the best they can. Mayor Pro Tem Thompson offered his thanks to Ms. Game and her staff for all the hard work and creating a solution to this and making it work for folks. Ms. Game stated it has been difficult and they are directing folks to all services available. Ms. Game also provided a brief update on the Digital Meter Project and stated the project is going extremely well. She stated to date there are a little more than 5,000 water meters in the ground and about 300 electric meters installed. The electric meter project was to start August 3 but was postponed a week due to the hurricane. A soft roll out of the portal will be upcoming shortly followed by a broad rollout with a public campaign. Council Member Grannis asked how we are installing the electric meters. Ms. Game stated the 300 are existing structures that have been installed by staff and the new construction is being installed at the time of construction.

ACTION: Adoption of Resolution #2020-27

Motion: Council Member Grannis
Second: Council Member Everett
Vote: Unanimous

7 PUBLIC HEARINGS

- a) 2019-130-SUP - The Quad - Special Use Permit **(Quasi-Judicial)**
Presenter: Samantha Wullenwaber, Planning Director

Town Attorney provided details regarding the process for quasi-judicial hearings. She stated anyone wishing to offer testimony must do so under oath. The Town Clerk issued the oath.

Ms. Wullenwaber provided details about this item. She stated this item is for 20 townhomes located on 2.3 acres on the North side of Guy Road. Currently this

is zoned O-1 in the ETJ, if approved this area would be required to annex into town as they are requesting utilities. The density for this proposal is 9.86 units per acre. The current access is Guy Road, once Brandon Drive is developed the Guy Road access would be close. There will be mail kiosk, roll out trash cans and landscape buffers. Proposed renderings were provided. This plan is consistent with the Comprehensive Plan 2040 and consistent with Surrounding Land Uses. The applicant has addressed the Findings of Fact for both the Special Use Permit and Subdivision projects.

Staff recommends approval with conditions that have been agreed to and signed by applicant.

Council Member Grannis asked for additional information regarding Brandon Drive. Ms. Wullenwaber stated originally staff requested Brandon Drive be completed, however, there was a letter of understanding from 2003 that stated the property owner adjacent would be responsible for the development so there really is not a time frame.

There were no further questions for staff.

Applicant, Donnie Adams of 314 E. Main Street, was present. He stated he has been in the engineering field for over 20 years. He offered appreciation for the set-up of safety and health guidelines.

Mr. Adams provided details about Finding of Facts for Special Use Permit. He stated there was adequate turn around room in both Guy Road and Brandon Road access points. He stated the project complied with all UDO regulations, they would be connecting to town utilities and also are doing sidewalk extensions along Guy Road. He stated the application would not substantially injure adjoining properties. The proposed use is consistent with the Comprehensive Plan 2040.

Council Member Bunn questioned Mr. Adams about storm water management. He asked Mr. Adams if he could assure there would not be any issues later on. Mr. Adams stated this project would be designed to meet standards of the town or county as required.

Council Member Grannis asked for confirmation from Mr. Adams that there were no neighbors at meeting.

Mr. Adams discussed the Findings of Fact for the Subdivision Project.

#1 - the plan is designed to be consistent with Comprehensive Plan 2040.

#2 - this project has gone through the TRC process and has met all requirements of the UDO.

#3 - stated this would be a continuation of development pattern along Guy Road.

#4 - will find appropriate access to Guy Road and to the future access on Brandon Drive and along with that the improvements to connections and

existing sidewalks.

Council Member Grannis what was the length of driveways. Mr. Adams stated he believed they were 25 feet. He asked would the developer allow street parking. Mr. Adams stated there were no plans to allow for street parking. Council Member Grannis asked about the width of interior street. Mr. Adams stated it is 23' back to back. Council Member Grannis asked if cars are parking on both sides of street what they would be reduced to. Mr. Adams stated approximately 7'. Council Member Grannis stated he was concerned about access for emergency vehicles.

Council Member Holder asked would there be any turn lanes into property. Mr. Adams worked with DOT and stated there are no plans for that at this time. Council Member Holder stated this may be a concern.

With no one further wishing to speak, the public hearing was closed and turned over to Council for deliberations.

Council Member Grannis asked Attorney Ross if additional conditions could be added. Attorney Ross stated yes conditions could be placed to ensure project is in compliance.

Council Member Grannis asked that we consider adding a condition regarding no parking on either side of the street. Ms. Wullenwaber stated for this project it may be doable but for larger projects it may not. Council Member Thompson stated even if there was any type of street parking, any emergency vehicle would not be able to turn around as there is only one access and no cul-de-sac. Mr. Lindsay asked how we would enforce this condition, through signage. Council Member Grannis stated he did not know but perhaps require developer to put up signs on both sides of the street. Ms. Wullenwaber stated this is a private street.

Council Member Holder suggested extending the present street to accommodate emergency vehicles. Ms. Wullenwaber reminded that Council can impose additional conditions based on Findings of Fact.

Mr. Adams stated that with reference to turn around that there is an area of turnaround for emergency vehicles.

With nothing further this item was turned over to council for deliberation.

Council Member Grannis asked that a condition be added regarding the private street and the installation of no parking signs on both sides of the street and modifications to allow emergency vehicle or firetruck t turnaround.

ACTION: Approval of 2019-130-SUP w/ additional conditions as listed above

Motion: Council Member Grannis

Second: Council Member Holder

Vote: Unanimous

- b) 2019-129-SD - The Quad - Preliminary Plat (Quasi-Judicial)
Presenter: Samantha Wullenwaber, Planning Director

ACTION: Approval of 2019-129-SD w/ additional conditions as listed above

Motion: Council Member Grannis

Second: Council Member Holder

Vote: Unanimous

- c) 2020-22-PDD - Shoppes at Glen Laurel - Rezoning
Presenter: Samantha Wullenwaber, Planning Director

Ms. Wullenwaber presented this item and stated the request is to rezone 10.05 acres from RE to PD-MU. Additional land is requested to be added, so this portion would be the rezoning of that property. This rezoning is consistent with Comprehensive Plan 2040, Future Land Use Map and Surrounding Land Uses.

There were no questions or comments for staff.

Applicant, Mark Ashness was present and stated he was happy to answer any questions.

Jim Dimster, resident in Fox Ridge, which is located next to The Pines was present. He stated he had concerns regarding storm water. He shared current issues from a holding pond not properly working. He stated he had written numerous letters to the developer with no response and has had town staff out to the property. He stated this problem has caused a huge health problem with an explosion of mosquitoes. The applicant stated he would share this information with the master developer.

With nothing further, the hearing was closed and turned over to council for their deliberation. Council Member Bunn stated he would like to discuss storm water at the next phase of the project.

ACTION: Adoption of Ordinance #2020-08-03

Motion: Council Member Bunn

Second: Council Member Holder

Vote: Unanimous

- d) 2020-39-SD - Shoppes at Glen Laurel - Preliminary Plat (Quasi-Judicial)
Presenter: Samantha Wullenwaber, Planning Director

Town Attorney provided details regarding the process for quasi-judicial hearings. She stated anyone wishing to offer testimony must do so under oath. The Town Clerk issued the oath.

Ms. Wullenwaber provided details about the request to modify the previously

approved master by adding 10.5 acres. The original plan was approved in 2015. Phase 1 is apartments, Phase 2 is self-storage and Phase 3 is commercial/retail. The proposed master plan has 11 phases to include 126 additional apartments, 146 assisted living. Phases 1, 3, 4, 6 and 7 of the master plan have already been approved for development. The traffic study was originally completed in 2015 and updated in 2020. The new master plan has decreased the trip generation from 11,733 trips per day down to 10,000.

The request is consistent with Comprehensive Plan 2040 and also the Future Land Use Map. The applicant has addressed Findings of Facts. If approved staff recommended conditions be placed as outlined in staff report. If approved this master plan would replace 15-48-01.

There were no questions for staff.

Applicant, Mark Ashness, was present and provided his education and background which includes 25 plus years of engineering experience.

He shared details about some retail currently underway or in review. He stated the shops will be local entrepreneurs with shops ranging in size from 1800-3600 square foot.

The applicant addressed the Findings of Facts.

#1 - Existing project & 10 plus acres are zoned appropriately per the Comprehensive Plan 2040.

#2 - Conforms to all town standards.

#3 - Proposed uses are allowed by town and additional acreages allows for more services.

#4 - Significant improvements have already made on Highway 42. An updated TIA was performed and no additional improvements are warranted.

Also addressed were storm water concerns. There are currently four ponds on the site and possibly proposing addition of another pond which would drain to the west and release into a swale on Glen Laurel Road. He stated the drainage patterns moves to the NCDOT right of way.

Council Member Bunn asked if there was definite interest in retail space or just hopes that there would be. The applicant stated there has been much interest in the retail space and with assisted living there is a huge interest for this.

Council Member Holder stated with reference to retail that we can't promise or guarantee it. Mayor McLeod stated if you went door to door things are not great right now. Times are different and the market determines it.

Town Clerk Ms. Moffett stated a letter was received from Ms. Powers who shared her concerns about this project. She stated the letter would be part of the record.

This hearing was turned over to council at 8:37 p.m. for deliberation. Council Member Grannis stated he felt Ms. Wullenwaber and applicant had done a good job explaining concerns about retail. He again stated the council cannot dictate what goes in and if the plan meets all criteria and Findings of Fact the development cannot be legally denied. He stated he appreciated the concerns raised by Ms. Powers.

Council Member Bunn asked that Mr. Cappola take a look at pond concern for resident at Fox Ridge. Mr. Baird stated he would. Council Member Holder stated we have a lot of holding ponds and standing water which breeds mosquito and he asked are we as a town doing anything to address that concern. Mr. Baird stated most are privately maintained and most that are maintained properly would not have mosquito issues.

ACTION: Approval of 2020-39-SD w/conditions as listed in staff report

Motion: Mayor Pro Tem Thompson
Second: Council Member Bunn
Vote: Unanimous

ACTION: Adoption of Resolution #2020-28 (Wastewater Allocation)

Motion: Mayor Pro Tem Thompson
Second: Council Member Holder
Vote: Unanimous

8 NEW BUSINESS

- a) Firing Range Remediation
Presenter: Rich Cappola, Public Services Director

Mr. Cappola was present and provided details about the contract for the firing range remediation. He stated the bid came in lower than expected and work could begin as early as next Monday. Mayor McLeod wanted to ensure that the contractor knew from the start that the streets need to be cleaned every day after they finish. Mr. Cappola stated they would ensure that would be done.

ACTION: Authorize Town Manager to Execute Contract

Motion: Mayor Pro Tem Thompson
Second: Council Member Bunn
Vote: Unanimous

9 STAFF REPORTS

- a) Town Manager
- Budget Update
- Presenter:* Nancy Medlin, D/Town Manager

Ms. Medlin provided a brief budget update. She stated there was no report

available on Ad valorem taxes, we have not started to collect property taxes, so we cannot provide. She stated that as of June 30, 2020 we did receive final allocation of tax revenues 10% higher and \$550,000 higher than budget. Projection for this year was that we would recognize 10% less but expectations that we will meet or exceed. Investment earnings are not yet available and the development fees assumption is that they would remain constant. We are already at 26% of what was budgeted so we are well ahead. She stated building permits remain on tract. Other revenue assumption would remain constant and currently are at 12%, but we still don't know if the state would take any of our additional revenues, this is still to be determined. With regards to general fund revenues, the percentage is higher than usual compared to previous years and expenditures are down over the previous 5 year period. We are holding back on significant expenditures. Water/sewer and electric funds are in good shape, we are taking in more than we are spending. Mayor McLeod asked about ABC taxes. Ms. Medlin stated that we don't know ahead of time, we receive check allocation when we know.

Council Member Grannis asked about subsidies from County and COVID expenses. Ms. Medlin stated we did file for public safety expenditures and it is approximately \$800,000. Mr. Lindsay stated the County is managing and we are working closely with them and following their recommendation as to how we apply for them. For this process it goes to county first and then to state. She stated there could be several adjustments along the way.

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

10 OTHER BUSINESS

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

11 CLOSED SESSION

- a) Pursuant to NCGS 143-318.11.(a)(1) & (6)

ACTION: Motion to Go Into Closed Session at 8:55 p.m.

Returned from closed session at 10:45 p.m. Motion: Council Member Holder

Second: Council Member Bunn

Vote: Unanimous

12 ADJOURNMENT

- a) Adjourn the meeting

With there being nothing further the meeting was adjourned at 10:46 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Holder

Second: Council Member Bunn

Vote: Unanimous

Duly adopted this the 8th day of September, 2020 while in regular session.

**Jody L. McLeod
Mayor**

ATTEST:

**Kimberly A. Moffett, CMC, NCCMC
Town Clerk**

August 17, 2020
Minutes



Town of Clayton
Special Meeting - Clayton Town Council Minutes
Monday, August 24, 2020 @ 5:00 PM
GS 223

COUNCIL PRESENT:

Mayor McLeod
Mayor Pro Tem Thompson
Council Member Grannis
Council Member Holder
Council Member Bunn
Council Member Everett

STAFF PRESENT:

Katherine Ross, Town Attorney

1 CALL TO ORDER

- a) Mayor McLeod called the meeting to order at 5:25 p.m.

2 CLOSED SESSION

- a) Closed Session Pursuant to NCGS 143-318.11(a)(6)

ACTION: Motion to Go Into Closed Session at 5:25 p.m.

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

- b) Returned from Closed Session at 7:23 p.m.

3 ADJOURNMENT

- a) Adjourn the Meeting

With there being nothing further the meeting was adjourned at 7:23 p.m.

ACTION: Motion to Adjourn

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

Duly adopted this the 8th day of September, 2020 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

August 24, 2020
Minutes



**Town of Clayton
Regular Town Council Meeting Minutes
Friday, August 28, 2020 @ 9:00 AM
Council Chambers**

COUNCIL PRESENT:

Mayor McLeod
Mayor Pro Tem Thompson
Council Member Grannis
Council Member Holder
Council Member Bunn
Council Member Everett

STAFF PRESENT:

Nancy Medlin, Deputy Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Heidi Holland, Deputy Town Clerk
Stacy Beard, Communications Director
Ann Game, Customer Service Director
Dale Medlin, Electrical Department Supervisor
Joy Garrettson, Library Director
J.D. Solomon

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 9:04 a.m. He led everyone in the Pledge of Allegiance and offered the Invocation.

2 NEW BUSINESS

- a) Town Manager Resignation

Attorney Ross stated that Mr. Lindsay tendered his resignation, effective September 1, 2020. She shared details regarding his severance package which will be one year of current salary at \$173,386.72.

Mayor McLeod shared comments about Mr. Lindsay and shared some of the accomplishments during his tenure. He stated he was truly appreciative of his dedication and commitment to the town.

ACTION: Motion to Accept Resignation

Motion: Mayor Pro Tem Thompson
Second: Council Member Grannis
Vote: Unanimous

- b) Appointment of Interim Town Manager

Attorney Ross provided details regarding the proposed appointment of J.D. Solomon as the Interim Town Manager. Details regarding his employment

contract included a start date of September 1, 2020 and end date February 28, 2021, with contract extension possible. Additionally his salary would be \$24,000 per month during this time and no benefits would be provided.

Mayor Pro Tem Thompson stated the council was dedicated to providing a sustainable future for Clayton. He stated one of the most important projects in Clayton currently is our Wastewater Project and J.D. Solomon will lead that project as well as many other projects.

Council Member Grannis echoed the sentiments of Mayor Pro Tem Thompson and shared additional details about Mr. Solomon; including he is a long time resident of Clayton, a former member of the Planning Board and has worked as consultant on many projects for the town. The council looks forward to working together and having him as part of the team.

Mr. Solomon stated he has lived in Clayton for 30 years, was a member the Clayton Planning Board for 8 years, instrumental in the building of our current town hall and many other large projects for the town. Additionally, he has also traveled the US and worked with many cities. He stated he was excited to fill in the gap and will do his absolute best to keep the town moving forward and thanked the council for the opportunity. He stated this is a huge job. He stated he has been here for the good times and the bad times. He said we have tough stuff to get through but we will absolutely do it together. He stated he would always give the council the full truth and looked forward to working with both council and staff. He spoke about the community and ensuring the services we provide them are what they want and need. He stated an important main focus is where the town will be in 5-10 years from now. He spoke about the wastewater treatment plant and stated it will keep moving forward. He spoke about the economy and uncertainties regarding budget. He addressed the huge project of updating our UDO. He further stated he believed we need to keep growing our staff and prepare for the next town manager and offered his appreciation for this opportunity.

Mayor McLeod offered his thanks to J.D. for his willingness to step up in this leadership role and continue to move the Town of Clayton forward.

Mayor McLeod stated that the vote to accept Mr. Lindsay resignation came on the heels of a COVID outbreak in the Fire Department and wanted to assure everyone this decision had absolutely nothing to do with that. He reiterated that our Fire Department had done and has always done everything to keep the community and themselves safe. He offered his sincere appreciation for all the prayers and support being sent to the Fire Department and our firefighters and their families.

ACTION: Motion to Appoint Interim Town Manager

Motion: Council Member Holder
Second: Mayor Pro Tem Thompson
Vote: Unanimous

3 ADJOURNMENT

a) Adjourn the Meeting

With there being nothing further, the meeting was adjourned at 9:28 a.m.

ACTION: Motion to Adjourn

Motion: Mayor Pro Tem Thompson

Second: Council Member Holder

Vote: Unanimous

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

**ESTUARY NITROGEN ALLOCATION
PURCHASE AND SALE AGREEMENT
("Agreement")**

Buyer:	Town of Clayton	Address: PO Box 879Clayton, NC 27528-0879										
Buyer Contact:	Richard D. Cappola, Jr. Public Services Director	Contact Info: Email: RCappola@TownofClaytonNC.org Tel. #: (919) 553-5002										
Seller:	International Paper Company	Address: 6400 Poplar Avenue Memphis, TN 38197										
Seller Contact:	Patrick Wilson International Paper Energy Sourcing Leader	Contact Info: E-mail: Patrick.Wilson@ipaper.com Phone #: 901-419-5396										
Effective Date:	April 1, 2020											
Product, Quantity, and Price:	North Carolina Estuary Nitrogen Allocation Credits (hereinafter the "Credits") as specifically identified in the table below: <table><tr><td>Emission Type</td><td>Facility</td><td>Identifier</td><td>Quantity Sold</td><td>Credit Price per Pound</td></tr><tr><td>Estuary Nitrogen Allocation</td><td>New Bern Mill</td><td>NPDES NC0003191</td><td>13,000 pounds</td><td>\$500</td></tr></table>		Emission Type	Facility	Identifier	Quantity Sold	Credit Price per Pound	Estuary Nitrogen Allocation	New Bern Mill	NPDES NC0003191	13,000 pounds	\$500
Emission Type	Facility	Identifier	Quantity Sold	Credit Price per Pound								
Estuary Nitrogen Allocation	New Bern Mill	NPDES NC0003191	13,000 pounds	\$500								
Purchase and Sale:	Seller shall sell to Buyer, and Buyer shall purchase from Seller, the Credits identified above in the Quantity Sold and at the Credit Price per Pound set forth above for a total purchase price of Six Million Five Hundred Thousand dollars (\$6,500,000) (the "Total Purchase Price"). Buyer shall be responsible for taxes, filing fees, registration fees, and/or transfer fees applicable to the transfer of the Credits, if any. Upon the receipt by Seller of the full Total Purchase Price, ownership, title and any other rights and interests in the Credits shall transfer from Seller to Buyer.											
Transfer and Payment Terms:	Within three (3) business days after execution of this Agreement, Seller shall submit to Buyer an original of the required North Carolina Credit transfer forms. Buyer shall pay the Total Purchase Price to Seller within seven (7) business days of final approval from the North Carolina Department of Environmental Quality for the transfer of the Credits. All funds to be paid shall be rendered in the form of immediately available funds (U.S. Dollars) by wire transfer or in such other form as otherwise agreed to by the parties, in writing. Seller's Banking Instructions are: Bank: JP Morgan Chase Bank ABA Routing No.: 021000021 Account Name: International Paper Company Account No.: 0361046469 If Buyer fails to remit any amount payable by it when due, then interest on such unpaid portion shall accrue at a rate equal to the prime interest rate in effect at the time as published in <i>The Wall Street Journal</i> plus two percent (2%) from the date payment is due to the date of payment. Buyer and Seller shall fully, timely and reasonably cooperate to obtain any and all required documentation, approvals, and/or certificates which may be required to effectuate the transfer of the Credits to Buyer and to comply with any and all other regulatory obligations relating to the recording and tracking of the transfer of the Credits.											

PPAB 5519821v2

	Should the North Carolina Department of Environmental Quality not approve the transfer of the Credits from Seller to Buyer, and thereafter the parties are unable to accomplish the transfer within the later of one hundred twenty (120) business days of the first submitted request for transfer or July 31, 2020, due to the decision, actions, or inactions of the North Carolina Department of Environmental Quality, then this Agreement will become null and void. In such case, Seller shall return any monies paid and ownership of the Credits shall return to the Seller and neither party shall have any further obligation or liability to the other party.
Additional Terms and Conditions:	<u>Mutual Representations and Warranties.</u> Each party represents and warrants to the other party as of the date of this Agreement, and as of the date of delivery of the Credits to be sold hereunder that (i) it has, and at all times during the term of this Agreement will have, all necessary power and authority to execute, deliver, and perform its obligations under this Agreement; (ii) the execution, delivery, and performance of this Agreement has been duly authorized by all necessary action and does not violate any of the terms or conditions of its governing documents, or any contract to which it is a party, or any law or other legal or regulatory determination applicable to it; and (iii) there is no pending or (to its knowledge) threatened litigation, arbitration, or administrative proceeding that materially adversely affects its ability to perform its obligations under this Agreement. <u>Representations and Warranties of Seller.</u> Seller represents and warrants to Buyer that, with respect to the Credits delivered to Buyer hereunder: (i) each Credits sold hereunder meets the specifications set forth in this Agreement; (ii) Seller has good and legal ownership to the Credits; and (iii) all right, title and interest in and to the Credits are free and clear of any liens, taxes, claims, security interests, or other encumbrances, and upon receipt of the Credits by Buyer, Buyer shall have all right, title, and interest in and to such Credits. SELLER EXPRESSLY NEGATES ANY OTHER REPRESENTATION OR WARRANTY, WRITTEN OR ORAL, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY REPRESENTATION OR WARRANTY WITH RESPECT TO MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE AS RELATED TO THE CREDITS. <u>Event of Default.</u> For purposes of this Agreement, a party shall be in default (each of the following, an "Event of Default"): (i) if that party fails to make, when due, any payment required pursuant to this Agreement if such failure is not remedied within five (5) business days of written notice from the other party; (ii) if that party materially breaches any or all of its obligations under this Agreement and such breach is not cured within ten (10) business days of written notice of such breach from the other party; (iii) if any representation or warranty made by a party pursuant to this Agreement proves to have been misleading or false in any material respect when made; or, before the conclusion of all actions required for the sale, delivery, and performance of obligations under this Agreement, (iv) if a party makes an assignment or any general arrangement for the benefit of its creditors; files a petition or otherwise commences, authorizes or acquiesces in the commencement of a proceeding or cause under any bankruptcy or similar law for the protection of creditors; has a petition filed against it; or otherwise becomes bankrupt or insolvent (however evidenced); (v) if a liquidator, receiver, trustee, conservator or similar official is appointed with respect to a party or any substantial proportion of its property or assets; (vi) if that party is generally unable, or admits in writing of its general inability, to pay its debts as they fall due; or (vii) if that party repudiates any obligation under this Agreement. <u>Remedies upon Default.</u> If an Event of Default occurs on the part of either party and is continuing, the non-defaulting party may, at its sole option, upon five (5) business days' written notice and opportunity to cure to the defaulting party, terminate this Agreement. <u>Failure to Deliver/Receive.</u> Notwithstanding anything in this Agreement to the contrary, the remedies set forth in this section are the exclusive monetary remedies of the performing party for the other party's failure to (i) take delivery of all or any portion of the Credits specified hereunder, or (ii) deliver all or any portion of the Credits specified herein, as applicable. If Buyer fails to take delivery of all or any portion of the Quantity of Credits specified herein and such failure is not excused under the terms of this Agreement (including, without limitation, due to a Change in Law [defined below]), Buyer shall pay Seller, within five (5) business days of invoice receipt, an amount equal to the sum of the Unit Price multiplied by the quantity for any Credits delivered to Buyer for which Seller has not been paid; <u>plus</u> (i) reasonable actual, documented legal fees and costs incurred by Seller in enforcement and protection of its rights under this Agreement; <u>plus</u> (ii) interest as described herein. If Seller fails to deliver all or any portion of the Quantity of Credits to Buyer specified herein and such failure is not excused under the terms of this Agreement, then Seller shall pay Buyer, within five (5) business days of invoice receipt, an amount equal to \$1000, plus reasonable actual, documented legal fees and costs incurred by Buyer in enforcement and protection of its rights under this Agreement. In addition to monetary damages as allowed by this Section, Buyer may sue for specific performance of this Agreement. The parties agree that an

order of the court enforcing the consummation of the sale and delivery of the Credits is an appropriate remedy in the event of a Seller Default.

Change of Law. Should any change in law governing the Credits occur prior to Buyer's receipt of transfer documents evidencing that the Credits have been transferred to Buyer, and such change of law restricts or limits the transferability of the Credits (i.e. not simply a clarification or modification of existing law which has little or no effect on the ability of the parties hereto to effectuate this sale transaction or upon the nature and quality of the Credits) (a "Change of Law"), then Buyer's sole recourse and remedy shall be to terminate this Agreement upon written notice to Seller, and upon Buyer's exercising of said termination, Seller shall return any amounts received from Buyer (if applicable) and Buyer shall cooperate to effect the return of the Credits to Seller (if applicable), and thereafter no party shall have any further liability or obligation to any other party hereto. If a Change of Law occurs after Buyer's receipt of documentation evidencing that the Credits have been transferred to Buyer or Buyer's designee, then Buyer shall have no recourse or remedy against Seller.

Limitations of Liability. THE EXPRESS REMEDIES AND MEASURES OF DAMAGES PROVIDED HEREIN SATISFY THE ESSENTIAL PURPOSES HEREOF. FOR BREACH OR DEFAULT ARISING FROM ANY PROVISION FOR WHICH AN EXPRESS REMEDY IS PROVIDED HEREIN, SUCH REMEDY OR MEASURE OF DAMAGES SHALL BE THE SOLE AND EXCLUSIVE REMEDY AND ALL OTHER REMEDIES OR DAMAGES AT LAW OR IN EQUITY ARE WAIVED, INCLUDING ANY INDEMNIFICATION OBLIGATIONS RELATING THERETO. IF NO REMEDY OR MEASURE OF DAMAGES IS EXPRESSLY PROVIDED HEREIN, LIABILITY SHALL BE LIMITED TO DIRECT, ACTUAL DAMAGES ONLY. SUCH DIRECT, ACTUAL DAMAGES SHALL BE THE SOLE AND EXCLUSIVE REMEDY, AND ALL OTHER REMEDIES OR DAMAGES AT LAW OR IN EQUITY ARE WAIVED. EXCEPT AS MAY BE INCLUDED IN AN EXPRESS REMEDY PROVIDED FOR HEREIN, NEITHER PARTY SHALL BE LIABLE TO THE OTHER PARTY FOR ANY INDIRECT, SPECIAL, CONSEQUENTIAL, PUNITIVE OR EXEMPLARY DAMAGES ARISING OUT OF OR RELATED TO THIS AGREEMENT, INCLUDING LOST PROFITS (EXCEPT TO THE EXTENT THAT THE PAYMENTS REQUIRED TO BE MADE PURSUANT TO THIS AGREEMENT ARE DEEMED TO BE SUCH DAMAGES) OR BUSINESS INTERRUPTION DAMAGES, WHETHER BASED ON STATUTE, CONTRACT, TORT, UNDER ANY INDEMNITY OR OTHERWISE, WITHOUT REGARD TO CAUSE OR THE NEGLIGENCE OF ANY PARTY, WHETHER SOLE, JOINT, ACTIVE OR PASSIVE, AND EACH PARTY HEREBY RELEASES THE OTHER PARTY FROM ANY SUCH LIABILITY, EVEN IF DURING THE TERM HEREOF IT ADVISES THE OTHER OF THE POSSIBILITY OF SUCH DAMAGES. TO THE EXTENT ANY DAMAGES REQUIRED TO BE PAID HEREUNDER ARE LIQUIDATED, THE PARTIES ACKNOWLEDGE THAT THE DAMAGES ARE DIFFICULT OR IMPOSSIBLE TO DETERMINE, OR OTHERWISE OBTAINING AN ADEQUATE REMEDY IS INCONVENIENT AND THE DAMAGES CALCULATED HEREUNDER CONSTITUTE A REASONABLE APPROXIMATION OF THE HARM OR LOSS AND ARE NOT A PENALTY.

Confidentiality. To the extent allowable by law, the parties agree to keep confidential the contents of this Agreement and any information made available by one party to the other party with respect to this Agreement (the "Confidential Information") except: (i) in respect of information that is or becomes generally available to the public other than as a result of a disclosure by either party in violation of this Agreement; (ii) in respect of information that was already known by either party on a non-confidential basis prior to the execution of this Agreement; (iii) in respect of information that becomes available to either party on a non-confidential basis from a source other than the other party where such source is not known by the receiving party to be subject to a confidentiality obligation with respect to such information; (iv) to the extent required by any administrator or regulatory agency in order to effectuate the transaction contemplated by this Agreement or to comply with applicable law; (v) in respect of information that is independently derived and is not directly attributable to the party with respect to which it relates; and (vi) to the professional advisors of each party, provided that each party ensures that the matters disclosed are kept confidential. The parties acknowledge and agree that in the event of a breach of this confidentiality provision monetary damages may be insufficient to make the non-disclosing party whole; as such, the non-disclosing party shall be entitled to seek equitable relief, including injunctive relief and specific performance, in addition to all other remedies available at law or in equity. Seller agrees that publication of this Agreement, in its totality, as part of Town Council meeting agendas or in response to a public records request pursuant to N.C.G.S. §132 is not a breach of this Agreement.

Notices. All notices, demands, and other communications hereunder shall be effective only if given in writing and shall be deemed given (i) when delivered in person; (ii) when delivered by a reputable overnight carrier (with confirmation of delivery); (iii) when transmitted by facsimile or e-mail (with confirmation of transmission); or (iv) five (5) business days after being deposited in the United States mail, first-class, registered or certified, return receipt requested, with postage paid. For purposes hereof, all notices, demands and other communications shall be sent to the contacts and addresses above (or to such other address furnished in writing by one party to the other party).

Assignment. This Agreement shall be binding upon and inure to the benefit of the parties and their respective

successors and permitted assigns. Neither party may transfer or assign this Agreement, in whole or in part, without the other party's prior written consent, which consent shall not be unreasonably withheld. Upon any transfer or assignment permitted by this Agreement, the assignor shall be released from its obligations hereunder to the extent such obligations are assumed by the assignee.

Amendment. This Agreement may be amended at any time, but only by a written agreement signed by both parties.

No Waiver. No delay or omission by a party in the exercise of any right under this Agreement shall be taken, construed, or considered as a waiver or relinquishment thereof. If any of the terms and conditions herein are breached and thereafter waived in writing by a party, such waiver is limited to the particular breach so waived and is not deemed to waive any other breach hereunder.

Severability. If any provision or portion of this Agreement is found to be unenforceable, the remainder shall be enforced as fully as possible and the unenforceable provision shall be deemed modified to the limited extent required to permit its enforcement in a manner most closely representing the intention of the Parties as expressed herein.

Complete Agreement. This Agreement represents the parties' final and mutual understanding concerning its subject matter. It replaces and supersedes any prior agreements or understandings, whether written or oral.

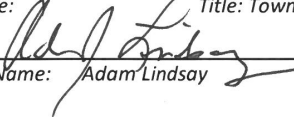
Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of North Carolina, excluding any choice of law or conflicts of law rules or principles that would result in application of the laws of a different jurisdiction.

Dispute Resolution. Any dispute between the parties arising under or pertaining to this Agreement shall be referred to representatives of the parties for informal dispute resolution discussions as soon as practicable. In the event that the designated representatives do not reach a mutually acceptable resolution of the dispute within thirty (30) days of such referral, the parties may agree to submit such dispute to mediation or other dispute resolution process as may be agreed upon by the parties. If the dispute is not resolved within ninety (90) days from the date of such submission for mediation or other dispute resolution process, either party may bring an appropriate action at law or in equity in the courts of the State of North Carolina or the U.S. District Court located in the State of North Carolina. Each party waives any objection which it may have at any time to the laying of venue of any such proceedings brought in any such court, waives any claim that such proceedings have been brought in an inconvenient forum and further waives the right to object, with respect to such proceedings, that such court does not have any jurisdiction over such party. Nothing in this Agreement to the contrary shall, or is intended to, prevent either party from bringing an action in equity to seek injunctive relief, if necessary, to avoid irreparable harm. EACH PARTY WAIVES ITS RESPECTIVE RIGHT TO ANY JURY TRIAL WITH RESPECT TO ANY LITIGATION ARISING UNDER OR IN CONNECTION WITH THIS AGREEMENT.

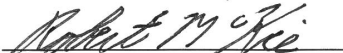
Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which together shall be deemed to be one and the same instrument. Scanned and e-mailed copies of the signed Agreement or other electronic transmission of any signed original document, will be the same as delivery of any original document.

Further Assurances. Each party shall provide the other party any reasonably requested information or documentation required to effect a transfer of Credits pursuant to the terms of this Agreement, will cooperate to cause a transfer to occur, and will otherwise comply with any and all applicable procedures and requirements of applicable law relating to the transfer.

By signing below and in witness whereof, the parties agree to be bound by the terms and conditions contained in this Agreement.

Buyer: TOWN OF CLAYTON		Seller: INTERNATIONAL PAPER COMPANY	
Signature: 	Title: Town Manager	Signature: 	Title: SVP GCF & IP Asia
Printed Name: Adam Lindsay	Date: 4.6.2020	Printed Name: Catherine I Slater	Date: 04/01/2020

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


Robert McKie, Finance Director

ANNEXATION PETITION 2020-23-ANX
Shoppes at Glen Laurel
Parcel: 05I04016E
Owners: Clayton Partners LLC
Contiguous; 10.4652 Acre

CERTIFICATE OF SUFFICIENCY

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

I, Kimberly A. Moffett, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Clayton this the 8th day of September, 2020.

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

ANNEXATION PETITION 2020-115-ANX
West End Annexation
Parcel: 165911-76-3307
Owners: Hubert & Bonnie Lee
Contiguous; 1.701 acres

CERTIFICATE OF SUFFICIENCY

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

I, Kimberly A. Moffett, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Clayton this the 8th day of September, 2020.

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

ANNEXATION PETITION 2020-23-ANX
Shoppes at Glen Laurel
Parcel: 05I04016E
Owners: Clayton Partners LLC
Contiguous; 10.4652 Acre

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

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

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

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

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

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held at Town Hall at 6:00 PM on Monday, September 21, 2020.

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

BEGINNING at a point in the eastern right-of-way of Glen Laurel Road, NCSR # 1902, a variable width public right-of-way, said point being the southwest corner of Lot 3 as referenced in Plat Book 86, Page 87 and said point having N.C. Grid NAD '83 coordinates of N=689,037.3201 feet and E = 2,171,827.6427 feet; thence leaving the said right-of-way and along the common line of said Lot 3, N 64°52'55"E a distance of 267.24 feet to an existing concrete monument; thence N 63°35'01"E a distance of 1218.03 feet to an existing iron pipe being the northwest corner of the property of the Town of Clayton as referenced in Deed Book 3420, Page 521; thence with the common line of said Town of Clayton property, S 00°50'07"E a distance of 486.84 feet to an existing concrete monument being the northeast corner of the property of Sandra S. Provenzano as referenced in Deed Book 1194, Page 237; thence with the common line of the said Provenzano property, S 74°22'35"W a distance of 1342.02 feet to an existing iron pipe in the said right-of-way of Glen Laurel Road; thence with the said right-of-way, N 16° 44'00"W a distance of 20.69 feet to a point; thence N 10°28'16"W a distance of 100.84 feet to a point; thence N 6°44'00"W a distance of 71.47 feet to a point; thence N 25°33'31"W a distance of 6.06 feet to the Point and Place of BEGINNING and containing 455,866 square feet or 10.4652 acres.

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

Duly adopted this 8th day of September, 2020 while in regular session.

Jody L. McLeod,
Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk

ANNEXATION PETITION 2020-115-ANX
West End Annexation
Parcel: 165911-76-3307
Owners: Hubert & Bonnie Lee
Contiguous; 1.701 acres

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

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

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

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

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

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held at Town Hall at 6:00 PM on Monday, September 21, 2020.

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

Commencing at a point, said point being an iron pipe found along the northern right-of-way of Main Street in Clayton Township, Johnston County, North Carolina. Point further described as the western corner of the Raymond Lee property as recorded in Deed Book 891 Page 601, Johnston County Registry. Point also described as the southern corner of the Hubert L. Lee property as recorded in Deed Book 5457 Page 328 and the **POINT OF BEGINNING**. Thence from said point N 44°39'43" W a distance of 25.29 feet to an iron pipe found. Thence N 44°39'43" W a distance of 25.29 feet to an iron pipe found. Thence N 44°39'43" W a distance of 104.91 feet to an iron pipe found. Thence N 44°39'43" W a distance of 55.32 feet to an iron pipe found. Thence with a curve turning to the right with an arc length of 91.98 feet, with a radius of 975.00 feet, with a chord bearing of N 41°57'34" W, with a chord length of 91.95 feet to an iron pipe found. Thence N 39°15'25" W a distance of 133.47 feet to an iron pipe found. Thence N 51°35'42" E a distance of 123.42 feet to an iron pipe found. Thence with a curve turning to the right with an arc length of 40.59 feet, with a radius of 50.00 feet, with a chord bearing of N 74°51'03" E, with a chord length of 39.48 feet to an iron pipe set. Thence S 45°44'48" E a distance of 253.70 feet to an iron pipe set. Thence S 45°44'48" E a distance of 44.38 feet to an iron pipe set. Thence S 45°44'48" E a distance

of 52.33 feet to an iron pipe found. Thence S 45°44'48" E a distance of 25.29 feet to an iron pipe set. Thence S 45°44'48" E a distance of 25.29 feet to an iron pipe set. Thence S 44°47'49" W a distance of 99.40 feet to an iron pipe found. Thence S 44°47'49" W a distance of 82.15 feet to an iron pipe found and the **POINT OF BEGINNING** and containing 1.701 acres (74084 square feet)

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

Duly adopted this 8th day of September, 2020 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

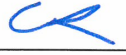
Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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: Carlos Bagley, Red Line Engineering
Karen Durham, Engineering & Inspection Coordinator

Date: August 24, 2020

Subject: Lot B-6, Moss Creek Village Business Park

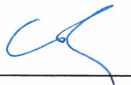
Please place a warranty acceptance request for the subject public water and sewer utilities along with the right of way section and all pertinent easements on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the aforementioned will be subject to a one-year warranty period. Following the warranty, a final inspection will be done and all deficient items corrected by the developer prior to final acceptance.



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Engineering & Inspections
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Clayton, NC 27528
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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, River Wild
Steve Blasko, Public Works Operations Manager

Date: August 28, 2020

Subject: Parkview, Phases 8-13, 16 & 17

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. The streets 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 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: Andy Simerman, Construction Project Administrator

Copy: Donnie Adams, Adams and Hodge
Lori Bryant, Development Services Coordinator
Amani Hooker, One 27 Homes
Mark Turner, Providence Construction

Date: August 31, 2020

Subject: Lionsgate Subdivision – Phase 6A-6B

Please place a pre warranty acceptance request for the referenced public street, curb and gutter, sidewalks, and storm sewer system on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the streets, curb and gutter, sidewalk, and storm sewer system, will be subject to a one-year warranty period. Following the warranty period, a final inspection will be done and all deficient items corrected prior to final acceptance.



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
Harrison Smith, Providence Construction
Steve Blasko, Public Works Operations Manager
Karen Durham, Engineering & Inspections Coordinator

Date: August 25, 2020

Subject: Ashcroft Subdivision, Phase 2

Please place a final acceptance request, on the next available agenda, for the subject asphalt pavement, curb & gutter, and all sidewalk within the public right-of-way. A final inspection was performed with all identified punch list items completed. Upon final acceptance, the Town will assume all operational and maintenance duties.



Town Council Agenda Cover Sheet

Meeting Date

September 8, 2020

Agenda Location

Administrative

Item Title

Appointment of 2nd Alternate to NCEMPA Board

Presenter

Kimberly Moffett

Summary/Description

The departure of Mr. Lindsay has created a vacancy for a 2nd Alternate on the NCEMPA Board. It is recommended that Mayor Pro Tem Thompson be appointed to fill this vacancy. The Town Clerk will issue the Oath of Office to Mr. Thompson following approval of his appointment to fill this vacancy.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

A

Meeting Timeline

Click or tap here to enter text.



Town Council Agenda Cover Sheet

Meeting Date

September 8, 2020

Agenda Location

Public Hearings

Item Title

2020-105-SD Spring Branch Preliminary Plat Master Plan

Presenter

Samantha Wullenwaber, Planning Director

Summary/Description

Request to modify a previously approved preliminary plat (Acting as a master plan) for Spring Branch Medical Park. The applicant is proposing to modify the mixture of uses within the development from the original master plan.

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application
Owner's Consent Form
Staff Report
Staff Report Maps
Neighborhood Meeting Materials
Newspaper Ad
Adjacent Property Letter
TRC Certification Letter
Updated Trip Generation Letter
Site Plan

Meeting Timeline

September 8, 2020 – Town Council



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 PLAN APPLICATION COVER SHEET

Name of Project: Spring Branch Medical and Commercial Park **Date:** 7/31/2020

Applicant Name: UACFE, LLC

The following checklist to be completed by applicant:

☐ Pre-Application Meeting on: 7/1/2020

☒ Review fee

☒ Advertisement Fee

[N/A] Copy of plan sets in PDF on USB (only one USB needed)

11 copies of the following:

☒ Completed Application

[N/A] Owner's Consent Form

☐ Adjacent Property Owner's List

[N/A] Road Name Application

[N/A] Wastewater Allocation Request Form or verification of Wastewater

☒ Signed/Sealed Traffic Impact Analysis (if applicable)

☒ Neighborhood Meeting Notice Letter (1 copy)

☒ Set of stamped, addressed, empty envelopes for adjacent property owner notification

☒ Stormwater Management Statement

11 copies of the plan set which includes the following:

[N/A] Cover Sheet

[N/A] Preliminary Engineering Plan Sheet

[N/A] Existing Conditions Sheet

[N/A] Preliminary Grading Plan Sheet

☒ Signed & Sealed Boundary Survey

[N/A] Landscaping Plan Sheet

[N/A] Site Plan Sheet

[N/A] Architectural Elevations Sheet

[N/A] Phasing Plan Sheet

[N/A] Lighting Plan Sheet

Reviewed by: _____



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
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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: Spring Branch Medical and Commercial Park

Advertising Fee: \$200.00

SITE INFORMATION

Name of Project: Spring Branch Medical and Commercial Park Acreage of Property: 50.93
Tag #: 05F02035 B,F,G,H,I,J,K,L,M,N,O,P,Q NC Pin #: N/A
Location: Highway 42 & Springbrook Avenue
Number of lots (Existing): 16 (Proposed): 16 Min. Lot Size: N/A
Zoning District: B-3 (underlying district) PD-MU Electric Provider: Progress Energy
Wastewater: ☐ Septic ☒ Sewer Water: ☐ Well ☒ Public/Private Water
Recreation/Open Space Requirement: ☐ Fee in lieu ☐ Land Dedication – acreage: N/A

APPLICANT INFORMATION

Applicant: UACFE, LLC
Mailing Address: 219 Muirfield Lane Clayton NC 27527
Phone Number: 919.550.0736 Fax: _____
Contact Person: Stephen Wirth
Email Address: swirth001@nc.rr.com

OFFICE USE ONLY

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

PROPERTY OWNER INFORMATION

Name: UACFE, LLC

Mailing Address: 219 Muirfield Lane Clayton NC 27527

Phone Number: 919.550.0736

Fax: _____

Email Address: swirth001@nc.rr.com

EXPLANATION OF PROJECT

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

Lot #2 is currently deemed a "Restaurant" use. We would like to adjust the usage of this lot to "Medical / Retail".

Lot #3 is currently deemed a drug store use. We would like to adjust the usage of this lot to "Restaurant / Retail"

This is so that, in the future, we can submit plans under these new uses. However, we are not currently submitting specific plans for either of these lots. We are just requesting the Change of Use at this time.

We are also requesting that if the use for lot #14 and lot #15 is multifamily, the requirement to go through Town Council for approval is removed.

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

The subdivision meets all required specifications of the town Subdivision Regulations and conforms to the town UDO.

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

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.

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

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

In fact, a stop light was added at the entrance to the park recently which will mitigate any traffic concerns.

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

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

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'.
- All drawings, except elevations, isometric drawings, and renderings, shall be in two dimensional plan views.
- All text shall be clear and legible.
- Line weight hierarchy on all plans shall be consistent with common drafting standards.
- Multiple sheets shall be consecutively numbered (e.g. Sheet 1 of 4).
- All numerical references shall be rounded up to a maximum of two decimal points.

PLAN ELEMENTS AND GRAPHIC DATA (TO BE ON ALL SHEETS)

The following items include general and project information. This information is required to be present on all plan sheets, except where otherwise noted.

Provided		
Yes	N/A	
☒		Consultant Logo Box (name, address, phone number, fax, and e-mail, firm and license number)
☒		Project/Application Name
☒		Type of Plan
☒		Signature and Professional Seal with date (landscape plans, architectural elevations, engineering plans, surveys)
☒		Original/Submittal Date and Revision Date
☒		Sheet Number
☒		Vicinity Map
☒		North Arrow with NC Grid System
☒		Graphic Scale (engineering or architectural graphic and written scale)

The following elements are specific to each property and application request, and shall be shown graphically on the specific plan types listed below. These graphics shall be supported by text, labeling, and dimensional information (width, length, and depth).

SURVEY

Provided		
Yes	N/A	
☒		A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department) with the bearings and distances of every property line shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required. The survey must include any and all easements of record (referenced by Deed Book and Page) and must be prepared by a surveyor registered in the State of North Carolina.

EXISTING CONDITIONS SHEET

Provided		
Yes	N/A	
☐	X	The existing topographical conditions of the property with a two foot contour interval showing the location of any natural features such as water courses, wooded areas, steep slopes (above 25%), or other geological features.
☐	X	The existing streets and roadway improvements (medians, landscaping, signage, driveways, etc.) within 100 feet of project boundary.
☐	X	The existing structures located on the subject property.
☐	X	The existing structures within 100 feet of project boundary.
☐	X	The existing utilities (including inverts of pipes, rim elevations, wells and septic tanks, etc.) within 100 feet of project site.
☐	X	Label subject parcel and adjacent property acreage, owners, and zoning districts.

PRELIMINARY SITE PLAN

The items listed below are required to be delineated (in a tabular format) on the site plan:

Provided		
Yes	N/A	
☐	X	Site data table in tabular form
☐	X	Name of project (AKA names if applicable)
☐	X	Parcel identification number (and/or Tag number)
☐	X	Property size (acres and square feet)
☐	X	Property location (Town limits or ETJ)
☐	X	Existing zoning district
☐	☒	Proposed zoning district (if applicable)
☐	☒	Overlay (if applicable)

Provided		
Yes	N/A	
☐	X	Existing use
☐	X	Proposed use
☐	☒	Number of seats/students/fueling positions (as applicable).
☐	☒	Number of housing units proposed, per housing unit type.
☐	☒	Proposed density (number of units per acre)
☐	☐	Proposed intensity (gross floor area)
☐		Building coverage (as percentage of total site)
☐	☒	Impervious surface area (square feet and as percentage of total site)
☐	☒	Building height (number of stories and in feet)
☐	☒	Required parking (list requirement i.e. 1 space per 300 SF)
☐	☒	Proposed parking
☐	☒	Required/proposed handicap accessible parking
☐	☒	Provide name of Electric Provider.
☐	☒	Provide name of Water Provider.
☐	☒	Provide name of Sewer Provider.
☐	☒	Max building height.

Other site plan elements:

Provided		
Yes	N/A	
☐	X	Identify adjacent property owners, their parcel ID number, current zoning and present use.
☐	☐	Put a bubble around the affected area for amendments to previously approved projects.
☐	X	Identify the location of lots, buildings and structures with finished floor elevations and applicable setbacks.
☐	X	Identify existing and future right of ways.
☐	☐	Identify Watershed Protection Areas.
☐	☐	Identify existing easements by type, and distinguish if public or private.
☐	☐	Identify proposed easements by type, and distinguish if public or private.
☐	☐	Identify Open Space/Common Areas, amenities.
☐	X	Identify clear sight triangle at project ingress/egress points with dimensions.
☐	X	Identify main entrance/access driveways, curb and gutter, cross section with ROW. Proposed driveway and setbacks must be shown.

Provided		
Yes	N/A	
☐	☒	Provide boundaries of Resource Conservation Areas (see UDC Section 155.500).
☐	x	Provide an off-street parking and loading layout (with details, dimensions and access location). Accessible parking requirements are listed in NCSBC Volume 1C, 1999 edition. Show traffic circulation arrows.
☐	☒	Provide queuing details for drive-up/drive-thru facilities (if applicable).
☐	X	Provide the locations and dimensions of existing and proposed sidewalks and accessible routes.
☐	x	Provide the location and details of refuse collection areas.
☐	☒	Provide the location, size and orientation of freestanding signs.
☐	☒	Identify proposed phasing (phasing lines) of construction on Phasing Plan sheet.
☐	☒	Cul-de-sacs must be dimensioned and meet Town of Clayton minimum design criteria.
☐	☒	Identify cluster mailbox unit (CBU) locations and details, including parking layout.

CONCEPTUAL ENGINEERING PLANS

Note: Conceptual engineering plans are deemed preliminary in nature. Review and approval of public infrastructure construction plans is a separate process performed by the Engineering Division.

Provided		
Yes	N/A	
☐	☒	Identify proposed streets and roadways (public and private) with dimensions and cross sections.
☐	☒	Identify the curve radii for all internal and external vehicular use areas.
☐	☒	Identify all access points to the project.
☐	☒	Identify existing conditions and proposed grading plans.
☐	☒	Identify Tree Conservation Areas shown on grading plan.
☐	☒	Show proposed flow of traffic.
☐	☒	Identify proposed traffic control signs and striping.
☐	☒	Identify the proposed water distribution system (including size) with location of fire hydrants and point of connection(s).
☐	☒	Identify the proposed sanitary sewer collection system (including size) and point of connection(s). If a municipal sewer connection is not available, please provide documentation from Johnston County Department of Environmental health that the location of septic tank and drain field is acceptable.
☐	☒	Provide preliminary wastewater allocation calculation.

Provided		
Yes	N/A	
☐	☒	Identify proposed grease traps.
☐	☒	Identify backflow prevention devices.
☐	☒	Identify slopes steeper than 2.5:1.
☐	☒	Identify the proposed storm water management system with location of inlets, piping and positive outfall along with typical section and top surface area of storm water retention/detention pond, including soil types, slope, bottom and top elevations, and finish floor elevations.
☐	☒	Provide a Stormwater Management Statement.
☐	☒	Floodplain development permit required for this parcel – see Engineering Dept.

FIRE PLAN

Fire Rescue (information to be shown on conceptual engineering plans)

Provided		
Yes	N/A	
☐	☒	Identify fire hydrant distribution (distance of hose lay).
☐	☒	Identify the sprinkler connection locations and size.
☐	☒	Identify fire lane designations and circulation around buildings (stripe fire lanes and show minimum stabilized access around all structures).
☐	☒	Identify the emergency evacuation route (access in and out of the property).
☐	☒	Identify fire apparatus turning radius.
☐	☒	Verify the location of fire hydrants is not interfering with required landscaping (must be 24" clearance of landscaping from bottom of steam fitting).
☐	☒	Identify the Lock Box/Knox Box locations.
☐	☒	Identify placard locations for hazardous materials.

PHASING PLAN

Provided		
Yes	N/A	
☐	☒	Provide a Phasing plan showing all proposed phases and phase titles, in different colors.

LANDSCAPE PLAN

Provided		
Yes	N/A	
☐	X	Provide a landscape plan identifying the location of all proposed landscaping (must be prepared by a landscape architect registered in North Carolina).
☐	x	Indicate the location, width and type of all required buffers.
☐	x	Indicate the location, width and type of landscaping within vehicular use areas.
☐	x	Indicate the location, width and type of landscaping used to screen drive-thru areas, service areas, loading areas, mechanical equipment and above ground utilities.
☐	x	Provide a plant list summary table which includes: 1. A planting key identifying the various planting elements 2. The quantity of each type of plant material proposed 3. The size, height, caliper and spacing of plant material proposed 4. The Botanical and common names of plant material proposed
☐	X	Verify/identify clear sight distances and safe-sight-triangles at project ingress/egress points.
☐	x	Provide an irrigation note to read as follows: "All landscaped areas shall be provided with an automatically operated irrigation system that will adequately cover all living plant material, such system shall include a rain sensor." (If irrigation will not be utilized, drought-tolerant species must be used).
☐	x	Provide a landscape maintenance note which states: "All landscaped areas shall be maintained in an attractive and healthy condition. Dead or diseased plantings shall be removed and replaced in a timely fashion".
☐	X	Identify and list any existing plant material which will be used to satisfy landscape requirements.

LIGHTING PLAN

Provided		
Yes	N/A	
☐	☒	Conceptual Lighting Plan - any common lighting should not spill over to other properties.
☐	☒	Identify the light source and provide a detail of the fixture.
☐	x	Identify the proposed height of fixtures.

ARCHITECTURAL ELEVATIONS AND FLOORPLAN

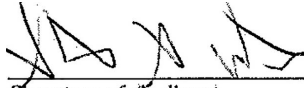
Provided		
Yes	N/A	
☐	X	Provide floor plans, elevations, construction materials, finishes and colors, along with type of construction of all buildings per North Carolina Building Code prepared by a professional architect registered in North Carolina. This should be provided in color.
☐	X	Indicate the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

Stephen Wirth

Print Name


Signature of Applicant

7/31/20

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: Spring Branch Medical & Commercial Park Address or PIN #: 05F02035 B, F, G, H, I, J, K, L, M, N, O, P, Q

AGENT/APPLICANT INFORMATION:

Stephen A Wirth
(Name - type, print clearly)

219 Muirfield Lane
(Address)
Clayton, NC 27527
(City, State, Zip)

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

major subdivision modification

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: Spring Branch Medical and Commercial Park Master owner's Assoc. Inc.

STEPHEN A WIRTH
(Name - type, print clearly)

219 MUIRFIELD LANE
(Address)

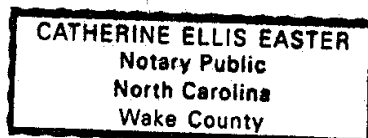
[Signature]
(Owner's Signature)

CLAYTON NC 27527
(City, State, Zip)

STATE OF NC
COUNTY OF Wake

Sworn and subscribed before me Catherine Ellis Easter, a Notary Public for the above State and County, this the 26th day of August, 2020.

SEAL



Catherine Ellis Easter
Notary Public

My Commission Expires: December 12, 2022

**ATLAS STARK HOLDINGS LLC**

PO Box 6309 | Raleigh, NC 27628

www.atlasstark.com

T: 919.289.1338

July 1, 2020

Dear Clayton Area Property Owner:

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

Meeting Date: July 16, 2020
Meeting Time: 6:00PM

Meeting Location: Join the virtual meeting over Zoom by following the link here and entering the Meeting ID and Password below:

ZOOM
Meeting ID: 719 4085 5613
Password: 8CmDKP

Type of Application: Major Subdivision Modification Application

Property Address: Spring Branch Medical & Commercial Park: Lots #2 & #3
Description: Lot #2 is currently deemed a "Restaurant" use. We are proposing to adjust the usage of this lot to "Medical / Retail". In addition, Lot #3 is currently deemed a "Drug Store" use. We are proposing to adjust the usage of this lot to "Restaurant / Retail".

Upcoming public meetings for this application:

The public meeting with Town Council is tentatively scheduled for September 8th, 2020. This is subject to change based on the review proceedings as well as interruptions in operations due to COVID-19. At a minimum, the following will be available for your inspection during the Neighborhood Meeting:

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

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change.

If you have any questions prior to or after this meeting, you may contact us at:

UACFE, LLC
c/o Atlas Stark Holdings LLC
Trey Adams
tadams@atlasstark.com | 919.289.1338

You may also contact the Town of Clayton Planning Department at 919.553.5002.

Sincerely,

Stephen Wirth
UACFE, LLC

Cc: Town of Clayton Planning Department

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Spring Branch Medical and Commercial Park

Application: _____

Location/Date: Zoom Meeting

	NAME	ADDRESS
1	NO attendees	N/A
2	N/A	
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Spring Branch Medical and Commercial Park

Date of Mailing: July 1, 2020

Date of Meeting: July 16, 2020 Time of Meeting: 6:00PM

Location of Meeting: Zoom Call

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting, and that all required information was presented at the Meeting:

Printed Name: Robert S. Adams III Signature: 

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

There were no neighbors who attended the
call.

100

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

Mailing List

Tag: 05F02035F

Owner Name 1: BODDIE-NOELL ENTERPRISES, INC.

Mail Address 2: PO BOX 1908

Mail Address 3: ROCKY MOUNT, NC 27802-1908

Tag: 05F02035I

Owner Name 1: BEDDINGFIELD REAL ESTATE HOLDINGS, LLC

Mail Address 1: 114 W MAIN ST

Mail Address 3: DURHAM, NC 27701-3604

Tag: 05F02035G, H, B, M, P

Owner Name 1: UACFE LLC

Mail Address 1: 12 LAFOY DRIVE

Mail Address 3: CLAYTON, NC 27527-0000

Tag: 05F02035J

Owner Name 1: IDRISSE REALTY LLC

Mail Address 2: PO BOX 839

Mail Address 3: BENSON, NC 27504-0839

Tag: 05F02037C,D

Owner Name 1: JP COATS LLC

Mail Address 1: 2149 NC HWY 42 WEST

Mail Address 3: CLAYTON, NC 27520-0000

Tag: 05F02035K

Owner Name 1: MED SPRING DRIVE LLC

Mail Address 1: 2007 KILLEARN MILL CT

Mail Address 3: CARY, NC 27513-4293

Tag: 05F02037E

Owner Name 1: PENNY, EZRA LEE

Owner Name 2: PENNY, PAUL SCOTT

Mail Address 1: 406 CROSSWAY LN

Mail Address 3: HOLLY SPRINGS, NC 27540-7495

Tag: 05G03004E

Owner Name 1: JOHNSTON MEMORIAL HOSPITAL

Owner Name 2: AUTHORITY

Mail Address 2: P O BOX 1376

Mail Address 3: SMITHFIELD, NC 27577-0000

Tag: 05G03004

Owner Name 1: HARGIS, MICHAEL F

Owner Name 2: HARGIS, RENEE S

Mail Address 1: 1645 GUY RD

Mail Address 3: CLAYTON, NC 27520-0000

Tag: 05G03073A
Owner Name 1: JERRY M COATS AND PHYLLIS
G COATS TRUST
Owner Name 2: COATS, JERRY M TRUSTEE
Mail Address 1: 2149 NC HWY 42 WEST
Mail Address 3: CLAYTON, NC 27520-0000

Tag: 05F02035A
Owner Name 1: SPRING BRANCH SQUARE,
Mail Address 1: 303 PARKRIDGE DR
Mail Address 3: CLAYTON, NC 27527-6630

Tag: 05F02035N
Owner Name 1: JMA MOB CLAYTON LLC
Mail Address 1: 5400 TRINITY RD STE 309
Mail Address 3: RALEIGH, NC 27607-6001

Tag: 05F02035Q
Owner Name 1: BRITTHAVEN INC
Mail Address 2: PO BOX 6159
Mail Address 3: KINSTON, NC 28502-6159

Tag: 05F02032
Owner Name 1: JOHNSON, PATTY JO
Owner Name 2: CRAWFORD, CAROLYN
JOHNSON
Mail Address 1: 203 W 2ND ST
Mail Address 3: CLAYTON, NC 27520-2334

Tag: 05F02032L
Owner Name 1: COATS, CHARLES TERRY
Owner Name 2: COATS, BEATRICE WARD
Mail Address 1: 2690 GOV'T ROAD
Mail Address 3: CLAYTON, NC 27520-0000

Tag: 05F02035L
Owner Name 1: EAGLE NC LLC
Owner Name 2: EAGLE NAGLE NC LLC
Mail Address 1: 109 MONTGOMERY AVE
Mail Address 2: SUITE 102
Mail Address 3: SCARSDALE, NY 10583-5502

Tag: 05F01007G
Owner Name 1: CENTRAL CAROLINA
REALITY INC
Owner Name 2: MAL PROPERTIES LLC
Mail Address 1: 319 CHAPANOKE RD STE 102
Mail Address 3: RALEIGH, NC 27603-0000

Tag: 05F02033F
Owner Name 1: BROWN, ROBERT W JR
Mail Address 1: 1240 NE 24TH ST APT 3403
Mail Address 3: WILTON MANORS, FL
33305-1342

Tag: 05F020350

Owner Name 1: RSF SP SMITHFIELD V L.P.

Mail Address 1: 4500 DORR ST

Mail Address 3: TOLEDO, OH 43615-4040

Tag: 05F02034

Owner Name 1: JOHNSON, HAYWOOD

ARTHUR

Owner Name 2: JOHNSON, PHYLLIS PEARL

Mail Address 1: 257 JOHNSON ESTATE ROAD

Mail Address 3: CLAYTON, NC 27520-0000

Tag: 05F02035D

Owner Name 1: MALLIPADDI, PRAMOD

Mail Address 1: 4807 CHESTNUT GROVE DR

Mail Address 3: CHAMPAIGN, IL 61822-3319

Tag: 05F02033

Owner Name 1: GOODWIN, TOMMY JOEL JR

Mail Address 1: 412 CARRINGTON DRIVE

Mail Address 3: GARNER, NC 27529-0000

Tag: 05F02036

Owner Name 1: SPRING BRANCH PLAZA LLC

Mail Address 2: PO BOX 1559

Mail Address 3: WAKE FOREST, NC 27588-1559

JERRY M COATS & PHYLLIS G COATS TRUST
2149 NC HWY 42 WEST
CLAYTON, NC 27520

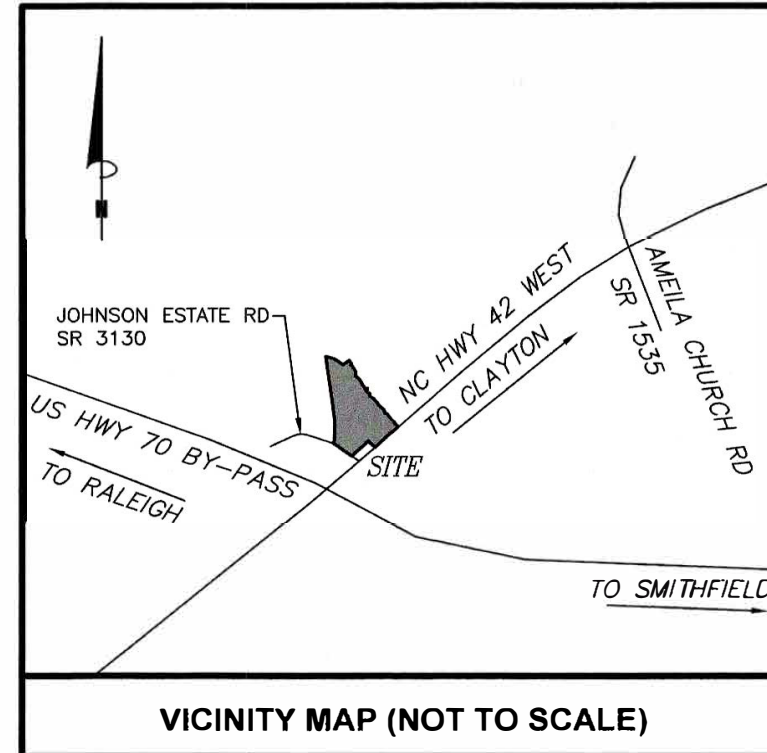
JOHNSTON MEMORIAL HOSPITAL
PO BOX 1376
SMITHFIELD, NC 27577

BODDIE-NOELL ENTERPRISES, INC.
PO BOX 1908
ROCKY MOUNT, NC 27802-1908

MICHAEL & RENEE HARGIS
1645 GUY RD
CLAYTON, NC 27520

EZRA & PAUL PENNY
406 CROSSWAY LN
HOLLY SPRINGS, NC 27540-7495

JP COATS LLC
2149 NC HWY 42 WEST
CLAYTON, NC 27520



PROJECT #: 2020-105-SD
PROJECT # BEING AMMEDED IS:
2016-18-AA
11-87-13-AA
PSD 2011-84

REVISED MASTER PLAN FOR SPRING BRANCH MEDICAL AND COMMERCIAL PARK

CLAYTON TOWNSHIP - JOHNSTON COUNTY, N.C.

INDEX TO DRAWINGS

- SHEET 1 - COVER SHEET
- SHEET 2 - LOT 2 SURVEY
- SHEET 3 - LOT 3 SURVEY
- SHEET 4 - REVISED MASTER PLAN

ENGINEER

DALTON ENGINEERING AND ASSOCIATES, P. A.
446 EAST MAIN STREET P. O. BOX 426
CLAYTON, NC 27520 CLAYTON, NC 27528
(919) 550-4740 - FAX (919) 550-4741

SURVEYOR

TRUE LINE SURVEYING, P. C.
205 WEST MAIN STREET
CLAYTON, NC 27520
(919) 359-0427

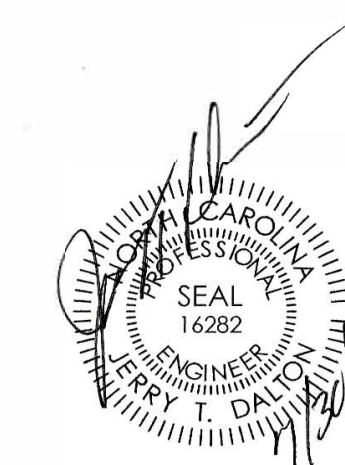
OWNER

UACFE, LLC.
129 LAFOY DRIVE
CLAYTON, NC 27520

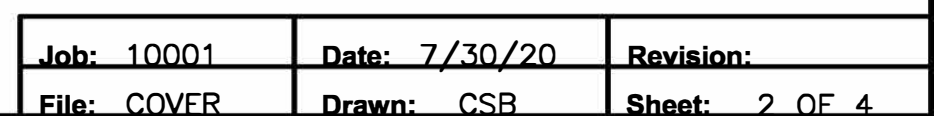
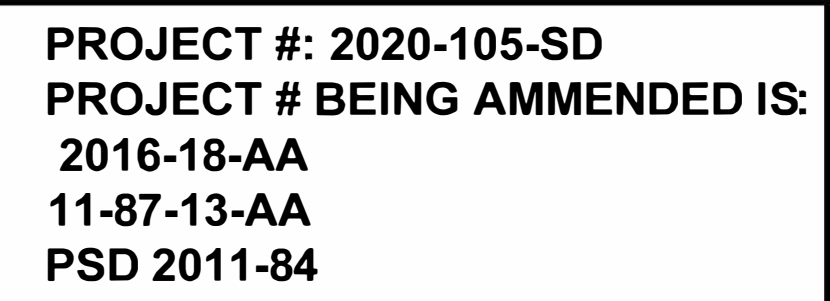
DEVELOPER

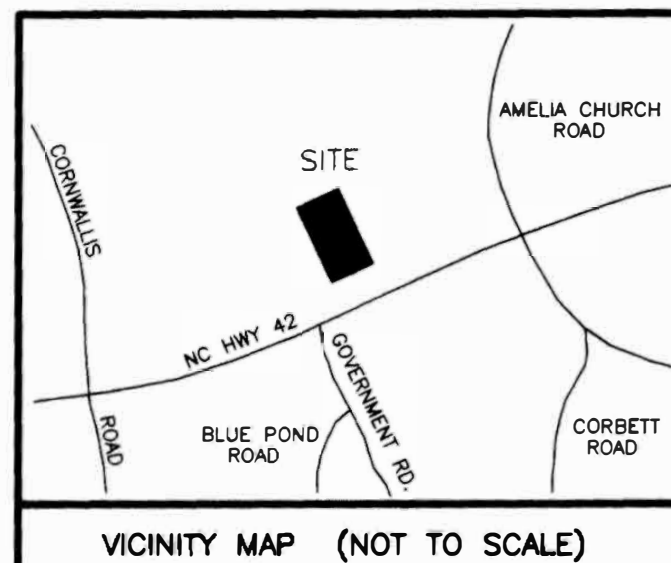
ATLAS STARK HOLDINGS, LLC
P. O. BOX 6309
RALEIGH, NC 27628

Dalton Engineering
and Associates, P. A.



Job: 10001	Date: 7/30/20	Revision:
File: COVER	Drawn: CSB	Sheet: 1 OF 4





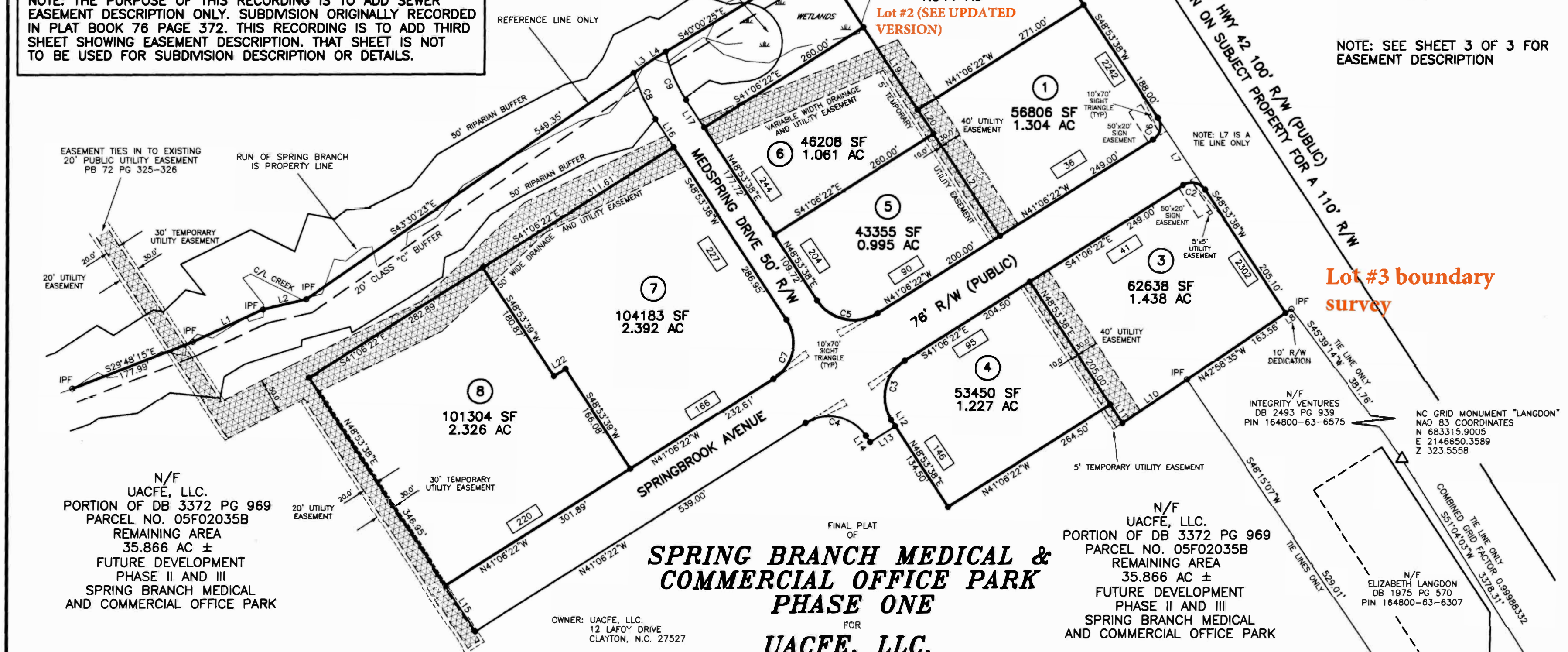
NUMBER	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	287.07	246.36	N65°42'12"W	238.87
C2	22.00	34.56	S03°53'38"E	31.11
C3	60.00	94.25	S03°53'22"E	84.85
C4	60.00	94.25	N87°06'22"E	84.85
C5	60.00	94.25	N03°53'38"E	84.85
C6	22.00	34.56	N86°06'21"W	31.11
C7	60.00	94.25	N86°06'22"W	84.85
C8	255.00	72.03	N56°59'08"E	71.79
C9	205.00	73.69	S59°11'31"W	73.29

N/F
JOHNSTON MEMORIAL
HOSPITAL AUTHORITY
DB 3557 PG 788
PIN 164800-75-2035

FUTURE DEVELOPMENT
PHASE II AND III
SPRING BRANCH MEDICAL
AND COMMERCIAL OFFICE PARK
29794 SF
0.684 AC

NOTE: THE PURPOSE OF THIS RECORDING IS TO ADD SEWER EASEMENT DESCRIPTION ONLY. SUBDIVISION ORIGINALLY RECORDED IN PLAT BOOK 76 PAGE 372. THIS RECORDING IS TO ADD THIRD SHEET SHOWING EASEMENT DESCRIPTION. THAT SHEET IS NOT TO BE USED FOR SUBDIVISION DESCRIPTION OR DETAILS.

NOTE: SEE SHEET 3 OF 3 FOR
EASEMENT DESCRIPTION



STATE OF NORTH CAROLINA, JOHNSTON COUNTY
I, CURK T. LANE, DO HEREBY CERTIFY THAT
THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN
ACTUAL SURVEY MADE UNDER MY SUPERVISION AND
DESCRIPTION RECORDED IN BOOK 372, PAGE 101
ETC., THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY
INDICATED AS DRAWN FROM INFORMATION FOUND IN
BOOK 372, PAGE 101, THAT THE RATIO OF PRECISION
AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED
IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY
ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL
THIS 3 DAY OF Oct, A.D., 2011



STATE OF NORTH CAROLINA, JOHNSTON COUNTY

THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND
RECORDING THIS 5th DAY OF Oct
20 11 AT 10:36:44 AM
CRAIG OLIVE BY [Signature]
REGISTER OF DEEDS DEPUTY REG. OF DEEDS
RECORDED IN PB 76 PG 411

**SPRING BRANCH MEDICAL &
COMMERCIAL OFFICE PARK
PHASE ONE**

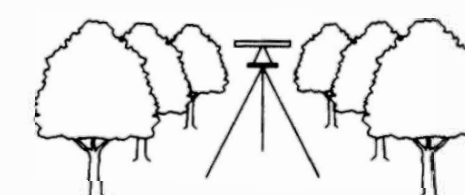
CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
SEPTEMBER 12, 2011

SEE PLAT BOOK 76 PAGE 371
FOR ORIGINAL SUBDIVISION
RECORDING INFORMATION

SHEET 2 OF 3

SURVEYED BY:	STEVE
DRAWN BY:	MIKE
CHECKED BY:	CURK
DRAWING NAME:	PH1RECORD
SURVEY DATE:	4-15-11
JOB NO.	109 026

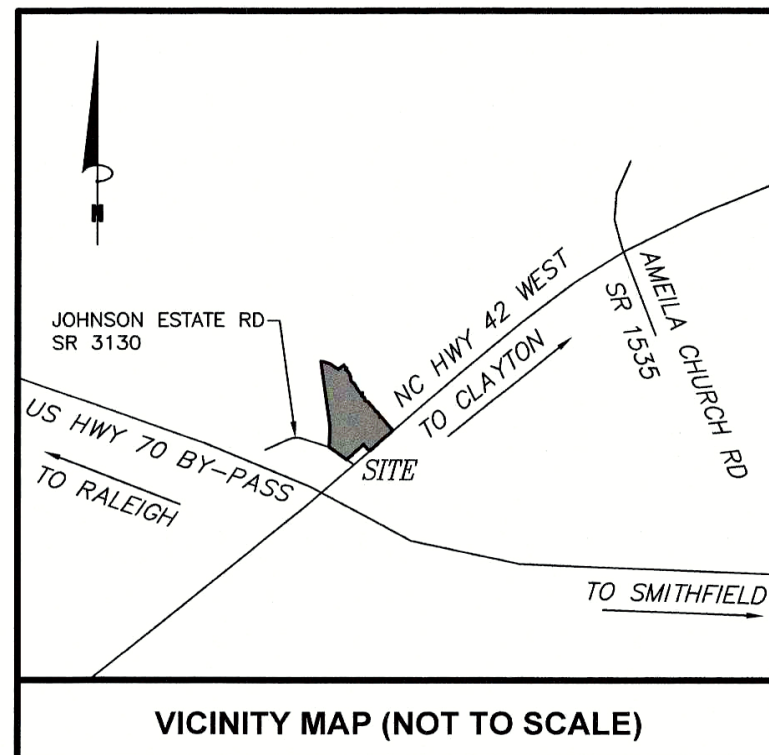
TRUE LINE SURVEYING, P.C.



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

C-1859

Job: 10001	Date: 7/30/20	Revision:
File: COVER	Drawn: CSB	Sheet: 3 OF 4



NOTES:
SITE PLAN APPROVAL BY PLANNING BOARD REQUIRED FOR EACH LOT
PERIMETER OF PROPERTY SHALL BE A TYPE "C" LANDSCAPE BUFFER
HOA WILL MAINTAIN ALL STORMWATER BMP MEASURES

SITE DATA TABLE

DEVELOPMENT NAME:	SPRING BRANCH MEDICAL AND COMMERCIAL PARK
TOTAL AREA CONTAINED WITHIN TRACT:	50.93 AC. (2,218,510.80 SF)
PROPERTY LOCATED IN TOWN LIMITS:	YES
ZONING:	PD-MU B3 (UNDERLYING)
MAXIMUM LOT IMPERVIOUS:	75%
RIGHT-OF-WAY IMPERVIOUS:	3.61 AC.
RESOURCE CONSERVATION AREA:	3.38 AC. (BUFFER & WETLANDS)
WATER SYSTEM OWNER:	TOWN OF CLAYTON
SEWER SYSTEM OWNER:	TOWN OF CLAYTON
ELECTRICAL PROVIDER:	PROGRESS ENERGY
BUILDING SETBACKS REQUIRED:	
STREET YARD	25'
SIDE STREET	25'
SIDE (ABUTTING RESIDENTIAL)	30'
SIDE (INTERIOR)	15'
REAR:	30'

DEVELOPMENT TEAM

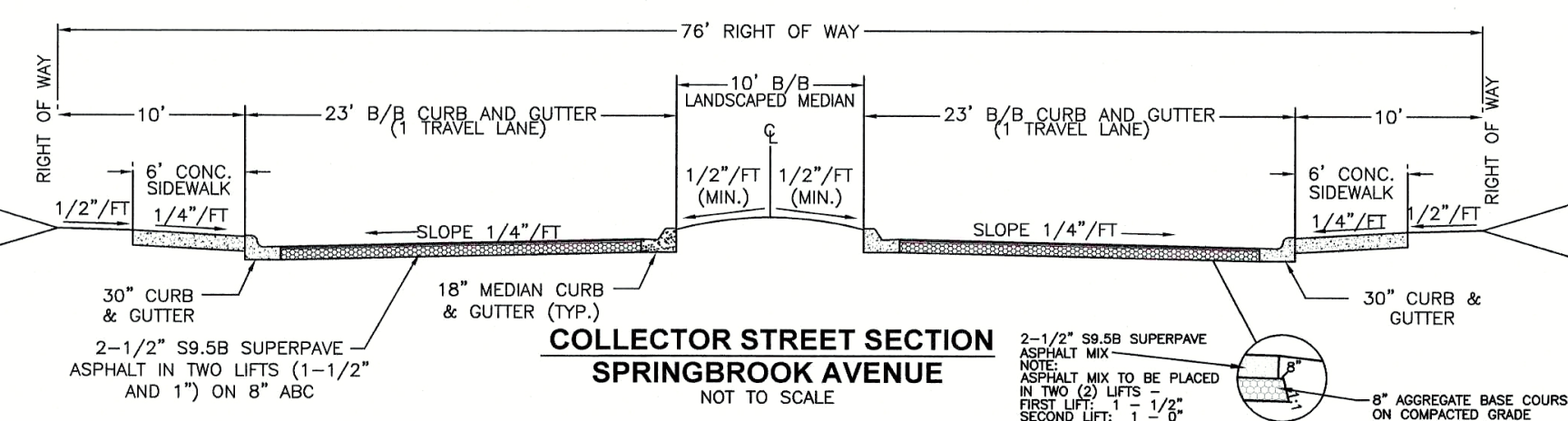
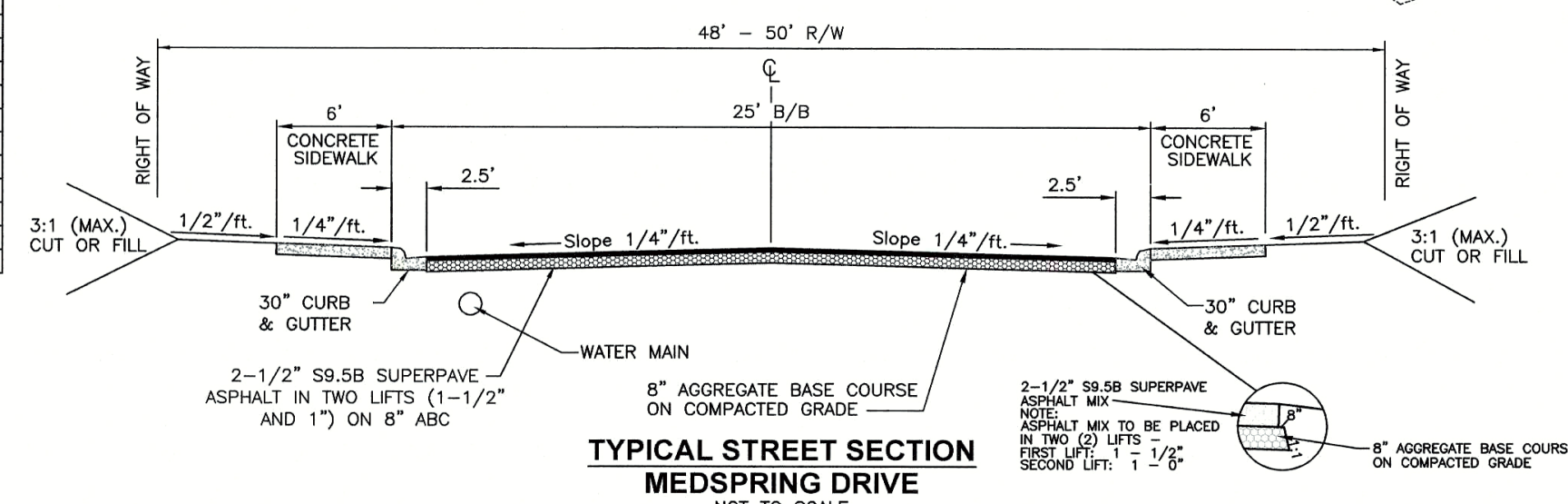
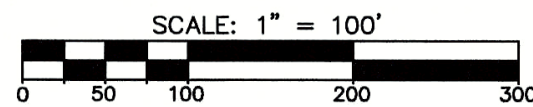
OWNER:	UACFE, LLC, 12 LAFAY DRIVE CLAYTON, NC 27520
DEVELOPER:	ATLAS STARK HOLDINGS, LLC PO BOX 6309 RALEIGH, NC 27628
ENGINEER:	DALTON ENGINEERING AND ASSOCIATES, PA. 446 EAST MAIN STREET CLAYTON, NC 27520

LOT SUMMARY

PHASE I	PROPOSED USE	BUILDING SIZE	LOT AREA
LOT 1	RESTAURANT	6,000 S.F.	1.65 AC.±
LOT 2	MEDICAL / RETAIL	12,000 S.F.	1.19 AC.±
LOT 3	RESTAURANT / RETAIL	15,000 S.F.	1.43 AC.±
LOT 4	RETAIL AND MEDICAL OFFICE	10,000 S.F.	1.23 AC.±
LOT 5	MEDICAL OFFICE	12,000 S.F.	1.23 AC.±
LOT 6	MEDICAL OFFICE	3,600 S.F.	0.82 AC.±
LOT 7	MEDICAL OFFICE	30,294 S.F.	2.39 AC.±
LOT 8	MEDICAL OFFICE	24,000 S.F.	2.33 AC.±
LOT 9	MEDICAL OFFICE	24,000 S.F.	2.33 AC.±
R/W			3.14 AC.±
PHASE I TOTAL		112,894 S.F.	15.40 AC.±
PHASE IIA			
LOT 11	77 BED ASSISTED LIVING FACILITY	32,000 S.F.	3.25 AC.±
LOT 12	MEDICAL OFFICE	30,000 S.F.	2.41 AC.±
R/W			0.88 AC.±
PHASE IIA TOTAL		62,000 S.F.	6.54 AC.±
PHASE IIB			
LOT 9	130 BED ASSISTED LIVING FACILITY	79,326 S.F.	7.50 AC.±
LOT 10	RETAIL / MEDICAL OFFICE	30,000 S.F.	2.23 AC.±
LOT 13	OMITTED		
PHASE IIB TOTAL		109,326 S.F.	9.73 AC.±
PHASE III			
LOT 14	MULTI-FAMILY	40 UNITS	1.72 AC.±
LOT 15	MULTI-FAMILY	95 UNITS	6.39 AC.±
PHASE III TOTAL		135 UNITS	8.11 AC.±
LOT 16 RESERVED FOR STORMWATER			7.02 AC.±
OPEN SPACE			3.30 AC.±

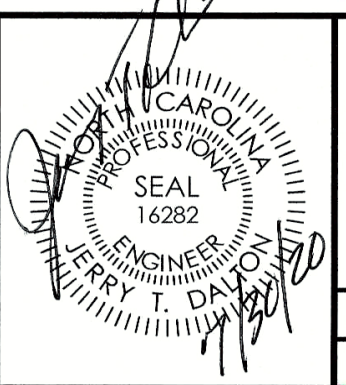
NOTE:
LOT 13 WAS OMITTED IN THE COMBINATION OF LOTS 9 AND 10 FOR CONSISTENCY WITH THE TOWN OF CLAYTON PLANNING DEPARTMENT AND ORIGINAL MASTER PLAN APPROVALS.

NUMBER	DIRECTION	DISTANCE
L1	N41°07'04"W	293.50'
L2	S89°42'41"W	18.94'
L3	N06°26'33"W	69.46'
L4	N06°26'33"W	71.18'
L5	S15°28'00"W	10.46'
L6	S87°14'51"W	167.59'
L7	S27°00'10"E	214.28'
L8	S29°48'15"E	177.99'
L9	S33°17'59"E	106.13'
L10	S21°43'34"E	61.01'
L11	S40°00'25"E	257.08'
L12	N42°58'35"W	173.57'
L13	S42°22'10"W	27.45'
L14	S40°00'25"E	19.17'
L15	S47°03'57"E	80.68'
L16	S49°01'37"W	122.87'
L17	N48°39'56"E	252.32'
L18	N02°29'07"E	138.71'
L19	S48°53'39"W	230.15'
L20	S48°53'39"W	274.87'
L21	N40°52'38"W	110.59'
L22	S49°07'22"W	295.80'
L23	S49°14'07"W	33.30'
L24	S42°22'10"W	8.01'
L25	S53°12'45"E	52.79'
L26	S41°07'04"E	126.41'
L27	N62°41'57"E	68.44'
L28	S10°00'27"W	33.65'
L29	S49°38'45"W	49.22'
L30	S05°28'16"W	56.45'
L31	S30°00'50"W	62.59'
L32	S48°55'26"W	49.26'
L33	S02°37'15"W	24.67'
L34	S68°40'07"E	62.14'
L35	S89°42'21"W	320.02'
L36	S52°53'53"E	460.78'



**REVISED MASTER PLAN
FOR THE
SPRING BRANCH MEDICAL
AND COMMERCIAL PARK
CLAYTON TOWNSHIP - JOHNSTON COUNTY, NC**

REVISION 005: ADJUSTED USAGE OF LOT 2 & 3 - 7/30/20
REVISION 004: ADJUSTED USAGE OF LOT 4 - 1/19/19
REVISION 003: ADJUSTED LOT 5, 6, AND 9 ACRES - 6/29/13
REVISION 002: ADJUSTED USAGE AND SIZE OF LOT 9 - 5/1/13
REVISION 001: ADDRESS COMMENTS PER TOWN OF CLAYTON - 11/18/11



Dalton Engineering and Associates, P.A.		
446 East Main Street P.O. Box 426 Clayton, NC 27520		
(919) 550-4740 Fax (919) 550-4741		
Job: 10001	Date: 7/30/20	Revision: 005
File: SITE	Drawn: CSB	Sheet: 4 OF 4



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

August 25, 2020

NOTICE

SUBJECT: **Project:** 2020-105-SD Spring Branch Preliminary Plat (Master Plan) Modification
Address: Located off Hwy 42 W and Springbrook Avenue
TAG #(s): 05F02035B, 05F02035F, 05F02035G, 05F02035H, 05F02035I, 05F02035J,
05F02035K, 05F02035L, 05F02035M, 05F02035N, 05F02035O,
05F02035P, 05F02035Q
Applicant: UACFE, LLC

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold an evidentiary hearing on **Tuesday, September 8, 2020 at 6:00 PM**, to make a decision on the above referenced project.

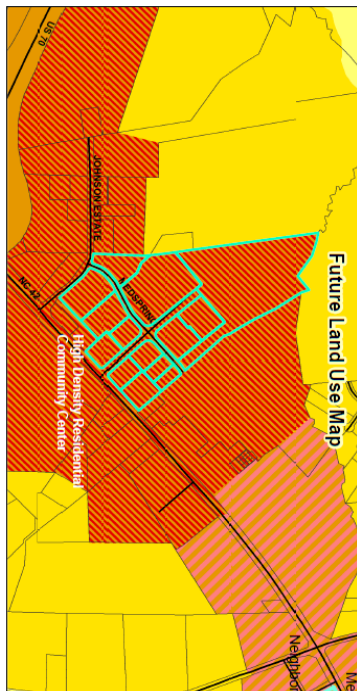
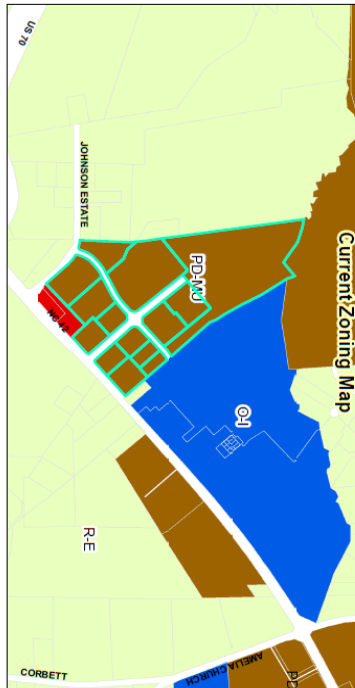
The Town Council will hold an Evidentiary Hearing to consider the above referenced Preliminary Plat (Master Plan) request. The applicant is requesting to modify a previously approved Preliminary Plat, acting as a Master Plan, for Spring Branch Medical Park. The request is to modify the mixture of uses in the approved master plan. Specifically, they are proposing to convert Lot 2's future use from "Restaurant, 5,000 SF" to "Medical/Retail, 12,000 SF" and Lot 3 from "Drug Store, 12,600 SF" to "Restaurant/Retail, 15,000 SF". The development is located off NC HWY 42 W and Springbrook Avenue. Please see the map on the back of this letter.

During an evidentiary hearing, the Clayton Town Council must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. Based upon records in the Johnston County Tax Office, you are the owner of property that is within 100 feet of this proposed rezoning request. You are invited to join this meeting and express your opinions on this request to the Town Council.

If you should need additional assistance or information, please contact the Planning Department at (919) 553-5002 or email at hhogg@townofclaytonnc.org.

Sincerely,

Haley Hogg, ACIP, CZO
Senior Planner



Spring Branch Preliminary Plat (Master Plan) Modification 2020-105-SD

Applicant: UACFE, LLC
 Property Owners: UACFE, LLC
 Tag #: 05F020358, 05F02035F, 05F02035G, 05F02035H,
 05F02035I, 05F02035J, 05F02035K, 05F02035L, 05F02035M,
 05F02035N, 05F02035O, 05F02035P, 05F02035Q



100-yr Flood Zone



Staff Report Map
Prepared by: TOC Planning Department
August 18, 2020

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

Document Path: C:\P\PLANNING\SUBDIVISIONS\2020\2020-105-SD Spring Branch Medical & Commercial Park\Map\2020-105-SD Maps.mxd

PUBLIC NOTICE

In accordance with NC GS 160A-364 the Clayton Town Council will hold an evidentiary hearing on Tuesday, September 8, 2020, at 6 PM at Town Hall, 111 East Second Street, to consider the following requests:

2020-105-SD Spring Branch Medical Park Preliminary Plat (Master Plan) Modification; request to modify an existing master plan for Spring Branch medical park to modify the mixture of uses on two lots. The overall development is 50.93 acres and is zoned Planned-Development Mixed Use (PD-MU). The development is located off NC HWY 42 W. TAG #s: 05F02035B, 05F02035F, 05F02035G, 05F02035H, 05F02035I, 05F02035J, 05F02035K, 05F02035L, 05F02035M, 05F02035N, 05F02035O, 05F02035P, 05F02035Q

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

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

Haley Hogg, Senior Planner
919-553-5002

8:26;9/2/2020
Page 65 of 138



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

August 24, 2020

Stephen Wirth
219 Muirfield Lane
Clayton, NC 27527

Re: 2020-105-SD Spring Branch Preliminary Plat Master Plan

To Whom It May Concern,

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 Town Council on Tuesday, September 8, 2020. These recommended conditions of approval are outlined on the back of this letter.

The recommended conditions of approval were taken from the previous approvals for the master plan PDD-MU 08-08 and PSD 2011-87. No new conditions were proposed.

Please read through these potential conditions of approval, and sign below if you are in agreement with the conditions as proposed. If you are not in agreement please respond accordingly in writing. This will be included within the agenda packet for Council review.

Thank you.

Sincerely,

Haley Hogg, AICP, CZO
Senior Planner

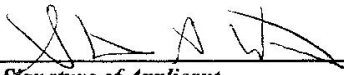
Recommend Conditions of Approval (2020-105-SD Spring Branch Preliminary Plat Master Plan Modification):

1. The following conditions of approval for PDD-MU-08-8 and PSD 2011-87 shall remain applicable to this master plan preliminary plat as follows:
 - The applicant shall complete the plans strictly in accordance with the plans submitted to and approved by the board, a copy of which is filed in the Planning Department and with Johnston County Register of Deeds.
 - If any conditions affixed hereto or any part thereof shall be held invalid or void, then this approval shall be void and of no effect.
 - All plans for public infrastructure and private streets shall be approved by the Town of Clayton Public Works department and applicable fees must be paid prior to building permit issuance.
 - Payment of fee-in-lieu of street improvements on NC HWY 42 W shall be paid to the Town prior to recording plats or issuance of building permits.
 - Cross access agreements where required shall be in force prior to issuance of lot recording or site plan approval.
 - The final cross section for the vehicular, bicycle, and pedestrian connection to Johnston Medical Center shall be approved by the Public Works Director and subject to the required agreement between the owners of the subject property and JMC-C.
 - Development standards for the B-3 district shall be applicable, except where otherwise specified.
 - The perimeter landscaping along NC HWY 42 W must be installed prior to the issuance of a Certificate of Occupancy for Phase I.

APPLICANT AFFIDAVIT

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

STEPHEN A WINTH
Print Name


Signature of Applicant

8-24-20
Date



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

*Town Council
September 8, 2020*

STAFF REPORT

Application Number: 2020-105-SD

Project Name: Spring Branch Preliminary Plat (Master Plan) Modification

Tag #(s): 05F02035B, 05F02035F, 05F02035G, 05F02035H, 05F02035I, 05F02035J, 05F02035K, 05F02035L, 05F02035M, 05F02035N, 05F02035O, 05F02035P, 05F02035Q

Location: HWY 42 W; Spring Branch Medical Park

Overlay: Thoroughfare Overlay District (partially)

Applicant: UACFE LLC

Owner: UACFE LLC

Project Planner: Haley Hogg, Senior Planner

Public Noticing Dates:

- **Neighborhood Meeting:** July 16, 2020
- **Sign Posted:** August 25, 2020
- **Newspaper Ad Published:** August 26, 2020 and September 2, 2020
- **Letters Mailed:** August 25, 2020

REQUEST: Modification to existing Master Plan (PSD 2011-87) to modify the proposed uses within the development.

SITE DATA:

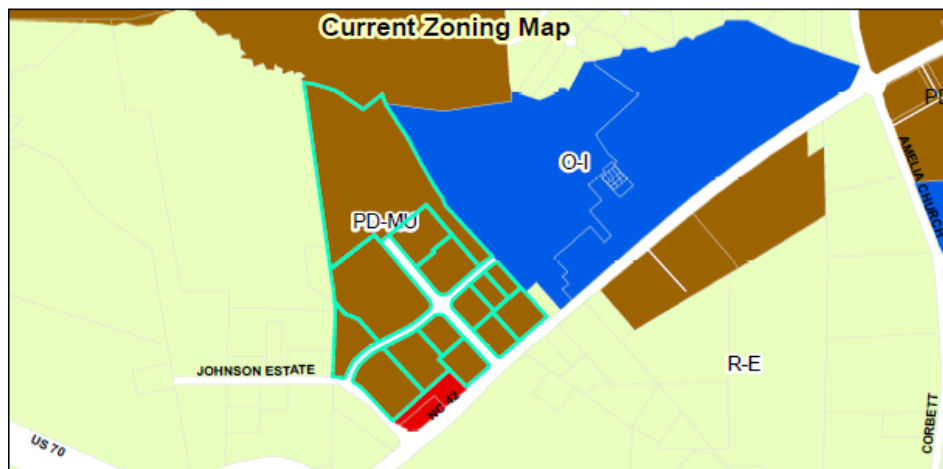
Acreage: 50.03 acres

Existing Use(s): Medical Office, Drive-thru Restaurant, Vacant, Congregate Living Facility



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-Estate (R-E) & Planned Development Mixed Use (PD-MU)	Single-Family residential
South	Residential-Estate (R-E)	Single-family residential/Agricultural
East	Office-Institutional (O-I)	Hospital/Medical Offices
West	Residential-Estate (R-E)	Single-family residential



DEVELOPMENT DATA:

Proposed Uses: No changes to the uses themselves, but changes made to size of proposed uses and location

Impervious Surface: 75% maximum coverage per lot

Required Parking: Varies by individual Phase & Use; will be required to meet UDC requirements for parking when reviewed for individual site plans by phase/lot

Access/Streets: No changes to access points; one off Johnson Estate Road, full access off NC HWY 42 W (future signalized intersection), and one connection to the east into the Johnston Health Hospital site

STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting preliminary plat (master plan) approval to modify an existing master plan development. If approved, this would replace a former master plan amendment PSD 2011-87 which modified the original master plan for the development PDD-MU 08-08.

The applicant is proposing to adjust the uses of Lot 2 from “Restaurant, 5000 SF” to “Medical/Retail, 12,000 SF”. They are also requesting to modify Lot 3’s use from “Drug Store, 12,600 SF” to “Restaurant/Retail, 15,000 SF”. Overall, the development is increasing from 103,494 SF to 112,894 SF. Due to the increase in the size of development the changes were considered to be a major modification based upon the Unified Development Code.

The original master plan included a note requiring Lots 14 & 15 (designated as multi-family) obtain Council approval for future site plans. However, another note on the master plan contradicts this by stating that site plan approval is required by Planning Board for each lot. Major Site Plans are an administrative process by code and are typically only reviewed by the Planning Board unless associated with a Special Use Permit. Since the use is approved through the Master Plan, a Special Use Permit is not required for the development of multi-family on these lots. Due to the contradiction on the master plan regarding the review body and to remain consistent with the review procedures in the Unified Development Code, the applicant has also requested to remove the notes from lots 14 & 15 requiring Town Council site plan approval for future multi-family development.

No additional changes are requested as a part of this master plan modification. Lots 1, 4, 5, 6, 7, 8, 9, and 12 are fully constructed.

Landscaping and Buffering

No changes are proposed to the original master plan landscape requirements. A Class “C” buffer will still be required for all project boundaries per UDC requirements.

Environmental

The applicant is not proposing any changes to stormwater ponds. Lot 16 is still designated to be utilized for stormwater purposes to serve the entire development. Each individual lot will be subject to review by the Town’s stormwater engineer during the review by the Technical Review Committee.

Multi-Modal Access

No changes are proposed regarding multi-modal access.

Access/Streets

No changes are proposed to the access points or street network. There is access off Short Johnson Road and to the east through the hospital property. The development also has a full-access off NC HWY 42. A traffic signal was added to this intersection in 2020 and will be operational in the future.

Traffic Impact Analysis

The applicant has submitted an updated trip generation letter, included as an attachment to this staff report. No additional roadway improvements are required by NCDOT.

Consistency with Adopted Plans:

- **Comprehensive Plan 2040**

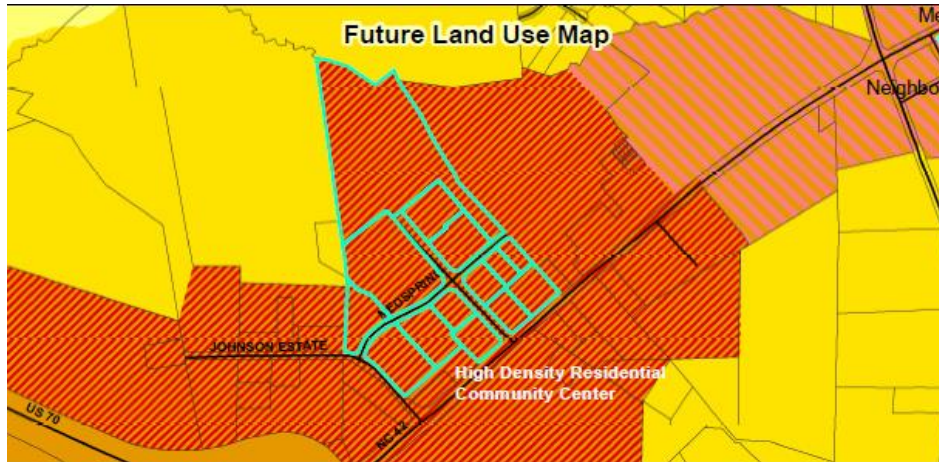
The Comprehensive Plan’s Future Land Use Map designates these properties as a High Density Residential/Community Center. The proposed master plan is consistent with this designation as it provides a mixture of uses including residential and a mixture of retail, restaurant, and office.

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.

Comprehensive Plan Goals not supporting the master plan request include:

- None.
- **Unified Development Code**
The proposed master plan has been reviewed by the Technical Review Committee (TRC) and is determined to meet requirements of the UDC. Individual lots will be subject to the requirements of the UDC during major site plan reviews.



CONSIDERATIONS

- The Town Council shall make final decisions regarding Preliminary Plats (Master Plans).
 - Preliminary Plats shall address specific Findings of Fact. The burden of proof is on the applicant. These Findings all must be met for a Preliminary Plat to be approved.
 - Staff does not make recommendations on Quasi-Judicial applications in regards to approval/denial.
-

FINDINGS OF FACT:

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

This subdivision is consistent with the adopted plans and policies of the Town.

- **Staff Commentary:** The proposed modification is consistent with the plans and policies of the Town, as the uses being modified are consistent with the original master plan approval and future land use map/comprehensive plan 2040.

2. **The subdivisions meets all required specifications of the Unified Development Code.**

- **Applicant Response:**

This subdivision meets all required specifications of Chapter 155, the Unified Development Code.

- **Staff Commentary:** The proposed master plan adheres to the minimum requirements of the Unified Development Code for a master plan.

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.*

- **Applicant Response:**

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.

- **Staff Commentary:** The proposed uses are uses that are permitted within the Town and that had been previously permitted in the original master plan. The size of the uses and location is changing.

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

- **Applicant Response:**

The subdivision design provides for distribution of traffic in a manner that will mitigate congestion within the immediate area and will provide for the unified and orderly use of public infrastructure and not materially endanger the environment, public health, safety, or general welfare. In fact, a stop light was added at the entrance to the park recently which will mitigate any traffic concerns.

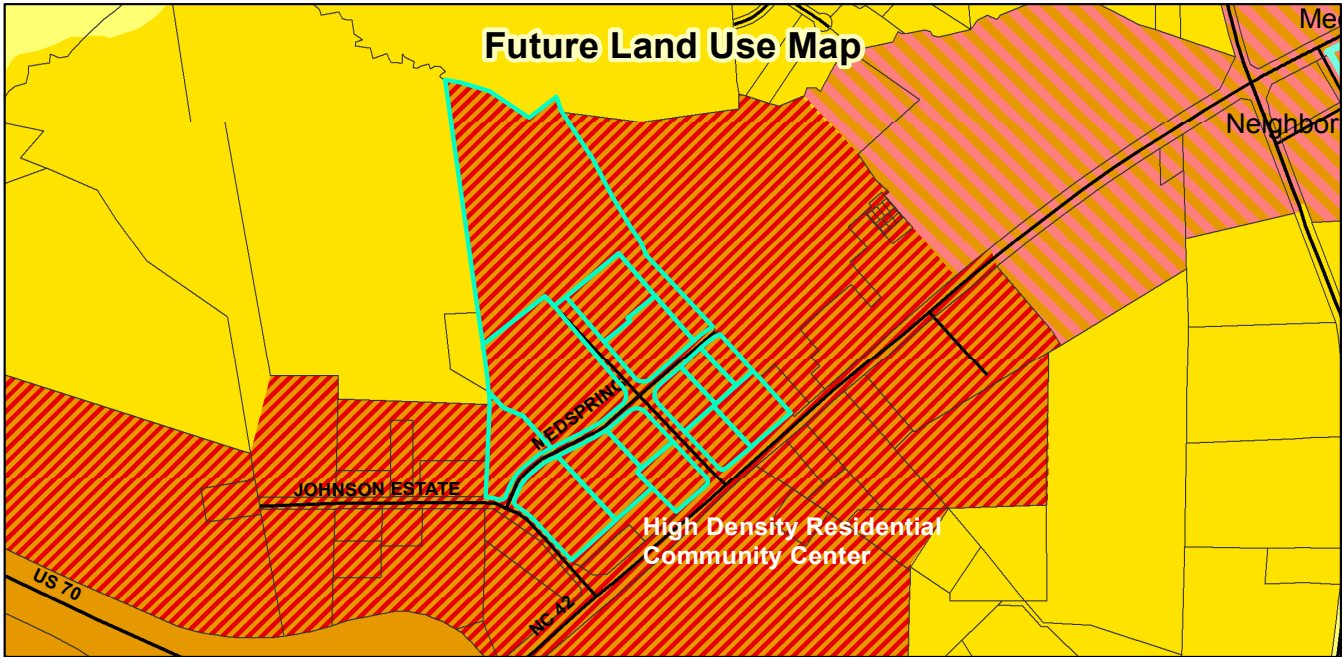
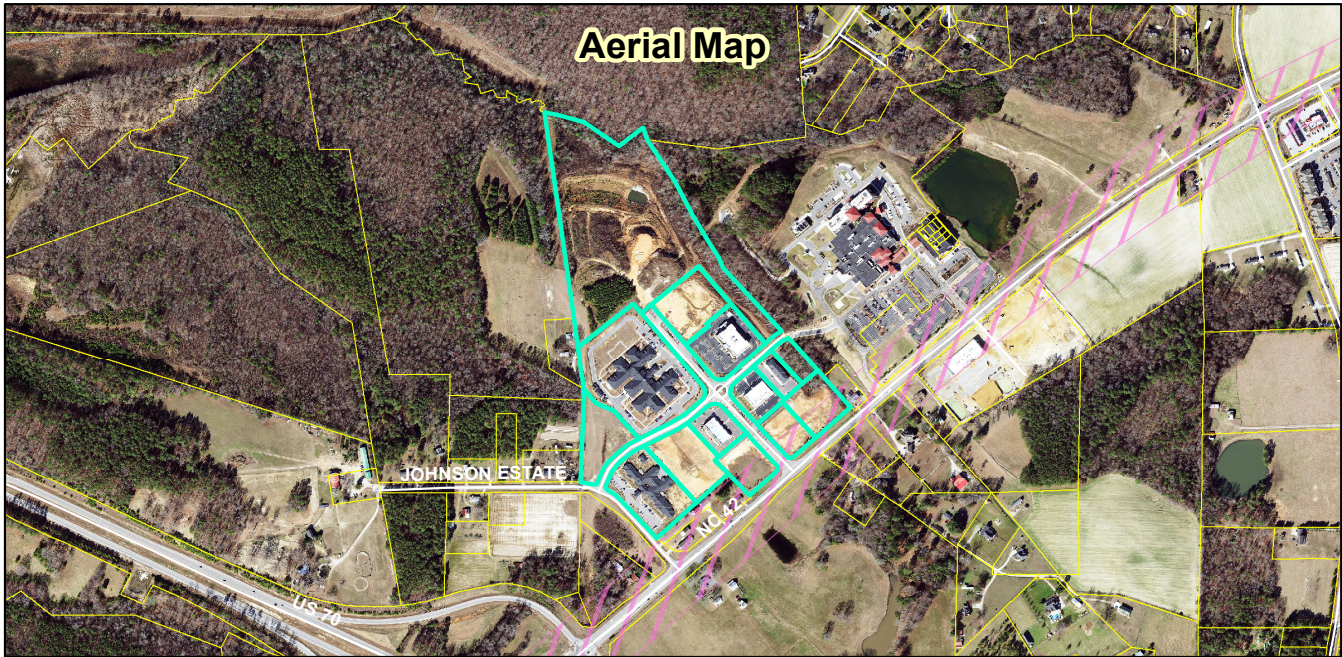
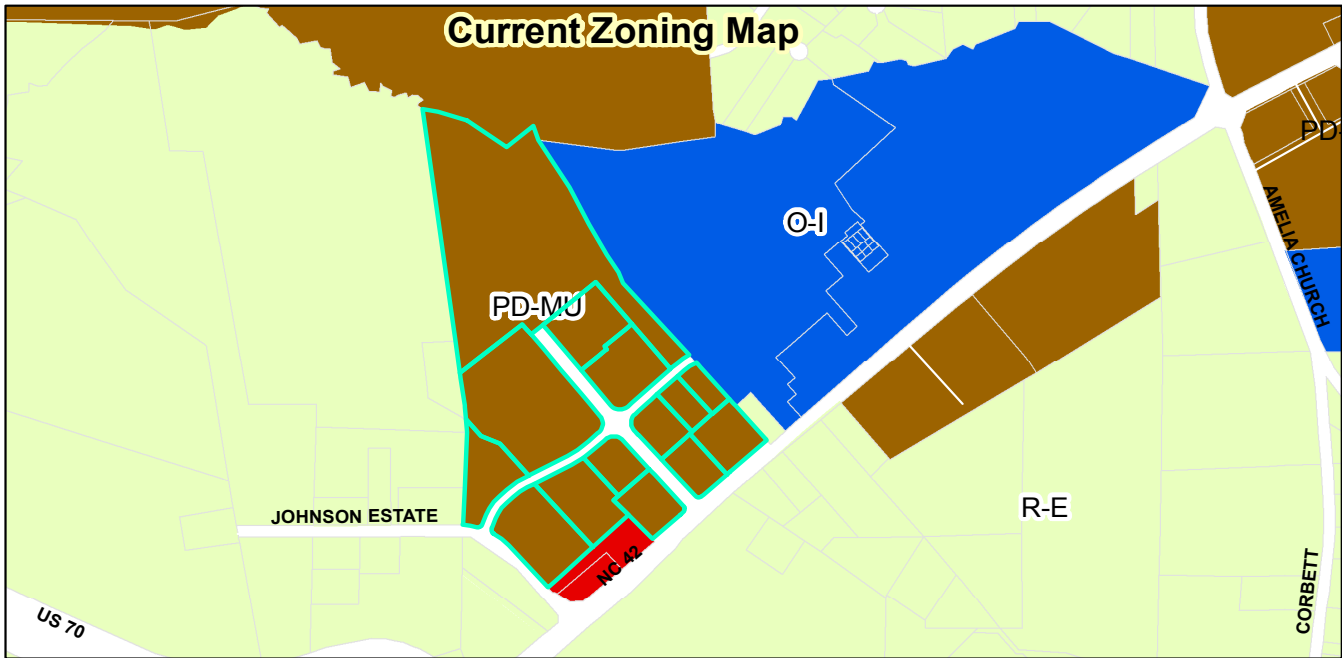
- **Staff Commentary:** Off-site roadway improvements have been installed as required in the original master plan for the development. An updated trip generation was provided and no additional traffic improvements were required by NCDOT.

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.

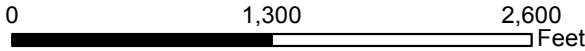
ATTACHMENTS:

- 1) Application
- 2) Staff Report Maps
- 3) Neighborhood Meeting Materials
- 4) Site Plan
- 5) Recommended Conditions of Approval – Applicant Signed
- 6) TC Adjacent Property Letter
- 7) Newspaper Ad
- 8) Updated Trip Generation Letter



**Spring Branch Preliminary Plat
(Master Plan) Modification
2020-105-SD**

Applicant: UACFE, LLC
 Property Owners: UACFE, LLC
 Tag #: 05F02035B, 05F02035F, 05F02035G, 05F02035H,
 05F02035I, 05F02035J, 05F02035K, 05F02035L, 05F02035M,
 05F02035N, 05F02035O, 05F02035P, 05F02035Q



 100-yr Flood Zone



Staff Report Map
 Prepared by: TOC Planning Department
August 18, 2020

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

Document Path: O:\PLANNING\SUBDIVISIONS\MAJOR SUBDIVISIONS\2020\2020-105-SD Spring Branch Medical & Commercial Park\Maps\2020-105-SD Maps.mxd



To: Samantha Wullenwaber, MPA
Planning Director
Town of Clayton

Date: July 31, 2020

Memorandum

Project #: 38464.01

From: Lyle Overcash, PE
Managing Director - Raleigh

Re: Spring Branch Medical and Commercial Park – Clayton, NC
Trip Generation Update

This memorandum summarizes an update to the proposed trip generation for the Spring Branch Development based on an amendment request for the existing master plan, dated March 27th, 2015. The memorandum will compare the original trip bank established in the 2009 TIA to what has been completed to date. The document will also establish a new trip generation estimate for the site including the proposed changes to the master plan. Table 1 shows the original trip generation calculations that were developed as a part of the TIA in 2009. The TIA submitted in 2009 estimated a final buildout year of 2018 for the Spring Branch Development; however, the new estimated buildout year for the site is 2025.

Table 1: 2009 Trip Generation Estimate

AM Peak Hour Total Trips						
ITE Land Use Code	USE	Units	ITE MANUAL RATES*			
			ADT	AM Enter	AM Exit	AM Total
310	Hotel	100 rooms	817	34	22	56
710	General Office	100,000 sf	1,334	165	23	188
820	Shopping Center	120,800 sf	7,679	105	67	172
881	Drug Store with Drive-Thru Window	11,800 sf	1,040	18	13	31
912	Drive-in Bank	2 drives	279	11	8	19
932	High Turnover (Sit Down) Restaurant	12,000 sf	1,526	84	78	162
Totals			12,675	417	211	628
PM Peak Hour Total Trips						
ITE Land Use Code	USE	Units	ITE MANUAL RATES*			
			ADT	PM Enter	PM Exit	PM Total
310	Hotel	100 rooms	817	31	28	59
710	General Office	100,000 sf	1,334	32	159	191
820	Shopping Center	120,800 sf	7,679	354	368	722
881	Drug Store with Drive-Thru Window	11,800 sf	1,040	61	61	122
912	Drive-in Bank	2 drives	279	27	28	55
932	High Turnover (Sit Down) Restaurant	12,000 sf	1,526	120	102	222
Totals			12,675	625	746	1,371
PM Peak Hour Pass-By Trips						
ITE Land Use Code	USE	Pass-By Percentage	ITE MANUAL RATES*			
			ADT	PM Enter	PM Exit	PM Total
820	Shopping Center	34%	-	123	123	246
881	Drug Store with Drive-Thru Window	49%	-	30	30	60
912	Drive-in Bank	47%	-	13	13	26
932	High Turnover (Sit Down) Restaurant	43%	-	48	48	96
Totals			-	214	214	428
PM Peak Hour Non-Pass-By Total Trips						
ITE Land Use Code	USE	Units	ITE MANUAL RATES*			
			ADT	PM Enter	PM Exit	PM Total
310	Hotel	100 rooms	817	31	28	59
710	General Office	100,000 sf	1,334	32	159	191
820	Shopping Center	120,800 sf	7,679	231	245	476
881	Drug Store with Drive-Thru Window	11,800 sf	1,040	31	31	62
912	Drive-in Bank	2 drives	279	14	15	29
932	High Turnover (Sit Down) Restaurant	12,000 sf	1,526	72	54	126
Totals			12,675	411	532	943

* ITE 8th Edition Trip Generation Manual

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Raleigh, NC 27606

A signal warrant and capacity analysis study was completed for the intersection of NC 42 and Springbrook Avenue in June 2019. The analysis showed the impact of a new Hardee's restaurant that was constructed and is now open on Lot 1 within the Spring Branch Development. The analysis also included an update to the trip generation for the development including the most recent trip generation rates from the *ITE Trip Generation Manual, 10th Edition*. This updated trip generation, including the addition of the new Hardee's restaurant, is shown in Table 2.

Table 2: Trip Generation Estimate – June 2019

Land Use Code ¹	Land Use	Unit	ADT	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Total Site Trips ²									
254	Assisted Living Facility	77 beds	200	9	5	14	12	14	26
620	Nursing Home	130 beds	398	16	10	26	18	27	45
720	Medical-Dental Office Building	82,857 sf	2,883	179	51	230	80	207	287
881	Pharmacy/Drugstore with Drive-Through Window	3,000 sf	327	6	6	12	16	15	31
934	Fast-Food Restaurant with Drive-Through Window	3,200 sf	1,507	66	63	129	55	50	105
Development Total			5,315	276	135	411	181	313	494
Trip Reduction Due to Internal Capture ³									
254	Assisted Living Facility	77 beds	0	0	0	0	0	0	0
620	Nursing Home	130 beds	0	0	0	0	0	0	0
720	Medical-Dental Office Building	82,857 sf	223	21	17	38	2	0	2
881	Pharmacy/Drugstore with Drive-Through Window	3,000 sf	122	2	2	4	8	4	12
934	Fast-Food Restaurant with Drive-Through Window	3,200 sf	322	16	20	36	4	10	14
Development Total			667	39	39	78	14	14	28
Total External Site Trips									
254	Assisted Living Facility	77 beds	200	9	5	14	12	14	26
620	Nursing Home	130 beds	398	16	10	26	18	27	45
720	Medical-Dental Office Building	82,857 sf	2,660	158	34	192	78	207	285
881	Pharmacy/Drugstore with Drive-Through Window	3,000 sf	205	4	4	8	8	11	19
934	Fast-Food Restaurant with Drive-Through Window	3,200 sf	1,185	50	43	93	51	40	91
Development Total			4,648	237	96	333	167	299	466
Pass-by Site Trips ⁴									
254	Assisted Living Facility	77 beds		0	0	0	0	0	0
620	Nursing Home	130 beds		0	0	0	0	0	0
720	Medical-Dental Office Building	82,857 sf		0	0	0	0	0	0
881	Pharmacy/Drugstore with Drive-Through Window	3,000 sf		0	0	0	5	4	9
934	Fast-Food Restaurant with Drive-Through Window	3,200 sf		23	23	46	23	23	46
Development Total				23	23	46	28	27	55
Non-Pass-by Site Trips									
254	Assisted Living Facility	77 du		9	5	14	12	14	26
620	Nursing Home	130 sf		16	10	26	18	27	45
720	Medical-Dental Office Building	82,857 sf		158	34	192	78	207	285
881	Pharmacy/Drugstore with Drive-Through Window	3,000 sf		4	4	8	3	7	10
934	Fast-Food Restaurant with Drive-Through Window	3,200 sf		27	20	47	28	18	46
Development Total				214	73	287	139	272	411

Notes:

1. Land Use Code and trip generation rates are determined based on *ITE Trip Generation, 10th Edition*
2. Total site trips are determined based on the suggested method in the NCDOT Rate Vs Equation Spreadsheet
3. Internal capture was based on NCHRP 684 method and NCDOT IC calculation spreadsheet
4. Unconstrained pass-by trips are calculated based on *ITE Trip Generation Handbook, 3rd Edition*. The final projections are not expected to exceed 10% of adjacent street volumes.

As of June 2019, only approximately 37% of the daily trips have been accounted for within the original 2009 trip estimate. Current trip estimates are much lower than 2009 due to a decrease in rates between the 8th Edition and 10th Edition of the *ITE Trip Generation Manual*, as well as changes in land uses on multiple lots as the development was constructed.

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 Raleigh, NC 27606

Master Plan Amendment

The developer plans to amend the current Spring Branch Master Plan to change the proposed land uses on Lot 2 and Lot 3. The approved master plan from March 2015 is included at the end of this memorandum. The plan will amend Lot 2 to now include a 12,000 square foot (sf) building with a mix of retail and medical office space (50% of each), and Lot 3 will now include a 15,000-sf building with a mix of retail and restaurant space (50% of each). Table 3 shows how these additional land uses will impact the overall trip generation for the site.

Table 3: Trip Generation Estimate – June 2020

Land Use Code ¹	Land Use	Unit	ADT	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Total Site Trips ²									
254	Assisted Living Facility	77 beds	200	9	5	14	12	14	26
620	Nursing Home	130 beds	398	16	10	26	18	27	45
720	Medical-Dental Office Building	88,857 sf	3,092	193	54	247	86	221	307
820	General Retail	13,500 sf	1,540	99	60	159	59	64	123
881	Pharmacy/Drugstore with Drive-Through Window	3,000 sf	327	6	6	12	16	15	31
932	High-Turnover (Sit-Down) Restaurant	7,500 sf	841	60	45	105	68	63	131
934	Fast-Food Restaurant with Drive-Through Window	3,200 sf	1,507	66	63	129	55	50	105
Development Total			7,905	449	243	692	314	454	768
Trip Reduction Due to Internal Capture ³									
254	Assisted Living Facility	77 beds	0	0	0	0	0	0	0
620	Nursing Home	130 beds	0	0	0	0	0	0	0
720	Medical-Dental Office Building	88,857 sf	480	35	45	80	5	1	6
820	General Retail	13,500 sf	467	22	14	35	31	19	50
881	Pharmacy/Drugstore with Drive-Through Window	3,000 sf	118	1	1	3	8	5	13
932	High-Turnover (Sit-Down) Restaurant	7,500 sf	244	18	15	32	13	23	36
934	Fast-Food Restaurant with Drive-Through Window	3,200 sf	442	19	20	40	10	19	29
Development Total			1,751	95	95	190	67	67	134
Total External Site Trips									
254	Assisted Living Facility	77 beds	200	9	5	14	12	14	26
620	Nursing Home	130 beds	398	16	10	26	18	27	45
720	Medical-Dental Office Building	88,857 sf	2,612	158	9	167	81	220	301
820	General Retail	13,500 sf	1,073	77	46	123	28	45	73
881	Pharmacy/Drugstore with Drive-Through Window	3,000 sf	209	5	5	10	8	10	18
932	High-Turnover (Sit-Down) Restaurant	7,500 sf	597	42	30	72	55	40	95
934	Fast-Food Restaurant with Drive-Through Window	3,200 sf	1,065	47	43	90	45	31	76
Development Total			6,154	354	148	502	247	387	634
Pass-by Site Trips ⁴									
254	Assisted Living Facility	77 beds		0	0	0	0	0	0
620	Nursing Home	130 beds		0	0	0	0	0	0
720	Medical-Dental Office Building	88,857 sf		0	0	0	0	0	0
820	General Retail	13,500 sf		0	0	0	12	13	25
881	Pharmacy/Drugstore with Drive-Through Window	3,000 sf		0	0	0	4	5	9
932	High-Turnover (Sit-Down) Restaurant	7,500 sf		0	0	0	20	21	41
934	Fast-Food Restaurant with Drive-Through Window	3,200 sf		22	22	44	19	19	38
Development Total				22	22	44	55	57	112
Non-Pass-by Site Trips									
254	Assisted Living Facility	77 du		9	5	14	12	14	26
620	Nursing Home	130 sf		16	10	26	18	27	45
720	Medical-Dental Office Building	88,857 sf		158	9	167	81	220	301
820	General Retail	13,500 sf		77	46	123	16	32	48
881	Pharmacy/Drugstore with Drive-Through Window	3,000 sf		5	5	10	4	5	9
932	High-Turnover (Sit-Down) Restaurant	7,500 sf		42	30	72	35	19	54
934	Fast-Food Restaurant with Drive-Through Window	3,200 sf		25	21	46	26	12	38
Development Total				332	126	458	192	330	522

Notes:

1. Land Use Code and trip generation rates are determined based on ITE Trip Generation, 10th Edition
2. Total site trips are determined based on the suggested method in the NCDOT Rate Vs Equation Spreadsheet
3. Internal capture was based on NCHRP 684 method and NCDOT IC calculation spreadsheet
4. Unconstrained pass-by trips are calculated based on ITE Trip Generation Handbook, 3rd Edition. The final projections are not expected to exceed 10% of adjacent street volumes.

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As shown in Table 3, with the development additions in Lots 2 and 3, approximately 49% of the original 2009 trip bank will be accounted for. Table 4 highlights the remaining trips from the 2009 trip estimate that has not been accounted for. After the additions are completed in Lot 2 and Lot 3, only 126 AM peak hour trips and 737 PM peak hour trips are unaccounted for from the original established trip bank.

Table 4: Remaining Trip Bank

AM Peak Hour Total Trips				
USE	ITE MANUAL RATES			
	ADT	AM Enter	AM Exit	AM Total
Original TIA (Full Buildout)	12,675	417	211	628
June 2020 Update	6,154	354	148	502
<i>Trips Remaining</i>	<i>6,521</i>	<i>63</i>	<i>63</i>	<i>126</i>
PM Peak Hour Total Trips				
USE	ITE MANUAL RATES			
	ADT	PM Enter	PM Exit	PM Total
Original TIA (Full Buildout)	12,675	625	746	1,371
June 2020 Update	6,154	247	387	634
<i>Trips Remaining</i>	<i>6,521</i>	<i>378</i>	<i>359</i>	<i>737</i>

Updated Capacity Analysis

With the recommendation of a new traffic signal at the intersection of NC 42 and Springbrook Avenue in June 2019, a capacity analysis was completed for the intersection to show the impact of the new Hardee's restaurant. The intersection capacity analysis has been updated to show the impact that Lots 2 and 3 will have on the new traffic signal. The Build (2020) with Improvements scenario from the June 2019 memo was used as the Existing (2020) scenario for this analysis. The No-Build (2023) scenario was developed by applying a 3% annualized growth rate between the existing Year (2020) and the build year (2023). The Build (2023) scenario includes non-pass-by and pass-by peak hour trips generated by future development on Lots 2 and 3 in addition to the calculated No-Build (2023) traffic volumes. The non-pass-by and pass-by trips generated by Lots 2 and 3 were calculated by taking the difference between the updated June 2020 trip generation and the previous June 2019 trip generation. Table 5 shows the level of service (LOS) results for all three scenarios.

Table 5: Summary LOS Results

Intersection and Approach	Traffic Control	Existing (2020)		No-Build (2023)		Build (2023)	
		AM	PM	AM	PM	AM	PM
NC 42 at Springbrook Avenue	Signalized	B (12.8)	B (16.2)	B (12.7)	B (17.5)	B (14.6)	C (21.6)
Eastbound		A-7.2	A-5.9	A-7.0	A-5.7	A-7.6	A-6.4
Westbound		B-16.7	B-19.4	B-16.2	C-20.8	B-18.2	C-25.4
Southbound		C-29.6	D-39.7	C-32.9	D-45.3	D-35.1	D-48.4

X (XX.X) = Overall intersection LOS (average delay), **X-XX** = Approach LOS and average delay

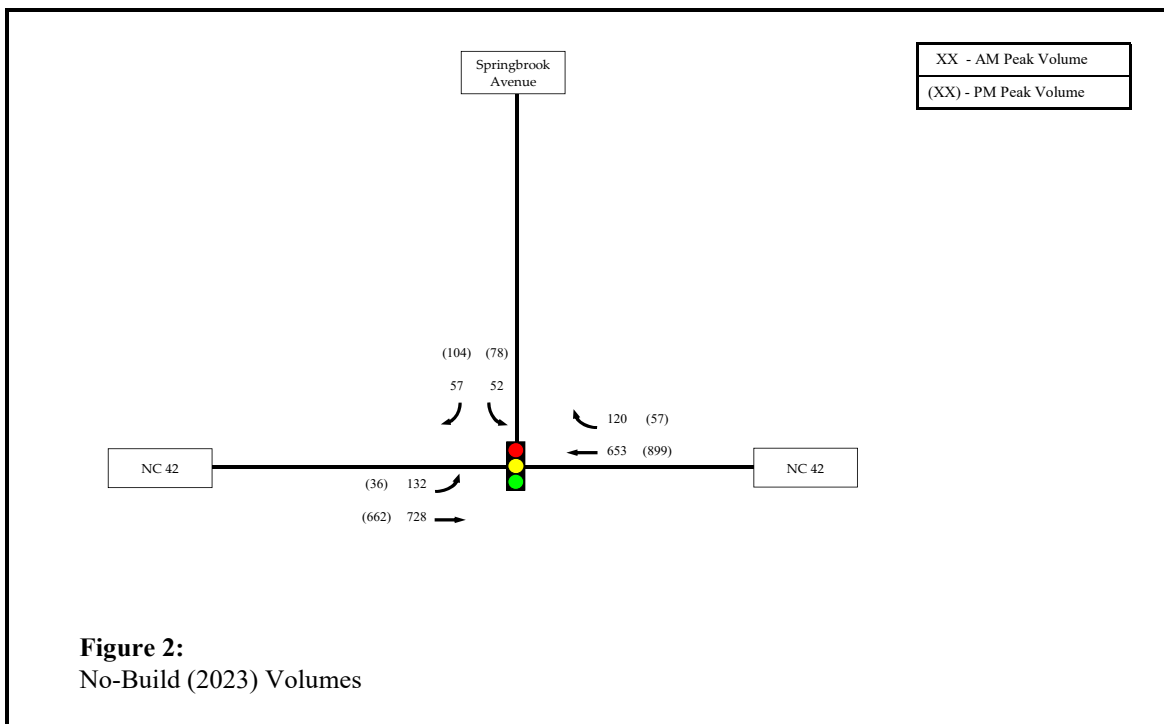
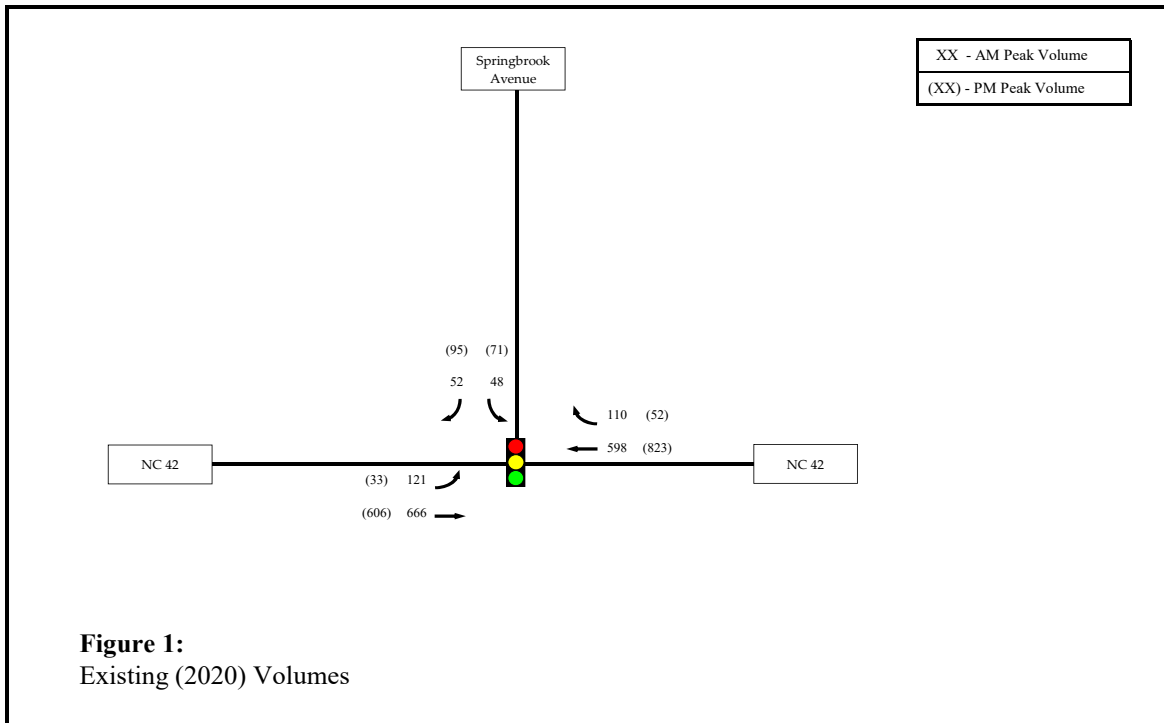
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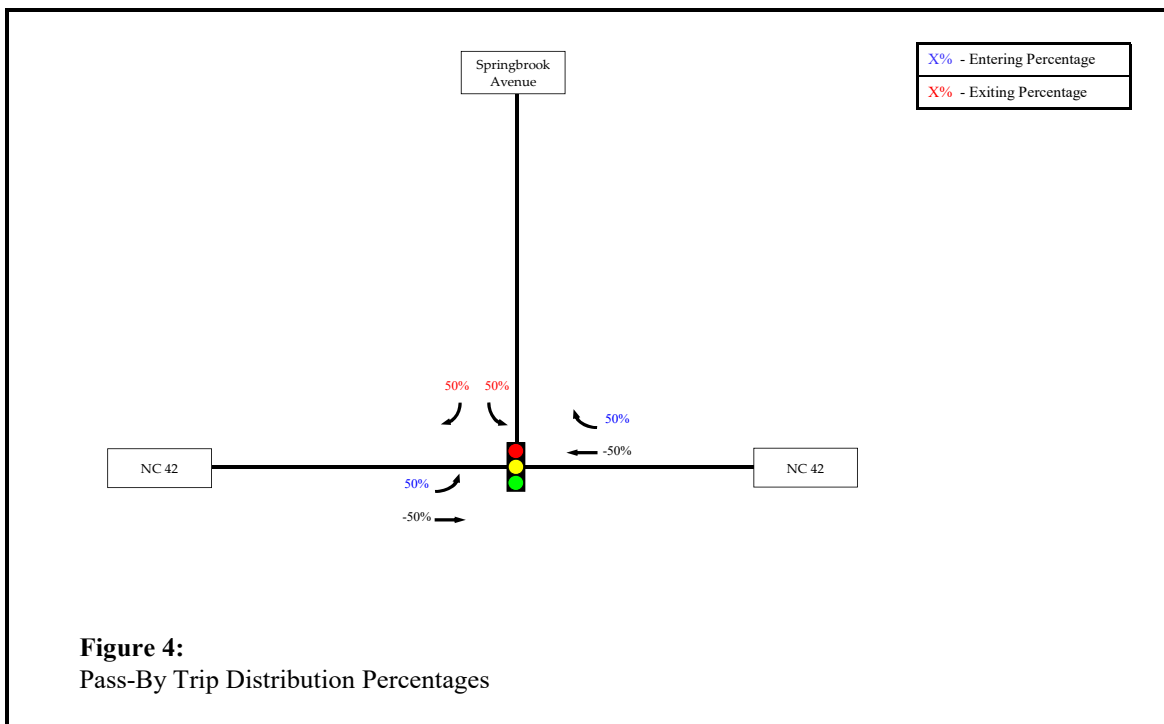
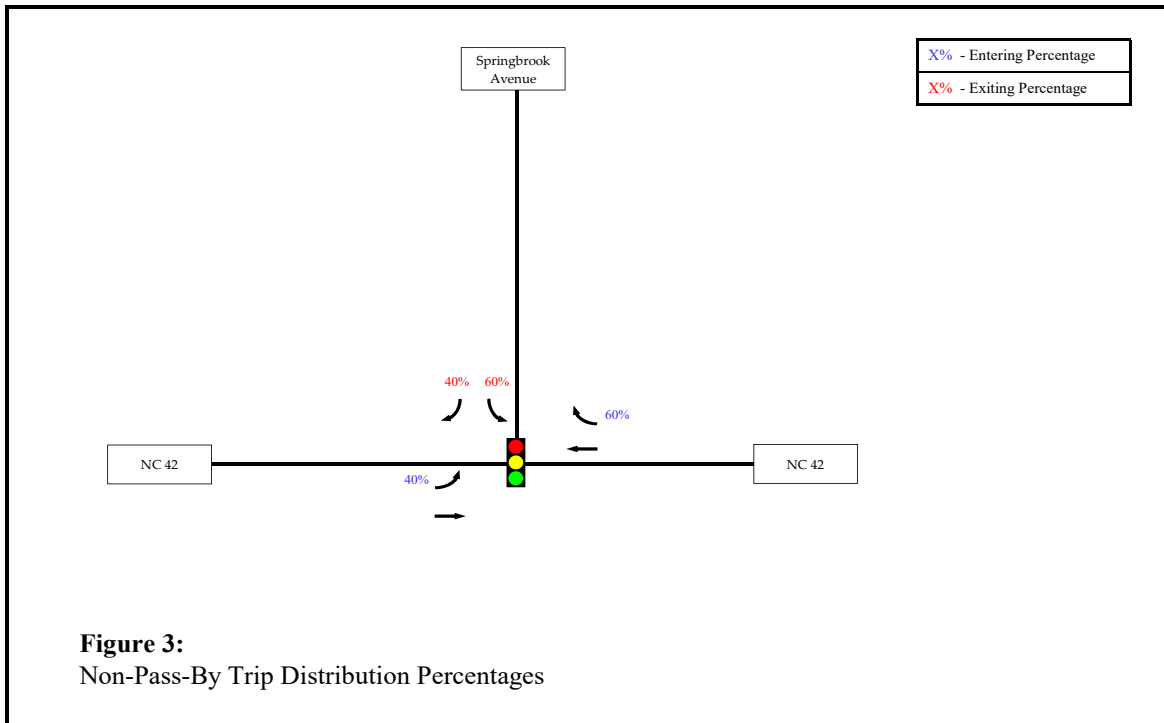
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July 31, 2020
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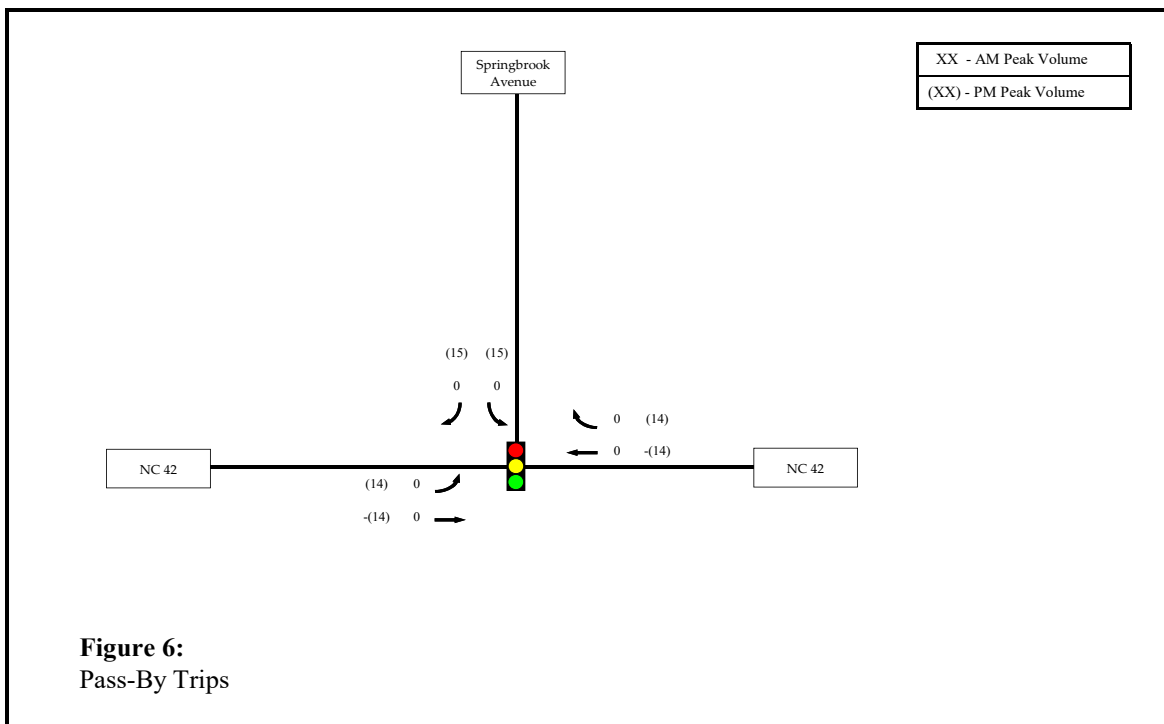
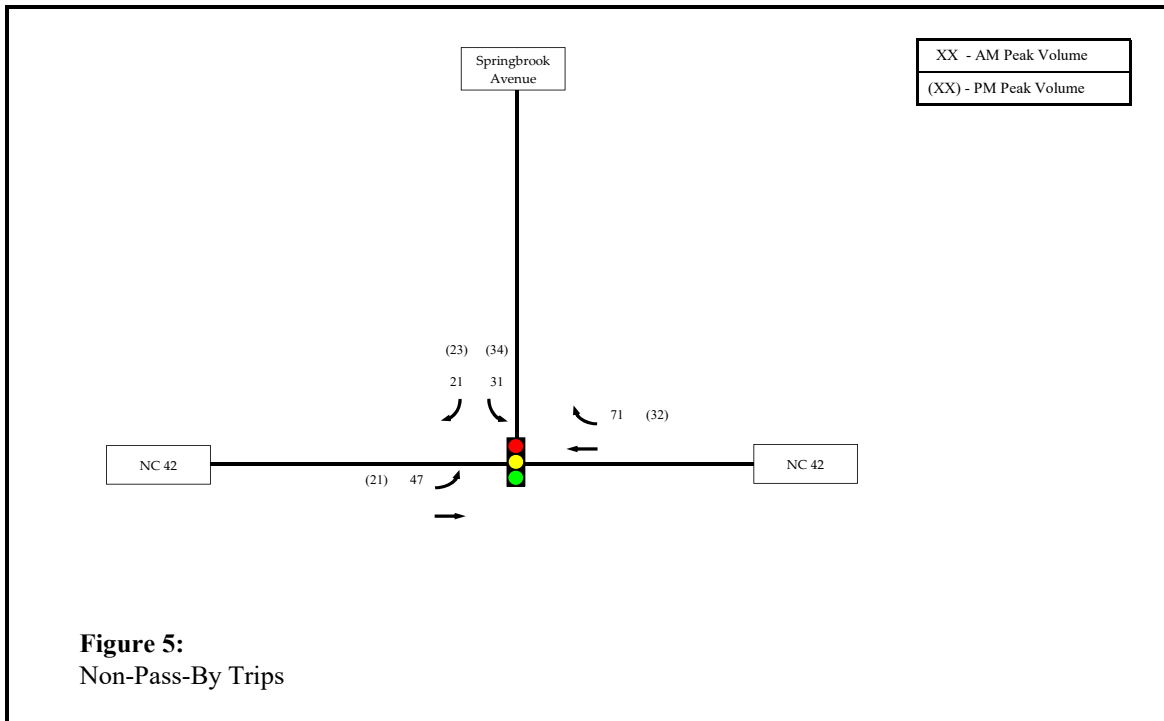
As reported in Table 5, the signalized intersection of NC 42 and Springbrook Avenue is projected to operate at LOS B during the AM peak hour and LOS C during the PM peak hour once Lots 2 and 3 are developed. No approaches are projected to operate worse than LOS D during either peak hour.

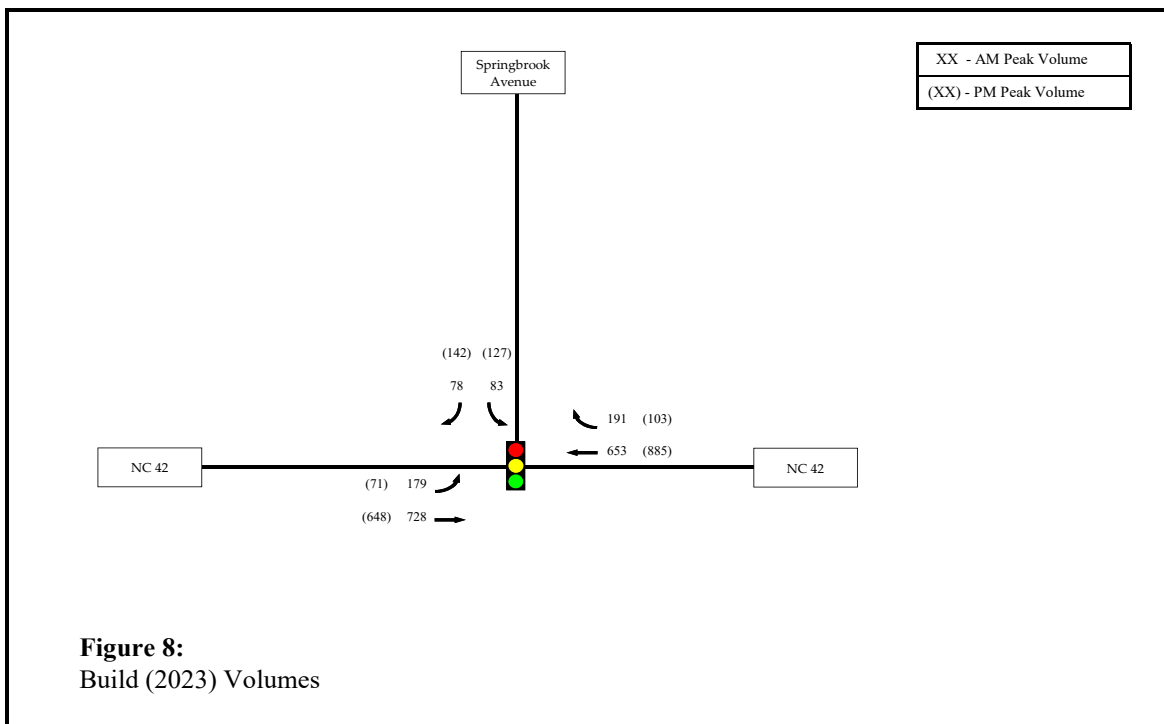
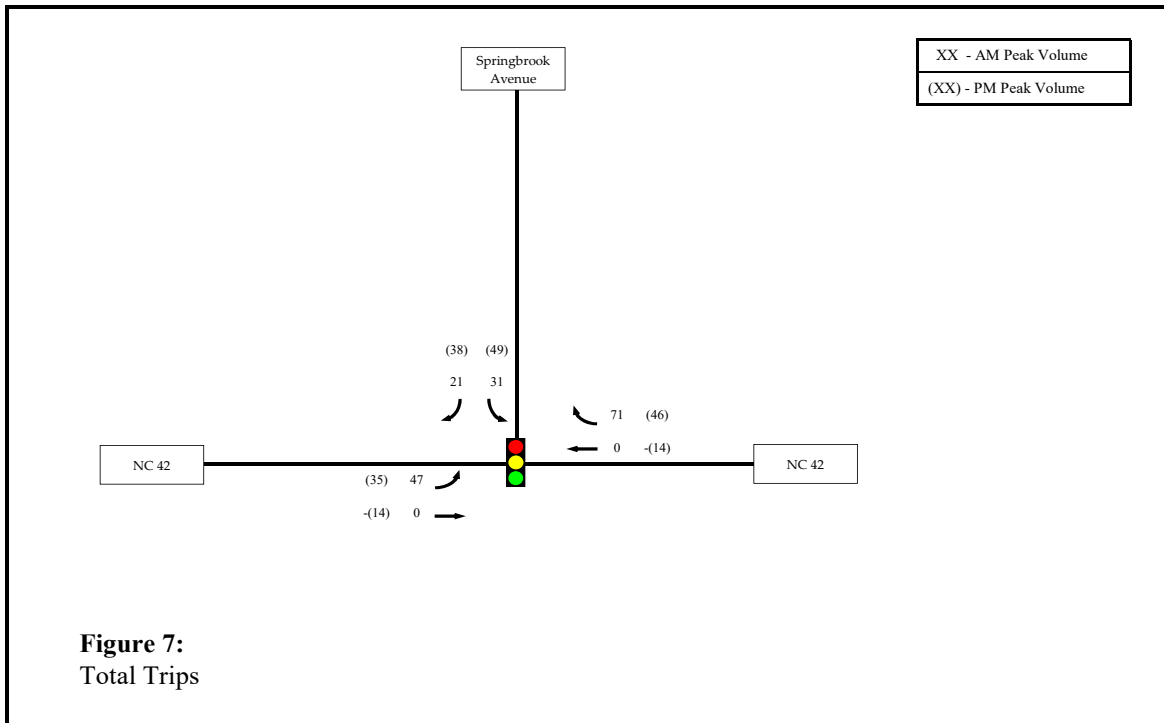


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940 Main Campus Drive
Suite 500
Raleigh, NC 27606









Spring Branch Trip Gen Update
1: NC 42 & Springbrook Ave

Existing (2020) AM
06/26/2020

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	121	666	598	110	48	52
Future Volume (vph)	121	666	598	110	48	52
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	175			225	175	0
Storage Lanes	1			1	1	1
Taper Length (ft)	100				100	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt				0.850		0.850
Flt Protected	0.950				0.950	
Satd. Flow (prot)	1770	1863	1863	1583	1770	1583
Flt Permitted	0.195				0.950	
Satd. Flow (perm)	363	1863	1863	1583	1770	1583
Right Turn on Red				No		No
Satd. Flow (RTOR)						
Link Speed (mph)		55	55		25	
Link Distance (ft)		1476	1891		167	
Travel Time (s)		18.3	23.4		4.6	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	134	740	664	122	53	58
Shared Lane Traffic (%)						
Lane Group Flow (vph)	134	740	664	122	53	58
Turn Type	pm+pt	NA	NA	Perm	Prot	Perm
Protected Phases	5	2	6		4	
Permitted Phases	2			6		4
Detector Phase	5	2	6	6	4	4
Switch Phase						
Minimum Initial (s)	7.0	14.0	14.0	14.0	7.0	7.0
Minimum Split (s)	14.0	21.0	21.0	21.0	14.0	14.0
Total Split (s)	14.0	74.0	60.0	60.0	16.0	16.0
Total Split (%)	15.6%	82.2%	66.7%	66.7%	17.8%	17.8%
Maximum Green (s)	7.0	67.0	53.0	53.0	9.0	9.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0	-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead		Lag	Lag		
Lead-Lag Optimize?	Yes		Yes	Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	Min	Min
Act Effct Green (s)	41.4	41.4	31.0	31.0	10.4	10.4
Actuated g/C Ratio	0.66	0.66	0.50	0.50	0.17	0.17
v/c Ratio	0.29	0.60	0.72	0.16	0.18	0.22
Control Delay	4.9	7.6	18.0	9.8	29.2	30.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	4.9	7.6	18.0	9.8	29.2	30.0
LOS	A	A	B	A	C	C
Approach Delay		7.2	16.7		29.6	
Approach LOS		A	B		C	

Existing (2020) AM.syn
VHB

Synchro 10 - Report
Page 1

Spring Branch Trip Gen Update
1: NC 42 & Springbrook Ave

Existing (2020) AM
06/26/2020

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Queue Length 50th (ft)	14	117	199	26	18	20
Queue Length 95th (ft)	28	197	317	52	57	61
Internal Link Dist (ft)		1396	1811		87	
Turn Bay Length (ft)	175			225	175	
Base Capacity (vph)	456	1799	1588	1349	331	296
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.29	0.41	0.42	0.09	0.16	0.20

Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 62.4

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.72

Intersection Signal Delay: 12.8

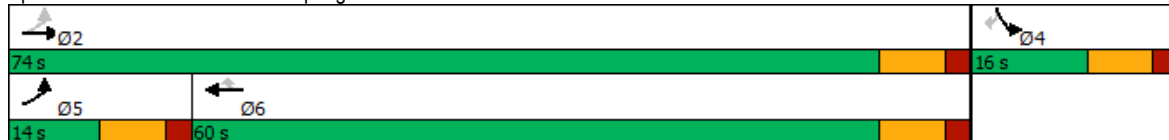
Intersection Capacity Utilization 56.5%

Analysis Period (min) 15

Intersection LOS: B

ICU Level of Service B

Splits and Phases: 1: NC 42 & Springbrook Ave



Spring Branch Trip Gen Update
1: NC 42 & Springbrook Ave

Existing (2020) PM
06/26/2020

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	33	606	823	52	71	95
Future Volume (vph)	33	606	823	52	71	95
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	175			225	175	0
Storage Lanes	1			1	1	1
Taper Length (ft)	100				100	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt				0.850		0.850
Flt Protected	0.950				0.950	
Satd. Flow (prot)	1770	1863	1863	1583	1770	1583
Flt Permitted	0.099				0.950	
Satd. Flow (perm)	184	1863	1863	1583	1770	1583
Right Turn on Red				No		No
Satd. Flow (RTOR)						
Link Speed (mph)		55	55		25	
Link Distance (ft)		1476	1891		545	
Travel Time (s)		18.3	23.4		14.9	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	37	673	914	58	79	106
Shared Lane Traffic (%)						
Lane Group Flow (vph)	37	673	914	58	79	106
Turn Type	pm+pt	NA	NA	Perm	Prot	Perm
Protected Phases	5	2	6		4	
Permitted Phases	2			6		4
Detector Phase	5	2	6	6	4	4
Switch Phase						
Minimum Initial (s)	7.0	14.0	5.0	5.0	7.0	7.0
Minimum Split (s)	14.0	21.0	12.0	12.0	14.0	14.0
Total Split (s)	14.0	75.0	61.0	61.0	15.0	15.0
Total Split (%)	15.6%	83.3%	67.8%	67.8%	16.7%	16.7%
Maximum Green (s)	7.0	68.0	54.0	54.0	8.0	8.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0	-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead		Lag	Lag		
Lead-Lag Optimize?	Yes		Yes	Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	Min	Min
Act Effct Green (s)	47.9	47.9	41.1	41.1	10.8	10.8
Actuated g/C Ratio	0.69	0.69	0.59	0.59	0.15	0.15
v/c Ratio	0.10	0.53	0.83	0.06	0.29	0.43
Control Delay	3.0	6.0	20.1	6.9	37.5	41.4
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	3.0	6.0	20.1	6.9	37.5	41.4
LOS	A	A	C	A	D	D
Approach Delay		5.9	19.4		39.7	
Approach LOS		A	B		D	

Existing (2020) PM.syn
VHB

Synchro 10 - Report
Page 1

Spring Branch Trip Gen Update
1: NC 42 & Springbrook Ave

Existing (2020) PM
06/26/2020

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Queue Length 50th (ft)	4	103	349	12	37	51
Queue Length 95th (ft)	9	152	530	26	87	#124
Internal Link Dist (ft)		1396	1811		465	
Turn Bay Length (ft)	175			225	175	
Base Capacity (vph)	354	1649	1468	1247	282	252
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.10	0.41	0.62	0.05	0.28	0.42

Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 69.9

Natural Cycle: 70

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.83

Intersection Signal Delay: 16.2

Intersection LOS: B

Intersection Capacity Utilization 57.5%

ICU Level of Service B

Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 1: NC 42 & Springbrook Ave



Spring Branch Trip Gen Update
1: NC 42 & Springbrook Ave

No-Build (2023) AM
06/26/2020

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	132	728	653	120	52	57
Future Volume (vph)	132	728	653	120	52	57
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	175			225	175	0
Storage Lanes	1			1	1	1
Taper Length (ft)	100				100	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt				0.850		0.850
Flt Protected	0.950				0.950	
Satd. Flow (prot)	1770	1863	1863	1583	1770	1583
Flt Permitted	0.175				0.950	
Satd. Flow (perm)	326	1863	1863	1583	1770	1583
Right Turn on Red				No		No
Satd. Flow (RTOR)						
Link Speed (mph)		55	55		25	
Link Distance (ft)		1476	1891		423	
Travel Time (s)		18.3	23.4		11.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	147	809	726	133	58	63
Shared Lane Traffic (%)						
Lane Group Flow (vph)	147	809	726	133	58	63
Turn Type	pm+pt	NA	NA	Perm	Prot	Perm
Protected Phases	5	2	6		4	
Permitted Phases	2			6		4
Detector Phase	5	2	6	6	4	4
Switch Phase						
Minimum Initial (s)	7.0	14.0	14.0	14.0	7.0	7.0
Minimum Split (s)	14.0	21.0	21.0	21.0	14.0	14.0
Total Split (s)	14.0	76.0	62.0	62.0	14.0	14.0
Total Split (%)	15.6%	84.4%	68.9%	68.9%	15.6%	15.6%
Maximum Green (s)	7.0	69.0	55.0	55.0	7.0	7.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0	-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead		Lag	Lag		
Lead-Lag Optimize?	Yes		Yes	Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	Min	Min
Act Effct Green (s)	44.4	44.4	34.0	34.0	9.5	9.5
Actuated g/C Ratio	0.69	0.69	0.53	0.53	0.15	0.15
v/c Ratio	0.34	0.63	0.74	0.16	0.22	0.27
Control Delay	4.9	7.4	17.6	8.8	32.3	33.4
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	4.9	7.4	17.6	8.8	32.3	33.4
LOS	A	A	B	A	C	C
Approach Delay		7.0	16.2		32.9	
Approach LOS		A	B		C	

No-Build (2023) AM.syn
VHB

Synchro 10 - Report
Page 1

Spring Branch Trip Gen Update
1: NC 42 & Springbrook Ave

No-Build (2023) AM
06/26/2020

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Queue Length 50th (ft)	15	130	223	27	21	23
Queue Length 95th (ft)	26	197	339	51	65	69
Internal Link Dist (ft)		1396	1811		343	
Turn Bay Length (ft)	175			225	175	
Base Capacity (vph)	437	1806	1593	1354	261	233
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.34	0.45	0.46	0.10	0.22	0.27

Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 64.5

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.74

Intersection Signal Delay: 12.7

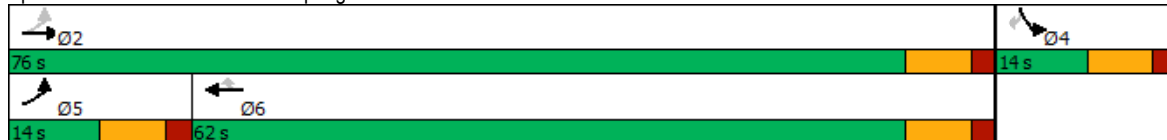
Intersection LOS: B

Intersection Capacity Utilization 60.0%

ICU Level of Service B

Analysis Period (min) 15

Splits and Phases: 1: NC 42 & Springbrook Ave



Spring Branch Trip Gen Update
1: NC 42 & Springbrook Ave

No-Build (2023) PM
06/26/2020

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	36	662	899	57	78	104
Future Volume (vph)	36	662	899	57	78	104
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	175			225	175	0
Storage Lanes	1			1	1	1
Taper Length (ft)	100				100	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt				0.850		0.850
Flt Protected	0.950				0.950	
Satd. Flow (prot)	1770	1863	1863	1583	1770	1583
Flt Permitted	0.080				0.950	
Satd. Flow (perm)	149	1863	1863	1583	1770	1583
Right Turn on Red				No		No
Satd. Flow (RTOR)						
Link Speed (mph)		55	55		25	
Link Distance (ft)		1476	1891		545	
Travel Time (s)		18.3	23.4		14.9	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	40	736	999	63	87	116
Shared Lane Traffic (%)						
Lane Group Flow (vph)	40	736	999	63	87	116
Turn Type	pm+pt	NA	NA	Perm	Prot	Perm
Protected Phases	5	2	6		4	
Permitted Phases	2			6		4
Detector Phase	5	2	6	6	4	4
Switch Phase						
Minimum Initial (s)	7.0	14.0	5.0	5.0	7.0	7.0
Minimum Split (s)	14.0	21.0	12.0	12.0	14.0	14.0
Total Split (s)	14.0	76.0	62.0	62.0	14.0	14.0
Total Split (%)	15.6%	84.4%	68.9%	68.9%	15.6%	15.6%
Maximum Green (s)	7.0	69.0	55.0	55.0	7.0	7.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0	-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead		Lag	Lag		
Lead-Lag Optimize?	Yes		Yes	Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	Min	Min
Act Effct Green (s)	52.2	52.2	45.4	45.4	9.9	9.9
Actuated g/C Ratio	0.71	0.71	0.62	0.62	0.14	0.14
v/c Ratio	0.12	0.55	0.86	0.06	0.36	0.54
Control Delay	2.9	5.8	21.7	6.3	41.1	48.4
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	2.9	5.8	21.7	6.3	41.1	48.4
LOS	A	A	C	A	D	D
Approach Delay		5.7	20.8		45.3	
Approach LOS		A	C		D	

No-Build (2023) PM.syn
VHB

Synchro 10 - Report
Page 1

Spring Branch Trip Gen Update
1: NC 42 & Springbrook Ave

No-Build (2023) PM
06/26/2020

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Queue Length 50th (ft)	4	110	404	12	47	64
Queue Length 95th (ft)	9	163	#649	27	95	#150
Internal Link Dist (ft)		1396	1811		465	
Turn Bay Length (ft)	175			225	175	
Base Capacity (vph)	325	1631	1456	1237	239	214
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.12	0.45	0.69	0.05	0.36	0.54

Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 73.1

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.86

Intersection Signal Delay: 17.5

Intersection LOS: B

Intersection Capacity Utilization 62.1%

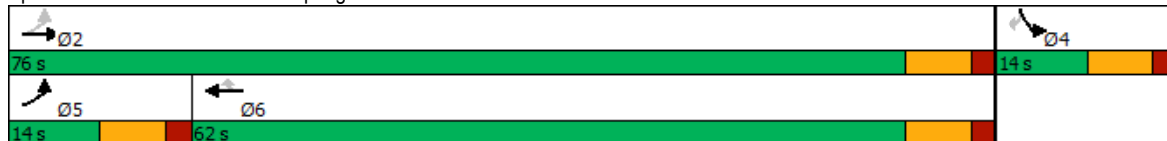
ICU Level of Service B

Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 1: NC 42 & Springbrook Ave



Spring Branch Trip Gen Update
1: NC 42 & Springbrook Ave

Build (2023) AM
06/30/2020

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	179	728	653	191	83	78
Future Volume (vph)	179	728	653	191	83	78
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	175			225	175	0
Storage Lanes	1			1	1	1
Taper Length (ft)	100				100	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt				0.850		0.850
Flt Protected	0.950				0.950	
Satd. Flow (prot)	1770	1863	1863	1583	1770	1583
Flt Permitted	0.163				0.950	
Satd. Flow (perm)	304	1863	1863	1583	1770	1583
Right Turn on Red				No		No
Satd. Flow (RTOR)						
Link Speed (mph)		55	55		25	
Link Distance (ft)		1476	1891		423	
Travel Time (s)		18.3	23.4		11.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	199	809	726	212	92	87
Shared Lane Traffic (%)						
Lane Group Flow (vph)	199	809	726	212	92	87
Turn Type	pm+pt	NA	NA	Perm	Prot	Perm
Protected Phases	5	2	6		4	
Permitted Phases	2			6		4
Detector Phase	5	2	6	6	4	4
Switch Phase						
Minimum Initial (s)	7.0	14.0	14.0	14.0	7.0	7.0
Minimum Split (s)	14.0	21.0	21.0	21.0	14.0	14.0
Total Split (s)	14.0	74.0	60.0	60.0	16.0	16.0
Total Split (%)	15.6%	82.2%	66.7%	66.7%	17.8%	17.8%
Maximum Green (s)	7.0	67.0	53.0	53.0	9.0	9.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0	-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead		Lag	Lag		
Lead-Lag Optimize?	Yes		Yes	Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	Min	Min
Act Effct Green (s)	49.4	49.4	35.1	35.1	10.4	10.4
Actuated g/C Ratio	0.70	0.70	0.50	0.50	0.15	0.15
v/c Ratio	0.49	0.62	0.78	0.27	0.35	0.37
Control Delay	7.9	7.6	20.4	10.4	34.6	35.6
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	7.9	7.6	20.4	10.4	34.6	35.6
LOS	A	A	C	B	C	D
Approach Delay		7.6	18.2		35.1	
Approach LOS		A	B		D	

Build (2023) AM.syn
VHB

Synchro 10 - Report
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Spring Branch Trip Gen Update
1: NC 42 & Springbrook Ave

Build (2023) AM
06/30/2020

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Queue Length 50th (ft)	23	149	240	49	36	34
Queue Length 95th (ft)	44	224	359	84	94	91
Internal Link Dist (ft)		1396	1811		343	
Turn Bay Length (ft)	175			225	175	
Base Capacity (vph)	407	1747	1496	1271	284	254
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.49	0.46	0.49	0.17	0.32	0.34

Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 70.1

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.78

Intersection Signal Delay: 14.6

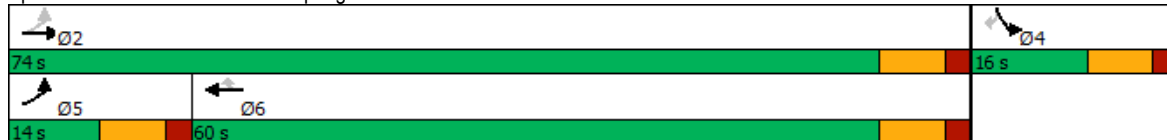
Intersection Capacity Utilization 62.6%

Analysis Period (min) 15

Intersection LOS: B

ICU Level of Service B

Splits and Phases: 1: NC 42 & Springbrook Ave



Spring Branch Trip Gen Update
1: NC 42 & Springbrook Ave

Build (2023) PM
06/30/2020

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	71	648	885	103	127	142
Future Volume (vph)	71	648	885	103	127	142
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	175			225	175	0
Storage Lanes	1			1	1	1
Taper Length (ft)	100				100	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt				0.850		0.850
Flt Protected	0.950				0.950	
Satd. Flow (prot)	1770	1863	1863	1583	1770	1583
Flt Permitted	0.076				0.950	
Satd. Flow (perm)	142	1863	1863	1583	1770	1583
Right Turn on Red				No		No
Satd. Flow (RTOR)						
Link Speed (mph)		55	55		25	
Link Distance (ft)		1476	1891		545	
Travel Time (s)		18.3	23.4		14.9	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	79	720	983	114	141	158
Shared Lane Traffic (%)						
Lane Group Flow (vph)	79	720	983	114	141	158
Turn Type	pm+pt	NA	NA	Perm	Prot	Perm
Protected Phases	5	2	6		4	
Permitted Phases	2			6		4
Detector Phase	5	2	6	6	4	4
Switch Phase						
Minimum Initial (s)	7.0	14.0	5.0	5.0	7.0	7.0
Minimum Split (s)	14.0	21.0	12.0	12.0	14.0	14.0
Total Split (s)	14.0	73.0	59.0	59.0	17.0	17.0
Total Split (%)	15.6%	81.1%	65.6%	65.6%	18.9%	18.9%
Maximum Green (s)	7.0	66.0	52.0	52.0	10.0	10.0
Yellow Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0	-2.0	-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead		Lag	Lag		
Lead-Lag Optimize?	Yes		Yes	Yes		
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	None	None	None	Min	Min
Act Effct Green (s)	57.6	57.6	47.4	47.4	12.1	12.1
Actuated g/C Ratio	0.72	0.72	0.59	0.59	0.15	0.15
v/c Ratio	0.27	0.54	0.89	0.12	0.53	0.66
Control Delay	5.9	6.4	27.4	8.3	44.3	52.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	5.9	6.4	27.4	8.3	44.3	52.1
LOS	A	A	C	A	D	D
Approach Delay		6.4	25.4		48.4	
Approach LOS		A	C		D	

Build (2023) PM.syn
VHB

Synchro 10 - Report
Page 1

Spring Branch Trip Gen Update
1: NC 42 & Springbrook Ave

Build (2023) PM
06/30/2020

						
Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Queue Length 50th (ft)	9	131	434	26	77	88
Queue Length 95th (ft)	24	194	#740	48	#140	#185
Internal Link Dist (ft)		1396	1811		465	
Turn Bay Length (ft)	175			225	175	
Base Capacity (vph)	296	1517	1281	1088	281	251
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.27	0.47	0.77	0.10	0.50	0.63

Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 80.4

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.89

Intersection Signal Delay: 21.6

Intersection LOS: C

Intersection Capacity Utilization 71.9%

ICU Level of Service C

Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 1: NC 42 & Springbrook Ave





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

TRC CERTIFICATION

August 18, 2020

Stephen Wirth
219 Muirfield Lane
Clayton, NC 27527
Swirth001@nc.rr.com

Re: 2020-105-SD Spring Branch Medical and Commercial Park

Mr. Wirth,

The project listed above has received certification from the Technical Review Committee on August 18, 2020. In order to prepare for your upcoming Town Council meeting, please email a digital copy of your latest site plan no later than 5PM on August 21, 2020. The project will now proceed to the following meeting:

Town Council: Monday September 8, 2020 at 6:00pm.

Please let me know if you have any questions or need further assistance.

Thank you,

Lori Bryant
Development Services Coordinator
Lbryant@townofclaytonnc.org
(919) 359-9337

Staff Approval:

Project Manager's Approval

Department of Engineering Approval

Fire Inspector's Approval

Date

Date

Date

[Signature] 8/19/2020
[Signature] 8/24/2020
[Signature] 08-19-2020

Updated February 2019

**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 **#2020-105-SD – Spring Branch Medical Park**

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

MOTION FORM

Item #6a

#2020-120-SD – Spring Branch Medical Park



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 the following conditions:

MOTION FORM
Item #6a
#2020-120-SD – Spring Branch Medical Park



Town Council Agenda Cover Sheet

Meeting Date

September 8, 2020

Agenda Location

Public Hearings

Item Title

Enterprise Dr. Right-of-Way Abandonment

Presenter

Joshua Baird – Town Engineer

Summary/Description

The private residential development Cameron Crossing has completed the re-alignment of Enterprise Dr as approved in December 2017 and the Town Council accepted the new re-aligned street on June 15, 2020. With the new alignment there is no longer a need to maintain the old right-of-way (ROW). G.S. §160A-299 authorizes the Town Council to close or abandon public streets and outlines the procedure. A portion of the Town utilities have been abandoned and those that remain are within a previously dedicated easement. The old ROW crosses two private properties. Upon completing the abandonment of public ROW, the underlying property will be recombined with the adjacent properties.

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Enterprise Dr. Exhibit
Cameron Crossing ROW Abandonment Recombination
Site Plan Approval 2017-146-SD

Meeting Timeline

Click or tap here to enter text.

**PUBLIC NOTICE
TOWN OF CLAYTON
RESOLUTION OF INTENT
TO ABANDON A PORTION OF
ENTERPRISE DRIVE**

A Resolution declaring the intention of the Town Council to abandon a portion of Enterprise Drive, as reflected on Exhibit A.

WHEREAS, G.S. 160A-299 authorizes the Town Council to close / abandon public streets; and

WHEREAS, the Town Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the abandonment of right of way known as Enterprise Drive and

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

(1) A Public Hearing will be held at 6:00 p.m. on the 8th of September, 2020 in the Town Council Chambers to consider adopting an order closing a portion of the above referenced street.

(2) The Town Clerk is hereby directed to publish the Resolution of Intent with the attached Exhibit once a week for four successive weeks prior to the date of the Public Hearing.

(3) The Engineering Department is further directed to transmit by certified mail to all owners of property adjoining that portion of said street as shown in the Johnston County tax records a copy of this Resolution of Intent with Exhibit.

(4) The Town intends to reserve its right, title and interest in any utility improvement or easement.

(5) The Engineering Department is directed to prominently post a notice of the Closing and Public Hearing in at least two places along said street. If the street is under the authority and control of the Department of Transportation, the Planning Department shall mail a copy of this Resolution of Intent to the Department of Transportation.

Upon call for a vote, the following Council Members voted in the affirmative:

Mayor Pro Tem Thompson

Council Member Grannis

Council Member Holder

Council Member Bunn

Council Member Everett

and the following Council Members voted in the negative:

N/A

Exhibit A

All of that certain tract or parcel of land located in the Town of Clayton, Johnston County, North Carolina, and more particularly described as follows:

COMMENCING at a point in the eastern margin of Enterprise Drive (50' Public R/W) and the north west corner of that property now or formerly owned by BV 173, LLC, as described that Deed recorded in Book 3474, Page 610, and as shown on that plat recorded in Plat Book 59, Page 448, Johnston County Registry (PIN #165915-54-5138) and the south west corner of that property shown as New Lot 6 on that plat titled "R/W Abandonment & Recombination Plat for Forestar (USA) Real Estate Group, Inc. 761 Enterprise Drive, dated June 11, 2020, and prepared by Cawthorne, Moss & Panciera, P.C. Professional Land Surveyors ("the Plat"); thence along the eastern margin of Enterprise Drive North 08°43'51" East 1.33 feet to a point; thence North 11°24'50" East 3.20 feet to a point; thence North 14°12'32" East 344.84 feet to a point; thence North 14°09'17" East 30.00 feet to a point in the north west corner of the New Lot 6 and the New Open Space #2 as shown on the Plat; thence across the eastern portion of Enterprise Drive North 10°32'33" West 59.71 feet to a point at the center of intersection of Enterprise Drive and Blakely Street (60' Public R/W); thence across the western portion of Enterprise Drive South 46°11'39" West 47.19 feet to a point in the western margin of Enterprise Drive and the eastern line of the property now or formerly owned by Michael Lynn Marvel Revocable Trust as described in that Deed recorded in Book 4946, Page 848, Johnston County Registry, and as shown on that plat recorded in Plat Book 89, Page 42, Johnston County Registry (PIN #165915-54-5942) (the "Marvel 1 Property"), said point being the POINT OF BEGINNING; thence along the southern line of the Marvel 1 Property North 62°48'34" West 134.41 feet to a point; thence 30.12 feet along the arc of a curve to the right, having a radius of 19.62 feet and a chord bearing and distance of North 19°51'43" West 27.25 feet to a point; thence North 24°07'19" East 107.96 feet to a point in the western line of the property now or formerly owned by Corporate Developers, LLC, as described in that Deed recorded in Book 5433, Page 683, Johnston County Registry, and as shown on that plat recorded in Plat Book 89, Page 42, Johnston County Registry (PIN # 165911-55-5095) (the "Corporate Developers 1 Property"), thence along the Corporate Developers 1 Property North 30°17'58" East 164.72 feet to a point in the southern margin of Cameron Way (52' Public R/W); thence along the southern margin of Cameron Way North 59°40'39" West 27.52 feet to a point; thence continuing along the southern margin of Cameron Way North 59°40'39" West 52.52 feet to a point in the northern line of the property now or formerly owned by Corporate Developers, LLC, as described in that Deed recorded in Book 2317, Page 715, Johnston County Registry, and as shown on that plat recorded in Plat Book 89, Page 42, and Plat Book 56, Page 184, Johnston County Registry (PIN # 165911-55-4126) (the "Corporate Developers 2 Property"); thence leaving the southern margin of Cameron Way and along the eastern line of the Corporate Developers 2 Property 39.28 feet along the arc of a curve to the right, having a radius of 25.00 feet and a chord bearing and distance of South 14°40'00" East 35.36 feet to a point; thence South 30°20'02" West 100.83 feet to a point; thence 39.17 feet along the arc of a curve to the right, having a radius of 250.00 feet and a chord bearing and distance of South 25°50'42" West 39.13 feet to a point; thence 0.16 feet along the arc of a curve to the right, having a radius of 250.01 feet and a chord bearing and distance of South 21°20'17" East 0.16 feet to a point in the eastern line of the property now or formerly owned by Michael Lynn Marvel Revocable Trust as described in that Deed recorded in Book 4946, Page 848, Johnston County Registry, and as shown on that plat recorded in Plat Book 56, Page 232, Johnston County Registry (PIN # 165915-54-3654) (the "Marvel 2 Property"); thence along the eastern line of the Marvel 2 Property South 23°11'00" West 164.34 feet to a point; thence South 23°05'08" West 15.02 feet to a point; thence South 62°48'34" East 195.18 feet to a point; thence 26.89 feet along the arc of a curve to the right, having a radius of 20.00 feet and a chord bearing and distance of South 24°18'04" East 24.91 feet to a point in the eastern line of the Marvel 2 Property and the western margin of Enterprise Drive; thence continuing along the western margin of Enterprise Drive North 14°12'25" East 41.57 feet to a point; thence North 14°12'25" East 25.66 feet to the POINT OF BEGINNING, containing 0.600 acres, more or less, and shown as Enterprise Drive 50' Public R/W (Hereby Abandoned) on the Plat. Duly adopted the 20th day of July, 2020

7:29;8:5,19,26/2020

Resolution of Intent
Street Closing Order for a Portion of Enterprise Drive

A Resolution declaring the intention of the Town Council of Clayton to abandon a portion of Enterprise Drive, as reflected on Exhibit A, due to road realignment.

Whereas, G.S. §160A-299 authorizes the Town Council of the Town of Clayton to close/abandon public streets; and

Whereas, G.S. §160A-299 requires that certain procedures be followed including the calling of a Public Hearing, and the Town Council of the Town of Clayton considers it advisable to conduct a Public Hearing for the purpose of giving consideration to the closing/abandoning of a portion of the Street; and

Whereas, G.S. §160A-299 allows a town to reserve its right, title, and interest in any utility improvement or easement within a street closed/abandoned pursuant to this section.

Now therefore, be it resolved by the Town Council of the Town of Clayton while meeting in regular session that:

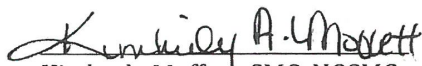
- (1) A Public Hearing will be held at 6:00 p.m. on the 8th of September, 2020 in the Town Council Chambers to consider adopting an order closing a portion of the above referenced street.
- (2) The Town Clerk is hereby directed to publish the Resolution of Intent with the attached Exhibit once a week for four successive weeks prior to the date of the Public Hearing.
- (3) The Engineering Department is further directed to transmit by certified mail to all owners of property adjoining that portion of said street as shown in the Johnston County tax records a copy of this Resolution of Intent with Exhibit.
- (4) The Town intends to reserve its right, title and interest in any utility improvement or easement.
- (5) The Engineering Department is directed to prominently post a notice of the Closing and Public Hearing in at least two places along said street. If the street is under the authority and control of the Department of Transportation, the Planning Department shall mail a copy of this Resolution of Intent to the Department of Transportation.

Upon motion made by Council Member Grannis, and seconded by Council Member Holder, the above Resolution was duly adopted this the 20th day of July, 2020 while in regular session.



Jody McLeod
Mayor

ATTEST:


Kimberly Moffett, CMC, NCCMC
Town Clerk



PPAB 5715748v1

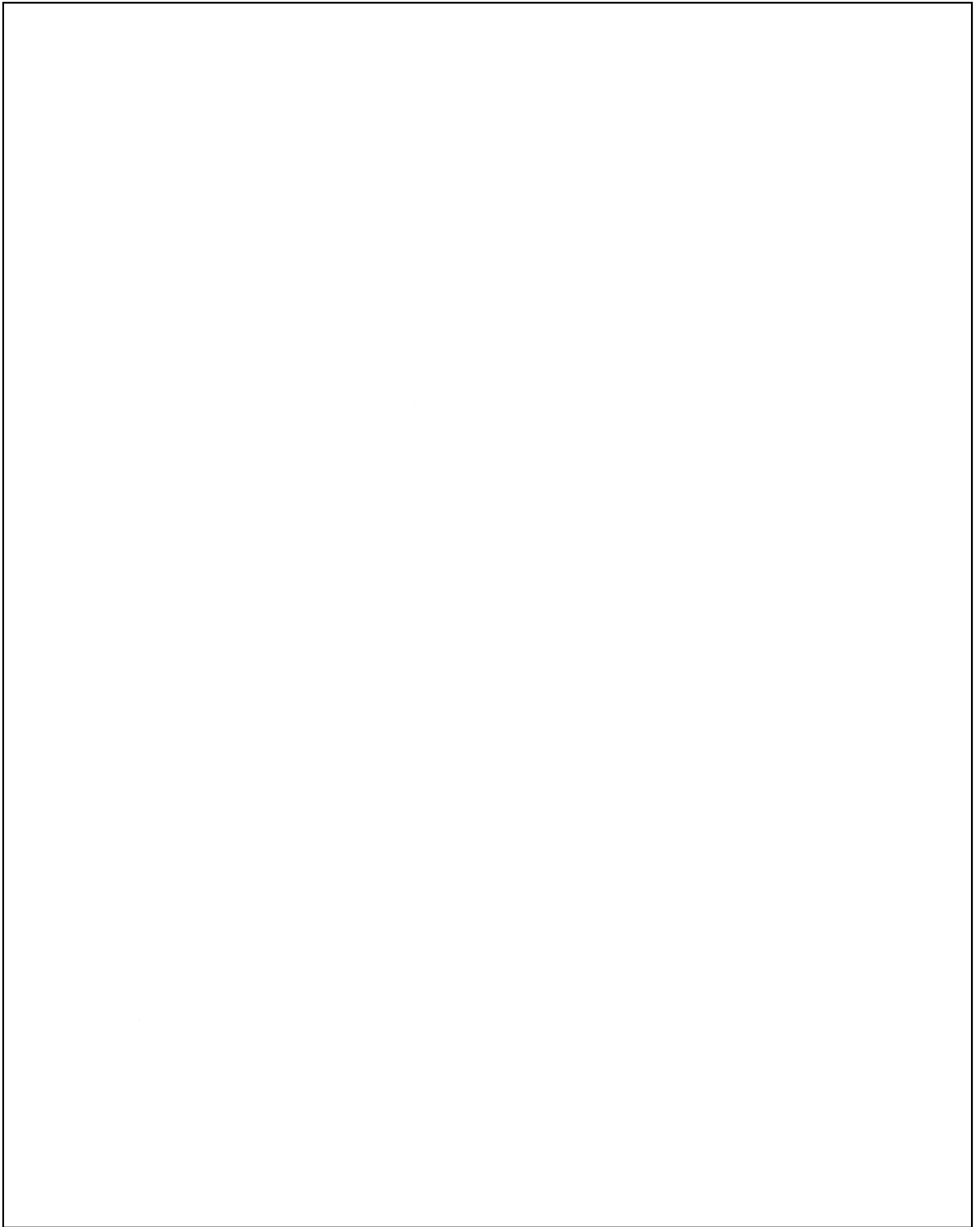
Exhibit A

All of that certain tract or parcel of land located in the Town of Clayton, Johnston County, North Carolina, and more particularly described as follows:

COMMENCING at a point in the eastern margin of Enterprise Drive (50' Public R/W) and the north west corner of that property now or formerly owned by BV 173, LLC, as described that Deed recorded in Book 3474, Page 610, and as shown on that plat recorded in Plat Book 59, Page 448, Johnston County Registry (PIN #165915-54-5138) and the south west corner of that property shown as New Lot 6 on that plat titled "R/W Abandonment & Recombination Plat for Forestar (USA) Real Estate Group, Inc. 761 Enterprise Drive, dated June 11, 2020, and prepared by Cawthorne, Moss & Panciera, P.C. Professional Land Surveyors ("the Plat"); thence along the eastern margin of Enterprise Drive North 08°43'51" East 1.33 feet to a point; thence North 11°24'50" East 3.20 feet to a point; thence North 14°12'32" East 344.84 feet to a point; thence North 14°09'17" East 30.00 feet to a point in the north west corner of the New Lot 6 and the New Open Space #2 as shown on the Plat; thence across the eastern portion of Enterprise Drive North 10°32'33" West 59.71 feet to a point at the center of intersection of Enterprise Drive and Blakely Street (60' Public R/W); thence across the western portion of Enterprise Drive South 46°11'39" West 47.19 feet to a point in the western margin of Enterprise Drive and the eastern line of the property now or formerly owned by Michael Lynn Marvel Revocable Trust as described in that Deed recorded in Book 4946, Page 848, Johnston County Registry, and as shown on that plat recorded in Plat Book 89, Page 42, Johnston County Registry (PIN #165915-54-5942) (the "Marvel 1 Property"), said point being the POINT OF BEGINNING; thence along the southern line of the Marvel 1 Property North 62°48'34" West 134.41 feet to a point; thence 30.12 feet along the arc of a curve to the right, having a radius of 19.62 feet and a chord bearing and distance of North 19°51'43" West 27.25 feet to a point; thence North 24°07'19" East 107.96 feet to a point in the western line of the property now or formerly owned by Corporate Developers, LLC, as described in that Deed recorded in Book 5433, Page 683, Johnston County Registry, and as shown on that plat recorded in Plat Book 89, Page 42, Johnston County Registry (PIN # 165911-55-5095) (the "Corporate Developers 1 Property"), thence along the Corporate Developers 1 Property North 30°17'58" East 164.72 feet to a point in the southern margin of Cameron Way (52' Public R/W); thence along the southern margin of Cameron Way North 59°40'39" West 27.52 feet to a point; thence continuing along the southern margin of Cameron Way North 59°40'39" West 52.52 feet to a point in the northern line of the property now or formerly owned by Corporate Developers, LLC, as described in that Deed recorded in Book 2317, Page 715, Johnston County Registry, and as shown on that plat recorded in Plat Book 89, Page 42, and Plat Book 56, Page 184, Johnston County Registry (PIN # 165911-55-4126) (the "Corporate Developers 2 Property"); thence leaving the southern margin of Cameron Way and along the eastern line of the Corporate Developers 2 Property 39.28 feet along the arc of a curve to the right, having a radius of 25.00 feet and a chord bearing and distance of South 14°40'00" East 35.36 feet to a point; thence South 30°20'02" West 100.83 feet to a point; thence 39.17 feet along the arc of a curve to the right, having a radius of 250.00 feet and a chord bearing and distance of South 25°50'42" West 39.13 feet to a point; thence 0.16 feet along the arc of a curve to the right, having a radius of 250.01 feet and a chord bearing and distance of South 21°20'17" East 0.16 feet to a point in the eastern line of the property now or formerly owned by Michael Lynn Marvel Revocable Trust as described in that Deed recorded in Book 4946, Page 848, Johnston County Registry, and as shown on that plat recorded in Plat Book 56, Page 232, Johnston County Registry (PIN # 165915-54-3654) (the "Marvel 2 Property"); thence along the eastern line of the Marvel 2 Property South 23°11'00"

PPAB 5723236v1.doc

West 164.34 feet to a point; thence South 23°05'08" West 15.02 feet to a point; thence South 62°48'34" East 195.18 feet to a point; thence 26.89 feet along the arc of a curve to the right, having a radius of 20.00 feet and a chord bearing and distance of South 24°18'04" East 24.91 feet to a point in the eastern line of the Marvel 2 Property and the western margin of Enterprise Drive; thence continuing along the western margin of Enterprise Drive North 14°12'25" East 41.57 feet to a point; thence North 14°12'25" East 25.66 feet to the POINT OF BEGINNING, containing 0.600 acres, more or less, and shown as Enterprise Drive 50' Public R/W (Hereby Abandoned) on the Plat.



Town of Clayton
Administration
PO Box 879
Clayton, NC 27528

USPS CERTIFIED MAIL



9214 8901 9403 8317 0955 00

CORPORATE DEVELOPERS
155 BENNETT PL
CLAYTON NC 27527-4505

Postage: \$5.7500

Town of Clayton
Administration
PO Box 879
Clayton, NC 27528

USPS CERTIFIED MAIL



9214 8901 9403 8317 0954 63

MICHAEL LYNN MARVE REVOCABLE TRUST
2127 WILLOW HILL LN
CLAYTON NC 27520-5943

Postage: \$5.7500

**STREET CLOSING ORDER
TOWN OF CLAYTON**

Resolution #2020-31

A Resolution Ordering the Abandonment of a Portion of Enterprise Drive

WHEREAS, on the 20th day of July, 2020 the Town Council of the Town of Clayton directed the Town Clerk to publish the Resolution of Intent of the Town Council to consider abandoning right of way on Enterprise Drive once each week for four successive weeks, such resolution advising the public that a public hearing would be conducted in the Town Hall on September 8, 2020; and

WHEREAS, the Town Council on the 20th day of July, 2020 ordered the Town Engineer to notify all persons owning property adjoining the abandonment of the portion of Enterprise Street, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the Town Engineer has advised the Town Council that a letter was sent to each of the adjoining property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to consider the abandonment of a portion of Enterprise Drive would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the Town Engineer has advised the Town Council that adequate notices were posted on the applicable street as required by G.S. 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on September 8, 2020; and

WHEREAS, it now appears to the satisfaction of the Town Council that the closing of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision in which the street is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his property;

NOW, THEREFORE, subject to the reservation of any easements to the Town of Clayton for utility purposes, a portion of Enterprise Drive is hereby authorized for closure; and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

The Mayor and the Town Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street (with provision for reservation of any easements to the Town of Clayton for utility and greenway purposes) in accordance with the provision of G.S. 160A-299(c).

The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Johnston County a certified copy of this resolution and order.

Upon motion duly made by Council Member _____ and duly seconded by Council Member _____, the above resolution was duly adopted by the Town Council at a meeting held on the 8th day of September, 2020 in the Council Chamber of Clayton Town Hall.

Upon call for a vote the following Council Members voted in the affirmative:

and the following Council Members voted in the negative:

Duly adopted this the 8th day of September, 2020 while in regular session.

Jody McLeod
Mayor Pro Tem

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

**NORTH CAROLINA
JOHNSTON COUNTY**

I, _____, a Notary Public, do hereby certify that Kimberly A. Moffett, Town Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this _____ day of _____ 2020.

Notary Public _____
(Printed Name)

My Commission Expires: _____

County of Commission: _____

**NORTH CAROLINA
JOHNSTON COUNTY**

I hereby certify that the foregoing is a true and accurate copy of a resolution duly adopted by the Town Council of the Town of Clayton, North Carolina, at a meeting held on September 8, 2020 at 6:00 PM at the Town Hall in the Town of Clayton.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official corporate seal of said Town to be affixed, this _____ day of _____ 2020.

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

September 8, 2020

Agenda Location

Old Business

Item Title

Wastewater Pretreatment Program Update

Presenter

J.D. Solomon, Interim Town Manager

Summary/Description

Update will be provided to include:
LGC Funding Approval
USEDA Project Kickoff and MOU with Johnston County
Beginning Easement Acquisitions
Environmental Assessment Submittal and Public Hearing
NPDES Permit Modifications (2)
Upcoming Public Advertisements for Consultants and Contractors

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

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

Click or tap here to enter text.

RESOLUTION AUTHORIZING REPRESENTATIVE(S) OF THE MUNICIPALITY BE
DESIGNATED AS DEPUTY FINANCE OFFICERS

Whereas, NCGS 159-25 defines both the Finance Officer and Mayor as being authorized to sign checks on behalf of the town should no other designation be made; and

Whereas, on October 6, 2016, Resolution #2016-39 was adopted appointing certain representatives of the Town of Clayton the authorization to sign and/or countersign checks on behalf of the Town of Clayton; and

Whereas, it is the request of the Town Council to modify and replace Resolution #2016-39 by authorizing the following representatives authority to sign and/or countersign checks on behalf of the Town of Clayton.

<u>Name</u>	<u>Title</u>	<u>Signatures</u>
JD Solomon	Interim Town Manager	_____
Nancy T. Medlin	Deputy Town Manager	_____
Robert W. McKie, Jr.	Finance Director	_____
Kimberly A. Moffett	Town Clerk	_____

This Resolution will be effective immediately and remain until such time it is modified.

Duly adopted this the 8th day of September, 2020 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

September 8, 2020

Agenda Location

Administrative

Item Title

Supplemental Emergency Sick Leave for Police & Fire Department

Presenter

Delicia Barnes, Human Resources Director

Summary/Description

The proposed Supplemental Emergency Paid Sick Leave (SePSL) Program would supplement the 80 hours of paid leave available under the FFCRA's emergency paid sick leave (ePSL) program for fire and police employees such that up to a full 2-week pay period of their regularly scheduled hours would be available without the use of personally accrued time off under existing programs. For eligible fire staff, this means up to a total of 106 hours would be available and, for eligible police staff, up to a total of 84 would be available.

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Supplemental Emergency Paid Sick Leave Overview (Word Doc)

Meeting Timeline

N/A

Supplemental Emergency Paid Sick Leave (SePSL) Program for Eligible Fire and Police Personnel

- **Effective Dates:** The program is effective August 24, 2020 through December 31, 2020.
- **Program Intent:** The intent of the Supplemental Emergency Paid Sick Leave (SePSL) Program is to supplement the 80 hours of paid leave available under the FFCRA's emergency paid sick leave (ePSL) program for fire and police employees such that up to a full 2-week pay period of their regularly scheduled hours would be available without the use of personally accrued time off under existing programs. For eligible fire staff, this means up to a total of 106 hours would be available and, for eligible police staff, up to a total of 84 would be available.
- **Eligibility:**
 - Employees in the Fire and Police departments who are working in roles which require regularly scheduled shift work above 80 hours per pay period.
 - Must meet eligibility requirements under the FFCRA's ePSL program and have exhausted the 80 hours available under that program.
- **Supplemental ePSL Hours:**
 - *Fire Department:* Up to 26 hours of supplemental hours available once FFCRA ePSL hours are exhausted.
 - *Police Department:* Up to 4 hours of supplemental hours available once FFCRA ePSL hours are exhausted.

Administrative Notes:

- Unlike FFCRA's ePSL, the supplemental eSPL hours are not eligible for any special federal tax treatment and would be subject to all usual taxes as with other sick or vacation paid time off.
- Based on outreach to area municipalities, Carrboro is the only one offering supplemental hours to the ePSL program for Fire & Police employees. Carrboro added 4 hours for police and 40 hours for firefighters.
 - Others have not added supplemental hours or have previously decided to exclude public safety personnel from FFCRA's ePSL altogether.
- As a supplemental paid time off program, this was not contemplated in the budgeting process and would be at the Town's expense to offer this program – but included in what would have been regular pay to employees.

Fats Oils and Grease

Amendment to Chapter 52 Subchapter Oil and Grease

What are Grease Traps?

1000+ Gallon Gravity Grease Traps



Under the Counter Gravity Grease Interceptor



Automatic Under the Counter Grease Trap



Joining the Family!

The Town of Clayton has once again partnered with Backflow Solutions Inc. to manage our Fats Oils and Grease cleaning receipts database.

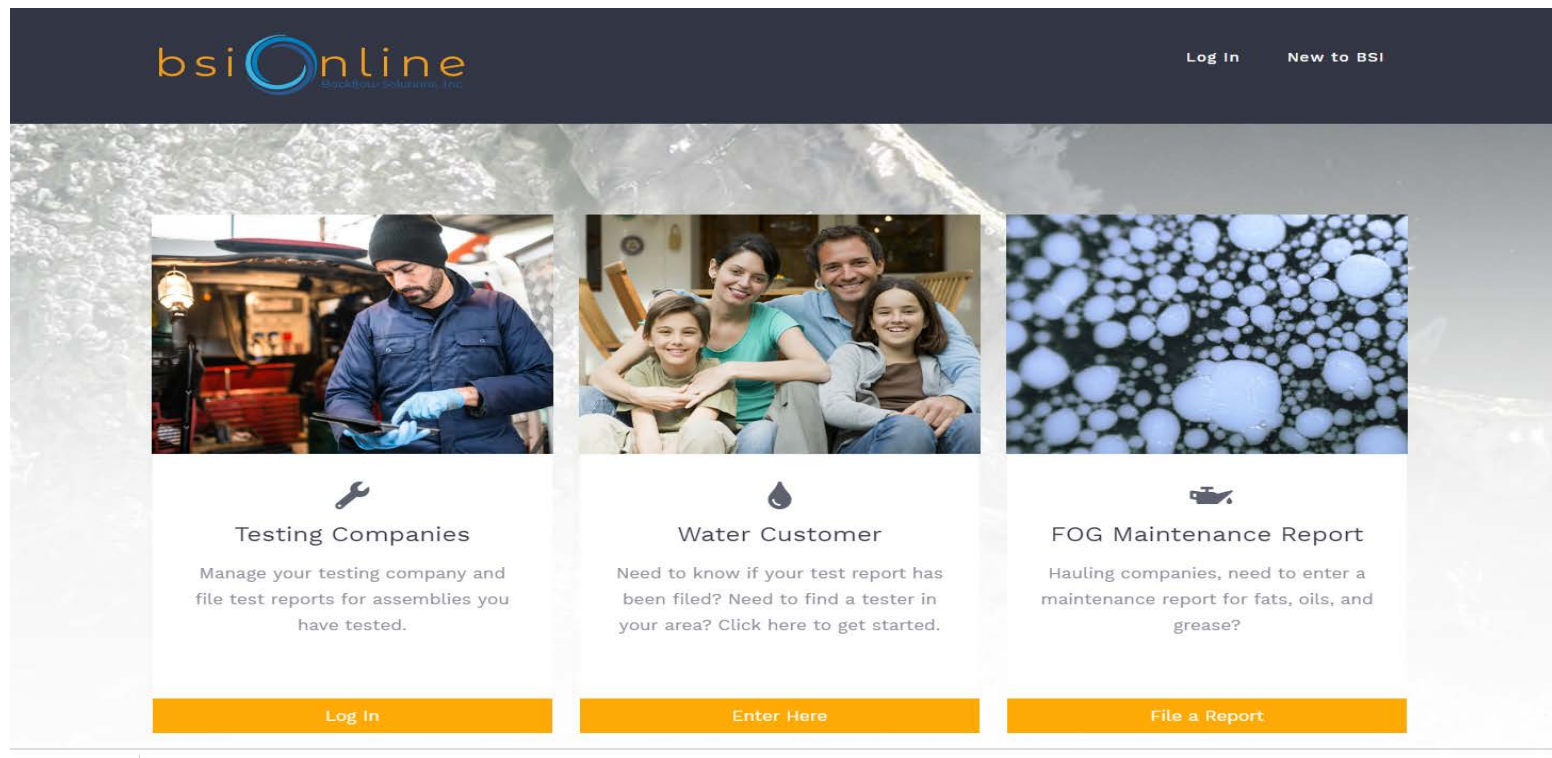
Our new partnership between the Town, BSI, Local Food Service Establishments and Local Grease Haulers is an online registry that stores and records each time a grease trap or interceptor is cleaned.

This database will solve our **most common** inspection issue of food service establishments not having the cleaning records on site as part of the FOG inspection.



Easy as 1234!

- Designed so the FSE or Grease Hauler can fill out the required information in four easy steps.
- The first three steps are questions related directly to the FSE.
- The last step is simply a transfer of information from the cleaning receipt to the online form.
- Once submitted the Town will have instant access to cleaning records via the Bsi portal on the internet.



Changes Coming!

Currently Enacted Ordinance

- ▶ (G) Users shall retain detailed records on-site for a minimum of three reflecting all maintenance carried out pursuant to this section. At a minimum, such records shall contain the following information: date of service, name of the employee involved, and a receipt reflecting all services rendered by the waste hauler providing the service.

Proposed Ordinance Changes

- ▶ (G) Users shall retain detailed records on-site for a minimum of three years reflecting all maintenance carried out pursuant to this section. All permitted haulers and or Commercial Establishment, Industrial Establishment or Cooking Establishments who service a grease trap connected to the town's publicly-owned treatment works shall file a report regarding the results of that contracted cleaning using the town's designated electronic reporting system managed by the currently contracted vendor as published at www.Townofclaytonnc.org. Permitted haulers shall supply all cleaning information required by the designated electronic reporting system to include but not limited to Facility name, location address, manager name, phone number or email, service date, size, name of pumping company, address, phone number, driver name, disposal facility, and any other information deem necessary.

Changes Coming!

- ▶ Current Fog Enforcement
- ▶ The town shall enforce this subchapter pursuant to the provisions of this chapter and [Chapter 10](#) of the town's Code of Ordinances and/or the town's Pretreatment

Changes Coming!

- ▶ Proposed Fog Enforcement
- ▶ (A) When any user is found not to be in compliance with this sub-chapter, the consumer shall be notified, in writing, with regard to the corrective action required and a specified period of time to achieve compliance.
- ▶ (B) Any user which remains in noncompliance after notice is given and the time prescribed, will be considered in violation of this chapter and will realize the potential for disconnection of water services until compliance is achieved. In addition, any person who shall continue any violation beyond the time limit provided for in the aforementioned notice of violation (NOV) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not to exceed \$50 for each violation. Each day in which any violation continues shall be deemed a separate offense.
- ▶ (C) Enforcement of this program shall be administered by the Town of Clayton Public Works and Utilities Director or his or her duly appointed representative.
- ▶ (D) The Town of Clayton Public Works and Utilities Director is authorized to make all necessary and reasonable rules and policies with respect to the enforcement of this chapter. All such rules and policies shall be consistent with the provisions of this chapter and shall be effective upon the date of adoption by the Town Council.

Changes Coming!

Town of Clayton Fog Enforcement Plan			
Type of Violation	Required Action	Time Frame Allowed	Water Disconnection
Cooking, Commercial, Industrial establishment operating without a grease trap or oil separator.	Issue Notice of Violation in writing with regard to the corrective action required and specific time frame to achieve compliance.	Indoor trap with variance approval 90 days. Outdoor trap 1000 gallon maximum 180 days.	Disconnect Water Service if requirements of NOV are not met.
Cooking, Commercial, Industrial establishment has a grease trap or oil interceptor with a component missing that prevents the trap from operating properly.	Issue Notice of Violation in writing with regard to the corrective action required and specific time frame to achieve compliance.	30 days	Disconnect Water Service if requirements of NOV are not met.
Cooking, Commercial, Industrial establishment has a grease trap or oil interceptor that is undersized and allowing excessive discharge of grease and oil into the	Issue Notice of Violation in writing with regard to the corrective action required and specific time frame to achieve compliance.	Indoor trap with variance approval 90 days. Outdoor trap 1000 gallon maximum 180 days.	Disconnect Water Service if requirements of NOV are not met.
Cooking, Commercial, Industrial establishment has a grease trap or oil interceptor that is actively overflowing.	Issue Notice of Violation in writing with regard to the corrective action required and specific time frame to achieve compliance.	24 hours	Disconnect Water Service if requirements of NOV are not met.
Cooking, Commercial, Industrial establishment has a grease trap or oil interceptor that exceeds an overall combined average of greater than 25 percent of operating capacity.	Issue Notice of Violation in writing with regard to the corrective action required and specific time frame to achieve compliance.	10 days	Disconnect Water Service if requirements of NOV are not met.
Cooking, Commercial, Industrial establishment has a grease trap or oil interceptor that is inaccessible for inspection.	Issue Notice of Violation in writing with regard to the corrective action required and specific time frame to achieve compliance.	10 days	Disconnect Water Service if requirements of NOV are not met.
Cooking, Commercial, Industrial establishment cannot immediately produce cleaning and maintenance records at the Town's request.	Issue Notice of Violation in writing with regard to the corrective action required and specific time frame to achieve compliance.	30 days	Disconnect Water Service if requirements of NOV are not met.
Cooking, Commercial, Industrial establishment cleaning and maintenance records do not have all required information.	Issue Notice of Violation in writing with regard to the corrective action required and specific time frame to achieve compliance.	30 days	Disconnect Water Service if requirements of NOV are not met.
*Sizing and design must be completed by a licensed engineer			
*Must obtain permit from Town of Clayton Engineering and Inspections staff			
*Installation must be completed by a licensed plumber			

Sewer Use Ordinance Updates

By the end of 2020 the Water and Sewer Department will have successfully reviewed and amended the below ordinance subchapters that will be brought and presented to Council for final approval.

- ▶ Fats Oils and Grease
 - ▶ Electronic Submission and Enforcement
- ▶ Sewer Service Extension and Repairs
- ▶ Food Truck and Commissary Updates

Questions?

OIL AND GREASE

§ 52.085 PURPOSE.

This subchapter is intended to aid in the prevention of sanitary sewer blockages and obstructions caused by the introduction, discharge and contribution of fats, oils, greases, grease complexes, scum, sludge and other organic polar compounds into the town's wastewater collection system or publicly owned treatment works by commercial, industrial, institutional and all other non-residential activities.

(Ord. passed 10-16-00)

§ 52.086 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL ESTABLISHMENT and **INDUSTRIAL ESTABLISHMENT.** Any user that has the potential to use, contribute to or otherwise impact the town's wastewater collection system or POTW. Such establishments include, but are not limited to, maintenance facilities, repair facilities and equipment cleaning facilities.

COOKING ESTABLISHMENT. Any person primarily engaged in the activities of cooking, preparing, serving or otherwise making available for human consumption any form of foodstuff, and which uses one or more of the following cooking or preparation methods in connection with such activities: cooking or preparation by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, poaching, or any type of cooking or preparation that produces a hot non- potable product in or on a receptacle that requires washing, rinsing or other form of cleaning. Such establishments include, but are not limited to, restaurants, cafeterias, extended care facilities, school cafeterias (public and private), and day care facilities where meals for more than six children are prepared, served or otherwise made available for human consumption.

GREASE. All greases, grease complexes, fats, oils, scum, sludges and all other organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. Such substances are detectable and measurable using analytical procedures established in 40 CFR 136.

GREASE TRAP or **GREASE INTERCEPTOR.** A device for separating and retaining waterborne greases before the wastewater which contains such grease exits the grease trap or interceptor into the town's wastewater collection system or POTW. The grease trap or interceptor also collects settleable solids generated by or incidental to commercial, industrial and food preparation activities.

NON-COOKING ESTABLISHMENT. Any person primarily engaged in the rendering or preparation of pre-cooked foodstuffs that do not require or involve any form of cooking. Such establishments include, but are not limited to, establishments that are primarily engaged in the rendering preparation of cold dairy and frozen foodstuffs.

PERSON. Any actual person, corporation, partnership, unincorporated association, and any governmental entity or political subdivision and departments and agencies thereof.

TOWN. Town of Clayton, North Carolina, and its utility service area.

USER. Any person primarily engaged in any commercial, industrial, institutional or other non- residential activity who introduces, contributes or discharges (or causes or permits the introduction, contribution or discharge of) wastewater into the town's wastewater collection system or POTW, including but not limited to any person who introduces, contributes or discharges wastewater into the wastewater collection system or POTW through any mobile source.

WASTEWATER. Any substance introduced, contributed to, or discharged into the town's wastewater collection system or publicly-owned treatment works (POTW).

(Ord. passed 10-16-00)

§ 52.087 GREASE TRAP AND INTERCEPTOR INSTALLATION; MAINTENANCE; RECORD KEEPING AND REMOVAL.

(A) No later than one year after adoption of this ordinance, all users shall install grease traps or interceptors designed to limit the introduction, contribution and discharge of greases into the town's wastewater collection system or POTW. Grease traps and interceptors with appropriate sampling or inspection points shall be installed at the user's expense whenever any user operates a commercial establishment, industrial establishment, or a cooking establishment. Grease traps and interceptors must have a minimum capacity of 1,000 gallons or more as required to effect a grease concentration maximum of 200 mg/l.

(B) Alternative methods of compliance may be approved by the town if the user demonstrates that compliance with this ordinance is impossible or impractical at the time of adoption of this ordinance as a result of limited space. However, any such proposed alternative method of compliance will be required to meet the performance criteria specified in division (A) of this section, and the user must adequately demonstrate to the satisfaction of the town that the proposed alternative method will satisfy those performance criteria. In addition, any such alternative method must be cleaned at a more frequent interval than is required of grease traps and interceptors under division (E) of this section. Prior to approval of any such proposed alternative method of compliance, documentation of the proposed method's actual performance criteria must be submitted to the town's Enforcement Official or Public Works Director for review and approval.

(C) Grease traps and interceptors may also be required in other facilities, as deemed necessary by the town's designated Enforcement Official or Public Works Director.

(D) Upon the prior written approval of the Public Works Director, non-cooking establishments may be exempted from the requirements of this subchapter after an inspection of the subject premises and submission of adequate supporting documentation, as deemed necessary in the sole and absolute discretion of the Public Works Director. At a minimum, such supporting documentation shall include: blueprints of the subject premises, a full and detailed description of the operations and activities at the subject premises, and a full and detailed list of all potential sources of grease at the subject premises.

(E) Users shall empty and service grease traps and interceptors as often as necessary to comply with the performance criteria in division (A) of this section. The default maximum period of time allowed between servicing of grease traps shall be 60 days; however, individual customers may prepare and submit an alternative schedule for review and approval by the Public Works Director. Alternative schedules may be approved based on evaluation of the flow volume, character of the wastewater, and capacity of the grease trap. Once approved, the user must adhere to the alternative schedule. Under-the-counter types of grease traps and interceptors shall be cleaned at least daily, and shall comply with the performance criteria in division (A) of this section. There shall be no reintroduction of wastewater back into the grease trap or interceptor unless and until said wastewater has been proven to contain 200 mg/l or less of grease. Under no circumstances shall the sludge or scum layer be reintroduced or discharged into the town's wastewater collection system or POTW.

(F) Users shall supply (1) an adequate sampling point downstream of the grease trap or interceptor, prior to mixing with other sanitary flows, and (2) an accessible entry into each chamber of the grease trap or interceptor. The minimum requirement for the sampling point shall be four-inch vertical clean-out.

~~(G) Users shall retain detailed records on-site for a minimum of three years reflecting all maintenance carried out pursuant to this section. At a minimum, such records shall contain the following information: date of service, name of the employee involved, and a receipt reflecting all services rendered by the waste hauler providing the service.~~

All permitted haulers and or Commercial Establishment, Industrial Establishment or Cooking Establishments who service a grease trap connected to the town's publicly-owned treatment works shall file a report regarding the results of that contracted cleaning using the town's designated electronic reporting system managed by the currently contracted vendor as published at www.Townofclaytonnc.org. Permitted haulers shall supply all cleaning information required by the designated electronic reporting system to include but not limited to Facility name, location address, manager name, phone number or email, service date, size, name of pumping company, address, phone number, driver name, disposal facility, and any other information deem necessary.

(B) Users are required to keep the grease trap or interceptor free of inorganic solids such as grit, towels, gloves, cigarettes, eating utensils, and the like, which could clog or settle in the trap or interceptor, thereby reducing the effective volume or capacity of the trap or interceptor.

(C) Users are required to ensure that all waste material removed from grease traps and interceptors is disposed of in a manner that complies with all federal, state and local statutes, rules, regulations, policies and ordinances.

(D) Except as provided herein, for a period of one year following the adoption of this subchapter, no enforcement actions will be taken under this section for failure to achieve the performance criteria specified in division (A) of this section. If, during such period,

(1) an obstruction of any of the town's sanitary sewer main(s) occurs and causes a sewer overflow, spill, leak or other event with any environmental impact, and (2) such overflow, spill, leak or other event may be attributed in part or in whole to a particular user, then the town will seek enforcement action under this chapter, and/or the Pretreatment Enforcement Plan. For purposes of this section, an overflow, spill, leak or other event shall be deemed to have an environmental impact when (1) such overflow or other event involves an amount of wastewater equal to or in excess of 1,000 gallons, or (2) any amount of wastewater reaches any body of surface water.

(Ord. passed 10-16-00; Am. Ord. 2004-05-03, passed 5-17-04)

§ 52.088 ENFORCEMENT.

The town shall enforce this subchapter pursuant to the provisions of this chapter and Chapter 10 of the town's Code of Ordinances and/or the town's Pretreatment Enforcement Plan.

(A) When any user is found not to be in compliance with this sub-chapter, the consumer shall be notified, in writing, with regard to the corrective action required and a specified period of time to achieve compliance.

(B) Any user which remains in noncompliance after notice is given and the time prescribed, will be considered in violation of this chapter and will realize the potential for disconnection of water services until compliance is achieved. In addition, any person who shall continue any violation beyond the time limit provided for in the aforementioned notice of violation (NOV) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not to exceed \$50 for each violation. Each day in which any violation continues shall be deemed a separate offense.

(C) Enforcement of this program shall be administered by the Town of Clayton Public Works and Utilities Director or his or her duly appointed representative.

(D) The Town of Clayton Public Works and Utilities Director is authorized to make all necessary and reasonable rules and policies with respect to the enforcement of this chapter. All such rules and policies shall be consistent with the provisions of this chapter and shall be effective upon the date of adoption by the Town Council.

(Ord. passed 10-16-00)

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Chapter 52

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA, to amend Chapter 52, Sections 87 and 88 to read as follows:

§ 52.087 GREASE TRAP AND INTERCEPTOR INSTALLATION; MAINTENANCE; RECORD KEEPING AND REMOVAL.

(A) No later than one year after adoption of this ordinance, all users shall install grease traps or interceptors designed to limit the introduction, contribution and discharge of greases into the town's wastewater collection system or POTW. Grease traps and interceptors with appropriate sampling or inspection points shall be installed at the user's expense whenever any user operates a commercial establishment, industrial establishment, or a cooking establishment. Grease traps and interceptors must have a minimum capacity of 1,000 gallons or more as required to effect a grease concentration maximum of 200 mg/l.

(B) Alternative methods of compliance may be approved by the town if the user demonstrates that compliance with this ordinance is impossible or impractical at the time of adoption of this ordinance as a result of limited space. However, any such proposed alternative method of compliance will be required to meet the performance criteria specified in division (A) of this section, and the user must adequately demonstrate to the satisfaction of the town that the proposed alternative method will satisfy those performance criteria. In addition, any such alternative method must be cleaned at a more frequent interval than is required of grease traps and interceptors under division (E) of this section. Prior to approval of any such proposed alternative method of compliance, documentation of the proposed method's actual performance criteria must be submitted to the town's Enforcement Official or Public Works Director for review and approval.

(C) Grease traps and interceptors may also be required in other facilities, as deemed necessary by the town's designated Enforcement Official or Public Works Director.

(D) Upon the prior written approval of the Public Works Director, non-cooking establishments may be exempted from the requirements of this subchapter after an inspection of the subject premises and submission of adequate supporting documentation, as deemed necessary in the sole and absolute discretion of the Public Works Director. At a minimum, such supporting documentation shall include: blueprints of the subject premises, a full and detailed description of the operations and activities at

the subject premises, and a full and detailed list of all potential sources of grease at the subject premises.

(E) Users shall empty and service grease traps and interceptors as often as necessary to comply with the performance criteria in division (A) of this section. The default maximum period of time allowed between servicing of grease traps shall be 60 days; however, individual customers may prepare and submit an alternative schedule for review and approval by the Public Works Director. Alternative schedules may be approved based on evaluation of the flow volume, character of the wastewater, and capacity of the grease trap. Once approved, the user must adhere to the alternative schedule. Under-the-counter types of grease traps and interceptors shall be cleaned at least daily, and shall comply with the performance criteria in division (A) of this section. There shall be no reintroduction of wastewater back into the grease trap or interceptor unless and until said wastewater has been proven to contain 200 mg/l or less of grease. Under no circumstances shall the sludge or scum layer be reintroduced or discharged into the town's wastewater collection system or POTW.

(F) Users shall supply (1) an adequate sampling point downstream of the grease trap or interceptor, prior to mixing with other sanitary flows, and (2) an accessible entry into each chamber of the grease trap or interceptor. The minimum requirement for the sampling point shall be four-inch vertical clean-out.

(G) Users shall retain detailed records on-site for a minimum of three years reflecting all maintenance carried out pursuant to this section. All permitted haulers and or Commercial Establishment, Industrial Establishment or Cooking Establishments who service a grease trap connected to the town's publicly-owned treatment works shall file a report regarding the results of that contracted cleaning using the town's designated electronic reporting system managed by the currently contracted vendor as published at www.Townofclaytonnc.org. Permitted haulers shall supply all cleaning information required by the designated electronic reporting system to include but not limited to Facility name, location address, manager name, phone number or email, service date, size, name of pumping company, address, phone number, driver name, disposal facility, and any other information deem necessary.

(H) Users are required to keep the grease trap or interceptor free of inorganic solids such as grit, towels, gloves, cigarettes, eating utensils, and the like, which could clog or settle in the trap or interceptor, thereby reducing the effective volume or capacity of the trap or interceptor.

(I) Users are required to ensure that all waste material removed from grease traps and interceptors is disposed of in a manner that complies with all federal, state and local statutes, rules, regulations, policies and ordinances.

(J) Except as provided herein, for a period of one year following the adoption of this subchapter, no enforcement actions will be taken under this section for failure to achieve

the performance criteria specified in division (A) of this section. If, during such period, (1) an obstruction of any of the town's sanitary sewer main(s) occurs and causes a sewer overflow, spill, leak or other event with any environmental impact, and (2) such overflow, spill, leak or other event may be attributed in part or in whole to a particular user, then the town will seek enforcement action under this chapter, and/or the Pretreatment Enforcement Plan. For purposes of this section, an overflow, spill, leak or other event shall be deemed to have an environmental impact when (1) such overflow or other event involves an amount of wastewater equal to or in excess of 1,000 gallons, or (2) any amount of wastewater reaches any body of surface water.

§ 52.088 ENFORCEMENT.

The town shall enforce this subchapter pursuant to the provisions of this chapter and Chapter 10 of the town's Code of Ordinances and/or the town's Pretreatment Enforcement Plan.

(A) When any user is found not to be in compliance with this sub-chapter, the consumer shall be notified, in writing, with regard to the corrective action required and a specified period of time to achieve compliance.

(B) Any user which remains in noncompliance after notice is given and the time prescribed, will be considered in violation of this chapter and will realize the potential for disconnection of water services until compliance is achieved. In addition, any person who shall continue any violation beyond the time limit provided for in the aforementioned notice of violation (NOV) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not to exceed \$50 for each violation. Each day in which any violation continues shall be deemed a separate offense.

(C) Enforcement of this program shall be administered by the Town of Clayton Public Works and Utilities Director or his or her duly appointed representative.

(D) The Town of Clayton Public Works and Utilities Director is authorized to make all necessary and reasonable rules and policies with respect to the enforcement of this chapter. All such rules and policies shall be consistent with the provisions of this chapter and shall be effective upon the date of adoption by the Town Council.

Duly adopted this the 8th day of September, 2020 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

September 8, 2020

Agenda Location

New Business

Item Title

Code of Ordinances – Section 50 updates

Presenter

Rich Cappola, PE – Public Services Director

Summary/Description

Updates to the Code of Ordinances subsection § 50.15 Water and Sewer Tap Replacements, Relocations, and Repairs. Primary objective is to clarify the maintenance, repair, and replacement cost responsibilities of the Town and the Owner relative to the water and sewer services.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☒ No ☐

Additional Documents to be Included in Agenda Packet

Chapter 50 Subsection of Current Ordinance redline

Meeting Timeline

.

CHAPTER 50: GENERAL UTILITY REGULATIONS

Section

General Provisions

- 50.01 Town Council to adopt rates, rules, and regulations
- 50.02 Water and sewer utility fees

Rates; Billing

- 50.10 Establishment of rates
- 50.11 Security deposit for electric and water service
- 50.12 Sewer charges to start upon completion of sewer tap
- 50.13 Bad check policy
- 50.14 Meter tampering fee
- 50.15 Water and sewer tap replacements

§ 50.15 WATER AND SEWER TAP REPLACEMENTS.

(A) ~~The replacement, relocation or repair of water or sewer service taps may be caused by direction of the Town of Clayton Public Services Director, or a Town designee, or request of the owner of the property served. Costs associated with relocation or replacement of water and/or sewer service taps shall be borne by the customer receiving service in accordance with the fee schedule adopted by the town for such improvements.~~

(B) ~~Costs associated with an owner's request for the replacement, relocation, or repair of water or sewer service taps shall be borne by the owner receiving service in accordance with the fee schedule adopted by the town for such improvements. Exceptions. The only exceptions to the above requirement shall be made by the Public Works Director and shall be based on the criteria contained herein. Exceptions to this policy shall be limited based on budgetary allocation and manpower availability.~~

~~—(1)—In cases where replacement of a service tap would tend to reduce the maintenance or service call burden of the town as evidenced by at least two service calls during the preceding 12-months, an exception may be granted.~~

~~—(2)—In cases where a service tap crosses private property not under the ownership of the customer and without clear easement for maintenance and access, an exception may be granted. (Ord. 98-07-02, passed 7-20-98; Am. Ord. 2017-03-01, passed 3-6-17; Am. Ord. 2018-07-07, passed 7-16-18)~~

(C) ~~There shall be no charge for replacement or repair of defective taps as provided by this §50.15, except when the existing service is damaged, enlarged or relocated by request of the owner. If an existing water service stub or sewer service tap is enlarged, a system development fee shall be charged equal to the difference between the fee corresponding to the existing service meter size and the fee corresponding to the proposed service meter size as set forth in the Town's Comprehensive Fee Schedule. Additional fees for the installation of service or tap shall apply as set forth in the Town's Comprehensive Fee Schedule. If an existing water or sewer service tap is relocated at the request of the property owner, a fee shall be charged for the relocated service stub tap as set forth in the Town's Comprehensive Fee Schedule.~~

(D) ~~All water and sewer service taps shall be replaced or repaired by the Town unless expressly permitted by the Town of Clayton Public Services Director, or a Town designee. Permits for the repair or replacement of water and sewer service taps shall be granted for work in or upon the utility system in public street right-of-way only to licensed utility contractors. The replacement and/or repair of sewer services on private property, including within City easements, shall be the responsibility of the owner of the property served by the sewer service. The replacement and/or repair of water services from the meter box to the structure shall be the responsibility of the owner of the property served by the water service.~~

(E) ~~Replacement of water service taps shall extend from the main to the public right-of-way or as approved by the Town, except where a structure or other obstruction prevents installation up to the property line and shall conform to the provisions of this Code. Water meters shall be relocated as necessary. Replacement of sewer service stubs shall extend from the main to public right-of-way, to the edge of the Town's easement or as approved by the~~

Town, except where a structure or other obstruction prevents installation up to the property line, and shall conform to the provisions of this Code. Where an existing water meter is located on private property, the Town shall be authorized to relocate such water meter to the public right-of-way or easement and shall replace the water service tap. Connection to the relocated service location shall be at the owner's expense.

(F)

In the event of the paving or widening of streets, or the raising or lowering of the grade of a street , or in the installation of curbs or gutters and/or sidewalks, or in the case of the installation of new water or sewer lines initiated by the public, all water and sewer service taps may be replaced so as to meet the standards prescribed by the Town Standards & Specifications.

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Chapter 50

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA, to amend Chapter 50, Section 15 to read as follows:

§ 50.15 WATER AND SEWER TAP REPLACEMENTS, RELOCATIONS, AND REPAIRS.

(A) The replacement, relocation or repair of water or sewer service taps may be caused by direction of the *Town of Clayton Public Services Director*, or a Town designee, or request of the *owner* of the property served.

(B) Costs associated with an owner's request for the replacement, relocation, or repair of water or sewer service taps shall be borne by the *owner* receiving service in accordance with the fee schedule adopted by the town for such improvements.

(C) There shall be no charge for replacement or repair of defective taps as provided by this §50.15, except when the existing service is damaged, enlarged or relocated by request of the owner. If an existing water service stub or sewer service tap is enlarged, a system development fee *shall* be charged equal to the difference between the fee corresponding to the existing service meter size and the fee corresponding to the proposed service meter size as set forth in the Town's Comprehensive Fee Schedule. Additional fees for the installation of service or tap shall apply as set forth in the Town's Comprehensive Fee Schedule. If an existing water or sewer service tap is relocated at the request of the property *owner*, a fee shall be charged for the relocated service stub tap as set forth in the Town's Comprehensive Fee Schedule.

(D) All water and sewer service taps *shall* be replaced or repaired by the *Town* unless expressly permitted by the *Town of Clayton Public Services Director*, or a Town designee. Permits for the repair or replacement of water and sewer service taps *shall* be granted for work in or upon the *utility system* in public *street* right-of-way only to licensed utility contractors. The replacement and/or repair of sewer services on private *property*, including within *City* easements, shall be the responsibility of the *owner* of the *property* served by the sewer service. The replacement and/or repair of water services from the meter box to the structure shall be the responsibility of the *owner* of the *property* served by the water service.

(E) Replacement of water service taps *shall* extend from the main to the public right-of-way or *as approved by the Town*, except where a structure or other obstruction prevents installation up to the *property* line and *shall* conform to the provisions of this Code. Water meters *shall* be relocated as necessary. Replacement of sewer service stubs *shall* extend from the main to public right-of-way, to the edge of the *Town's* easement or *as approved by the Town*, except where a structure or other obstruction prevents installation up to the *property* line, and *shall* conform to the provisions of this Code. Where an existing water meter is located on private *property*, the Town shall be authorized to relocate such water meter to the public right-of-way or easement and shall replace the water service tap. Connection to the relocated service location shall be at the owner's expense.

(F) In the event of the paving or widening of *streets*, or the raising or lowering of the grade of a *street*, or in the installation of curbs or gutters and/or sidewalks, or in the case of the installation of new

water or sewer lines initiated by the public, all *water and sewer service taps* may be replaced so as to meet the standards prescribed by the Town Standards & Specifications.

Duly adopted this the 8th day of September, 2020 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

September 8, 2020

Agenda Location

New Business

Item Title

Budget Amendment – Deputy Town Manager Position

Presenter

J.D. Solomon, Interim Town Manager

Summary/Description

A second Deputy Town Manager is needed to support the current infrastructure programs, the new \$120M wastewater program, integrate the Town's capital improvement projects across all Town departments, and support the Town Manager in general management and special initiatives. The general fund and enterprise funds capital improvement program exceeds \$21M and it is anticipated that an additional \$85M will be spent over the next 18 months on the wastewater program. Additionally, significant capital programming is in development for parks, transit, roads, water, wastewater stormwater, and electric that will need to be integrated in order to meet the Town's needs.

The current Deputy Manager, Nancy Medlin, will continue to focus on her current areas of focus related to operations and programming of includes finance, customer service, library, parks & recreation, and general administration, plus the Clayton Center.

The primary benefits of the new Deputy Town Manager will be to provide offload support to the Town Manager of daily operations related to facilities & infrastructure and to allow strategic integration of current and forthcoming capital needs.

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☐

Additional Documents to be Included in Agenda Packet

Budget Amendment Ordinance

Meeting Timeline

Click or tap here to enter text.

Town of Clayton
Amendment to the FY 20-21 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF
CLAYTON that the following amendments shall be made to the FY 20-21 Budget:

Fund: General Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenue			
100-40-00-48 99	Fund Balance Appropriated \$540,650	+9,436	\$550,086
Expenditures			
100-55-02-50 00	Salaries Full-Time \$388,366	+7,694	\$396,060
100-55-02-51 10	Benefits FICA \$30,980	+589	\$31,569
100-55-02-51 15	Benefits Life Insurance \$1,873	+60	\$1,933
100-55-02-51 20	Benefits Retirement \$39,715	+785	\$40,500
100-55-02-51 30	Benefits 401K \$15,699	+308	\$16,007

Explanation:

Amendment to appropriate fund balance to cover the incremental cost for the reclassification of the Public Services Director position to Deputy Town Manager for the remainder of the fiscal year. This amendment is required for compliance with G.S. 159-15.

Duly adopted this the 8th day of September, 2020 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

September 8, 2020

Agenda Location

New Business

Item Title

Creation of New Assistant Program Manager Position

Presenter

Rich Cappola

Summary/Description

An Assistant Program Manager is needed to support the current Capital Improvement Program (CIP), by supporting capital projects across all Town departments, most notably the new \$120M Water Reclamation Facility (WRF) project. The general fund and enterprise funds capital improvement program exceeds \$21M and it is anticipated that an additional \$85M will be spent over the next 18 months on the wastewater program. Additionally, significant capital programming is in development for parks, transit, roads, water, wastewater stormwater, and electric that will need to be integrated in order to meet the Town's needs.

The primary benefits of the new Assistant Program Manager will be to provide direct, daily support to the Program Manager with contract management, and the tracking of key metrics, including schedule, budget, and major milestone accomplishments. This position may also serve as a primary point of contact for the external partners (Engineers, Architects, Contractors, etc.).

Requested Action

Approval/Denial

Funding Source (If Applicable):

Click or tap here to enter text.

Cost: N/A Yes ☐ No ☐

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

Click or tap here to enter text.