



Town of Clayton
Regular Town Council Meeting Agenda
Monday, September 21, 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 21, 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. Budget Amendment - Assistant Program Manager
[Ordinance - Assistant Program Manager Position](#)

- b. DRAFT Minutes
 - September 8, 2020 - Regular Session

[September 8, 2020 DRAFT Minutes](#)

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

6. PUBLIC HEARINGS

- a. 2020-23-ANX - Shoppes at Glen Laurel - Annexation
Presenter: Haley Hogg, Senior Planner
[Cover](#)
[Application](#)
[Aerial Map](#)
[Town Limits Map](#)
[Legal Description](#)
[Survey](#)
[Resolution - Clerk to Certify Sufficiency](#)
[Newspaper Ad](#)
[Certificate of Sufficiency - Shoppes at Glen Laurel](#)
[Resolution Setting Public Hearing](#)
[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2020-09-05

- b. 2020-115-ANX - West End - Annexation
Presenter: Haley Hogg, Senior Planner
[Cover](#)
[Application](#)
[Aerial Map](#)
[Town Limits Map](#)
[Legal Description](#)
[Survey](#)
[Resolution Directing Clerk to Certify](#)
[Newspaper Ad](#)
[Certificate of Sufficiency Shoppes - West End](#)

[Resolution Setting Public Hearing Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2020-09-06

- c. Erosion Control Ordinance
Presenter: Joshua Baird, Town Engineer

[Cover](#)
[Public Notice](#)
[Proposed Erosion Control Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2020-09-07

7. OLD BUSINESS

- a. Fire Department Ladder Truck
Presenter: Lee Barbee, Fire Chief
[Cover](#)
[Clayton Fire Dept Tower T3 Financing Quote 090420 UPDATED](#)
[Clayton Fire Tower Component List 090220](#)
[Clayton Fire Tower T3 proposal letter 090320](#)
[Drawing Pineville Job #33539 090420](#)
[July 2020 Ladder Truck Research](#)
[Ladder Truck Debt Scenarios](#)
[Tower 1](#)
[Ordinance](#)
[Resolution](#)

POTENTIAL ACTION: Adoption of Ordinance #2020-09-08

POTENTIAL ACTION: Adoption of Resolution #2020-33

- b. Water Reclamation Update
Presenter: JD Solomon, Interim Town Manager
- c. Resolution in Support of Water Tank Funding
Presenter: Rich Cappola, Deputy Town Manager
[Resolution](#)

POTENTIAL ACTION: Adoption of Resolution #2020-34

- d. Parks & Recreation Bond Update
Presenter: Scott Barnard, Parks & Recreation Director
[Cover](#)

POTENTIAL ACTION: None - Informational Only

8. NEW BUSINESS

- a. Budget Amendment Ordinance - Police Asset Forfeiture Funds
Presenter: Robert McKie, Finance Director
[Cover](#)

[Ballistic Equipment Sample Photos](#)
[Estimate 1](#)
[Estimate 2](#)
[Estimate 3](#)
[Sales Quote 1](#)
[Sales Quote 2](#)
[Ordinance - Asset Forfeiture Funds UPDATED](#)

POTENTIAL ACTION: Adoption of Ordinance #2020-09-09

9. STAFF REPORTS

- a. Town Manager
- b. Town Attorney
- c. Town Clerk
- d. Other Staff
 - Bulky Waste Update
Presenter: Blake Mills, Asst. Public Services Director
 - CAMPO LAPP Update
Presenter: Joshua Baird, Town Engineer

[Cover - Bulky Waste](#)
[Comparison Bulky Waste Programs](#)
[FY18-FY21 Monthly Bulky Waste PickUp Chart](#)

10. OTHER BUSINESS

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

11. ADJOURNMENT

- a. Adjourn the Meeting

POTENTIAL ACTION: Motion to Adjourn

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
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 \$550,086	+80,738	\$630,824
Expenditures			
100-55-51-50 00	Salaries Full-Time \$375,922	+62,308	\$438,230
100-55-51-51 10	Benefits FICA \$32,112	+4,767	\$36,879
100-55-51-51 11	Benefits Health Insurance \$40,563	+4,665	\$45,228
100-55-51-51 15	Benefits Life Insurance \$1,960	+151	\$2,111
100-55-51-51 20	Benefits Retirement \$38,352	+6,355	\$44,707
100-55-51-51 30	Benefits 401K \$15,188	+2,492	\$17,680

Explanation:

Amendment to appropriate fund balance to cover the incremental cost to fund the newly created Assistant Program Manager position for the remainder of the fiscal year. This amendment is required for compliance with G.S. 159-15.

Duly adopted this 21st day of September, 2020 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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

COUNCIL PRESENT:

Mayor McLeod
Mayor Pro Tem Thompson * *Arrived at 7:50*
Council Member Grannis
Council Member Holder
Council Member Bunn
Council Member Everett

STAFF PRESENT:

J.D. Solomon, Interim Town Manager
Nancy Medlin, Deputy Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Rich Cappola, Public Services Director
Samantha Wullenwaber, Planning Director
Delicia Barnes, Human Resources Director
Robert McKie, Finance Director
Joshua Baird, Town Engineer
Patrick Pierce, Economic Development Director
Brandon Carroll, Utilities Compliance Tech.
Stacy Beard, Communications Director
Heidi Holland, Deputy Town Clerk

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:01 p.m. He led everyone in the Pledge of Allegiance as well as offering 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) Draft Minutes
- August 17, 2020 - Regular Session
 - August 24, 2020 - Special Session (Open Portion)
 - August 28, 2020 - Special Session
- b) Nutrient Credit Purchase
- c) Certifications of Sufficiency - Annexations
- 2020-23-ANX - Shoppes at Glen Laurel
 - 2020-115-ANX - West End

- d) Resolutions to Set Public Hearings
 - 2020-23-ANX - Shoppes at Glen Laurel
 - 2020-115-ANX - West End
- 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

ACTION: Adoption of Consent Agenda as Presented

Motion: Council Member Holder

Second: Council Member Everett

Vote: Unanimous

4 ADMINISTRATIVE ITEMS

- a) Appointment of Mayor Pro Tem Thompson as 2nd Alternate to NCEMPA Board
Presenter: Kimberly Moffett, Town Clerk

Ms. Moffett stated with the departure of Mr. Lindsay a vacancy for the 2nd alternate position on the NCEMPA Board was created. It was recommended that Mayor Pro Tem Thompson be appointed to fill this vacancy. Currently Council Member Grannis serves as a board member and Mayor McLeod serves as the 1st alternate.

ACTION: Appointment of Jason Thompson

Motion: Council Member Grannis

Second: Council Member Holder

Vote: Unanimous

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

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

Mr. Pierce introduced both Mr. Martin and Ms. Eggleston and provided a brief overview of the presentation that would be provided this evening regarding planning for transit investment in the Town of Clayton.

Mr. Martin was present and provided information regarding transit overview and commuter and bus rapid transit. He shared the characteristics and benefits of bus rapid transit to include, dedicated running way, traffic signal priority, off-board fare payment, enhanced stops/stations, specialized vehicles and distinct branding. Also discussed were some of the benefits provided by the above characteristics to include speed/travel time, reliability, higher ridership and economic development. Commuter rail was discussed and information was shared regarding the difference between local bus service, bus rapid transit and commuter rail. Also shared was history about the Bus

Rapid Transit and Commuter Rail in 2045. A map showing the both bus rapid transit and the commuter rapid rail plan was provided.

Background information regarding the Bus Rapid Transit Extension to Clayton was provided to include \$115 million in state funding for supporting infrastructure, funding currently programmed in FY's 25-29, it must integrate with other BRT corridors under development and the project sponsor is the City of Raleigh. Provided was a high level project schedule. It was also noted that the project cannot be constructed prior to completion of the Raleigh-Garner segment and State funding must be available. Also discussed was information regarding an alternative analysis and feasibility study. Information regarding the long-term cost of operations was shared. It was stated that there would be a request for funding contribution from the town for the study. It is anticipated the study will be in January 2021.

Ms. Eggleston provided additional information regarding the proposed commuter rail project, which would give folks an option to commute without getting stuck in traffic and would be a reliable mode of transportation. Additionally, it would better connect people to more jobs, schools and health care as well as other opportunities in the Triangle. Shared was a map of the study area; with two potentials of either Durham to Garner or Durham to Clayton. Information was provided regarding infrastructure that would be required to support the project. Details were provided regarding the current study to include; engagement of community to share information and obtain feedback, work with railroad owner and operators to determine infrastructure needs and also further analysis of engineering challenges and potential project benefits to include economic development, congestion relief and environment. Also shared target study outcomes; regional decision on whether to move forward with project, eastern terminus of first phase of implementation of Garner or Clayton and finally funding source for non-federal share.

Council Member Grannis asked if timeline of when decision would be made regarding Garner or Clayton. Ms. Eggleston stated it was a bit early to determine that.

Mayor McLeod offered his thanks and stated this was a very informative presentation.

6 PUBLIC HEARINGS

- a) 2020-105-SD - Spring Branch Medical Park - Preliminary Plat Modification
(Quasi-Judicial)
Presenter: Samantha Wullenwaber, Planning Director

Mayor McLeod provided information regarding a Quasi-Judicial proceeding to include the type of testimony that could be considered. All testimony must be given under Oath. All those wishing to testify were issued the Oath of Affirmation by the Town Clerk.

Ms. Wullenwaber stated this is a request to modify a previously approved preliminary plat, acting as a master plan, for Spring Branch Medical Park. Applicant is proposing to modify the mixture of uses within the development from the original master plan for PDD-MU-08-08. Location of this property is NC Highway 42 West and the size is approximately 50.03 acres.

Originally approved in 2008, modified in 2011 by council and modified administratively in 2016.

Applicant has proposed to adjust the uses of Lot #2 from "Restaurant 5000 SF" to "Medical/Retail 12000 SF"; Lot #3 from "Drug Store 12,600 SF" to "Restaurant/Retail 15000 SF", with overall increase in development from 103,494 to 112,894. Due to increase in size of changes this was considered a major modification based upon UDO. Additionally this removes town council approval requirement for lots 14 & 15.

No changes are proposed to landscaping requirements. No proposed changes to stormwater ponds. There are no changes proposed regarding access points or street network, The applicant submitted an updated trip generation letter indicating no additional roadway improvements required per NCDOT. The Comprehensive Plan Future Land Use Map designates this as a high density/residential community center. Proposed master plan is consistent with this designation as it provides for a mixture of uses including residential and retail, restaurant and office. This project supports Goal LU1 of the Comprehensive Plan preserving Clayton's small-town character while allowing for growth and development in appropriate areas. The project was reviewed by Technical Review Committee (TRC) and determined to meet the criteria of the Unified Development Code (UDC). Individual lots will be subject to requirements of the UDC during major site plan reviews.

Applicant has addressed Findings of Fact. If approved staff recommended original conditions of approval remain.

Council Member Grannis asked about lots 14 and 15 if there were any ramifications with them not coming before council. Ms. Wullenwaber explained the process. There were no further questions for staff.

The applicant, Trey Adam was present. He stated he was available to answer any questions regarding the proposed change.

Council Member Grannis asked the applicant to provide additional information regarding the response to Finding of Fact #1 and applicant stated he believed the master plan had evolved over the years and felt the design fit very well.

Mayor McLeod requested anyone that wished to speak to come forward. No one wished to speak and the item was turned over to council for their deliberation.

ACTION: Approval of 2020-105-SD

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

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

Mr. Baird was present and provided background details regarding the request to close the Enterprise Drive Right of Way. A map was provided. This hearing was advertised, certified mailings were sent to adjacent owners and signs were properly posted. It was requested that a resolution be adopted to formally close the right of way. There were no questions from council

Mayor McLeod requested anyone that wished to speak to come forward. No one wished to speak and the item was turned over to council for their deliberation.

ACTION: Adoption of Resolution #2020-31

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

7 OLD BUSINESS

- a) Water Reclamation Program Update
Presenter: J.D. Solomon, Interim Town Manager

Mr. Solomon provided an overview and update regarding this project. He spoke about purchase of nutrient credits which would allow us to have a facility that would easily be added onto for additional needs. He spoke about federal grant monies being received to allow us to pick engineering firm and begin to collect various easements. Also discussed was the need to create an inter-local agreement as required by EDA. He shared details about final review for the environmental assessment, a public hearing will be scheduled shortly. Also discussed was solicitation for builder/construction of facility. Also working with financial advisors to find best opportunities for funding sources over the next few months.

Council Member Grannis asked if we were on schedule and if there were any foreseeable setbacks. Mr. Solomon stated we do forecast some setbacks, however, we do believe we are doing all we can on the front end with design and construction. He stated this was a very tight schedule and budget.

8 NEW BUSINESS

- a) Resolution - Designation of Deputy Finance Officers
Presenter: Robert McKie, Finance Director

Mr. McKie provided information regarding this resolution which will remove the former Town Manager and add J.D. Solomon to bank account as an authorized

signer for the town.

ACTION: Adoption of Resolution #2020-32

Motion: Council Member Holder

Second: Council Member Grannis

Vote: Unanimous

- b) **Emergency Supplemental Sick Leave - Fire Department & Police Department**
Presenter: Delicia Barnes, Human Resource Director

Ms. Barnes provided background regarding emergency supplemental sick leave. She provided information regarding program that provided up to 80 hours of paid leave due to eligible COVID-19 related absences. However, our emergency service folks normally work more than 80 - fire equal additional 26 hours and 4 hours additional for police. They would be required to meet eligibility.

Council Member Grannis stated he thinks this is a great program and he believes we need to do everything in our power to support our folks. He asked about it would be funded? Ms. Barnes stated it would no actual cost but rather additional time off.

Council Member Bunn asked Mr. Solomon regarding COVID funds. Mr. Solomon stated he would provide an update under Town Manager Report. Council Member Bunn wanted to ensure that none of our folks are put in any type of financial hardship

ACTION: Approval of Supplemental Emergency Sick Leave

Motion: Council Member Everett

Second: Council Member Grannis

Vote: Unanimous

- c) **Fat Oil Grease (FOG) Program Update/ Code of Ordinance Update - Chapter 52**
Presenter: Brandon Carroll

Mr. Carroll was present and provided an update regarding the Fat Oil Grease (FOG) Program. Additionally he stated he was requesting an amendment to our Code of Ordinance; Chapter 52. He provided details regarding our partner, BSO on-line with regard to the backflow program. He stated it has been very successful to date. He shared details regarding the ease of use of the program and once information has been entered, the town will have instant access to cleaning records.

Details were provided regarding the proposed changes to the ordinance. Also provided was information regarding upcoming changes.

Council Member Bunn asked if businesses were required to keep records. Mr. Carroll stated they are required to maintain them and this software will make the information available to the town immediately. Mr. Solomon stated this is a very important project.

Council Member Grannis acknowledged Brandon for the great work he has done and offered his thanks.

ACTION: Adoption of Ordinance #2020-09-01

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

- d) Code of Ordinance Update - Chapter 50
Presenter: Rich Cappola, Public Services Director

Mr. Cappola was present and provided a brief background regarding clarification of sewer taps and responsibilities of town and property owners.

ACTION: Adoption of Ordinance #2020-09-02

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

- e) Budget Amendment - Deputy Town Manager Position
Presenter: J.D. Solomon, Interim Town Manager

Mr. Solomon requested a budget amendment to create a second Deputy Town Manager position. He spoke about the many direct reports as well as many of the upcoming capital programs. Additionally he would like to see Rich Cappola named as the new additional Deputy Town Manager. He stated this is something he believes the new Town Manager would agree is a necessity. He stated none of the direct reports will change at this time, however, there are several things in process to include budget, HR classification study and study of town future. He stated at this time Mr. Cappola's current position would remain open.

ACTION: Adoption of Ordinance #2020-09-03

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

- f) Creation of New Position - Assistant Program Manager
Presenter: Rich Cappola, Public Services Director

Mr. Solomon provided information regarding this position and felt it was necessary with the amount of capital needs required. He asked for town consensus to begin advertising for this position. He stated this would be a

mid-level position.

ACTION: Approval of Creation of Position & Place Budget Amendment on September 21, 2020 Consent Agenda

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

9 STAFF REPORTS

a) Town Manager

Mr. Solomon provided an update regarding his first week as Interim Town Manager. He stated there was a meeting with Department Heads and several leading external folks in the community. Additionally spoke with HR regarding any pending issues as well as healthy and safety issues moving forward. Also has had conversation with counsel and has been updated regarding all items. He stated he began to address some special issues. Offered thanks to Scott Barnard and Stacy Beard for their great work in the opening and notification of parks and playgrounds. Advised he had gone through all our disaster policies regarding any possible upcoming hurricanes. He also addressed the CARES act funding. He asked for additional time to review and will ensure that all our emergency services folks are covered. He stated he would come back to council with recommendations. He further stated that the Police Department had requested additional funds from the CARES act and asked that item be addressed at next council meeting. Also addressed was issue of outstanding utility bills. He stated approximately 50% of folks have signed up for a payment plan and we hope to be able to collect 90% of those. He anticipated the need to write off \$50-100,000 due to COVID. He stated it had been a very busy first week.

Council Member Grannis asked about utility payments and asked if any of the CARES money could be used to offset that loss. Mr. Solomon stated it could be, but he wanted to make sure he understood all needs prior to making any decisions about those funds.

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

10 OTHER BUSINESS

a) Informal Discussion & Public Comment

Mr. Ryan Hendrickson, a resident, requested that Town Hall open back up to pay utility bills, so he does not incur any extra charges. He stated even the \$2.00 extra fee cuts into his and others budget. Mayor McLeod thanked him for his time.

Mr. Timothy Weiss was present and stated he was dismayed over the meeting regarding Mr. Lindsay's resignation. He stated he believed Mr. Lindsay was set up for failure. He stated that Mr. Lindsay was making more money when he was hired than the average salary of town managers across the state. He had concerns about the amount that is being paid to Mr. Solomon. He stated he felt this was a terrible decision that was made. He handed an invoice to Council Members Grannis, Bunn & Thompson for what he perceived to be their portion of the additional funds incurred regarding the decision made. He asked that Council Members Grannis, Bunn & Thompson resign.

Ms. Katelyn Rogers was present. She offered her input regarding her concern about the salary being paid to the interim town manager. She provided information regarding salaries from NCLM. She proposed that a 10% salary cap be placed on salary of town manager moving forward. She offered her thanks for council listening.

Mr. Gilbert was present and stated that he fully understands contracts and feels the best thing for the town is to move forward. He further stated that he understood that in addition to serving as interim town manager, Mr. Solomon was also continuing to lead the wastewater project. Further he understood how very important and critical this role is.

b) Council Comments

Mr. Grannis stated he appreciated the folks for sharing their opinions. He stated he was appreciative of the salary information provided. He also added that in addition to NCLM salary surveys, the town completed salary surveys every year or two and we take that to heart. He stated he did not believe the town paid the highest or the lowest salaries for municipalities across the state. Further that he believed we had an outstanding staff. He again stated he appreciated the citizens' comments.

Mayor McLeod stated that Patrick Pierce was appointed as Board Member to the Clayton Chamber of Commerce.

11 CLOSED SESSION

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

ACTION: Motion to Go Into Closed Session at 8:07 p.m.

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

12 ADJOURNMENT

a) **Adjourn the Meeting**

With there being nothing further, the meeting was adjourned at 9:11 p.m.

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

Duly adopted this the 21st day of September, 2020 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

September 8, 2020
Minutes



Town Council Agenda Cover Sheet

Meeting Date

September 21, 2020

Agenda Location

Public Hearings

Item Title

2020-23-ANX Shoppes at Glen Laurel Annexation

Presenter

Haley Hogg, Senior Planner

Summary/Description

Request to annex 10.4652 acre parcel to receive Town services. The property is currently in the Town's ETJ and is zoned Residential-Estate (R-E). This annexation request is running alongside a proposed rezoning to Planned Development Mixed Use (PD-MU). The property is located off Glen Laurel Road.

Requested Action

Place on Consent Agenda

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application

Aerial Map

Town limits Map

Legal Description

Survey

Meeting Timeline

8/17- Town Council (Adoption of Resolution directing clerk to certify sufficiency of petition)

9/8- Town Council (Certification of Sufficiency by Clerk & Resolution to set public hearing date)

9/21- Town Council (Public Hearing/Decision)



RECEIVED

FEB 05 2020

TOWN OF CLAYTON
PLANNING DEPARTMENT

2020-23-ANX

TOWN OF CLAYTON

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

PETITION FOR VOLUNTARY ANNEXATION

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

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

REQUEST INFORMATION

☒ **Contiguous Annexation**

☐ **Non-Contiguous Annexation**

The following items must accompany an annexation petition:

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

PROCESS:

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

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

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

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

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

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

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

Submittal Date: Feb 3, 2020

Petition No.: 2020-23-ANX

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

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

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

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

Total acreage to be annexed: 10.545 AC
Existing housing units: 1
Population of acreage to be annexed: 0
Existing Zoning District*: Residential Estate
Proposed Town Zoning District*: Planned Development-Mixed Use Fire District: Clayton / Claytex
Reason for petitioner to annex: x Receive Town Services
 Other (please specify):

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

In witness whereof, Frank Floyd a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 2nd day of February, 2020.

Name of Limited Liability Company:

Clayton Partners LLC

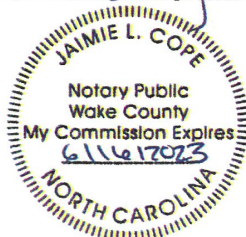
By:

[Signature]
Signature of Member/Manager

**STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON**

Sworn and subscribed before me, Jaimie L. Cope, a Notary Public for the above State and County, this 2 day of February, 2020.

SEAL



Jaimie L. Cope
Notary Public
My Commission Expires: 6/16/2023

July 2018

Page 2 of 3

Voluntary Annexation Plat Checklist

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

DESCRIPTION FOR ANNEXATION OF PROPERTY OF CLAYTON PARTNERS, LLC

PIN: 167800-29-5292

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 16°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.



Legend

Parcels selection

Parcels

Produced by: TOC Planning
July 23, 2020

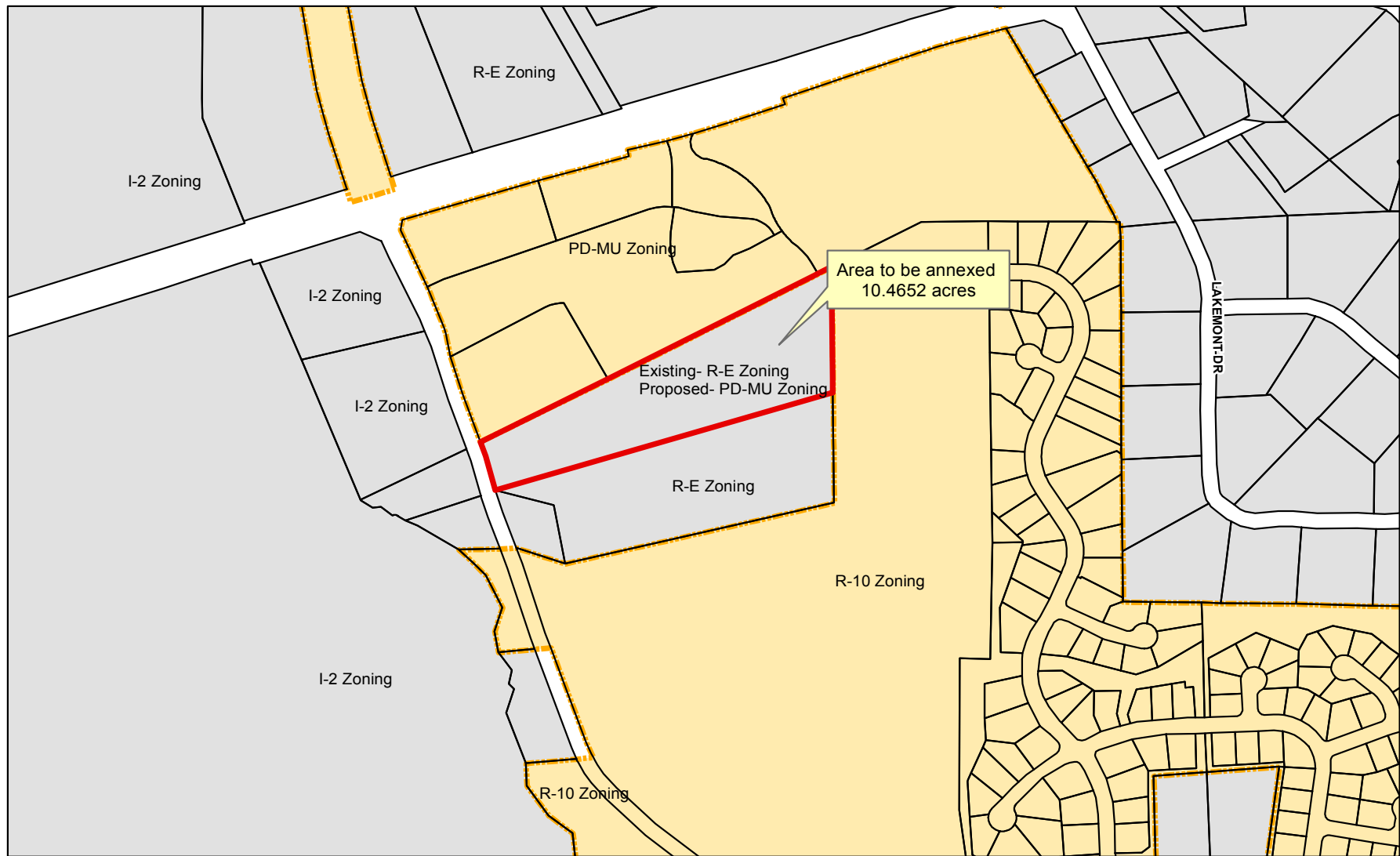
Annexation Map

Applicant(s): Clayton Partners LLC
Property Owner(s): Clayton Partners LLC
Parcel Number(s): 05104016E
File Number(s): 2020-23-ANX



0 180 360 720
Feet

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



Legend

- Parcels selection
- Parcels
- Clayton Town Limits

Produced by: TOC Planning
July 23, 2020

Annexation Map

Applicant(s): Clayton Partners LLC
Property Owner(s): Clayton Partners LLC
Parcel Number(s): 05104016E
File Number(s): 2020-23-ANX



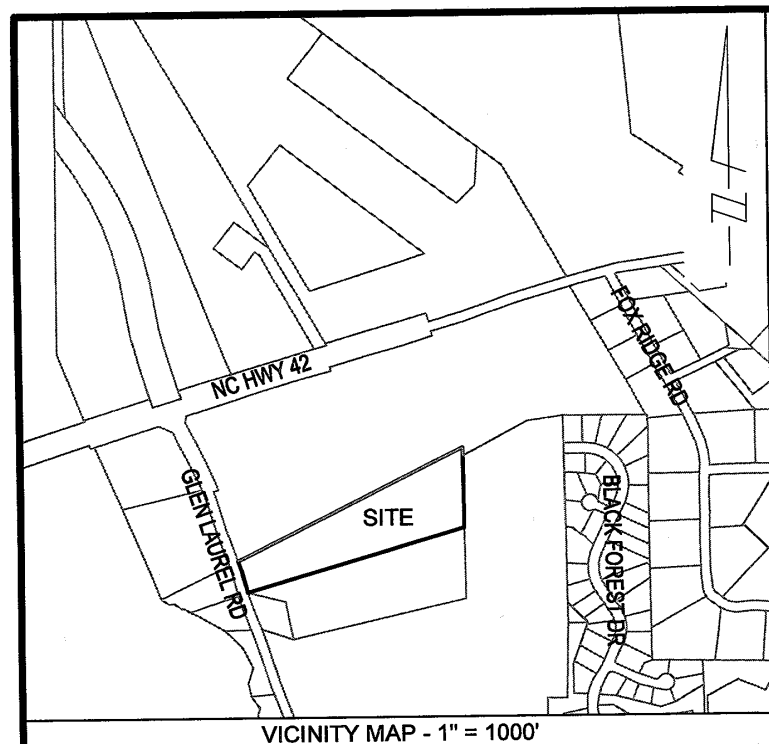
0 180 360 720
Feet

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

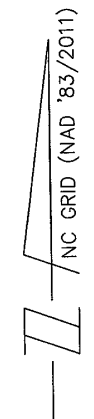
DESCRIPTION FOR ANNEXATION OF PROPERTY OF CLAYTON PARTNERS, LLC

PIN: 167800-29-5292

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- LEGEND**
- EIP = EXISTING IRON PIPE
 - ECM = EXISTING CONCRETE MONUMENT
 - R/W = RIGHT-OF-WAY
 - IPS = IRON PIPE SET
 - EOP = EDGE OF PAVEMENT
 - RCP = REINFORCED CONCRETE PIPE
 - U = UTILITY POLE
 - FOM = FIBER OPTIC MARKER
 - GUY WIRE
 - FO = UNDERGROUND FIBER OPTIC LINE
 - OHE = OVERHEAD ELECTRICAL
 - UG = UNDERGROUND GAS



I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION USING REFERENCES SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK 1194, PAGE 241 OR OTHER REFERENCE SOURCE P.B. 25 PG. 33; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600)."

THIS 18 DAY OF APRIL 2016
SEAL
PROFESSIONAL LAND SURVEYOR



JAMES B. HUNT, JR. &
ROBERT BRAME HUNT
PIN: 167800-29-8988
DB. 509 PG. 31
1,986,868 SF
45.6122 ACRES

EIP
CONTROL CORNER
N 689692.6486
E 2173160.453

TOWN OF CLAYTON
PIN: 167800-28-8063
DB. 3420 PG. 521
PB. 35 PG. 393

NC KEEN LAND, LLC
PIN: 167800-19-4135
D.B. 4063 PG. 836
P.B. 38 PG. 25

GLEN LAUREL ROAD - NCSR. 1992
VARIABLE WIDTH PUBLIC RIGHT-OF-WAY
ENCLOSURE PRODUCT N & N 88° 56' 16" W
C/L 146.16
R-5101.37
L-146.16
C/L 146.16

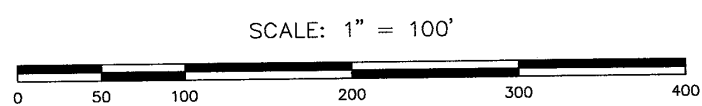
SHIRLEY SMITH BULLOCK
PIN: 167800-29-4176
D.B. 1194 PG. 241
459,363 SF
10.5455 ACRES

SANDRA S. PROVENZANO
PIN: 167800-18-9813
D.B. 1194 PG. 237

REFERENCES:
DB. 509 PG. 31
DB. 1194 PG. 241

OWNER:
SHIRLEY SMITH BULLOCK
5101 RAYNOR ROAD
GARNER, NC 27529

- NOTE:
1. AREAS BY COORDINATE GEOMETRY UNLESS SHOWN OTHERWISE.
 2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
 3. ALL STREETS ARE PUBLIC RIGHTS-OF-WAY UNLESS SHOWN OTHERWISE.
 4. OTHER INSTRUMENTS OF RECORD MAY AFFECT THIS PROPERTY.
 5. NO TITLE SEARCH PERFORMED FOR THIS SURVEY.
 6. NO NCOS MONUMENT WITHIN 2,000 FEET OF PROPERTY.
 7. NO FEMA FLOOD HAZARD AREAS PER FIRM NUMBER 3720167800J DATED DECEMBER 2, 2005.
 8. PROPERTY IS ZONED R-E
 9. THE COORDINATES SHOWN ON THIS PLAT WERE DERIVED BY VRS (VIRTUAL REFERENCE STATION) GPS USING DUAL FREQUENCY RECEIVER. THIS METHOD RESULTS IN (NAD 1983/2011) - (CORS 98) POSITIONS AND NAVD 88 (MSL) ELEVATIONS USING THE CONTINUOUSLY OPERATING STATIONS MAINTAINED BY NORTH CAROLINA GEODETIC SURVEY.
 10. SITE IS WITHIN TOWN OF CLAYTON'S ETJ.



REV.	DATE	DESCRIPTION	BY



BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
• 6310 CHAPEL HILL ROAD, SUITE 250
RALEIGH, NORTH CAROLINA 27607
• TELEPHONE: (919)851-4422 OR (800)354-1879
FAX: (919)851-8968
• CERTIFICATION NUMBERS: NCBELS (C-0110); NCBLA (C-0267)

SURVEYED BY JM	BOUNDARY SURVEY			SHEET 1 OF 1
DRAWN BY PM	PROPERTY OF			
CHECKED BY SW	SHIRLEY SMITH BULLOCK			
DATE 04-14-16	CLAYTON TWSP	JOHNSTON COUNTY	NORTH CAROLINA	

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

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

WHEREAS, a petition requesting annexation of an area described in said petition was received on August 17, 2020 by the Town of Clayton; and

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

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

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

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the results of her investigation.

Duly adopted this 17th day of August 2020, while in regular session.

Jody L. McLeod,
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:00 PM on Monday, September 21, 2020, at Town Hall, 111 E. Second Street, on the question of annexing the following described contiguous area, requested by annexation petition 2020-23-ANX filed pursuant to G.S. 160A-31:

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

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. PIN number: 167800-29-5292

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

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

The Johnstonian Newspaper

Please advertise on the following date:

Wednesday, September 9, 2020

Affidavit of publication required.

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 2020-23-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, NCCMC
Town Clerk

Ordinance #2020-09-05

ANNEXATION PETITION 2020-23-ANX
Shoppes at Glen Laurel
Parcel: 05104016E
Owners: Clayton Partners LLC
Contiguous; 10.4652 Acre

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Town Hall at 6:00 PM on September 21, 2020 due notice of publication on September 9, 2020.

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

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Clayton as of September 21, 2020.

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 2: Upon and after September 21, 2020, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Duly adopted this the 21st day of September, 2020 while in regular session.

Jody L. McLeod, Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Katherine Ross,
Town Attorney

**NORTH CAROLINA
JOHNSTON COUNTY**

This the _____ day of _____, 2020 _____ personally appeared before me, Kimberly A. Moffett, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Kimberly A. Moffett, signed her name in attestation of said instrument in the presence of said Mayor.

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

(SEAL)

Notary Public - Signature

Notary Public - Printed Name

Commission Expires: _____

County of Commission: _____



Town Council Agenda Cover Sheet

Meeting Date

September 8, 2020

Agenda Location

Public Hearings

Item Title

2020-115-ANX West End Annexation

Presenter

Haley Hogg, Senior Planner

Summary/Description

Request to annex 1.701 acres of land. The parcel is currently in the Town's ETJ and is zoned Highway-Business (B-3).

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application
Aerial Map
Town Limits Map
Legal Description
Survey
Resolution

Meeting Timeline

8/17- Town Council (Adoption of Resolution directing clerk to certify sufficiency of petition)
9/8- Town Council (Certification of sufficiency by clerk and resolution to set public hearing date)
9/21- Town Council (Public Hearing/Decision)



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

PETITION FOR VOLUNTARY ANNEXATION

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

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

REQUEST INFORMATION

☒ **Contiguous Annexation**

☐ **Non-Contiguous Annexation**

The following items must accompany an annexation petition:

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

PROCESS:

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

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

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

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

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

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

VOLUNTARY ANNEXATION PLAT CHECKLIST

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

PETITION FOR VOLUNTARY ANNEXATION APPLICATION – PROPERTY INFORMATION
COMPLETE IF PROPERTY IS OWNED BY INDIVIDUAL(S)

Submittal Date: _____

Petition No.: _____

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

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

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

2. The area to be annexed is 1.701 contiguous, _____ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total acreage to be annexed:	<u>1.701 ACRES</u>	
Existing housing units:	<u>0</u>	
Population of acreage to be annexed:	_____	
Existing Zoning District*:	<u>B-3</u>	
Proposed Town Zoning District*:	<u>B-3</u>	Fire District: <u>Claytex</u>
Reason for petitioner to annex:	☒ Receive Town Services	
	☒ Other (please specify):	<u>SEE ATTACHED</u>

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

Hubert L. Lee

Please Print

Hubert L. Lee
Signature

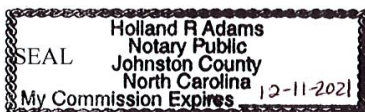
Bonnie Y. Lee

Please Print

Bonnie Y. Lee
Signature

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Holland R. Adams, a Notary Public for the above State and County, this 21st day of July, 2020.



Holland R. Adams
Notary Public

My Commission Expires: 12-11-2021



Reason for petitioner to annex:

The physical location of the property is east of the railroad trestle on Main Street and is part of the gateway to Downtown Clayton from the west. In the Town of Clayton Comprehensive Plan 2040, the property requested to be annexed is in an area designated as Downtown Residential. The purpose of areas designated as Downtown Residential is **“support and foster the Downtown Core”** by providing for housing options and office uses that retain and maintain the established neighborhoods.

The Downtown Core as described in the Comprehensive Plan 2040, is an area that is planned to **“foster an urban environment”** characterized by preservation of older structures and new construction. The proposed use of the property and the use of the new structures are for office, retail and restaurant. These uses meet the Downtown Residential designation of the Comprehensive Plan while supporting and fostering the Downtown Core with new office spaces, retail spaces and space for a restaurant.



Legend

Parcels selection

Parcels

Produced by: TOC Planning
July 23, 2020

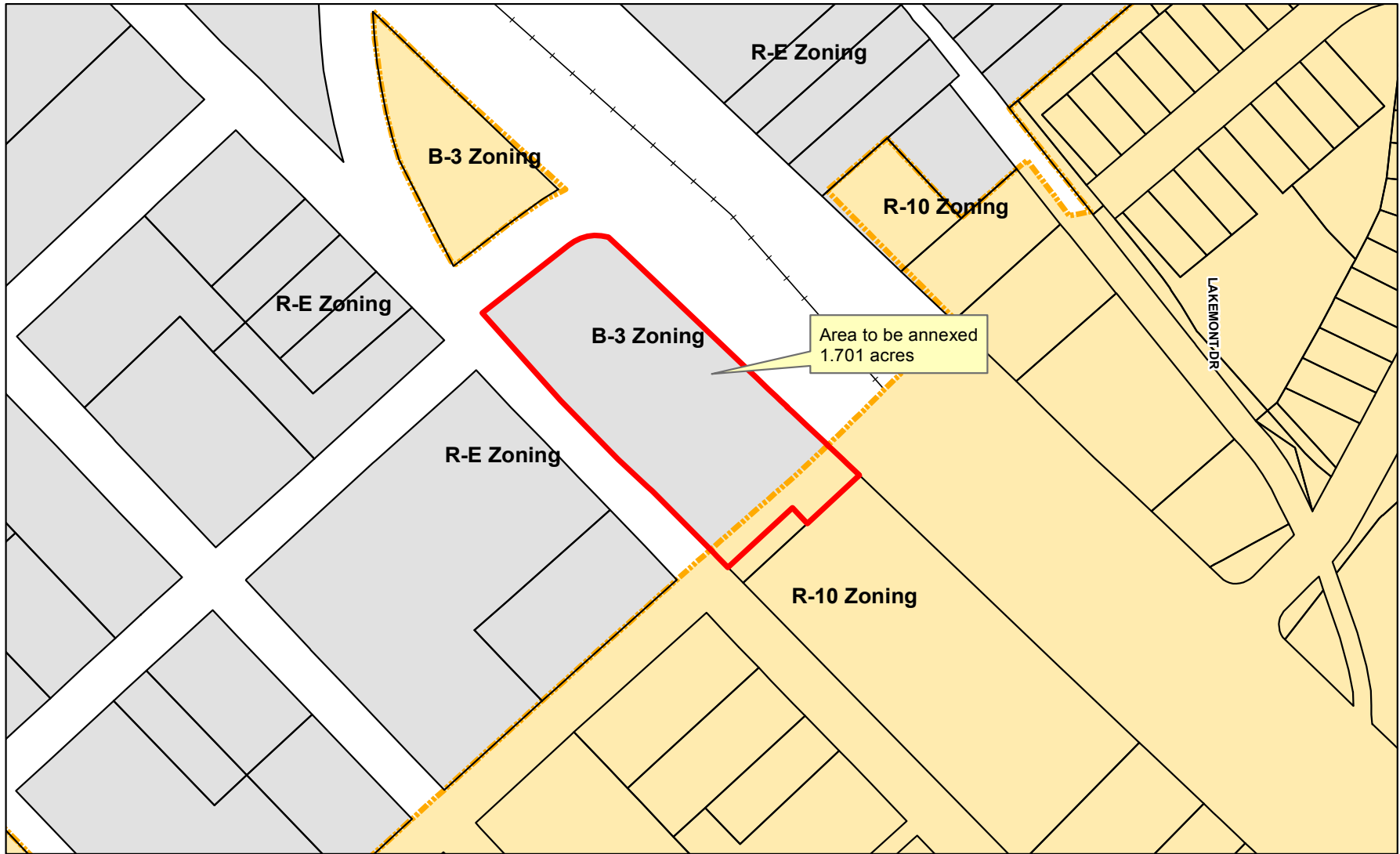
Annexation Map

Applicant(s): Adams & Hodge Engineering
Property Owner(s): Hubert & Bonnie Lee
Parcel Number(s): 165911-76-3307
File Number(s): 2020-115-ANX



0 50 100 200
Feet

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



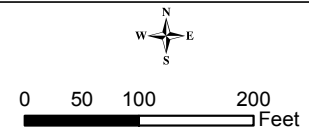
Legend

- Parcels selection
- Parcels
- Clayton Town Limits

Produced by: TOC Planning
August 3, 2020

Annexation Map

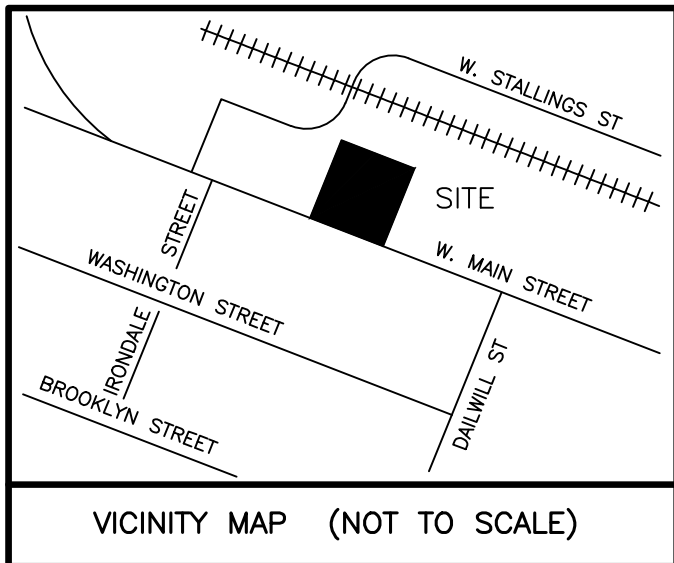
Applicant(s): Adams & Hodge Engineering
Property Owner(s): Hubert & Bonnie Lee
Parcel Number(s): 165911-76-3307
File Number(s): 2020-115-ANX



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

Legal Description

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)



VICINITY MAP (NOT TO SCALE)

CERTIFICATE OF FLOODWAY INFORMATION
PROPERTY SHOWN HEREON IS NOT
LOCATED IN A FEMA DESIGNATED FLOOD ZONE.
FLOOD HAZARD PANEL NO. 3720165900 K
EFFECTIVE DATE: JUNE 20, 2018

7/27/2020
DATE

SURVEYOR

THIS SURVEY:

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

7/27/2020
DATE

SURVEYOR

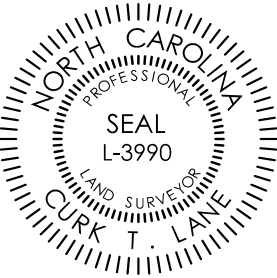
SURVEYOR'S DISCLAIMER: NO ATTEMPT WAS MADE TO LOCATE ANY CEMETERIES, WETLANDS, HAZARDOUS MATERIAL SITES, UNDERGROUND UTILITIES OR ANY OTHER FEATURES ABOVE OR BELOW GROUND OTHER THAN THOSE SHOWN.

7/27/2020
DATE

SURVEYOR

STATE OF NORTH CAROLINA, JOHNSTON COUNTY

I, CURK T. LANE, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 5457, PAGE 328, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 5457, PAGE 328; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000±; THAT THE GLOBAL POSITIONING ACCURACY (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT 1 CENTIMETER ACCURACY CLASSIFICATION (95% CONFIDENCE) USING RTK NETWORK; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. THAT THIS PLAT MEETS THE REQUIREMENT OF G.S. 47-30 SECTION F-11 -D-; WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 27th DAY OF JULY, A.D. 2020



SURVEYOR

L - 3990
LICENSE NUMBER

LINE	BEARING	DISTANCE
L1	S45°44'48"E	44.38'
L2	S45°44'48"E	52.33'
L3	S45°44'48"E	25.29'
L4	S45°44'48"E	25.29'
L5	N44°39'43"W	25.29'
L6	N44°39'43"W	25.29'
L7	N44°39'43"W	55.32'
L8	N44°47'49"E	46.05'
L9	N44°47'49"E	28.85'
L10	N44°47'49"E	7.05'
L11	S44°39'43"E	25.29'
L12	N39°15'25"W	133.47'
L13	N44°39'43"W	104.91'
L14	S44°47'49"W	99.12'
L15	S45°06'41"E	25.29'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	50.00'	40.59'	39.48'	N74°51'03"E
C2	975.00'	91.98'	91.95'	N41°57'34"W

NORTH CAROLINA RAILROAD COMPANY 200' R/W

STALLINGS STREET 60' R/W (PUBLIC)
S.R. 1709

AREA OF ANNEXATION
PIN 165911-76-3307
DB 5457 PG 328
74084 SF
1.701 AC

W MAIN STREET VARIABLE WIDTH R/W (PUBLIC)
S.R. 1004

MINIMUM BUILDING SETBACKS
ZONING: B-3

STREET YARD.....25 FEET
SIDE YARD (INTERIOR).....10 FEET
ABUTTING RESIDENTIAL DISTRICT.....25 FEET
SIDE YARD (STREET).....25 FEET
REAR YARD.....30 FEET
ABUTTING RESIDENTIAL DISTRICT.....30 FEET
BUILDING SEPERATION.....20 FEET

B-3 LOT STANDARDS

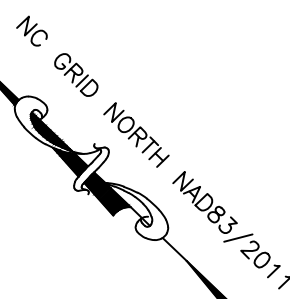
MIN. LOT AREA.....8000 SF
MIN. LOT WIDTH.....60'
MAX. LOT COVERAGE.....50%
MAX. IMPERVIOUS SURFACE.....75%

NOTES:

- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
- 2) AREAS COMPUTED BY COORDINATE METHOD.
- 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- 4) NO. 5 REBAR IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
- 5) NO HORIZONTAL CONTROL FOUND WITHIN 2000' OF SURVEY
- 6) ZONING: B-3
- 7) PARENT TRACT DEED DB 5457 PG 328
- 8) PARCEL NO. 05H02199Q
- 9) PIN: 165911-76-3307
- 10) GRID TIE BY GPS

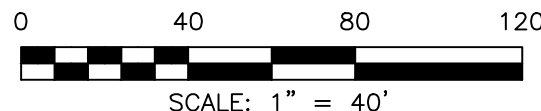
REFERENCES:

DB 5457 PG 328
DB 1108 PG 104
DB 1108 PG 114
DB 1108 PG 112
DB 891 PG 601
DB 1421 PG 345
DB 602 PG 598
DB F-10 PG 600



N/F
RAYMOND LEE
DB 891 PG 601
PN 05026066

ACCESS AND UTILITY EASE.
TOWN OF CLAYTON
DB 1108 PG 112



PROPERTY OWNERS INFORMATION:

HUBERT L. LEE
BONNIE Y. LEE
2236 SHOTWELL RD.
CLAYTON, NC 27520

LINE LEGEND

BOUNDARY LINES
ROW LINES
EASEMENT LINES
TIE LINES
OPW LINES

LEGEND

IPF IRON PIPE FOUND
IPS IRON PIPE SET
CMF CONCRETE MONUMENT FOUND
PKMF PARKER-KALON NAIL FOUND
PKNS PARKER-KALON NAIL SET
RRS RAILROAD SPIKE
CSF COTTON SPIKE FOUND
CSS COTTON SPIKE SET
CC CONTROL CORNER
CP COMPUTED POINT
P/P POWER POLE
OPW OVERHEAD POWER LINE
R/W RIGHT OF WAY
S.F. SQUARE FEET
AC ACRE
DB DEED BOOK
PB PLAY BOOK
BOM BOOK OF MAPS
PG PAGE
LF LINEAR FEET
1SS LOT HAS OFFSITE SEWER
1SSL OFFSITE SEWER LOT
1SR RECOMBINATION LOT
100 STREET ADDRESS
--- LINES NOT SURVEYED

REVIEW OFFICER'S CERTIFICATE

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

DATE REVIEW OFFICER

STATE OF NORTH CAROLINA, JOHNSTON COUNTY

THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND
RECORDING THIS DAY OF _____
20____ AT _____.

CRAIG OLIVE BY _____
REGISTER OF DEEDS DEPUTY REG. OF DEEDS

RECORDED IN PB _____ PG _____

ANNEXATION MAP FOR THE TOWN OF CLAYTON
FOR

HUBERT L. LEE
AND
BONNIE Y. LEE

CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
JULY 27, 2020

SURVEYED BY:

TLS

DRAWN BY:

KAMAL

CHECKED BY:

CURK

DRAWING NAME:

ANNEX.DWG

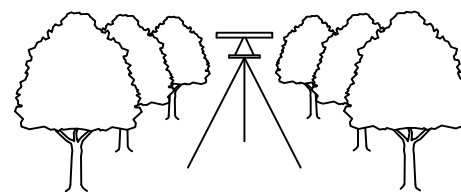
SURVEY DATE:

6-12-19

JOB NO.

1558.005

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

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

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

WHEREAS, a petition requesting annexation of an area described in said petition was received on August 17, 2020 by the Town of Clayton; and

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

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

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

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the results of her investigation.

Duly adopted this 17th day of August 2020, while in regular session.

Jody L. McLeod,
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:00 PM on Monday, September 21, 2020, at Town Hall, 111 E. Second Street, on the question of annexing the following described contiguous area, requested by annexation petition 2020-115-ANX filed pursuant to G.S. 160A-31:

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

Commencing at a point, said point being an iron pipe 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)

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

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

The Johnstonian Newspaper

Please advertise on the following date:

Wednesday, September 9, 2020

Affidavit of publication required.

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 2020-115-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

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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

Ordinance #2020-09-06

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

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Town Hall at 6:00 PM on September 21, 2020 due notice of publication on September 9, 2020.

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

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Clayton as of September 21, 2020.

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 2: Upon and after September 21, 2020, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Duly adopted this the 21st day of September, 2020 while in regular session.

ATTEST:

Jody L. McLeod, Mayor

Kimberly Moffett, CMC, NCCMC, Town Clerk

Katherine Ross, Town Attorney

**NORTH CAROLINA
JOHNSTON COUNTY**

This the _____ day of _____, 2020 _____ personally appeared before me, Kimberly A. Moffett, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Kimberly A. Moffett, signed her name in attestation of said instrument in the presence of said Mayor.

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

(SEAL)

Notary Public - Signature

Notary Public - Printed Name

Commission Expires: _____

County of Commission: _____



Town Council Agenda Cover Sheet

Meeting Date

September 21, 2020

Agenda Location

Old Business

Item Title

Erosion and Sediment Control Ordinance

Presenter

Joshua Baird – Town Engineer

Summary/Description

Town staff continue the process of transitioning Erosion Control and Stormwater Programs from Johnston County to an in-house program. Staff briefed council on a proposed Sediment and Erosion Control Ordinance on July 20, 2020. Following the meeting, staff presented the proposed ordinance to the North Carolina Sedimentation Control Commission (SCC) for an informal review. Staff received minor comments and have incorporated changes into the proposed ordinance. Prior to staff requesting formal delegation from the SCC, the Town council must adopt the ordinance. Staff will request adoption of fees following approval of formal delegation by SCC. Staff request Council adopt the Erosion and Sediment Control Ordinance to be implemented on January 1, 2021 and following formal delegation approval by the SCC.

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Erosion and Sediment Control Ordinance

Meeting Timeline

Click or tap here to enter text.

PUBLIC NOTICE

In accordance with NC GS 160A- 364, the Clayton Town Council will hold a public hearing on Monday, September 21, 2020, at 6:00 PM in the Council Chambers at the Clayton Center, 111 E Second Street, to consider the following amendment to the Code of Ordinances: Title XV: Land Usage is proposed to be amended by adopting Chapter 156 as the Soil Erosion and Sedimentation Control Ordinance. Copies of the proposed amendment are available in the Engineering office and the Town Clerk's office for review by the public. The public is invited to attend. Any questions, please contact Susan Locklear, Stormwater Engineer 919-553-5002.

TITLE XV: LAND USE

CHAPTER 156

SOIL EROSION and SEDIMENTATION CONTROL ORDINANCE

Town of Clayton, NC

PENDING ADOPTION

Anticipated effective date
January 1, 2021

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ARTICLE 1: GENERAL PROVISIONS

156.100 – TITLE.

This chapter shall be known and may be cited as the Town of Clayton Soil Erosion and Sedimentation Control Ordinance.

156.101 – PURPOSE.

This ordinance is adopted for the purposes of:

1. regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and
2. establishing procedures through which these purposes can be fulfilled.

156.102 –DEFINITIONS.

As used in this ordinance, unless the context clearly indicates otherwise, the following definitions apply:

1. *Accelerated Erosion* - means any increase over the rate of natural erosion as a result of land-disturbing activity.
2. *Act* - means the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.
3. *Adequate Erosion Control Measure, Structure, or Device* - means one which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.
4. *Affiliate* – means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another person.
5. *Approving Authority* – means the Division or other State or local government agency that has been delegated erosion and sedimentation plan review responsibilities in accordance with the provision of the Act.
6. *Being Conducted* - means a land-disturbing activity has been initiated and not deemed complete by the approving authority.
7. *Borrow* - means fill material that is required for on-site construction that is obtained from other locations.

8. *Buffer Zone* - means the strip of land adjacent to a lake or natural watercourse.
9. *Commission* - means the North Carolina Sedimentation Control Commission.
10. *Completion of Construction or Development* - means that no further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.
11. *Department* - means the North Carolina Department of Environmental Quality (DEQ).
12. *Director* - means the Director of the Division of Energy Mineral and Land Resources of the Department of Environmental Quality.
13. *Discharge Point or Point of Discharge* - means that point where runoff leaves a tract of land where a land disturbing activity has occurred or enters a lake or natural watercourse.
14. *Energy Dissipator* - means a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.
15. *Erosion* - means the wearing away of land surfaces by the action of wind, water, gravity, or any combination thereof.
16. *Ground Cover* - means any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.
17. *Lake or Natural Watercourse* – means any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond.
18. *Land-disturbing Activity* - means any use of the land by any person in residential, industrial, education, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.
19. *Local Government* - means any county, incorporated village, town or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of the Act.
20. *Natural Erosion* - means the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.
21. *Parent* – means an affiliate that directly, or indirectly through one or more intermediaries, controls another person.

22. *Person* - means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.
23. *Person Conducting the Land-Disturbing Activity* - means any person who may be held responsible for violation unless expressly provided otherwise by this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.
24. *Person Who Violates or Violator* – as used in G.S. 113A-64, means:
 - A. any landowner or other person who has financial or operational control over the land-disturbing activity; or
 - B. who has directly or indirectly allowed the activity, and who has failed to comply with the provisions of the Act, the rules of this Chapter, or any order or local ordinance adopted pursuant the Act, as it imposes a duty upon that person.
25. *Plan* - means an erosion and sedimentation control plan
26. *Program Administrator* – means Town Engineer or Town Engineer’s designee
27. *Sediment* - means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.
28. *Sedimentation* - means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.
29. *Siltation* - means sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.
30. *Storm Drainage Facilities* - means the system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey storm water through and from a given drainage area.
31. *Stormwater Runoff* - means the runoff of water resulting from precipitation in any form.
32. *Subsidiary* – means an affiliate that is directly, or indirectly through one or more intermediaries, controlled by another person.
33. *Ten-Year Storm* or Q10- means a rainfall of an intensity that, based on historical data, is predicted, by a method acceptable to the approving authority, to be equaled or exceeded, on the average, once in ten years, or the probability (10%) of a storm of this

magnitude occurring in any given year and of a duration which will produce the maximum peak rate of runoff from the watershed of interest under average antecedent wetness conditions.

34. *Town* – means the Town of Clayton, NC; both town limits and extra territorial jurisdiction (ETJ)
35. *Tract* - means all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.
36. *Twenty-five Year Storm* or Q25- means a rainfall of an intensity that, based on historical data, is predicted, by a method acceptable to the approving authority, to be equaled or exceeded on the average, once in 25 years, or the probability (4%) of a storm of this magnitude occurring in any given year and of a duration which will produce the maximum peak rate of runoff from the watershed of interest under average antecedent wetness conditions.
37. *Uncovered* - means the removal of ground cover from, on, or above the soil surface.
38. *Undertaken* - means the initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.
39. *Velocity* - means the speed of flow through a cross section perpendicular to the direction of the main channel at the peak flow of the storm of interest but not exceeding bank full flows
40. *Waste* - means surplus materials resulting from on-site land-disturbing activities and being disposed of at other locations.

156.103 – SCOPE AND EXCLUSIONS.

1. *Geographical Scope of Regulated Land-Disturbing Activity.* This ordinance shall apply to land-disturbing activity within the territorial jurisdiction of the Town and to the extraterritorial jurisdiction of the Town as allowed by agreement between local governments, the extent of annexation or other appropriate legal instrument or law.
2. *Exclusions from Regulated Land-Disturbing Activity.* Notwithstanding the general applicability of this ordinance to all land-disturbing activity, this ordinance shall not apply to the following types of land-disturbing activity:
 - A. Activities, including the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:

- (i) forage and sod crops, grain and feed crops, tobacco, cotton, and peanuts.
 - (ii) dairy animals and dairy products.
 - (iii) poultry and poultry products.
 - (iv) livestock, including beef cattle, llamas, sheep, swine, horses, ponies, mules, and goats.
 - (v) bees and apiary products.
 - (vi) fur producing animals.
 - (vii) mulch, ornamental plants, and other horticultural products. For purposes of this section, "mulch" means substances composed primarily of plant remains or mixtures of such substances.
 - B. An activity undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality (Best Management Practices), as adopted by the North Carolina Department of Agriculture and Consumer Services. If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality, the provisions of this ordinance shall apply to such activity and any related land-disturbing activity on the tract.
 - C. An activity for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statutes.
 - D. A land-disturbing activity over which the State has exclusive regulatory jurisdiction as provided in G.S. 113A-56(a).
 - E. An activity which is essential to protect human life during an emergency.
 - F. Activities undertaken to restore the wetland functions of converted wetlands to provide compensatory mitigation to offset impacts permitted under Section 404 of the Clean Water Act.
 - G. Activities undertaken pursuant to Natural Resources Conservation Service standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2
3. *Plan Approval Requirement for Land-Disturbing Activity.* No person shall undertake any land-disturbing activity subject to this ordinance without first obtaining a Plan approval from the Town.
 4. *Protection of Property.* Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.

5. *More Restrictive Rules Shall Apply.* Whenever conflicts exists between federal, state, or local laws, ordinance, or rules, the more restrictive provision shall apply.
6. *Plan Approval Exceptions.* Notwithstanding the general requirement to obtain a Plan approval prior to undertaking land-disturbing activity, a Plan approval shall not be required for land-disturbing activity that does not exceed 1 acre (43,560 square feet) in surface area. In determining the area, lands under one or diverse ownership being developed as a unit will be aggregated.

156.104 – MANDATORY STANDARDS FOR LAND-DISTURBING ACTIVITY.

No land-disturbing activity subject to the control of this ordinance shall be undertaken except in accordance with the following mandatory standards:

1. *Buffer zone*
 - A. *Standard Buffer.* No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity.
 - (i) *Projects On, Over or Under Water.* This standard shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.
 - (ii) *Buffer Measurement.* Unless otherwise provided, the width of a buffer zone is measured horizontally from the top of bank to the nearest edge of the disturbed area, with the 25 percent of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.
2. *Graded Slopes and Fills.* The angle for graded slopes and fills shall be no greater than the angle that can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 14 calendar days of completion of any phase of grading, be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion. The angle for graded slopes and fills must be demonstrated to be stable. Stable is the condition where the soil remains in its original configuration, with or without mechanical constraints.
3. *Fill Material.* Unless a permit from the Department's Division of Waste Management to operate a landfill is on file for the official site, acceptable fill material shall be free of organic or other degradable materials, masonry, concrete and brick in sizes exceeding twelve (12) inches, and any materials which would cause the site to be regulated as a

landfill by the State of North Carolina.

4. *Ground Cover.* Whenever land-disturbing activity is undertaken on a tract, the person conducting the land-disturbing activity shall install erosion and sedimentation control devices and practices that are sufficient to retain the sediment generated by the land disturbing activity within the boundaries of the tract during construction and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Provisions for a ground cover sufficient to restrain erosion must be accomplished within 14 calendar days following completion of construction or development if an NCG01 permit is required. Unless where otherwise specified in the Act or the rules of this Chapter, provisions for permanent ground cover sufficient to restrain erosion shall be accomplished within 90 calendar days following completion of construction or development.
5. *Prior Plan Approval.* No person shall initiate any land-disturbing activity that will disturb more than one acre on a tract unless, thirty (30) or more days prior to initiating the activity, a Plan for the activity is filed with and approved by the Town. The land-disturbing activity may be initiated and conducted in accordance with the plan once the plan has been approved.
6. *De-watering.* The Town shall forward to the Director of the Division of Water Resources a copy of each Plan for a land-disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract.
7. The land-disturbing activity shall be conducted in accordance with the approved erosion and sedimentation control plan.
8. All individuals that obtain a State or locally-approved erosion and sedimentation control plan that disturb one acre or more of land are required by the U.S. Environmental Protection Agency to obtain coverage under the N.C. Department of Environmental Quality Construction General Permit No. NCG010000 (NCG01). The requirements in NCG01 for temporary or permanent ground cover may differ from the ground cover, or stabilization, requirements in this Chapter. It is the responsibility of the person conducting the land-disturbing activity to ensure compliance with the NCG01.

156.105 – EFFECTIVE DATE.

This ordinance becomes effective on January 1, 2021.

156.106 – SEVERABILITY.

If any section or section or sections of this ordinance is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

ARTICLE 2 - EROSION AND SEDIMENTATION CONTROL PLANS

156.200 - PLAN SUBMISSIONS.

A Plan shall be prepared for all land-disturbing activities subject to this ordinance whenever the proposed activity will disturb more than one acre on a tract. Plans should be submitted per current Town standard procedures and policies.

156.201 - FINANCIAL RESPONSIBILITY and OWNERSHIP.

1. Plans shall be disapproved unless accompanied by an authorized statement of financial responsibility and ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or his attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of (1) the person financially responsible, (2) the owner of the land, and (3) any registered agents. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the Plan, the Act, this ordinance, or rules or orders adopted or issued pursuant to this ordinance. Except as provided in subsections 156.202 *Utilities* and 156.210 *Transfers* of this section, if the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land-disturbing activity.
2. Plans shall be disapproved unless accompanied by documentation of property ownership.

156.202 - UTILITIES.

If the applicant is not the owner of the land to be disturbed and the anticipated land-disturbing activity involves the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, the draft erosion and sedimentation control plan may be submitted without the written consent of the owner of the land, so long as the owner of the land has been provided prior notice of the project.

156.203 - SURETY.

A surety will be required in the form of a performance bond or a letter of credit. The surety will ensure that stabilization of the site is achieved throughout the disturbed area in the event the contractor is unable to complete the project and shall be paid to the Town prior to the issuance of the land disturbance (grading) permit. The surety shall be equal to \$1500/acre of land disturbance rounded to the nearest ½ acre. This surety will be released once a certificate of completion is issued by the Town. A certificate of completion will be provided when the site is stabilized with a sufficient amount of ground cover to prevent erosion, or permanent mow-able planting with 100 coverage and 80 percent growth with no large bare patches. The Town may cash the surety if the site is issued a continuing violation notice for ground stabilization.

156.204 - ENVIRONMENTAL POLICY ACT DOCUMENT.

Any Plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environment Policy Act (G.S. 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. The Town shall promptly notify the person submitting the Plan that the 30-day time limit for review of the Plan pursuant to this ordinance shall not begin until a complete environmental document is available for review.

156.205 - CONTENT.

The Plan required by this section shall contain architectural or engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this ordinance. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for Plan preparation may be obtained from the Town on request.

156.206 - TIMELINE for DECISIONS on PLANS.

The Town will review each complete Plan submitted to them and within 30 days of receipt thereof will notify the person submitting the Plan that it has been approved, approved with modifications, or disapproved. Failure to approve, approve with modifications, or disapprove a complete Plan within 30 days of receipt shall be deemed approval. The Town of Clayton will review each revised Plan submitted to them and within 15 days of receipt thereof will notify the person submitting the Plan that it has been approved, approved with modifications, or disapproved. Failure to approve, approve with modifications, or disapprove a revised Plan within 15 days of receipt shall be deemed approval.

156.207 – APPROVAL.

The Town shall only approve a Plan upon determining that it complies with all applicable State and local regulations for erosion and sedimentation control. Approval assumes the applicant's compliance with the federal and state water quality laws, regulations and rules. The Town shall condition approval of Plans upon the applicant's compliance with federal and state water quality laws, regulations and rules. Plan approval is contingent on land-disturbing activity commencing within a year of permit issuance. If after a year no land disturbing activity has occurred, permit and plan approval shall be void. Once the land disturbance (grading) activity has commenced, the permit is valid for 2 years from the date of commencement. Permit renewal is required if the project has not been completed by the 2 year expiration date and is valid for an additional year from original expiration date previously established with the commencement of the land disturbance. The permit renewal application must be submitted prior to expiration of the original permit, otherwise, a new plan submittal and permit shall be required. The permit renewal fee is listed in the Town's Fee Schedule.

156.208 - DISAPPROVAL for CONTENT.

The Town may disapprove a Plan or draft Plan based on its content. A disapproval based upon a Plan's content must specifically state in writing the reasons for disapproval.

156.209 - OTHER DISAPPROVALS.

The Town shall disapprove an erosion and sedimentation control plan if implementation of the plan would result in a violation of rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters. The Town may disapprove an erosion and sedimentation control plan or disapprove a transfer of a plan under subsection *156.210 Transfers* of this section upon finding that an applicant or a parent, subsidiary, or other affiliate of the applicant:

- (A) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or the Town pursuant to this Article and has not complied with the notice within the time specified in the notice.
- (B) Has failed to pay a civil penalty assessed pursuant to this Article or a local ordinance adopted pursuant to this Article by the time the payment is due.
- (C) Has been convicted of a misdemeanor pursuant to G.S. 113A-64(b) or any criminal provision of a local ordinance adopted pursuant to this Article.
- (D) Has failed to substantially comply with State rules or local ordinances and regulations adopted pursuant to this Article.

In the event that an erosion and sedimentation control plan or a transfer of a plan is disapproved by the Town pursuant to subsection *156.209 Other Disapprovals* of this section, the local government shall so notify the Director of the Division of Energy, Mineral, and Land Resources within 10 days of the disapproval. The Town shall advise the applicant or the proposed transferee and the Director in writing as to the specific reasons that the plan was disapproved. Notwithstanding the provisions of Section 156.210(1), the applicant may appeal the local government's disapproval of the plan directly to the Commission.

For purposes of this subsection, an applicant's record or the proposed transferee's record may be considered for only the two years prior to the application date.

156.210 – PLAN APPEALS.

1. The appeal of a disapproval or approval with modifications of a Plan shall be governed by the following provisions:
 - A. The disapproval or modification of any proposed Plan by the Town, shall entitle the person submitting the Plan to a public hearing if such person submits written

demand for a hearing to the Town Clerk within 15 days after receipt of written notice of disapproval or modifications.

- B. A hearing held pursuant to this section shall be conducted by the Town Council, within 30 days after the date of the request for a hearing.
 - C. The Town Council shall make recommendations to the Program Administrator, within 30 days after the date of the hearing on any Plan.
 - D. The Program Administrator, will render its final decision on any Plan within 15 days of receipt of the recommendations from the Town Council.
 - E. If the Town upholds the disapproval or modification of a proposed Plan following the hearing, the person submitting the Plan shall then be entitled to appeal the Town's decision to the Commission as provided in G.S. 113A-61(c) and 15A NCAC 4B .0118(d)
2. In the event that a Plan is disapproved pursuant to 156.209 *Other Disapprovals* of this ordinance, the applicant may appeal the Town's disapproval of the Plan directly to the Commission.

156.211 - TRANSFERS.

The Town administering an erosion and sedimentation control program may transfer an erosion and sedimentation control plan approved pursuant to this section without the consent of the plan holder to a successor-owner of the property on which the permitted activity is occurring or will occur as provided in this subsection.

- 1. The Town may transfer a plan if all of the following conditions are met:
 - A. The successor-owner of the property submits to the local government a written request for the transfer of the plan and an authorized statement of financial responsibility and ownership.
 - B. The Town finds all of the following:
 - i. The plan holder is one of the following:
 - a. A natural person who is deceased.
 - b. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved.

- c. A person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.
 - d. A person who has sold the property on which the permitted activity is occurring or will occur.
 - ii. The successor-owner holds title to the property on which the permitted activity is occurring or will occur.
 - iii. The successor-owner is the sole claimant of the right to engage in the permitted activity.
 - iv. There will be no substantial change in the permitted activity.
2. The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.
 3. The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.
 4. Notwithstanding changes to law made after the original issuance of the plan, the Town may not impose new or different terms and conditions in the plan without the prior express consent of the successor-owner. Nothing in this subsection shall prevent the Town from requiring a revised plan pursuant to G.S. 113A-54.1(b).

156.212 - NOTICE of ACTIVITY INITIATION.

No person may initiate a land-disturbing activity before notifying the agency that issued the Plan approval of the date that land-disturbing activity will begin.

156.213 - PRECONSTRUCTION CONFERENCE.

When deemed necessary by the Town a preconstruction conference may be required and shall be noted on the approved plan.

156.214 - DISPLAY of PLAN APPROVAL.

A Plan approval issued under this article shall be prominently displayed at either the primary entrance of the job site or at another location that is observable to the public and inspectors until all construction is complete, all permanent sedimentation and erosion control measures are installed, and the site has been stabilized. A paper copy of the approved plan shall be kept on file at the job site.

156.215 - REQUIRED REVISIONS.

After approving a Plan, if the Town, either upon review of such Plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Town shall require a revised Plan. Pending the preparation of the revised Plan, work shall cease or shall continue under conditions outlined by the appropriate authority. If following commencement of a land-disturbing activity pursuant to an approved Plan, the Town determines that the Plan is inadequate to meet the requirements of this ordinance, the Town may require any revision of the Plan that is necessary to comply with this ordinance.

156.216 – AMENDMENT to a PLAN.

Applications for amendment of a Plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the Town, the land-disturbing activity shall not proceed except in accordance with the Plan as originally approved.

156.217 – FAILURE to FILE a PLAN.

Any person engaged in land-disturbing activity who fails to file a Plan in accordance with this ordinance, or who conducts a land-disturbing activity except in accordance with provisions of an approved Plan shall be deemed in violation of this ordinance.

156.218 – FEES.

Fees for review and approval of plans and permits are determined by the Town's current fee schedule.

ARTICLE 3 – INSPECTIONS

156.300 - SELF INSPECTIONS.

1. The landowner, the financially responsible party, or the landowner's or the financially responsible party's agent shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with G.S. 113A-57(2). In addition, weekly and rain-event self-inspections are required by federal regulations that are implemented through the NPDES Construction General Permit No. NCG 010000. The person who performs the inspection shall maintain and make available a record of the inspection at the site of the land-disturbing activity. The record shall set out any significant deviation from the approved erosion control plan, identify any measures that may be required to correct the deviation, and document the completion of those measures. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan. The inspections required by this subsection shall be in addition

to inspections required by G.S. 113A-61.1.

2. Where inspections are required by 156.300(1) of this Chapter or G.S. 113A-54.1(e), the following apply:

A. The inspection shall be performed during or after each of the following phases of a plan:

- i. installation of all erosion and sediment control measures;
- ii. clearing and grubbing of existing ground cover;
- iii. completion of any grading that requires ground cover;
- iv. completion of storm drainage facilities;
- v. completion of all land-disturbing activities, construction, or development, including permanent ground cover establishment and removal of all temporary measures;
- vi. quarterly until the establishment of permanent ground cover sufficient to restrain erosion
- vii. transfer of ownership or control of the tract of land where the erosion and sedimentation control plan has been approved and work has begun. The new owner or person in control shall conduct and document inspections until the project is permanently stabilized as set forth in sub-item iii above.

B. Documentation of self-inspections shall include:

- i. Visual verification of ground stabilization and other erosion control measures and practices as called for in the approved plan;
- ii. Verification by measurement of settling basins, temporary construction entrances, energy dissipators, and traps.
- iii. The name, address, organization affiliation, telephone number, and signature of the person conducting the inspection and the date of the inspection shall be included, whether on a copy of the approved erosion and sedimentation control plan or an inspection report. A template for an example of an inspection and monitoring report is provided on the DEMLR website at: <https://deq.nc.gov/about/divisions/energy-mineralland-resources/erosion-sediment-control/forms>. Any relevant licenses

and certifications may also be included. Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site.

- iv. A record of any significant deviation from any erosion or sedimentation control measure from that on the approved plan. For the purpose of this Rule, a "significant deviation" means an omission, alternation, or relocation of an erosion or sedimentation control measure that prevents it from performing as intended. The record shall include measures required to correct the significant deviation, along with documentation of when those measures were taken. Deviations from the approved plan may also be recommended to enhance the intended performance of the sedimentation and erosion control measures.

156.301 – OTHER INSPECTIONS AND INVESTIGATIONS.

1. *Inspection.* Agents, officials, or other qualified persons authorized by the Town, will periodically inspect land-disturbing activities to ensure compliance with the Act, this ordinance, or rules or orders adopted or issued pursuant to this ordinance, and to determine whether the measures required in the Plan are effective in controlling erosion and sedimentation resulting from land-disturbing activity. Notice of the right to inspect shall be included in the certificate of approval of each Plan.
2. *Willful Resistance, Delay or Obstruction.* No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the Town, while that person is inspecting or attempting to inspect a land-disturbing activity under this section.
3. *Notice of Violation.* If the Town determines that a person engaged in land-disturbing activity has failed to comply with the Act, this ordinance, or rules, or orders adopted or issued pursuant to this ordinance, a notice of violation shall be served upon that person. The notice may be served by any means authorized under GS 1A-1, Rule 4. The notice shall specify a date by which the person must comply with the Act, or this ordinance, or rules, or orders adopted pursuant to this ordinance, and inform the person of the actions that need to be taken to comply with the Act, this ordinance, or rules or orders adopted pursuant to this ordinance. Any person who fails to comply within the time specified is subject to additional civil and criminal penalties for a continuing violation as provided in G.S. 113A-64 and this ordinance. If the person engaged in the land-disturbing activity has not received a previous notice of violation under this section, the Town shall deliver the notice of violation in person and shall offer assistance in developing corrective measures. Assistance may be provided by referral to a technical assistance program in the Department, referral to a cooperative extension program, or by the provision of written materials such as Department guidance documents. If the Town is unable to deliver the notice of violation in person within 15 days following discovery of the violation, the notice

of violation may be served in the manner prescribed for service of process by G.S. 1A-1, Rule 4, and shall include information on how to obtain assistance in developing corrective measures.

4. *Investigation.* The Town, shall have the power to conduct such investigation as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and who presents appropriate credentials for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land-disturbing activity.
5. *Statements and Reports.* The Town shall also have the power to require written statements, or filing of reports under oath, with respect to pertinent questions relating to land-disturbing activity.

ARTICLE 4 – BASIC CONTROL OBJECTIVES

156.400 – OBJECTIVES.

An erosion and sedimentation control Plan may be disapproved if the Plan fails to address the following control objectives:

1. *Identify Critical Areas* - On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.
2. *Limit Time of Exposure* - Limit exposure to the shortest time specified in G.S. 113A-57, the rules of this Chapter, or as directed by the approving authority
3. *Limit Exposed Areas* - All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.
4. *Control Surface Water* - Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.
5. *Control Sedimentation* - All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage.
6. *Manage Storm Water Runoff* - Plans shall be designed so that any increase in velocity of stormwater runoff resulting from a land-disturbing activity will not result in accelerated erosion of the receiving stormwater conveyance or at the point of discharge. Plans shall include measures to prevent accelerated erosion within the project boundary and at the point of discharge.

ARTICLE 5 – DESIGN AND PERFORMANCE STANDARDS

156.500 – DESIGN and PERFORMANCE STANDARDS.

1. Erosion and sedimentation control measures, structures, and devices shall be planned, designed, and constructed to provide protection from the runoff of a 10-year storm that produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture, Natural Resources Conservation Service's "National Engineering Field Handbook 630 (Handbook 630)." This document is herein incorporated by reference including subsequent amendments and editions, and may be accessed at no cost at <https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/water/manage/hydrology/?cid=stelprdb1043063>. Other methodologies may be used if based on generally accepted engineering standards that are shown to be equivalent to or improved over the procedures in Handbook 630. The approving authority shall determine acceptability of an alternative methodology based upon a showing that the runoff model used was based on observed data in agreement with the predictive model.
2. The Sedimentation Control Commission and DEQ have created and adopted a *North Carolina Erosion and Sedimentation Control Planning and Design Manual* describing recommended sedimentation control techniques for construction activities. This is an acceptable resource for design of the erosion control plan.

ARTICLE 6 – STORMWATER OUTLET PROTECTION

156.600 - INTENT.

Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity.

156.601 - PERFORMANCE STANDARD.

1. Persons shall conduct land-disturbing activity so that the post construction velocity of the 10-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:
 - A. the velocity established by the Maximum Permissible Velocities Table set out within this subsection; or
 - B. the velocity of the ten-year storm runoff in the receiving watercourse prior to development.
2. If condition (A) or (B) of this Paragraph cannot be met, then the receiving watercourse to

and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the “prior to development” velocity by 10%.

3. TABLE 1 - Maximum Permissible Velocities**:

<u>Material</u>	F.P.S. (feet per second)	M.P.S. (meters per second)
Fine sand (noncolloidal)	2.5	0.8
Sandy loam (noncolloidal)	2.5	0.8
Silt loam (noncolloidal)	3.0	0.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal)	5.0	1.5
Graded, silt to cobbles (Colloidal)	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

** Source - Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

156.602 - ACCEPTABLE MANAGEMENT MEASURES.

Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. The Town recognizes that the management of storm water runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives, while not exhaustive, are to:

1. Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;
2. Avoid increases in storm water discharge velocities by using vegetated or roughened swales and waterways in place of closed drains and high velocity paved sections;
3. Provide energy dissipators at outlets of storm drainage facilities to reduce flow

velocities to the point of discharge;

4. Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining; and
5. Upgrade or replace the receiving device structure, or watercourse such that it will receive and conduct the flow to a point where it is no longer subject to degradation from the increased rate of flow or increased velocity.

156.603 - EXCEPTIONS.

This rule shall not apply where it can be demonstrated to the Town that storm water discharge velocities will not create an erosion problem in the receiving watercourse.

ARTICLE 7 – OTHER DISTURBED AREAS

156.700 – BORROW AND WASTE AREAS.

If the same person conducts the land-disturbing activity and any related borrow or waste activity, the related borrow or waste activity shall constitute part of the land-disturbing activity, unless the borrow or waste activity is regulated under the Mining Act of 1971, G.S. 74, Article 7, or is a landfill regulated by the Division of Waste Management. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same person, they shall be considered by the approving authority as separate land-disturbing activities.

156.701 – ACCESS AND HAUL ROADS.

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

ARTICLE 8 – NATURAL FEATURES

156.800 – OPERATIONS IN LAKES AND NATURAL WATERCOURSES.

Land disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall minimize the extent and duration of disruption of the stream channel. Where relocation of a stream forms an essential part of the proposed activity, the relocation shall minimize changes in the stream flow characteristics. Permits shall be obtained by other regulatory authorities, such as DEQ and USACE, when applicable and prior to issuance of grading permit from the Town.

ARTICLE 9 – MAINTENANCE

156.900 – RESPONSIBILITY FOR MAINTENANCE.

During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provision of this Ordinance, the Act, or any order adopted pursuant to this ordinance or the Act. After site development, the landowner or person in possession or control of the land shall maintain all necessary permanent stormwater post-construction measures per the Town's NPDES Phase 2 permit, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

156.901 – ADDITIONAL MEASURES.

Whenever the Town, determines that accelerated erosion and sedimentation continues despite the installation of protective practices, they shall direct the person conducting the land-disturbing activity to take additional protective action necessary to achieve compliance with the conditions specified in the Act or its rules.

ARTICLE 10 – PENALTIES AND INJUNCTIVE RELIEF

156.1000 – CIVIL PENALTIES.

1. *Civil Penalty for a Violation.* Any person who violates any of the provisions of this ordinance, or rule or order adopted or issued pursuant to this ordinance, or who initiates or continues a land-disturbing activity for which a Plan is required except in accordance with the terms, conditions, and provisions of an approved Plan, is subject to a civil penalty. The maximum civil penalty amount that the Town may assess per violation is five thousand dollars (\$5,000.00). A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. When the person has not been assessed any civil penalty under this subsection for any previous violation, and that person abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this subsection for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is twenty-five thousand dollars (\$25,000).
2. *Environmental Impacts.* In addition to the civil penalties provided with the Town's Fee Schedule, the Plan Administrator may assess a one-time civil penalty of \$5,000.00 on the day of the violation for off-site sedimentation damage especially in the case of damage to a body of water, wetlands or buffer. Moreover, any malicious or intentional destruction of silt fencing or other sedimentation and erosion control device will result in a one-time fine of up to \$1,000.00.

3. *Repeat Offender.* An additional civil penalty of \$1,000.00 per day shall be charged to any person assessed a civil penalty for any violation of this chapter within the prior two years. A person may be assessed a civil penalty from the date the violation is detected if the deadline stated is not met. Each day of a continuing violation shall constitute a separate violation.
4. *Civil Penalty Assessment Factors.* The Program Administrator shall determine the amount of the civil penalty based upon the following factors:
 - A. the degree and extent of harm caused by the violation,
 - B. the cost of rectifying the damage,
 - C. the amount of money the violator saved by noncompliance,
 - D. whether the violation was committed willfully, and
 - E. the prior record of the violator in complying or failing to comply with this ordinance.
5. *Notice of Civil Penalty Assessment.* The Program Administrator shall provide notice of the civil penalty amount and basis for assessment to the person assessed. The notice of assessment shall be served by any means authorized under G.S. 1A-1, Rule 4. A notice of assessment by the Town shall direct the violator to either pay the assessment, contest the assessment within 30 days by filing a petition for hearing with the Town or file a request with the Sedimentation Control Commission for remission of the assessment within 60 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the North Carolina General Statutes and a stipulation of the facts on which the assessment was based.
6. *Final Decision.* The final decision on contested assessments shall be made by the Town Council in accordance with this ordinance
7. *Appeal of Final Decision.* Appeal of the final decision by Town Council shall be to the Superior Court of Johnston County. Such appeals must be made within 30 days of the final decision of the Town Council.
8. *Remission of Civil Penalties.* A request for remission of a civil penalty imposed under G.S. 113A-64 may be filed with the Town Council within 60 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the General Statutes 31 and a stipulation of the facts on which the assessment was based. The following factors shall be considered in determining whether a civil penalty remission request will be approved:
 - A. Whether one or more of the civil penalty assessment factors in G.S. 113A-64(a)(3) were wrongly applied to the detriment of the petitioner.

- B. Whether the petitioner promptly abated continuing environmental damage resulting from the violation.
 - C. Whether the violation was inadvertent or a result of an accident.
 - D. Whether the petitioner had been assessed civil penalties for any previous violations.
 - E. Whether payment of the civil penalty will prevent payment for necessary remedial actions or would otherwise create a significant financial hardship.
 - F. The assessed property tax valuation of the petitioner's property upon which the violation occurred, excluding the value of any structures located on the property.
9. *Collection.* If payment is not received within 60 days after it is due, the Town may institute a civil action to recover the amount of the assessment. The civil action may be brought in the Johnston County Superior Court, or the County Superior Court of the violator's residence or principal place of business. Such civil actions must be filed within three (3) years of the date the assessment was due. An assessment that is not contested and a remission that is not requested is due when the violator is served with a notice of assessment. An assessment that is contested or a remission that is requested is due at the conclusion of the administrative and judicial review of the assessment.
10. *Credit of Civil Penalties.* The clear proceeds of civil penalties collected by the Town under this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. Penalties collected by the Town may be diminished only by the actual costs of collection. The collection cost percentage to be used shall be established and approved by the North Carolina Office of State Budget and Management on an annual basis, based upon the computation of actual collection costs by the Town for the prior fiscal year.

156.1001 – CRIMINAL PENALTIES.

Any person who knowingly or willfully violates any provision of this ordinance, or rule or order adopted or issued by the Commission or the Town or who knowingly or willfully initiates or continues a land-disturbing activity for which a Plan is required except in accordance with the terms, conditions, and provisions of an approved Plan, shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed \$5,000 as provided in G.S. § 113A-64.

156.1002 – INJUNCTIVE RELIEF.

- 1. *Violation of Local Program.* Whenever the Program Administrator has reasonable cause

to believe that any person is violating or threatening to violate any ordinance, rule, regulation or order adopted or issued by the Town, or any term, condition, or provision of an approved Plan, it may, either before or after the institution of any other action or proceeding authorized by this ordinance, institute a civil action in the name of the Town, for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Johnston County Superior Court.

2. *Abatement of Violation.* Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this ordinance.

156.1003 – RESTORATION AFTER NON-COMPLIANCE.

The Town, may require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. 113A-57 (3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this ordinance.

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Addition of Chapter 156

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA, to add Chapter 156 as follows:

156.100 – TITLE.

This chapter shall be known and may be cited as the Town of Clayton Soil Erosion and Sedimentation Control Ordinance.

156.101 – PURPOSE.

This ordinance is adopted for the purposes of:

1. regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and
2. establishing procedures through which these purposes can be fulfilled.

156.102 –DEFINITIONS.

As used in this ordinance, unless the context clearly indicates otherwise, the following definitions apply:

1. *Accelerated Erosion* - means any increase over the rate of natural erosion as a result of land-disturbing activity.
2. *Act* - means the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.
3. *Adequate Erosion Control Measure, Structure, or Device* - means one which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.
4. *Affiliate* – means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another person.
5. *Approving Authority* – means the Division or other State or local government agency

that has been delegated erosion and sedimentation plan review responsibilities in accordance with the provision of the Act.

6. *Being Conducted* - means a land-disturbing activity has been initiated and not deemed complete by the approving authority.
7. *Borrow* - means fill material that is required for on-site construction that is obtained from other locations.
8. *Buffer Zone* - means the strip of land adjacent to a lake or natural watercourse.
9. *Commission* - means the North Carolina Sedimentation Control Commission.
10. *Completion of Construction or Development* - means that no further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.
11. *Department* - means the North Carolina Department of Environmental Quality (DEQ).
12. *Director* - means the Director of the Division of Energy Mineral and Land Resources of the Department of Environmental Quality.
13. *Discharge Point or Point of Discharge*- means that point where runoff leaves a tract of land where a land disturbing activity has occurred or enters a lake or natural watercourse.
14. *Energy Dissipator* - means a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.
15. *Erosion* - means the wearing away of land surfaces by the action of wind, water, gravity, or any combination thereof.
16. *Ground Cover* - means any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.
17. *Lake or Natural Watercourse* – means any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond.
18. *Land-disturbing Activity* - means any use of the land by any person in residential, industrial, education, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.
19. *Local Government* - means any county, incorporated village, town or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint

program pursuant to the provisions of the Act.

20. *Natural Erosion* - means the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.
21. *Parent* – means an affiliate that directly, or indirectly through one or more intermediaries, controls another person.
22. *Person* - means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.
23. *Person Conducting the Land-Disturbing Activity* - means any person who may be held responsible for violation unless expressly provided otherwise by this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.
24. *Person Who Violates or Violator* – as used in G.S. 113A-64, means:
 - A. any landowner or other person who has financial or operational control over the land-disturbing activity; or
 - B. who has directly or indirectly allowed the activity, and who has failed to comply with the provisions of the Act, the rules of this Chapter, or any order or local ordinance adopted pursuant the Act, as it imposes a duty upon that person.
25. *Plan* - means an erosion and sedimentation control plan
26. *Program Administrator* – means Town Engineer or Town Engineer's designee
27. *Sediment* - means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.
28. *Sedimentation* - means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.
29. *Siltation* - means sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.
30. *Storm Drainage Facilities* - means the system of inlets, conduits, channels, ditches

and appurtenances which serve to collect and convey storm water through and from a given drainage area.

31. *Stormwater Runoff* - means the runoff of water resulting from precipitation in any form.
32. *Subsidiary* – means an affiliate that is directly, or indirectly through one or more intermediaries, controlled by another person.
33. *Ten-Year Storm* or Q10- means a rainfall of an intensity that, based on historical data, is predicted, by a method acceptable to the approving authority, to be equaled or exceeded, on the average, once in ten years, or the probability (10%) of a storm of this magnitude occurring in any given year and of a duration which will produce the maximum peak rate of runoff from the watershed of interest under average antecedent wetness conditions.
34. *Town* – means the Town of Clayton, NC; both town limits and extra territorial jurisdiction (ETJ)
35. *Tract* - means all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.
36. *Twenty-five Year Storm* or Q25- means a rainfall of an intensity that, based on historical data, is predicted, by a method acceptable to the approving authority, to be equaled or exceeded on the average, once in 25 years, or the probability (4%) of a storm of this magnitude occurring in any given year and of a duration which will produce the maximum peak rate of runoff from the watershed of interest under average antecedent wetness conditions.
37. *Uncovered* - means the removal of ground cover from, on, or above the soil surface.
38. *Undertaken* - means the initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.
39. *Velocity* - means the speed of flow through a cross section perpendicular to the direction of the main channel at the peak flow of the storm of interest but not exceeding bank full flows
40. *Waste* - means surplus materials resulting from on-site land-disturbing activities and being disposed of at other locations.

156.103 – SCOPE AND EXCLUSIONS.

1. *Geographical Scope of Regulated Land-Disturbing Activity.* This ordinance

shall apply to land-disturbing activity within the territorial jurisdiction of the Town and to the extraterritorial jurisdiction of the Town as allowed by agreement between local governments, the extent of annexation or other appropriate legal instrument or law.

2. *Exclusions from Regulated Land-Disturbing Activity.* Notwithstanding the general applicability of this ordinance to all land-disturbing activity, this ordinance shall not apply to the following types of land-disturbing activity:

A. Activities, including the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:

- (i) forage and sod crops, grain and feed crops, tobacco, cotton, and peanuts.
- (ii) dairy animals and dairy products.
- (iii) poultry and poultry products.
- (iv) livestock, including beef cattle, llamas, sheep, swine, horses, ponies, mules, and goats.
- (v) bees and apiary products.
- (vi) fur producing animals.
- (vii) mulch, ornamental plants, and other horticultural products. For purposes of this section, "mulch" means substances composed primarily of plant remains or mixtures of such substances.

B. An activity undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality (Best Management Practices), as adopted by the North Carolina Department of Agriculture and Consumer Services. If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality, the provisions of this ordinance shall apply to such activity and any related land-disturbing activity on the tract.

C. An activity for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statutes.

D. A land-disturbing activity over which the State has exclusive regulatory jurisdiction as provided in G.S. 113A-56(a).

E. An activity which is essential to protect human life during an emergency.

F. Activities undertaken to restore the wetland functions of converted wetlands to provide compensatory mitigation to offset impacts permitted under Section 404 of the Clean Water Act.

G. Activities undertaken pursuant to Natural Resources Conservation Service standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2

3. *Plan Approval Requirement for Land-Disturbing Activity.* No person shall undertake any land-disturbing activity subject to this ordinance without first obtaining a Plan approval from the Town.
4. *Protection of Property.* Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.
5. *More Restrictive Rules Shall Apply.* Whenever conflicts exists between federal, state, or local laws, ordinance, or rules, the more restrictive provision shall apply.
6. *Plan Approval Exceptions.* Notwithstanding the general requirement to obtain a Plan approval prior to undertaking land-disturbing activity, a Plan approval shall not be required for land-disturbing activity that does not exceed 1 acre (43,560 square feet) in surface area. In determining the area, lands under one or diverse ownership being developed as a unit will be aggregated.

156.104 – MANDATORY STANDARDS FOR LAND-DISTURBING ACTIVITY.

No land-disturbing activity subject to the control of this ordinance shall be undertaken except in accordance with the following mandatory standards:

1. Buffer zone

A. *Standard Buffer.* No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty- five percent (25%) of the buffer zone nearest the land-disturbing activity.

- (i) *Projects On, Over or Under Water.* This standard shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.

- (ii) *Buffer Measurement.* Unless otherwise provided, the width of a buffer zone is measured horizontally from the top of bank to the nearest edge of the disturbed area, with the 25 percent of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.
- 2. *Graded Slopes and Fills.* The angle for graded slopes and fills shall be no greater than the angle that can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 14 calendar days of completion of any phase of grading, be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion. The angle for graded slopes and fills must be demonstrated to be stable. Stable is the condition where the soil remains in its original configuration, with or without mechanical constraints.
- 3. *Fill Material.* Unless a permit from the Department's Division of Waste Management to operate a landfill is on file for the official site, acceptable fill material shall be free of organic or other degradable materials, masonry, concrete and brick in sizes exceeding twelve (12) inches, and any materials which would cause the site to be regulated as a
landfill by the State of North
Carolina.
- 4. *Ground Cover.* Whenever land-disturbing activity is undertaken on a tract, the person conducting the land-disturbing activity shall install erosion and sedimentation control devices and practices that are sufficient to retain the sediment generated by the land disturbing activity within the boundaries of the tract during construction and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Provisions for a ground cover sufficient to restrain erosion must be accomplished within 14 calendar days following completion of construction or development if an NCG01 permit is required. Unless where otherwise specified in the Act or the rules of this Chapter, provisions for permanent ground cover sufficient to restrain erosion shall be accomplished within 90 calendar days following completion of construction or development.
- 5. *Prior Plan Approval.* No person shall initiate any land-disturbing activity that will disturb more than one acre on a tract unless, thirty (30) or more days prior to initiating the activity, a Plan for the activity is filed with and approved by the Town. The land-disturbing activity may be initiated and conducted in accordance with the plan once the plan has been approved.
- 6. *De-watering.* The Town shall forward to the Director of the Division of Water

Resources a copy of each Plan for a land-disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract.

7. The land-disturbing activity shall be conducted in accordance with the approved erosion and sedimentation control plan.
8. All individuals that obtain a State or locally-approved erosion and sedimentation control plan that disturb one acre or more of land are required by the U.S. Environmental Protection Agency to obtain coverage under the N.C. Department of Environmental Quality Construction General Permit No. NCG010000 (NCG01). The requirements in NCG01 for temporary or permanent ground cover may differ from the ground cover, or stabilization, requirements in this Chapter. It is the responsibility of the person conducting the land-disturbing activity to ensure compliance with the NCG01.

156.105 – EFFECTIVE DATE.

This ordinance becomes effective on January 1, 2021.

156.106 – SEVERABILITY.

If any section or section or sections of this ordinance is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

ARTICLE 2 - EROSION AND SEDIMENTATION CONTROL PLANS

156.200 - PLAN SUBMISSIONS.

A Plan shall be prepared for all land-disturbing activities subject to this ordinance whenever the proposed activity will disturb more than one acre on a tract. Plans should be submitted per current Town standard procedures and policies.

156.201 - FINANCIAL RESPONSIBILITY and OWNERSHIP.

1. Plans shall be disapproved unless accompanied by an authorized statement of financial responsibility and ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or his attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of (1) the person financially responsible, (2) the owner of the land, and (3) any registered agents. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the Plan, the Act, this ordinance, or rules or orders adopted or issued pursuant to this ordinance. Except as provided in subsections 156.202 *Utilities* and

156.210 *Transfers* of this section, if the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land-disturbing activity.

2. Plans shall be disapproved unless accompanied by documentation of property ownership.

156.202 - UTILITIES.

If the applicant is not the owner of the land to be disturbed and the anticipated land-disturbing activity involves the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, the draft erosion and sedimentation control plan may be submitted without the written consent of the owner of the land, so long as the owner of the land has been provided prior notice of the project.

156.203 - SURETY.

A surety will be required in the form of a performance bond or a letter of credit. The surety will ensure that stabilization of the site is achieved throughout the disturbed area in the event the contractor is unable to complete the project and shall be paid to the Town prior to the issuance of the land disturbance (grading) permit. The surety shall be equal to \$1500/acre of land disturbance rounded to the nearest ½ acre. This surety will be released once a certificate of completion is issued by the Town. A certificate of completion will be provided when the site is stabilized with a sufficient amount of ground cover to prevent erosion, or permanent mow-able planting with 100 coverage and 80 percent growth with no large bare patches. The Town may cash the surety if the site is issued a continuing violation notice for ground stabilization.

156.204 - ENVIRONMENTAL POLICY ACT DOCUMENT.

Any Plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environment Policy Act (G.S. 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. The Town shall promptly notify the person submitting the Plan that the 30-day time limit for review of the Plan pursuant to this ordinance shall not begin until a complete environmental document is available for review.

156.205 - CONTENT.

The Plan required by this section shall contain architectural or engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with the

requirements of this ordinance. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for Plan preparation may be obtained from the Town on request.

156.206 - TIMELINE for DECISIONS on PLANS.

The Town will review each complete Plan submitted to them and within 30 days of receipt thereof will notify the person submitting the Plan that it has been approved, approved with modifications, or disapproved. Failure to approve, approve with modifications, or disapprove a complete Plan within 30 days of receipt shall be deemed approval. The Town of Clayton will review each revised Plan submitted to them and within 15 days of receipt thereof will notify the person submitting the Plan that it has been approved, approved with modifications, or disapproved. Failure to approve, approve with modifications, or disapprove a revised Plan within 15 days of receipt shall be deemed approval.

156.207 – APPROVAL.

The Town shall only approve a Plan upon determining that it complies with all applicable State and local regulations for erosion and sedimentation control. Approval assumes the applicant's compliance with the federal and state water quality laws, regulations and rules. The Town shall condition approval of Plans upon the applicant's compliance with federal and state water quality laws, regulations and rules. Plan approval is contingent on land-disturbing activity commencing within a year of permit issuance. If after a year no land disturbing activity has occurred, permit and plan approval shall be void. Once the land disturbance (grading) activity has commenced, the permit is valid for 2 years from the date of commencement. Permit renewal is required if the project has not been completed by the 2 year expiration date and is valid for an additional year from original expiration date previously established with the commencement of the land disturbance. The permit renewal application must be submitted prior to expiration of the original permit, otherwise, a new plan submittal and permit shall be required. The permit renewal fee is listed in the Town's Fee Schedule.

156.208 - DISAPPROVAL for CONTENT.

The Town may disapprove a Plan or draft Plan based on its content. A disapproval based upon a Plan's content must specifically state in writing the reasons for disapproval.

156.209 - OTHER DISAPPROVALS.

The Town shall disapprove an erosion and sedimentation control plan if implementation of the plan would result in a violation of rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters. The Town may disapprove an erosion and sedimentation control plan or disapprove a transfer of a plan under subsection

156.210 Transfers of this section upon finding that an applicant or a parent,

subsidiary, or other affiliate of the applicant:

- (A) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or the Town pursuant to this Article and has not complied with the notice within the time specified in the notice.
- (B) Has failed to pay a civil penalty assessed pursuant to this Article or a local ordinance adopted pursuant to this Article by the time the payment is due.
- (C) Has been convicted of a misdemeanor pursuant to G.S. 113A-64(b) or any criminal provision of a local ordinance adopted pursuant to this Article.
- (D) Has failed to substantially comply with State rules or local ordinances and regulations adopted pursuant to this Article.

In the event that an erosion and sedimentation control plan or a transfer of a plan is disapproved by the Town pursuant to subsection *156.209 Other Disapprovals* of this section, the local government shall so notify the Director of the Division of Energy, Mineral, and Land Resources within 10 days of the disapproval. The Town shall advise the applicant or the proposed transferee and the Director in writing as to the specific reasons that the plan was disapproved. Notwithstanding the provisions of Section 156.210(1), the applicant may appeal the local government's disapproval of the plan directly to the Commission.

For purposes of this subsection, an applicant's record or the proposed transferee's record may be considered for only the two years prior to the application date.

156.210 – PLAN APPEALS.

1. The appeal of a disapproval or approval with modifications of a Plan shall be governed by the following provisions:
 - A. The disapproval or modification of any proposed Plan by the Town, shall entitle the person submitting the Plan to a public hearing if such person submits written demand for a hearing to the Town Clerk within 15 days after receipt of written notice of disapproval or modifications.
 - B. A hearing held pursuant to this section shall be conducted by the Town Council, within 30 days after the date of the request for a hearing.
 - C. The Town Council shall make recommendations to the Program Administrator, within 30 days after the date of the hearing on any Plan.

D. The Program Administrator, will render its final decision on any Plan within 15 days of receipt of the recommendations from the Town Council.

E. If the Town upholds the disapproval or modification of a proposed Plan following the hearing, the person submitting the Plan shall then be entitled to appeal the Town's decision to the Commission as provided in G.S. 113A-61(c) and 15A NCAC 4B .0118(d)

2. In the event that a Plan is disapproved pursuant to 156.209 *Other Disapprovals* of this ordinance, the applicant may appeal the Town's disapproval of the Plan directly to the Commission.

156.211 - TRANSFERS.

The Town administering an erosion and sedimentation control program may transfer an erosion and sedimentation control plan approved pursuant to this section without the consent of the plan holder to a successor-owner of the property on which the permitted activity is occurring or will occur as provided in this subsection.

1. The Town may transfer a plan if all of the following conditions are met:

A. The successor-owner of the property submits to the local government a written request for the transfer of the plan and an authorized statement of financial responsibility and ownership.

B. The Town finds all of the following:

i. The plan holder is one of the following:

a. A natural person who is deceased.

b. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved.

c. A person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.

d. A person who has sold the property on which the permitted activity is occurring or will occur.

ii. The successor-owner holds title to the property on which the permitted activity is occurring or will occur.

- iii. The successor-owner is the sole claimant of the right to engage in the permitted activity.
 - iv. There will be no substantial change in the permitted activity.
- 2. The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.
 - 3. The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.
 - 4. Notwithstanding changes to law made after the original issuance of the plan, the Town may not impose new or different terms and conditions in the plan without the prior express consent of the successor-owner. Nothing in this subsection shall prevent the Town from requiring a revised plan pursuant to G.S. 113A-54.1(b).

156.212 - NOTICE of ACTIVITY INITIATION.

No person may initiate a land-disturbing activity before notifying the agency that issued the Plan approval of the date that land-disturbing activity will begin.

156.213 - PRECONSTRUCTION CONFERENCE.

When deemed necessary by the Town a preconstruction conference may be required and shall be noted on the approved plan.

156.214 - DISPLAY of PLAN APPROVAL.

A Plan approval issued under this article shall be prominently displayed at either the primary entrance of the job site or at another location that is observable to the public and inspectors until all construction is complete, all permanent sedimentation and erosion control measures are installed, and the site has been stabilized. A paper copy of the approved plan shall be kept on file at the job site.

156.215 - REQUIRED REVISIONS.

After approving a Plan, if the Town, either upon review of such Plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Town shall require a revised Plan. Pending the preparation of the revised Plan, work shall cease or shall continue under conditions outlined by the appropriate authority. If following commencement of a land-disturbing activity pursuant to an approved Plan, the Town determines that the Plan is inadequate to meet the requirements of

this ordinance, the Town may require any revision of the Plan that is necessary to comply with this ordinance.

156.216 – AMENDMENT to a PLAN.

Applications for amendment of a Plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the Town, the land-disturbing activity shall not proceed except in accordance with the Plan as originally approved.

156.217 – FAILURE to FILE a PLAN.

Any person engaged in land-disturbing activity who fails to file a Plan in accordance with this ordinance, or who conducts a land-disturbing activity except in accordance with provisions of an approved Plan shall be deemed in violation of this ordinance.

156.218 – FEES.

Fees for review and approval of plans and permits are determined by the, Town's current fee schedule.

ARTICLE 3 – INSPECTIONS

156.300 - SELF INSPECTIONS.

1. The landowner, the financially responsible party, or the landowner's or the financially responsible party's agent shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with G.S. 113A-57(2). In addition, weekly and rain-event self- inspections are required by federal regulations that are implemented through the NPDES Construction General Permit No. NCG 010000. The person who performs the inspection shall maintain and make available a record of the inspection at the site of the land- disturbing activity. The record shall set out any significant deviation from the approved erosion control plan, identify any measures that may be required to correct the deviation, and document the completion of those measures. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan. The inspections required by this subsection shall be in addition
to inspections required by G.S. 113A-61.1.
2. Where inspections are required by 156.300(1) of this Chapter or G.S. 113A-54.1(e), the following apply:
 - A. The inspection shall be performed during or after each of the following phases of a

plan:

- i. installation of all erosion and sediment control measures;
- ii. clearing and grubbing of existing ground cover;
- iii. completion of any grading that requires ground cover;
- iv. completion of storm drainage facilities;
- v. completion of all land-disturbing activities, construction, or development, including permanent ground cover establishment and removal of all temporary measures;
- vi. quarterly until the establishment of permanent ground cover sufficient to restrain erosion
- vii. transfer of ownership or control of the tract of land where the erosion and sedimentation control plan has been approved and work has begun. The new owner or person in control shall conduct and document inspections until the project is permanently stabilized as set forth in sub-item iii above.

B. Documentation of self-inspections shall include:

- i. Visual verification of ground stabilization and other erosion control measures and practices as called for in the approved plan;
- ii. Verification by measurement of settling basins, temporary construction entrances, energy dissipators, and traps.
- iii. The name, address, organization affiliation, telephone number, and signature of the person conducting the inspection and the date of the inspection shall be included, whether on a copy of the approved erosion and sedimentation control plan or an inspection report. A template for an example of an inspection and monitoring report is provided on the DEMLR website at: <https://deq.nc.gov/about/divisions/energy-mineralland-resources/erosion-sediment-control/forms>. Any relevant licenses

and certifications may also be included. Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site.

- iv. A record of any significant deviation from any erosion or sedimentation control measure from that on the approved plan. For the purpose of this Rule, a "significant deviation" means an omission, alternation, or relocation of an erosion or sedimentation control measure that prevents it from performing as intended. The record shall include measures required to correct the significant deviation, along with documentation of when those measures were taken. Deviations from the approved plan may also be recommended to enhance the intended performance of the sedimentation and erosion control measures.

156.301 – OTHER INSPECTIONS AND INVESTIGATIONS.

1. *Inspection.* Agents, officials, or other qualified persons authorized by the Town, will periodically inspect land-disturbing activities to ensure compliance with the Act, this ordinance, or rules or orders adopted or issued pursuant to this ordinance, and to determine whether the measures required in the Plan are effective in controlling erosion and sedimentation resulting from land-disturbing activity. Notice of the right to inspect shall be included in the certificate of approval of each Plan.
2. *Willful Resistance, Delay or Obstruction.* No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the Town, while that person is inspecting or attempting to inspect a land-disturbing activity under this section.
3. *Notice of Violation.* If the Town determines that a person engaged in land-disturbing activity has failed to comply with the Act, this ordinance, or rules, or orders adopted or issued pursuant to this ordinance, a notice of violation shall be served upon that person. The notice may be served by any means authorized under GS 1A-1, Rule 4. The notice shall specify a date by which the person must comply with the Act, or this ordinance, or rules, or orders adopted pursuant to this ordinance, and inform the person of the actions that need to be taken to comply with the Act, this ordinance, or rules or orders adopted pursuant to this ordinance. Any person who fails to comply within the time specified is subject to additional civil and criminal penalties for a continuing violation as provided in G.S. 113A-64 and this ordinance. If the person engaged in the land-disturbing activity has not received a previous notice of violation under this section, the Town shall deliver the notice of violation in person and shall offer assistance in developing corrective measures. Assistance may be provided by referral to a technical assistance program in the Department, referral to a cooperative extension program, or by the provision of written materials such as Department guidance documents. If the Town is unable to deliver the notice of violation in person within 15 days following discovery of the violation, the notice

of violation may be served in the manner prescribed for service of process by G.S. 1A-1, Rule 4, and shall include information on how to obtain assistance in developing corrective measures.

4. *Investigation.* The Town, shall have the power to conduct such investigation as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and who presents appropriate credentials for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land-disturbing activity.
5. *Statements and Reports.* The Town shall also have the power to require written statements, or filing of reports under oath, with respect to pertinent questions relating to land-disturbing activity.

ARTICLE 4 – BASIC CONTROL OBJECTIVES

156.400 – OBJECTIVES.

An erosion and sedimentation control Plan may be disapproved if the Plan fails to address the following control objectives:

1. *Identify Critical Areas* - On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.
2. *Limit Time of Exposure* - Limit exposure to the shortest time specified in G.S. 113A-57, the rules of this Chapter, or as directed by the approving authority
3. *Limit Exposed Areas* - All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.
4. *Control Surface Water* - Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.
5. *Control Sedimentation* - All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage.
6. *Manage Storm Water Runoff* - Plans shall be designed so that any increase in velocity of stormwater runoff resulting from a land-disturbing activity will not result in accelerated erosion of the receiving stormwater conveyance or at the point of discharge. Plans shall include measures to prevent accelerated erosion within the project boundary and at the point of discharge.

ARTICLE 5 – DESIGN AND PERFORMANCE STANDARDS

156.500 – DESIGN and PERFORMANCE STANDARDS.

1. Erosion and sedimentation control measures, structures, and devices shall be planned, designed, and constructed to provide protection from the runoff of a 10-year storm that produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture, Natural Resources Conservation Service's "National Engineering Field Handbook 630 (Handbook 630)." This document is herein incorporated by reference including subsequent amendments and editions, and may be accessed at no cost at <https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/water/manage/hydrology/?cid=stelprdb1043063>. Other methodologies may be used if based on generally accepted engineering standards that are shown to be equivalent to or improved over the procedures in Handbook 630. The approving authority shall determine acceptability of an alternative methodology based upon a showing that the runoff model used was based on observed data in agreement with the predictive model.
2. The Sedimentation Control Commission and DEQ have created and adopted a *North Carolina Erosion and Sedimentation Control Planning and Design Manual* describing recommended sedimentation control techniques for construction activities. This is an acceptable resource for design of the erosion control plan.

ARTICLE 6 – STORMWATER OUTLET PROTECTION

156.600 - INTENT.

Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity.

156.601 - PERFORMANCE STANDARD.

1. Persons shall conduct land-disturbing activity so that the post construction velocity of the 10-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:
 - A. the velocity established by the Maximum Permissible Velocities Table set out within this subsection; or
 - B. the velocity of the ten-year storm runoff in the receiving watercourse prior to development.
2. If condition (A) or (B) of this Paragraph cannot be met, then the receiving watercourse to

and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the “prior to development” velocity by 10%.

3. TABLE 1 - Maximum Permissible Velocities**:

<u>Material</u>	F.P.S. (feet per second)	M.P.S. (meters per second)
Fine sand (noncolloidal)	2.5	0.8
Sandy loam (noncolloidal)	2.5	0.8
Silt loam (noncolloidal)	3.0	0.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal)	5.0	1.5
Graded, silt to cobbles (Colloidal)	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

** Source - Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

156.602 - ACCEPTABLE MANAGEMENT MEASURES.

Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. The Town recognizes that the management of storm water runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives, while not exhaustive, are to:

1. Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;
2. Avoid increases in storm water discharge velocities by using vegetated or roughened swales and waterways in place of closed drains and high velocity paved sections:

3. Provide energy dissipators at outlets of storm drainage facilities to reduce flow velocities to the point of discharge;
4. Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining; and
5. Upgrade or replace the receiving device structure, or watercourse such that it will receive and conduct the flow to a point where it is no longer subject to degradation from the increased rate of flow or increased velocity.

156.603 - EXCEPTIONS.

This rule shall not apply where it can be demonstrated to the Town that storm water discharge velocities will not create an erosion problem in the receiving watercourse.

ARTICLE 7 – OTHER DISTURBED AREAS

156.700 – BORROW AND WASTE AREAS.

If the same person conducts the land-disturbing activity and any related borrow or waste activity, the related borrow or waste activity shall constitute part of the land-disturbing activity, unless the borrow or waste activity is regulated under the Mining Act of 1971, G.S. 74, Article 7, or is a landfill regulated by the Division of Waste Management. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same person, they shall be considered by the approving authority as separate land-disturbing activities.

156.701 – ACCESS AND HAUL ROADS.

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

ARTICLE 8 – NATURAL FEATURES

156.800 – OPERATIONS IN LAKES AND NATURAL WATERCOURSES.

Land disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall minimize the extent and duration of disruption of the stream channel. Where relocation of a stream forms an essential part of the proposed activity, the relocation shall minimize changes in the stream flow characteristics. Permits shall be obtained by other regulatory authorities, such as DEQ and USACE, when applicable and prior to issuance of grading permit from the Town.

ARTICLE 9 – MAINTENANCE

156.900 – RESPONSIBILITY FOR MAINTENANCE.

During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provision of this Ordinance, the Act, or any order adopted pursuant to this ordinance or the Act. After site development, the landowner or person in possession or control of the land shall maintain all necessary permanent stormwater post-construction measures per the Town's NPDES Phase 2 permit, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

156.901 – ADDITIONAL MEASURES.

Whenever the Town, determines that accelerated erosion and sedimentation continues despite the installation of protective practices, they shall direct the person conducting the land-disturbing activity to take additional protective action necessary to achieve compliance with the conditions specified in the Act or its rules.

ARTICLE 10 – PENALTIES AND INJUNCTIVE RELIEF

156.1000 – CIVIL PENALTIES.

1. *Civil Penalty for a Violation.* Any person who violates any of the provisions of this ordinance, or rule or order adopted or issued pursuant to this ordinance, or who initiates or continues a land-disturbing activity for which a Plan is required except in accordance with the terms, conditions, and provisions of an approved Plan, is subject to a civil penalty. The maximum civil penalty amount that the Town may assess per violation is five thousand dollars (\$5,000.00). A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. When the person has not been assessed any civil penalty under this subsection for any previous violation, and that person abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this subsection for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is twenty-five thousand dollars (\$25,000).
2. *Environmental Impacts.* In addition to the civil penalties provided with the Town's Fee Schedule, the Plan Administrator may assess a one-time civil penalty of \$5,000.00 on the day of the violation for off-site sedimentation damage especially in the case of damage to a body of water, wetlands or buffer. Moreover, any malicious or intentional destruction of silt fencing or other sedimentation and erosion control device will result in a one-time fine of up to \$1,000.00.

3. *Repeat Offender.* An additional civil penalty of \$1,000.00 per day shall be charged to any person assessed a civil penalty for any violation of this chapter within the prior two years. A person may be assessed a civil penalty from the date the violation is detected if the deadline stated is not met. Each day of a continuing violation shall constitute a separate violation.
4. *Civil Penalty Assessment Factors.* The Program Administrator shall determine the amount of the civil penalty based upon the following factors:
 - A. the degree and extent of harm caused by the violation,
 - B. the cost of rectifying the damage,
 - C. the amount of money the violator saved by noncompliance,
 - D. whether the violation was committed willfully, and
 - E. the prior record of the violator in complying or failing to comply with this ordinance.
5. *Notice of Civil Penalty Assessment.* The Program Administrator shall provide notice of the civil penalty amount and basis for assessment to the person assessed. The notice of assessment shall be served by any means authorized under G.S. 1A-1, Rule 4. A notice of assessment by the Town shall direct the violator to either pay the assessment, contest the assessment within 30 days by filing a petition for hearing with the Town or file a request with the Sedimentation Control Commission for remission of the assessment within 60 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the North Carolina General Statutes and a stipulation of the facts on which the assessment was based.
6. *Final Decision.* The final decision on contested assessments shall be made by the Town Council in accordance with this ordinance
7. *Appeal of Final Decision.* Appeal of the final decision by Town Council shall be to the Superior Court of Johnston County. Such appeals must be made within 30 days of the final decision of the Town Council.
8. *Remission of Civil Penalties.* A request for remission of a civil penalty imposed under G.S. 113A-64 may be filed with the Town Council within 60 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the General Statutes 31 and a stipulation of the facts on which the assessment was based. The following factors shall be considered in determining whether a civil penalty remission request will be approved:
 - A. Whether one or more of the civil penalty assessment factors in G.S. 113A-64(a)(3) were wrongly applied to the detriment of the petitioner.

- B. Whether the petitioner promptly abated continuing environmental damage resulting from the violation.
 - C. Whether the violation was inadvertent or a result of an accident.
 - D. Whether the petitioner had been assessed civil penalties for any previous violations.
 - E. Whether payment of the civil penalty will prevent payment for necessary remedial actions or would otherwise create a significant financial hardship.
 - F. The assessed property tax valuation of the petitioner's property upon which the violation occurred, excluding the value of any structures located on the property.
9. *Collection.* If payment is not received within 60 days after it is due, the Town may institute a civil action to recover the amount of the assessment. The civil action may be brought in the Johnston County Superior Court, or the County Superior Court of the violator's residence or principal place of business. Such civil actions must be filed within three (3) years of the date the assessment was due. An assessment that is not contested and a remission that is not requested is due when the violator is served with a notice of assessment. An assessment that is contested or a remission that is requested is due at the conclusion of the administrative and judicial review of the assessment.
10. *Credit of Civil Penalties.* The clear proceeds of civil penalties collected by the Town under this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. Penalties collected by the Town may be diminished only by the actual costs of collection. The collection cost percentage to be used shall be established and approved by the North Carolina Office of State Budget and Management on an annual basis, based upon the computation of actual collection costs by the Town for the prior fiscal year.

156.1001 – CRIMINAL PENALTIES.

Any person who knowingly or willfully violates any provision of this ordinance, or rule or order adopted or issued by the Commission or the Town or who knowingly or willfully initiates or continues a land-disturbing activity for which a Plan is required except in accordance with the terms, conditions, and provisions of an approved Plan, shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed \$5,000 as provided in G.S. § 113A-64.

156.1002 – INJUNCTIVE RELIEF.

1. *Violation of Local Program.* Whenever the Program Administrator has reasonable cause to believe that any person is violating or threatening to violate any ordinance, rule, regulation or order adopted or issued by the Town, or any term, condition, or provision of an approved Plan, it may, either before or after the institution of any other action or proceeding authorized by this ordinance, institute a civil action in the name of the Town, for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Johnston County Superior Court.
2. *Abatement of Violation.* Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this ordinance.

156.1003 – RESTORATION AFTER NON-COMPLIANCE.

The Town, may require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. 113A-57 (3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this ordinance.

This Ordinance will become effective January 1, 2021.

Duly adopted this the 21st 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 21, 2020

Agenda Location

Old Business

Item Title

Fire Department Ladder Truck

Presenter

Clayton Fire Chief Lee Barbee

Summary/Description

During the FY 20-21 budget meeting, Council requested more details regarding a ladder truck purchase for the Fire Department. Included in this cover sheet and in the packet is research information regarding the need and capabilities. It is one budget item that for 23 years – nearly a quarter-century – has been listed as a NEED for the Town of Clayton. On two separate occasions, staff and Council discussed purchasing a used ladder truck and on two separate occasions the Town deferred that opportunity. Fire Department leaders feel we have finally reached a crucial time when circumstances no longer allow that NEED to be downplayed, creatively compensated for, or sidelined for yet another year. This is budget request that without, fire leaders feel the safety of our residents and community is at stake.

Since 1997, the Town has been on notice that a ladder truck should be included in our list of capital projects. Clayton is the fastest growing Town in Johnston County, with residential, commercial and industrial growth exploding even more in the past decade and a half. Apartment buildings, pharmaceutical facilities and commercial structures have been built and more are on the horizon. In the most recent Planning staff discussions and Technical Review processes, new hotel and high-rise residential complexes are already being submitted. We may be in the middle of a pandemic, but the development community in Clayton is not slowing down.

Smaller communities all around us have ladder trucks, including one in Selma, two in Smithfield, one in Four Oaks and one in the Cleveland district. And while the lack of a ladder truck in Clayton has become a running joke, the Clayton Fire Department is proud of how they have innovated ways to compensate for the absence of that apparatus. Instead of obtaining a ladder truck, Clayton became one of the first area fire departments to push for fire sprinklers, well before the building code updates that now require fire sprinklers. Amelia Gardens Apartments and the Village Gardens apartments were early examples. That, in itself, is a success story for the Clayton community, not only for fire safety but in saving taxpayer dollars by delaying the purchase of a ladder truck in the 1990's. Instead of purchasing a ladder truck, we worked hard to build great relationships with our neighboring fire departments. We collaborated with neighboring towns outside of our county to utilize a staffed-ladder company through mutual aid agreements. These mutual aid agreements included the Raleigh Fire Department for Ladder #26, the Garner Fire Department for Ladder #1, and the Cleveland Fire Department now responds with their ladder truck. And we've had numerous fires over the years where this mutual aid with a ladder truck was crucial.

While commendable, those stop-gap measures are becoming less reliable. Our mutual aid communities are growing themselves and their availability due to call volume is becoming less dependable. The dependency of "other district" ladder trucks is not a recommended practice due to our specific needs and percentage of incidents. Other in-county departments do not have dedicated staff for their ladder trucks, which can result in delayed and/or limited response. We may have to work 30 minutes before a ladder truck can arrive, that's 30 minutes where 10+ personnel, two fire engines and multiple, large flow hose lines must work to achieve the same water flow rate that just one ladder truck can achieve. A ladder truck makes accessing upper levels or the roof of a building much safer for our firefighters AND for those needing to be rescued from upper floors and balconies.

In addition to the safety and response improvements, a dedicated ladder also brings insurance savings. We have lost all insurance benefits for our citizens from the ladder truck mutual aid agreements. Under new NC Department of Insurance rating inspection criteria, Clayton and Claytex no longer receive fire insurance rating credits for any of the five ladder trucks within our county, nor do we receive any credits for those ladder agreements in Raleigh or Garner outside our county. At a time when COVID-19 restrictions have significantly impacted local businesses and industry, the addition of a ladder truck in the Claytex district would bring economic benefit and insurance premium savings to these businesses.

But again, it is our own growth that has predominantly pushed us to a critical need level. In our last state insurance inspection in 2012, we had well over 72 buildings that met or exceeded the criteria for a ladder truck response. More than 50 of those structures were over three stories. That number has only increased. In fact, based on the 2012 rating inspection and growth since then, we now meet the department requirements for MORE than TWO ladder trucks. Our next rating inspection is due at the end of this year/beginning of next year, and while COVID-19 may cause some delays, our 5-year inspection is on the very near horizon, nonetheless.

The 2018 Fire Services Study that has been presented to Town Council stated that a ladder truck was a HIGH priority. That study noted the “significant need” to add an aerial ladder truck and used insurance standards to conclude that the Town “is overdue to add this level of fire protection coverage.” Furthermore, the Clayton Fire Department 2019 Annual Report provides valuable Ladder Need information for our response area and includes information provided from the 2018 Growth Study.

We have numerous times discussed the funding for a ladder truck. It would be paid for from the Town of Clayton/Claytex Fire District. It was last deferred until the FY 21-22/FY22- 23 at a cost of \$1,970,625.00. Additional funding could come from local industries in the Claytex Fire District with a 3% year-over-year increase.

In conclusion, we are at a crossroads for future development. Staff and Town leaders spent an entire Council retreat discussing how we want to grow and focused significant time on how that growth continues to put tremendous pressure on the Fire Department to keep up the tremendous level of service our community has come to expect. We know that growth can bring tremendous value to Clayton and we have worked with other Town departments to accommodate that growth and the new developments, even signing letters for builders/developers to be granted special uses for structures exceeding the maximum allowable heights. Our Fire Chief, who has dedicated his life and 40+ years of his career to the Clayton community, no longer feel comfortable offering any type of letter to support this additional growth until a ladder truck can be purchased and be placed in operation. He is stated that not only for the safety of his fire staff but the safety of the community.

Requested Action

Approval/Denial

Funding Source (If Applicable):

Clayton/Claytex- Financing

Cost: N/A Yes ☒ No ☐

Additional Documents to be Included in Agenda Packet

Also included is a price quote based on a ladder truck delivered to Pineville, NC Fire Department with Clayton modifications. Build/delivery time would be 11-12 months. Financing options and prepay discount attached.

Meeting Timeline

Click or tap here to enter text.

Term Proposal
September 4, 2020



Jack Jackson
144 Freedom Blvd
Yorktown, VA 23692
(757) 234-7424

Town of Clayton, NC

Freedom Financial is pleased to present the following term sheet. Lease-Purchase terms are for discussion purposes only and subject to acceptance of financial documentation and credit approval. Please note that rates are not locked and are subject to adjustment at time of transaction funding date. Lease-Purchase must qualify for Federal Income Tax Exempt status for the lessee.

Equipment: (1) Pierce Custom Tower
Unit Cost: \$1,792,242
Down Payment: \$0
Amount Financed: \$1,792,242
Frequency of Payments: Annual
First Payment Due: (1) Year after Loan Commencement

Term:	10 Years	12 Years	15 Years
Payments:	\$202,294.63	\$173,605.70	\$146,080.97
Rate:	2.26%	2.39%	2.62%

**Interest rates are fixed for all options.*

Freedom Financial is providing this information for discussion purposes only in anticipation of engaging in a commercial, arm's length transaction. Freedom Financial is not acting as a municipal advisor, financial advisor or fiduciary to any person or entity. Please consult with your own legal, accounting, tax, financial, and other advisors to the extent you deem appropriate.



Proposal Option List

9/2/2020

Customer: Town of Clayton
Representative: Rawls, Becky
Organization: Atlantic Emergency Solutions, Inc
Requirements Manager:
Description: Clayton FD Tower Arrow XT 090220
Body: Aerial, 100AAT, Alum Body
Chassis: Arrow XT Chassis, 100AAT

Bid Number: 1108
Job Number:
Number of Units: 1
Bid Date: 09/25/2020
Stock Number:
Price Level: 39 (Current: 39)
Lane:

Line	Option	Type	Option Description	Qty
1	0769372		Boiler Plates, 100AAT Fire Department/Customer - PINEVILLE FIRE DEPT. Operating/In conjunction W-Service Center - Operating Miles - 25 Miles Number of Fire Dept/Municipalities - 5 Bidder/Sales Organization - ATLANTIC EMERGENCY SOLUTIONS Delivery - Delivery representative Dealership/Sales Organization, Service - ATLANTIC EMERGENCY SOLUTIONS	1
2	0018180		Single Source Compliance, Aerials	1
3	0584456		Manufacture Location, Appleton, Wisconsin	1
4	0584452		RFP Location: Appleton, Wisconsin	1
5	0588609		Vehicle Destination, US	1
6	0610784		Comply NFPA 1901 Changes Effective Jan 1, 2016, With Exceptions	1
7	0533351		Quint Fire Apparatus	1
8	0588612		Vehicle Certification, Aerial w/Pump	1
9	0681278		Agency, Apparatus Certification, Aerial w/Pump, U.L.	1
10	0093797		PENALTY CLAUSE IN CONTRACT Penalty Clause Details - The dealer prime contract includes a Pierce approved penalty clause. The penalty for late delivery is \$100 per day to begin 18 months after date of executed contract.	1
11	0000114		Inspection Trip(s) Qty, - 02 Fill in Blank - four Pineville FD personnel per trip	2
12	0536644		Customer Service Website	1
13	0620362		Consortium, HGAC	1
14	0537375		Unit of Measure, US Gallons	1
15	0030006		Bid Bond Not Requested	1
16	0050066		Performance Bond, 100% Req'd (Statement by Rep) **	1
17	0000007		Approval Drawing	1
18	0002928		Electrical Diagrams	1
19	0771623		Arrow XT Chassis, 100AAT	1
20	0000110		Wheelbase Wheelbase - 271.00	1
21	0000070		GVW Rating GVW rating - 78,000	1
22	0000203		Frame Rails, 13.38 x 3.50 x .375, Qtm/AXT/Imp/Vel/DCF	1
23	0756544		Frame Liner, Internal "C" 12.50" x 3.00" x .25", Full Length, 57"Q, 100AAT	1
24	0767040		Axle, Front, Oshkosh TAK-4, Non Drive, 24,000 lb, AXT, 100AAT	1
25	0090914		Suspension, Front TAK-4, 24,000 lb, DLX/Qtm/AXT/Vel/Enf	1
26	0087572		Shock Absorbers, KONI, TAK-4, Qtm/AXT/Imp/Vel/DCF/Enf	1
27	0000322		Oil Seals, Front Axle	1
28	0582746		Tires, Front, Goodyear, G296 MSA, 445/65R22.50, 20 ply	1
29	0019618		Wheels, Front, Alcoa, 22.50" x 13.00", Aluminum, Hub Pilot	1
30	0754914	SP	Axle, Rear, Oshkosh TAK-4 T3, 52,000 lb, Rear Steer, 2 Axle, 100AAT, VEL/AXT	1
31	0544244		Top Speed of Vehicle, 60 MPH	1
32	0644945		Suspen, Rear, Oshkosh TAK-4, Independent, 52,000 lb	1
33	0000485		Oil Seals, Rear Axle	1
34	0618521		Driver Controlled Differential Locks, Both Axles, Oshkosh TAK-4 IRS/T3 Tandem	1
35	0639314		Tires, Rear, Goodyear, G296 MSA, 445/65R22.5, 20 ply,(AWS/IRS),TandemFS	1
36	0693622		Load Rat Wheels, Rear, 22.50" x 13.00", Steel, Hub Pilot, Tandem, AWS/IRS	1

9/2/2020 2:32 PM

Bid #: 1108

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Line	Option	Type	Option Description	Qty
37	0568081		Tire Balancing, Counteract Beads	1
38	0620569		Tire Pressure Monitoring, RealWheels, AirSecure, Valve Cap, Tandem Axle	1
			Qty, Tire Pressure Ind - 10	
39	0003245		Axle Hub Covers w/center hole, S/S, Front Axle	1
40	0057936		Covers, Lug Nut, Chrome	1
41	0691196		Extender, Valve Stem, 180 Degree, Tandem Axle, Two Pair	1
42	0002045		Mud Flap, Front and Rear, Pierce Logo	1
43	0766669		Chocks, Wheel, SAC-44-E, Folding, 100AAT	1
			Qty, Pair - 01	
44	0766668		Mounting Brackets, Chocks, SAC-44-E, Folding, Horizontal, 100AAT	1
			Qty, Pair - 01	
			Location, Wheel Chocks - Left Side Rear Tire, Rearward	
45	0010673		ABS Wabco Brake System, Tandem Rear Axle	1
46	0030185		Brakes, Knorr/Bendix 17", Disc, Front, TAK-4	1
47	0581433		Brakes, Bendix, Cam, Rear, 16.50 x 7.00"	1
48	0020784		Air Compressor, Brake, Cummins/Wabco 18.7 CFM	1
49	0000789		Brake Reservoirs, Five	1
50	0587033		Air Dryer, Brake, AD-9 w/heat, 2010	1
51	0000790		Brake Lines, Nylon	1
52	0000854		Air Inlet, w/Disconnect Coupling	1
			Location, Air Coupling(s) - a) DS Step Well, Forward	
			Qty, Air Coupling (s) - 1	
53	0586772		Box, Recessed, Alum Treadplate, for Air Fitting	1
			Location - DS lower front step well	
			Qty, Air Coupling (s) - 1	
54	0070810		All Wheel Lockup (Aerial/Tanker Chassis)	1
55	0061683		Compressor, Air, Kussmaul 091-9HP 120V Brake Sys	1
			Location - behind driver seat	
56	0033413		Label, Chassis Air Tanks, Stick-On, Maximum of Seven	1
57	0674795		Color Code, Air Tanks, Painted Black, Green, Blue, Yellow	1
58	0055486		Drain, Remote Air Tank, w/Pull Cable, All Tanks	1
59	0612549		Fittings, Compression Type, Entire Apparatus, Tandem Rear Axle	1
60	0736396		Engine, Cummins X15, 600 hp, 1850 lb-ft, W/OBD, EPA 2021, AXT	1
61	0001244		High Idle w/Electronic Engine, Custom	1
62	0687994		Engine Brake, Jacobs Compression Brake, Cummins Engine	1
			Switch, Engine Brake - e) ISC/ISM/ISL9/ISX Hi Med Lo	
63	0552334		Clutch, Fan, Air Actuated, Horton Drive Master	1
64	0654065		Clamps, Coolant Hose, Constant Torque, Excludes Engine	1
65	0043422		Air Intake, w/Ember separator, AXT	1
66	0794743		Exhaust System, 5", X12/X15, MX13, Engine, Horizontal, Right Side	1
67	0587266		Diffuser, Chrome Exhaust, 2010 Engines	1
68	0797727		Radiator, Arrow XT	1
69	0001090		Cooling Hoses, Rubber	1
70	0001125		Fuel Tank, 65 Gallon, Left Side Fill	1
71	0001129		Lines, Fuel	1
72	0595087		DEF Tank, 4.5 Gallon, DS Fill, Forward of Rear Axle	1
			Door, Material & Finish, DEF Tank - Painted	
73	0552793		Not Required, Fuel Priming Pump	1
74	0552712		Not Required, Shutoff Valve, Fuel Line	1
75	0553019		Cooler, Engine Fuel, Imp/Vel, AXT/Qtm/Sab/DCF/SFR/Enf	1
76	0001281		Chain, Fuel Cap Retaining	1
77	0011125		Door, Fuel Fill Painted Job Color	1
			Qty, - 01	
78	0578959		Fuel/Water Separator, Racor Inline	1
79	0642579		Trans, Allison 5th Gen, 4000 EVS P, w/Prognostics, Arrow XT	1
80	0625331		Transmission, Shifter, 6-Spd, Push Button, 4000 EVS	1
81	0797722		Transmission Oil Cooler, Modine, External, AXT	1
82	0522824		Mode, Downshift, Aggressive downshift to 3rd, w/engine brake, 6 speed	1
83	0027844		Fluid, 4000 Series Trans, Allison Approved TES-295 Synthetic, IPOS, Custom	1
84	0001375		Driveline, Spicer 1810	1
85	0669988		Steering, Sheppard M110 w/Tilt, TAK-4, Eaton Pump, w/Cooler	1

Line	Option	Type	Option Description	Qty
86	0001544		Not Required, Steering Assist Cylinder on Front Axle	1
87	0509230		Steering Wheel, 4 Spoke without Controls	1
88	0690274		Logo/Emblem, on Dash	1
			Text, Row (1) One - PINEVILLE	
			Text, Row (2) Two - FIRE	
			Text, Row (3) Three - DEPT.	
89	0767816		Bumper, 15" Extended, Alum, Painted,100AAT, Arrow XT	1
90	0510226		Lift & Tow Package, Imp/Vel, AXT, Dash CF	1
91	0522573		Tow Hooks Not Required, Due to Lift and Tow Package	1
92	0698960		Coating, Top Flange, Front Bumper, Outside Exterior, Line-X Coating, Black	1
93	0562558		Cab, Arrow XT 2010, 6700	1
94	0614526		Engine Tunnel, ISX15, Arrow XT	1
95	0677478		Rear Wall, Exterior, Cab, Aluminum Treadplate	1
96	0763993		Cab Lift, Elec/Hyd, Manual Override, Stabilizer Interlock, AXT 100AAT	1
97	0550320		Label For Cab Lift Reservoir Full Level	1
98	0550323		Label For Cab Tilt Height, With Cab Fully Raised	1
			Location - directly above cab tilt activation switch	
99	0562080		Light, Red LED Indicator, Cab Not Engaged Into Lockdown Latches	1
			Location - directly above cab tilt activation switch	
100	0640431		Grille, Bright Finished, Front of Cab, Arrow-XT	1
101	0002224		Scuffplates, S/S At Cab Door Jambs, 4-Door Cab	1
			Material Trim/Scuffplate - c) S/S, Polished	
102	0647932		Not Required, Trim, S/S Band, Across Cab Face, AXT/Dash CF/Saber/Enforcer	1
103	0087357		Molding, Chrome on Side of Cab	1
104	0521669		Mirrors, Retractable, West Coast Style, Htd/Rmt, w/Htd/Rmt Convex	1
105	0072189		Mirror, 8.00" Convex, Cab Front, Front Cross View	1
106	0563092		Door, Half-Height, Arrow-XT 4-Door Cab, Level Roof	1
107	0655600		Door Panel, Painted Aluminum, Arrow XT 4-Door Cab	1
108	0554536		Controls, Electric Roll-Up Windows, 4dr, 4 Driver Controls, AXT	1
109	0563603		Steps, 4-Door Cab, AXT	1
110	0770200		Handrail, Exterior, Hansen, Knurled, Alum, LED Backlit, 4-Door Cab	1
			Color, Handrail Light - Red	
			Control, Handrail Light - Parking Brake	
111	0509649		Lights, Cab and Crew Cab Access Steps, P25, LED w/Bezel, 1Lt Per Step	1
112	0005772		Fenders, S/S on cab, w/Radius corner, 2.00" wide	1
113	0566915		Window, Side of C/C, Fixed, Arrow-XT 2010	1
114	0012094		Windows, Delete Rear of Crew Cab	1
115	0651518		Window Protector Bars, Knurled, Crew Doors, 3" Above Window Sill Plate	1
116	0697825		Tag, Pierce Parts Website Info, Cab Door	1
117	0553057		Holder, Cup, Cab/Crewcab, Each	4
			Qty, - 04	
118	0654611		Mounting Provisions, 3/16" Alum, Engine Tunnel, Over Flat Sections Only, AXT	1
			Mounting Provision Spacing - 1.00"	
			Material Finish, Cab Interior - Painted	
119	0748726		Cab Interior, Vinyl, Arrow XT, CARE	1
			Color, Cab Interior Vinyl/Fabric - Endure Vinyl - Silver/Gray	
			Cab Interior Rear Wall Material - Painted Aluminum	
120	0753917		Cab Interior, Paint Color, Arrow XT	1
			Color, Cab Interior Paint - d) red	
121	0032100		Floor, Rubber Padded Cab & Crew Cab - AXT	1
122	0043079		Heater/defroster, AXT	1
123	0603353		Air Conditioning, Arrow-XT 2010	1
			Paint Color, A/C Condenser - Cover Match Roof	
124	0770955		HEPA Filter, Air-Conditioning/Defroster, Arrow XT, CARE	1
125	0012122		Fans, Window Defrost, One (1) Fan on Each Side	1
126	0624005		Sun Visor, Vinyl/Fabric, AXT, Dash CF, Qtm, Saber FR/Enforcer	1
			Sun Visor Retention - No Retention	
			Sun Visor, Vinyl/Fabric - Turnout Tuff	
127	0069332		Grab Handles, Driver Side Low & Officer Dash Panel	1
128	0583938		Lights, Engine Compt, Custom, Auto Sw, Wln 3SC0CDCR, 3" LED, Trim	1
			Qty, - 01	
129	0631830		Fluid Check Access, Saber FR/Enforcer, Arrow XT	1

Line	Option	Type	Option Description	Qty
130	0583042		Side Roll and Frontal Impact Protection	1
131	0622617		Seating Capacity, 6 Seats	1
132	0697003		Seat, Driver, Pierce PSV, Air Ride, High Back, Safety	1
133	0565225		Seat, Officer, Pierce PSV, Fixed, SCBA, Safety	1
134	0620425		Radio Compartment, Below Non-Air Ride Seat, Arrow XT	1
135	0565230		Seat, Rear Facing C/C, DS Outboard, Pierce PSV, SCBA, Safety	1
136	0102783		Not Required, Seat, Rr Facing C/C, Center	1
137	0565234		Seat, Rear Facing C/C, PS Outboard, Pierce PSV, SCBA, Safety	1
138	0565245		Seat, Forward Facing C/C, DS Outboard, Flip Up Cushion, Safety	1
139	0783910		Cabinet, Forward Facing, Center, 38 W x 49 H x 22.50 D, Roll, AXT	1
			Light, Short Cabinet - Amdor, Interior, Red, Right Side and Amdor, Interior, Red, Left Side	
			Material Finish, Shelf - Painted - Cab Interior	
			Shelf/Tray, Cabinet - (3) Shelves, Adjustable, 0.75" Up-Turned Lip	
			Door, Cab Interior Cabinet - Rollup, Amdor, Anodized, Non-Locking	
			Louvers, Cabinet - Louvers, Right Side and Louvers, Left Side	
140	0565254		Seat, Forward Facing C/C, PS Outboard, Pierce PSV, SCBA, Foldup, Safety	1
141	0566653		Upholstery, Seats In Cab, Turnout Tuff	1
			Color, Cab Interior Vinyl/Fabric - c) Black	
142	0543991		Bracket, Air Bottle, Hands-Free II, Cab Seats	4
			Qty, - 04	
143	0603867		Seat Belt, ReadyReach	1
			Seat Belt Color - Red	
144	0553381		Seat Belt Height Adjustment, Arrow XT	1
145	0602464		Helmet Storage, Provided by Fire Department, NFPA 2016	1
146	0647647		Lights, Dome, FRP Dual LED 4 Lts	1
			Color, Dome Lt - Red & White	
			Color, Dome Lt Bzl - Black	
			Control, Dome Lt White - Door Switches and Lens Switch	
			Control, Dome Lt Color - Lens Switch	
147	0631776		Not Required, Overhead Map Lights	1
148	0602622		Portable Hand Light, Provided by Fire Department, Quint NFPA 2016 Classification	1
149	0567651		Cab Instruments, Ivory Gauges, Chrome Bezels, AXT MUX 2010	1
150	0509511		Air Restriction Indicator, Imp/Vel, AXT, Dash CF, Enf MUX	1
151	0543751		Light, Do Not Move Apparatus	1
			Alarm, Do Not Move Truck - Pulsing Alarm	
152	0743386		Messages, Open Door/Do Not Move Truck, MUX, Color Display, 100AAT	1
153	0611681		Switching, Cab, Membrane, Impel/Velocity/Quantum, Dash CF, AXT WiFi MUX	1
			Location, Emerg Sw Pnl - Driver's Side Overhead	
154	0543162		Wiper Control, 2-Speed with Intermittent, Wired to Parking Brake, MUX, AXT/DCF	1
155	0731813		Hourmeter, Aerial, Included in Information Centers, ASL, AAT, ASP	1
156	0002615		Switch, Aerial 12V Master	1
157	0002617		PTO switch, w/light - aerial	1
158	0585914		Wiring, Spare, 20 A 12V DC, 6 Circuit Fuse Block, Blue Sea 5025 1st	1
			Qty, - 01	
			12vdc power from - Battery direct	
			Location - inside rear wall forward facing EMS cabinet in the upper area	
159	0610968		Wiring, Spare, 2.0 A 12V DC, USB Termination Blue Sea 1016 1st	2
			Qty, - 02	
			12vdc power from - Battery direct	
			Location - one at officer dash and one at rear of equipment mounting plate on engine tunnel	
160	0548004		Wiring, Spare, 15 A 12V DC 1st	2
			Qty, - 02	
			12vdc power from - Battery direct	
			Wire termination - Butt Splice	
			Location, Spare Wiring - Officer Dash	
161	0686687		Wiring, Spare, 37.5 A 12V DC, Customer Install Radio, 30A Sw Bat, 7.5A Ign Grnd	1
			Qty, - 01	
			Location - under officer seat in radio compartment	
162	0689808		Lights, Illuminate Cab Floor, Wln OSR00SCR Red LED, Bat Sw	4
			Location - driver seat, officer seat, DS outboard rear facing seat, PS outboard rear facing seat	

Line	Option	Type	Option Description	Qty
162			Qty, - 04	
163	0615386		Vehicle Information Center, 7" Color Display, Touchscreen, MUX	1
			System Of Measurement - US Customary	
164	0734857		Collision Mitigation, HAAS Alert (R2V), HA5	1
			Subscription, HAAS R2V - R2V - 5 Year Data Plan Subscription	
165	0606249		Vehicle Data Recorder w/CZ and Overhead Display Seat Belt Monitor	1
166	0602598		Intercom, Firecom 5100D Single Radio, 1 Wireless Base Station, 1-5 Wireless	1
			Location - at officer seat area mounted overhead	
167	0006240		Cable, Radio to Intercom Interface, Firecom, 1 Radio	1
			Radio, First Two-Way Make - Motorola Mid Power	
			Radio, First, Two-Way Model - Motorola APX 4500	
168	0602027		Headset, Firecom, Wireless, UHW-503 Under Helmet, Intercom Only	3
			Qty, - 03	
			Location - DS Outboard (rear facing), PS Outboard (rear facing), PS	
			Outboard (forward facing)	
169	0602376		Headset, Firecom, Wireless, UHW-505 Under Helmet, Radio Transmit	2
			Qty, - 02	
			Location, Headset - Driver Seat and Officer Seat	
170	0681408		Hangers For Headsets, NFPA, Each	5
			Qty, - 05	
			Location, Headset Hangers - Driver Seat, Officer Seat, DS Outbrd, Rear	
			Fcng Seat, PS Outbrd, Fwrd Fcng Seat and PS Outbrd, Rear Fcng Seat	
171	0696438		Antenna Mount, Custom Chassis, Cable Routed to Radio Box	1
			Location - right side	
			Qty, - 01	
172	0653519		Camera, Pierce, Driver Mux, R, RS, LS Cameras	1
			Camera System Audio - Speaker Behind Driver Camera System	
173	0511071		Guard, 4-Way, Rear Vision Camera	1
			Qty, - 01	
			Location - at rear	
174	0796433		Pierce Command Zone, Advanced Electronics & Control System, LEDs, AXT, Blk	1
			WiFi	
175	0624265		Electrical System, Arrow XT MUX	1
176	0079211		Batteries, (6) Exide Grp 31, 950 CCA each, Threaded Stud	1
177	0008621		Battery System, Single Start, All Custom Chassis	1
178	0622896		Battery Compartment, Arrow XT	1
			Battery Trays - Roto-Molded Trays	
179	0614406		Charger, Sngl Sys, IOTA, DSL-75, 75 Amp, Kussmaul 091-94-12 Ind,	1
			AXT/DCF/Vel/Imp	
180	0560984		Location, Charger, Cab Behind Driver Seat, Arrow XT	1
181	0530951		Location, Bat Chrg Ind, DS Behind Cab Door	1
182	0507624		Shoreline, 30A 120V, Kussmaul Auto Eject, 091-159-30-120, Super	1
			Qty, - 01	
			Color, Kussmaul Cover - b) red	
			Connection, Shoreline - battery charger, air compressor and shoreline	
			receptacles in cab and body	
183	0026800		Shoreline Location	1
			Location, Shoreline(s) - DS Cab Side	
184	0790550		Light, Indicator, Shoreline Inlet Powered, Green Minature Bayonet LED Bulb	1
			Location, Shoreline Indicator Light - Left	
185	0036802		Sub Feed Breaker Box Cutler Hammer, For Shoreline	1
			Location, CB Panel - LS4	
186	0647728		Alternator, 430 amp, Delco Remy 55SI	1
187	0092582		Load Manager/Sequencer, MUX	1
			Enable/Disable Hi-Idle - e)High Idle enable	
188	0780484		Headlights, Rect LED, HiViz FT-4X6-4KIT, AXT/DCF/Enf/Imp/Sab/Vel	1
189	0648425		Light, Directional, WIn 600 Cmb, Cab Crn, Imp/Vel/AXT/Qtm/DCF	1
			Color, Lens, LED's - c)clear	
190	0620054		Light, Directional/Marker, Intermediate, Weldon 9186-8580-29 LED 2lts	1
191	0648074		Lights, Clearance/Marker/ID, Front, P25 LED 7 Lts	1
192	0647929		Lights, Directional/Marker, Cab Front Side, Truck-Lite	1
			19036YLED,AXT/EnfMUX/DCF	
193	0670831		Lights, Clearance/Marker/ID, Rear, P25 LED 7Lts, 100AAT	1

Line	Option	Type	Option Description	Qty
194	0602938		Light, Marker End Outline, Rubber Arm, LED Marker Lamp, Rear Body	1
			Qty, Lights, Pair - 1	
195	0564683		Lights, Tail, Wln M6BTT* Red LED Stop/Tail & M6T* Amber LED Dir Arw For Hsg	1
			Color, Lens - Colored	
196	0561471		Lights, Backup, Wln M6BUW, LED, For Tail Lt Housing	1
197	0664481		Bracket, License Plate & Light, P25 LED	1
198	0556842		Bezels, Wln, (2) M6 Chrome Pierce, For mtg (4) Wln M6 lights	1
199	0681444		Instruction, Order of Tail Lt Instl, Stop, Dir, BU, Warn	1
200	0589905		Alarm, Back-up Warning, PRECO 1040	1
201	0735966	SP	Spacer, Light Mounting, 2", Black Polyurethane	4
			Location - on HiViz lights mounted above crew cab doors	
			Qty, - 04	
202	0769420		Lights, Perimeter Cab, Amdor AY-LB-12HW020 LED 4Dr	1
203	0769564		Lights, Perimeter Pump House, Amdor AY-LB-12HW020 LED 1lt	1
204	0763190		Lights, Perimeter Body, Amdor AY-LB-12HW012 LED 3lts	1
			Control, Perimeter Lts - Parking Brake Applied	
205	0769567		Lights, Perimeter, Amdor AY-LB-12HW012 12" LED, Brkt	5
			Qty, Lights - 05	
			Location, Additional Perimeter Lights - Under Front Bumper, 1lt, Under	
			Compt D4, 1lt, Under Compt P4, 1lt, Under Compt D2, 1lt and Under Compt	
			P2, 1lt	
206	0554186		Lights, Step, P25 LED, 100AAT, w/Pump, Pump Pnl Sw	1
207	0603109		Light, HiViz FT-MB-24-TRGWA-*, 31.11" 1st	1
			Location, Lights - PS of cab above crew cab doors	
			Qty, - 01	
			Control, Scene Lts - Cab Sw Panel DS and Cab Sw Panel PS	
			Color, Lt Housing - Black	
			Scene Light Optics - Flood/Spot	
208	0603108		Light, HiViz FT-MB-24-TRGWA-*, 31.11" 2nd	1
			Location, Lights - DS of cab above crew cab doors	
			Qty, - 01	
			Control, Scene Lts - Cab Sw Panel DS and Cab Sw Panel PS	
			Color, Lt Housing - Black	
			Scene Light Optics - Flood/Spot	
209	0735836	SP	Light, Roof Mt, HiViz LED, FT-B-46-*, Cnt Feature	1
			Control, Scene Lts - Cab Sw Panel DS and Cab Sw Panel PS	
			Color, Lt Housing HiViz - Black	
			Scene Light Optics - Flood/Spot	
210	0766802		Not Required, Deck Lights, Other Hose Bed & Rear Lighting, 100AAT	1
211	0766801		Lights, Hose Bed, Front/Rear, LED Light Strips, 100AAT	1
			Control, Hose Bed Lts - Cup Switch At Rear	
212	0737026		Lights, Rear Scene, Wln, M6ZC LED, M6P15* 15 Deg Brkt, 58" - 72" High	1
			Control, Rear Scene Lts - Cab Switch Panel DS	
			Color, Trim - Chrome Trim	
213	0766879		Lights, Walk Surf, FRP Flood, P25 LED, 100AAT	1
214	0771870		Aerial, 100AAT, Alum Body	1
215	0554271		Body Skirt Height, 20"	1
216	0769002		Tank, Water, 300 Gallon, Poly, 100AAT	1
217	0751917		Overflow, 3.00" Water Tank, Poly	1
218	0028107		Not Required, Foam Cell Modification	1
219	0003429		Not Required, Direct Tank Fill	1
220	0769016		Hose Bed, Alum, Right Side, 100AAT	1
221	0555137		Hose Bed Capacity 800' of 5.00", 100AAT, 100' RMAP	1
222	0748063		Hose Restraint, Front Vinyl/Treadplate, 1" Heavy Nylon Web Rear, 100AAT	1
			Color, Vinyl Cover - a) red	
223	0744819	SP	Running Boards, Special Design, Relocate Drains, 100AAT	1
224	0735582		Turntable Steps, Swing-Down, Left Side, 100AAT	1
			Step, Flip - Flip Step, One Step Assembly	
			Body Handrail Finish - knurled aluminum	
			Step Surface, Turntable - Punched Grip	
225	0554001		Lights, Step (3), P25 LED, Swing Down Access Steps, One Side	1
226	0690023		Wall, Rear, Smooth Aluminum	1
227	0074515		Tow Eyes (2), 100AAT, Ascendant Single Axle, 75' HAL	1

Line	Option	Type	Option Description	Qty
228	0744817	SP	Bin, Extinguisher, Welded In Running Board, 9" Interior Diam/8" Dp, 100AAT Location - in the forward area behind cab on the right side Qty, - 01	1
229	0769019		Construction, Compt, Alum, 100AAT	1
230	0771234		Compt, Left Side, Lap, 100AAT	1
231	0771230		Compt, Right Side, Lap, 100AAT	1
232	0771213		Doors, Lap w/"D" Handles, Aluminum, Side Compartments	1
233	0737961	SP	Blister, Rear Body Compt, Hitch Receiver, 100AAT Qty, - 01 Location, driver's/passenger's/center - Left Side	1
234	0740006		Bumper, Rear, 3", Counterweight, Steel, Full 45 Degree Angled Corners, 100AAT	1
235	0618491	SP	Prototype, Compartment Door(s), Door Tab, Unpainted	1
236	0680510		Lights, Compt, Amdor AY-9250, Red LED, Dual Light Strips, Each Side of Door Location - all body compartment doors Qty, - 09	9
237	0612453	SP	Lights, Compt, Amdor, AY-9250 Red LED Light Strip, 41.61" Location, Lights - on ceiling of RS2 and RS3 Qty, - 02	2
238	0762543	SP	Lights, Compt, Amdor, AY-9250-62, Red LED, 62", Additional Location, Lights - on ceiling of LS3 Qty, - 01	1
239	0687145		Shelf Tracks, Recessed, PUC/3rd Generation	1
240	0600289		Shelves, Adj, 500 lb Capacity, Full Width/Depth, Predefined Locations, Aerial Qty, Shelf - 10 Material Finish, Shelf - Painted - Nightspots Location, Shelves/Trays, Predefined - RS1-Centered, RS4-Centered, RS5-Centered, RS2-Upper Third Left of Partition, RS2-Lower Third Left of Partition, LS1-Centered, LS2-Centered, LS3-Centered, LS4-Centered and LS2-Upper Third	10
241	0647044		Tray, Floor Mounted, Slide-Out, w/ Side Slides, FW/FD, 500lb, 2.00" Sides, 3G Qty, - 01 location - RS2 width 24" X full depth and to the right of the vertical partition Material - paint to match compt interior	1
242	0647043		Tray, Floor Mounted, Slide-Out, Full Width/Full Depth, 500lb, 2.00" Sides, 3G Qty, - 01 location - LS2 Material Finish, Tray - Painted - Spatter Gray	1
243	0679241		Toolboard, Alum, Adj, .188", No Holes, Added to Slide-Out Tray location - mounted on RS2 floor mounted roll out tray Qty - 1 Finish, Pegboard/Toolboard - Painted - Nightspots 909017	1
244	0600281		Partition, Vertical Compartment, Predefined Locations Qty, Partition - 01 Location, Partition/Toolboard, Predefined - RS2- 26.00" From Forward Door Frame Material Finish, Partition - Painted - Nightspots 909017	1
245	0659095		Pegboard, 3/16" Alum, Back Wall Compt, w/Track Qty, Comp. Accessory - 01 Hole Diameter, Pegboard/Toolboard - .281" diameter Finish, Pegboard/Toolboard - Painted - Nightspots 909017 Location, Pegboard Back Compt Wall - RS3	1
246	0062238		Pegboard, Side Wall Mounted, 3/16" Alum Location - right and left side compartment walls of RS3 Qty, Comp. Accessory - 02 Configuration - vertical full coverage Hole Diameter, Pegboard/Toolboard - .281" diameter Finish, Pegboard/Toolboard - Painted - Nightspots 909017	2
247	0061917		Rub Rail, Aluminum Extruded, 3.12", Side of Body	1
248	0769018		Fender Crowns, Rear, S/S, w/Removable Fender Liner, Aerial, 3rd Gen, Two Pair	1
249	0519849		Not Required, Hose, Hard Suction	1
250	0626229		Handrails, Side Pump Panels, Per Print	1
251	0765324		Compt, Air Bottle/Extinguisher,Between Tandems,Three (3),w/Straps,100AAT,Bolt-lr Qty, Air Bottle Comp - 2	2

Line	Option	Type	Option Description	Qty
251			Location, driver's/passenger's/center - 1LS & 1RS Door Finish, Fender Compt - Painted Latch, Air Bottle Compt - Southco C2 Black Raised, Pair Insert, Air Bottle Compt - Rubber Matting Door Type - lift up with pneumatic spring	
252	0795333		Compt, Air Bottle, Single, Fender Panel, Bolt-In Qty, Air Bottle Comp - 4 Door Finish, Fender Compt - Painted Location, Fender Compt - Single - LS Fwd, Single - LS Rear, Single - RS Fwd and Single - RS Rear Latch, Air Bottle Compt - Southco C2 Black Raised Insert, Air Bottle Compt - Rubber Matting	4
253	0768635		Ladder, 35' Duo-Safety 1200A 2-Sect Qty, - 02	2
254	0010406		Ladder, 28' Duo-Safety 1200A 2-Section Qty, - 1 Location, Extension Ladder - torque box	1
255	0084235		Ladder, 18' Duo-Safety 875A Roof	1
256	0664691		Ladder, 18' Duo-Safety 875A-DR Roof Qty, - 01	1
257	0014233		Ladder, 18' Duo-Safety 875A Roof Qty, - 1	1
258	0024233		Not Required, Attic Extension Ladder	1
259	0768634		Ladder, 10' Duo-Safety Folding, 585A Qty, - 02 Location, Folding Ladder Aerial - torque box	2
260	0745985		Ladders Stored in Torque Box, Gortite Roll, 100AAT Color, Roll-up Door, Gortite - Satin finish Latch, Roll-up Door, Gortite - Non-Locking, Rear Latch, Door Ladder Storage - Southco C2 Chrome Raised, Pair	1
261	0744083	SP	Lights, Torque Box Ladder Storage, Amdor AY-9250-32, Red 2 Lts, 100AAT	1
262	0602706		Pike Pole, 12', Quint, Provided by Fire Department, NFPA 2016 Qty, - 02 Pike Pole Make/Model - Fire Hooks Unlimited New York Roof Hook, RH-12	2
263	0602688		Pike Pole, Quint, Provided by Fire Department, NFPA 2016 Qty, - 02 Pike Pole Make/Model - Fire Hooks Unlimited New York Roof Hook, RH-8	2
264	0602866		Pike Pole, 6', Quint, Provided by Fire Department, NFPA 2016 Qty, - 02 Pike Pole Make/Model - Fire Hooks Unlimited New York Roof Hook, RH-6	2
265	0638907		Pike Pole, 3', Quint, Provided by Fire Department, NFPA Qty, - 02 Pike Pole Make/Model - Fire Hooks Unlimited 3' New York Roof Hook D Handl	2
266	0770578		Pike Pole Tubes, in Torque Box/Ladder Storage, ABS Qty, - 06	6
267	0749159	SP	Pump, Waterous, CMU, 2000 GPM, Two Stage. AAT	1
268	0004482		Seal, Mechanical, Waterous	1
269	0559769		Trans, Pump, Waterous C20 Series	1
270	0635600		Pumping Mode, Stationary Only	1
271	0605126		Pump Shift, Air w/Manual Override, Split Shaft, Interlocked, Waterous	1
272	0003148		Transmission Lock-up, EVS	1
273	0004547		Auxiliary Cooling System	1
274	0004484		Transfer Valve, Manual, Waterous	1
275	0746508		Valve(s), Relief Intake, Trident Air Max, Control Location Qty - 1 Pressure Setting - 125 psig Intake Relief Valve Control - Behind Left Side Pump Panel	1
276	0536322		Controller, Pressure, Pierce, Custom Chassis	1
277	0072153		Primer, Trident, Air Prime, Air Operated	1
278	0780364		Manuals, Pump, (2) Total, Electronic Copies	1
279	0749158	SP	Plumbing, Stainless Steel and Hose, Two Stage Pump, 100AAT	1

Line	Option	Type	Option Description	Qty
280	0089437		Plumbing Without Foam System	1
281	0751029		Inlets, 6.00", (1) Left Side, (1) Right Side, 1500-2000 GPM Pump, 100AAT	1
282	0004646		Cap, Main Pump Inlet, Long Handle, NST, VLH	1
283	0084610		Valves, Akron 8000 series- All	1
284	0004660		Inlet, Left Side, 2.50"	1
285	0029147		Not Required, Inlet, Right Side	1
286	0016158		Valve, Inlet(s) Recessed, Side Cntrl, "Control Zone"	1
			Qty, Inlets - 1	
287	0004700		Control, Inlet, at Valve	1
288	0563738		Valve, .75" Bleeder, Aux. Side Inlet, Swing Handle	1
289	0767284		Tank to Pump, (1) 3.00" Valve, 3.00" Plumbing, 100AAT	1
290	0004905		Outlet, Tank Fill, 1.50"	1
291	0004940		Outlet, Left Side, 2.50"	2
			Qty, Discharges - 02	
292	0004945		Outlet, Right Side, 2.50"	1
			Qty, Discharges - 01	
293	0767613		Outlet, 4" w/4" Right, Sm Handwheel, 100AAT	1
			Valve, Brand - Akron	
294	0092572		Not Required, Outlet, Front	1
295	0752097		Caps/Plugs for 1.00" to 3.00" Discharges/Inlets, Chain	1
296	0563739		Valve, 0.75" Bleeder, Discharges, Swing Handle	1
297	0005091		Elbow, Left Side Outlets, 45 Degree, 2.50" FNST x 2.50" MNST, VLH	1
298	0025091		Elbow, Right Side Outlets, 45 Degree, 2.50" FNST x 2.50" MNST, VLH	1
299	0005097		Elbow, Large Dia Outlet, 30 Deg, 4.00" FNST x 5.00" Storz	1
			Qty, - 01	
300	0062133		Control, Outlets, Manual, Pierce HW if applicable	1
301	0029106		Not Required, Deluge Outlet	1
302	0767110		Waterway Outlet & Control, 4" Akron, Sm HW, 100AAT	1
303	0762277		Crosslays Sngl Sheet Unpainted, (1+) 1.50" Std. Cap, 100AAT	2
			Qty, Crosslays - 2	
304	0029196		Not Required, 2.50" Crosslay	1
305	0591145		Hose Restraint, Crosslay/Deadlay, Top and Ends, Elastic Netting	2
			Qty, - 02	
306	0044333		Not Required, Foam System	1
307	0012126		Not Required, CAF Compressor	1
308	0552517		Not Required, Refill, Foam Tank	1
309	0042573		Not Required, Foam System Demonstration	1
310	0045465		Not Required, Foam Tanks	1
311	0091110		Not Required, Foam Tank Drain	1
312	0091112		Not Required, Foam Tank #2 Drain	1
313	0745721	SP	Pump House, Side Control, 45", 100AAT, Full Bodied Pump, Control Zone	1
314	0746445		Approval Dwg, Pump Operator's Panel, Includes Color And Label Tags	1
			Num Of Truck(s) or Sim Unit, OPER Pump Pnl, Dwg - 01	
315	0032479		Pump Panel Configuration, Control Zone	1
316	0747651		Step, Slide-Out/Fold-Out, Pump Operator Platform, 100AAT	1
317	0667186		Light, Slide-Out Pump Operator Step, On Scene Solutions Access LED, Short Step	1
318	0635355		Material, Pump Panels, Side Control Painted FormCoat Black	1
			Material Finish, Pump Panel, Side Control - Painted FormCoat Black	
			Material, Pump Panel, Side Control - Aluminum	
319	0005578		Panel, Pump Access - Right Side Only	1
320	0767048		Pump House Structure	1
321	0583824		Light, Pump Compt, Wln 3SC0CDCR LED White	1
			Qty, - 01	
322	0536401		Gauges, Engine, Included With Pierce Pressure Controller	1
323	0005601		Throttle, Engine, Incl'd w/Press Controller	1
324	0739224		Indicator Light @ Pump Panel, Throttle Ready, Incl w/Pressure Gov/Throttle,Green	1
325	0549333		Indicators, Engine, Included with Pressure Controller	1
326	0745568		Indicator Light, Pump Panel, Ok To Pump, Green	1
327	0553643		Control, Air Horn at Pump Panel w/Red Switch	1
328	0511078		Gauges, 4.00" Master, Class 1, 30"-0-600psi	1
329	0511100		Gauge, 2.00" Pressure, Class 1, 30"-0-400psi	1

Line	Option	Type	Option Description	Qty
330	0536428		Gauge, Water Level, Pierce, In pressure Controller	1
331	0006774		Not Required, Foam Level Gauge	1
332	0763071		Light Shield, S/S LS, 100AAT, Std LED	1
333	0761601		Air Horns, (2) Grover, In Bumper, 100AAT	1
334	0606833		Location, Air Horns, Bumper, Each Side, Inside Frame (Pos #3 & #5)	1
335	0644922		Control, Air Horn, Horn Ring, DS & PS Lanyard Chains w/Plastic Tubing	1
336	0525667		Siren, Wln 295SLSA1, 100 or 200 Watt	1
337	0510206		Location, Elec Siren, Recessed Overhead In Console	1
			Location, Elec Siren - Overhead, DS Inside Sw Pnl	
338	0076156		Control, Elec Siren, Head Only	1
339	0601304		Speaker, (2) Wln, SA315P, w/Pierce Polished Stainless Steel Grille, 100 watt	1
			Connection, Speaker - siren head	
340	0601558		Location, Speaker, Frt Bumper, Recessed, Ea Side, Outside Frame, Inbrd (Pos 2/6)	1
341	0767022		Siren, Federal Q2B, AXT, 100AAT	1
342	0677326		Siren, Mechanical, Recessed In Grille, AXT	1
343	0561943		Control, Mech Siren, DS & PS Foot Sw, Location Feature, Ignition	1
			Location - DS on floor, PS on right of engine tunnel (see Instrument Panel Layout)	
344	0740834		Sw, Siren Brake, Momentary Red, LS Overhead Sw Pnl	1
345	0657536		Programming, Wln Electronic Siren, Warble & Whoop Tones	1
346	0785831	SP	Lightbar, Wln, Freedom IV-D, 72", RWRWRWRWRWRWRWRWRWR	1
			Filter, Whl Freedom Ltbrs - Colored Filters	
347	0540460		Light, Front Zone, Wln M6°C LED, Clear Lens, 4lts Q Bezel	1
			Color, Lt DS Frnt Outside - DS Front Outside Red	
			Color, Lt PS Frnt Outside - PS Front Outside Red	
			Color, Lt DS Front Inside - r) DS Front Inside Red	
			Color, Lt PS Front Inside - r) PS Front Inside Red	
348	0757436		Light, Front, Roto Ray 4000W, PAR46 LED, 2-R, 1-W, Crm Hsn Btw Grl Windshield	1
349	0653937		Flasher, Headlight Alternating	1
			Headlt flash deactivation - a)w/high beam	
350	0540679		Lights, Side Zone Lower, Wln M6°C LED, Clear Lens 2pr	1
			Location, Lights Front Side - b)each side bumper	
			Color, Lt Side Front - Red	
			Color, Lt Side Rear - Red	
			Location, Lights Rear Side - Over Rear Wheels	
351	0653165		Lights, Side, Wln WION* LED, Recessed in Cab Steps, 4lts, AXT/DCF/Enf/Imp/Vel	1
			Color, Lights, Warning - gla) red	
			Control, Light - b) side warning	
352	0632501		Lights, Side, Wln 6RB** LED, Chrome Flange 1st	2
			Location, Lights - one each side of rearward surface of cab up high on outboard corners	
			Qty, - 02	
			Color, Lights, Warning - gla) red	
			Control, Light - a) rear upper warning	
			Color, Lens, LED's - m)match LED's	
353	0644686		Lights, Side Rf, Wln M4** LED, Paint Brkt, Custom 6lts	1
			Location, Light Bar - b)over the crew cab doors	
			Color, Lens, LED's - c)clear	
			Color, Lt Side Front - Red	
			Color, Lt Side Middle - White	
			Color, Lt Side Rear - Red	
354	0672937		Lights, Side, Wln WIONSMC* LED, Chrome Flange, Mounted In Rub Rail, 1st	4
			Location, Lights - under LS2, LS4, RS2, RS4 compartments	
			Qty, - 04	
			Color, Lights, Warning - gla) red	
			Control, Light - b) side warning	
355	0691142		Lights, Door Interior Flash, 4 Dr Cab, Wln 3S*00F*R LED	1
			Location, Lights - inside each cab and crew cab door, most outboard location	
			Color, Lights, Warning - c) amber	
			Color, Lens, LED's - c)clear	
356	0564655		Lights, Rear Zone Lower, Wln M6°C LED, Clear Lens, For Tail Lt Housing	1
			Color, Lt DS Rear - r) DS Rear Lt Red	
			Color, Lt PS Rear - r) PS Rear Lt Red	

Line	Option	Type	Option Description	Qty
357	0088745		Light, Rear Zone Upper, Wln L31HFRN LED Beacon, Red LED	1
			Color, Dome, Rear Warning - j) both domes clear	
358	0006551		Not Required, Lights, Rear Upper Zone Blocking	1
359	0791501		Light, Traffic Directing, Wln TAL65, 36" Long LED, Aerials	1
			Activation, Traffic Dir L - Not Connected	
360	0754854	SP	Location, Traf Dir Lt, On Top of Body Below Turntable w/Box, Matrl Feature	1
			Material, Bracket - Aluminum Treadplate	
361	0563154		Location, Traf Dir Lt Controller, Overhead Area, Within Reach of Driver	1
362	0780392		Receptacle Strip, 15A 120V 7-Place 90 Deg, FEL99089, Protect Metal Housing, Int	1
			Qty, - 1	
			Location 1 - inside rear wall forward facing EMS cabinet in upper area	
			AC Power Source - Shoreline	
363	0779722		Receptacle, 15/20A 120V 3-Pr 3-Wr, NEMA 5-20R SB Dup, 1st, Interior Body	1
			Qty, - 01	
			Location 1 - LS1 compartment on right side (rearward) wall down low	
			AC Power Source - Shoreline	
			Cover, Receptacle - Interior SS Wall Plate(s)	
364	0519934		Not Required, Brand, Hydraulic Tool System	1
365	0649753		Not Required, PTO Driven Hydraulic Tool System	1
366	0771866		Aerial, Ascendant 100' Aerial Tower	1
367	0680821		Boom Panel, Pair	1
			Paint Color, Predefined - #479 charcoal metallic	
368	0526890		Not Required, Indicator, Extension	1
369	0688232		Rung Covers, Aerial Device	1
			Rung Cover Color - Safety Yellow	
370	0678641		Brackets Only, Pike Pole, Aerial Fly Section	1
			Qty, - 01	
			Pike Pole Make/Model - Fire Hooks Unlimited 8' Roof Hook	
371	0766887		Brackets, Stokes Storage, Base Section Above Boom Panel, 100AAT	1
			Qty, - 01	
			Finish - Painted, Aerial Device Color	
			Location, Aerial Device - right side	
372	0678539		Brackets Only, Roof Ladder, Aerial Fly Section	1
			Finish - DA Finish	
			Roof Ladder, Make/Model - 18' Duo-Safety 875-DR	
373	0770598		Basket, 100AAT	1
374	0766894		Lights, Turntable Walkway, P25, On Scene, LED, 100AAT	1
375	0767535		Light, Turntable Console, TecNiq E-10, LED	1
376	0732762		Basket Heat Shields, 100AAT	1
377	0766953		Control Stations, 100AAT	1
378	0751348		Lights, Basket Interior, CLC-1049-20, 20" 100AAT	1
379	0771862		Stabilizers, 100AAT, Three Sets	1
380	0746173		Door, Stabilizer Control Box, Aerial MUX,Hinged Inboard,Smooth Aluminum,100AAT	1
381	0615058		Stabilizer Placement, Cameras w/Command Zone Color Display, 1 Set	1
382	0540533		Stabilizer Pans, Material	1
			Stabilizer Panels - Painted Aluminum	
383	0771218		Hydraulic System, 100AAT	1
384	0767932		Swivels, w/Encoder, 36, 100AAT	1
385	0767931		Electrical System, 100AAT	1
386	0783180		Lights, Tip, Wln MPB* LED, Front of Basket 1lt	1
			Color, Wln Lt Housing - Black Paint	
387	0752453		Lights, Tracking, Wln MPB* LED, 100AAT 2lts	1
			Color, Wln Lt Housing - Black Paint	
			Scene Lt Optics LH Base - L Spot	
			Scene Lt Optics RH Base - R Flood	
388	0769515		Basket Access, Ladder Style, 100AAT	1
389	0554330		Lights, Step (4), P25, Ladder Style Access Steps, Both Sides	1
390	0653817		Light, Locator, Wln VTX609*, Flashing LED, at Tip, PAL/PAP, 2lts	1
			Color, Light - v)green	
391	0749120		Lighting, Rung, LED, TecNiq, 5 Section, Base, Low, Cent, Upper, Fly, 100AAT	1
			Control, Aerial Rung Lighting - Aerial Master	
			Color, Lt Aerial Fly Sect - Blue	
			Color, Lt Aerial Base Sect - Red	

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Line	Option	Type	Option Description	Qty
391			Color, Lt Aerial Lower Mid Sect - White Color, Lt Aerial Upper Mid Sect - White Color, Lt Aerial Mid Sect - Red	
392	0748774	SP	Reviewed Tip Load, Rung Lighting 100AAT	1
393	0540743		Lights, Stabilizer Warn (2) Sets, Wln M6°C LED, Clear Lens	1
			Color, Lt Rr Stabilzr Pan - r) Pan Light Red Color, Lt Fr Stabilzr Pan - r) Pan Light Red	
394	0068703		Lights, Grote Supernova LED, Stabilizer Beam, (1) Set	1
395	0762387		Lights, Stabilizer Scene, (3) sets, Amdor AY-LB-12HW012, 100AAT	1
396	0766878		120 Volt To Tip, 20 Amp L5-20, 100AAT	1
397	0745627	SP	Light, HiViz, FT-MB-9-*, FT-MBKIT-LPX Mt 12 Volt Under Step, 100AAT, 1st Qty, - 02 Location, Sw, Arl AC Lts - M)2 Pos Color, Lt Housing HiViz - Black Scene Light Optics - combination Location, Lts Under 100'AAT Steps - Left Side Front Corner and Right Side Front Corner	2
398	0737181		Intercom, 2-Way Fire Research ICA910 Hands Free	1
399	0540918		Not Required, Breathing Air to Tip, Aerial Platform	1
400	0024742		Not Required, Mask, Breathing Air To Tip	1
401	0767396		Aerial Pedestal, 100AAT	1
402	0766834		Lyfe Brackets, 3-In-1, Used w/Duo-Safety 875 Ladders ONLY, 100AAT	1
403	0544198		Control, Air Horn, Red, at Turntable	1
404	0744943	SP	Hitch Receiver, 6000 lb, LS/RS, Under Body Sides, 100AAT, Approval Req'd	1
405	0767148		Turntable Access, ManSaver Bar, Red	1
406	0769514		Waterway, 100AAT	1
407	0016952		(1) Preconnect At Platform, 2 Monitors	1
408	0630798		Monitors, (2), Akron, 3481 StreamMaster II Manual, 3480 StreamMaster II Electric Nozzle, Monitor 1, PAP - Akron 5170 Manual 2000 gpm Nozzle, Monitor 2, PAP - Akron 5178 Electric 2000 gpm	1
409	0086971		Flowmeter, Waterway, MUX, PAP	1
410	0009364		Inlet, 5.00", S/S, w/ Pump, Right Side, 100AAT	1
411	0047897		Tools, Aerial	1
412	0559491		Manuals and Training, 3 Consecutive Days, Platform	1
413	0007150		Bag of Nuts and Bolts Qty, Bag Nuts and Bolts - 1	1
414	0602497		NFPA Required Loose Equipment, Quint, NFPA 2016, Provided by Fire Department	1
415	0519913		Not Required, Soft Suction Hose	1
416	0027023		No Strainer Required	1
417	0602534		Extinguisher, Dry Chemical, Quint NFPA 2016, Provided by Fire Department	1
418	0602352		Extinguisher, 2.5 Gal. Pressurized Water, Quint, NFPA 2016, Provided by Fire Dept	1
419	0007482		Not Required, Crowbars	1
420	0007484		Not Required, Claw Tools	1
421	0602883		Axe, Flathead, Quint NFPA 2016, Provided by Fire Department	1
422	0602670		Axe, Pickhead, Quint NFPA 2016, Provided by Fire Department	1
423	0007494		Not Required, Sledgehammers	1
424	0559573		Paint, Single Color, Custom Paint Color, Predefined - #100 red	1
425	0646901		Paint Chassis Frame Assy, With Liner, E-Coat, Standard Paint Color, Frame Assembly, Predefined - Standard Black	1
426	0693797		No Paint Required, Aluminum Front Wheels	1
427	0693795		Paint, Rear Wheels, Tandem Axle Paint, Wheels - Black #101	1
428	0733739		Paint, Axle Hubs Paint, Axle Hub - Black #101	1
429	0745653	SP	Door Pans, Painted, Nightspots, Per Door Location - all body compartment doors Qty, - 09	9
430	0639088		Compartment Paint, 909017, Nightspots	1
431	0792638		Aerial Platform Paint Paint Color, Aerial Device - Charcoal Metallic 479 Paint Color, Turntable - charcoal metallic 479	1

Line	Option	Type	Option Description	Qty
431			Paint Color, Boom Support - gloss black primer Paint Color, Cylinders - charcoal metallic 479 Paint Color, Aerial Torque Box - gloss black primer Paint Color, Aerial Stabilizers - charcoal metallic 479 Paint Color, Aerial Basket - charcoal metallic 479 Paint Color, Aerial Rotation Motor - charcoal metallic 479 Paint Color, Aerial Control Console - charcoal metallic 479	
432	0544074		Reflective Band, 4" Color, Reflect Band - A - e) black	1
433	0007356		Reflective across Cab Face	1
434	0602751		Stripe, Chevron, Rear, Reflective, Non-NFPA 2016 Colors, Aerial Color, Reflect Band - A - c) ruby red Color, Reflect Band - B - p) black	1
435	0579165	SP	Stripe, Reflective/Scotchlite, 4" on Stabilizers Color, Reflect Band - A - c) ruby red	1
436	0680429		Stripe, Gold Leaf Outline Above & Below Reflective Band **	1
437	0008618		Stripe, .50" Reflective Outline on Reflective Band Color, Reflect Band - A - a) white Qty, - 1	1
438	0065687		Stripe, Reflective, Cab Doors Interior Color, Reflective - e) black	1
439	0027286		Not Required, Lettering Specs	1
440	0007472		[Lettering not Requested]	1
441	0772003		Manual, Fire Apparatus Parts, USB Flash Drive, Custom Qty, - 01	1
442	0772037		Manual, Chassis Service, USB Flash Drive, Custom Qty, - 01	1
443	0773381		Manual, Chassis Operation, (1) USB Flash Drive, Custom	1
444	0030008		Warranty, Basic, 1 Year, Apparatus, WA0008	1
445	0696698		Warranty, Engine, Cummins, 5 Year, WA0181	1
446	0684953		Warranty, Steering Gear, Sheppard M110, 3 Year WA0201	1
447	0596017		Warranty, Frame, 50 Year, Custom Chassis, WA0013	1
448	0595698		Warranty, Axle, 3 Year, TAK-4, WA0050	1
449	0644874		Warranty, Axle, 3 Year, TAK-4, IRS, WA0249	1
450	0652758		Warranty, ABS Brake System, 3 Year, Meritor Wabco, WA0232	1
451	0019914		Warranty, Structure, 10 Year, Custom Cab, WA0012	1
452	0595813		Warranty, Paint, 10 Year, Cab, Pro-Rate, WA0055	1
453	0524627		Warranty, Electronics, 5 Year, MUX, WA0014	1
454	0695416		Warranty, Pierce Camera System, WA0188	1
455	0708760		Warranty, Not Applicable, LED Strip Lights	1
456	0046369		Warranty, 5-year EVS Transmission, Standard Custom, WA0187	1
457	0685945		Warranty, Transmission Cooler, WA0216	1
458	0688798		Warranty, Water Tank, Lifetime, UPF, Poly Tank, WA0195	1
459	0596025		Warranty, Structure, 10 Year, Body, WA0009	1
460	0693127		Warranty, Gortite, Roll-up Door, 6 Year, WA0190	1
461	0734463		Warranty, Pump, Waterous, 7 Year Parts, WA0382	1
462	0648675		Warranty, 10 Year S/S Pumping, WA0035	1
463	0641372		Warranty, Foam System, Not Available	1
464	0006999		Warranty, Structure, 20 Year, Aerial Device, WA0052	1
465	0687388		Warranty, Swivels, 5 Year, Aerial Device, WA0197	1
466	0685727		Warranty, Hydraulic System and Components, 3 Year/5 Year, WA0200	1
467	0687327		Warranty, Waterway, 10 Year, Aerial Device, WA0198	1
468	0595860		Warranty, Paint, 4 Year, Aerial Device, Pro-Rated, WA0047	1
469	0553455		Warranty, Electronics, 5 Year, MUX, WA0014	1
470	0595820		Warranty, Paint, 10 Year, Body, Pro-Rate, WA0057	1
471	0593921		Not Required, Warranty, No Lettering	1
472	0683627		Certification, Vehicle Stability, CD0156	1
473	0736245		Certification, Engine Installation, Arrow XT, Cummins X15, 2021	1
474	0686786		Certification, Power Steering, CD0098	1
475	0543934		Certification, Cab Integrity, AXT, CD0011	1
476	0548949		Certification, Cab Door Durability, AXT, CD0002	1
477	0548968		Certification, Windshield Wiper Durability, AXT, CD0006	1

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Bid #: 1108

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Line	Option	Type	Option Description	Qty
478	0548952		Certification, Electric Window Durability, AXT, CD0003	1
479	0549275		Certification, Seat Belt Anchors and Mounting, AXT, CD0019	1
480	0694929		Certification, Cab Heater and Defroster, AXT, CD0094	1
481	0609805		Certification, Cab Air Conditioning Performance, Arrow XT 2010, CD0140	1
482	0545073		Amp Draw Report, NFPA Current Edition	1
483	0002758		Amp Draw, NFPA/ULC Radio Allowance	1
484	0799248		Appleton/Florida BTO	1
485	0000053		Ascendant Tower	1
486	0000012		PIERCE CHASSIS	1
487	0004713		ENGINE, OTHER	1
488	0046396		EVS 4000 Series TRANSMISSION	1
489	0020011		WATEROUS PUMP	1
490	0020009		POLY TANK	1
491	0028047		NO FOAM SYSTEM	1
492	0020006		SIDE CONTROL	1
493	0020007		AKRON VALVES	1
494	0020015		ABS SYSTEM	1
495	0658751		PUMPER BASE	1



Becky Rawls
Vice President
Apparatus Sales – North Carolina
Tel. (336) 817-8888
brawls@atlanticemergency.com

September 3, 2020
Clayton Fire Department
325 W Horne Street
Clayton, NC 27520

Chief Lee Barbee,

Per your request, Atlantic Emergency Solutions, Inc, is happy to provide this proposal letter for one Arrow XT Tower T3 Aerial.

The quotes are below.

Pierce Arrow XT Tower T3 (bid1108) \$1,743,242.00

This final total includes 100% prepay discount of \$49,000, loose equipment allowance, travel, training and delivery. Our quoted delivery time is 11 - 12 months after the order is placed. This quote is good through September 30, 2020.

AFTER September 30, 2020. Fiscal year end. Updated quote

Pierce Arrow XT Tower T3 (bid 1108) \$1,854,970.00

The purchase order should be made out to Atlantic Emergency Solutions, 12351 Randolph Ridge Lane, Manassas, VA 20109. We can provide a contract if that is acceptable to secure the order. If you need any further information, please let us know.

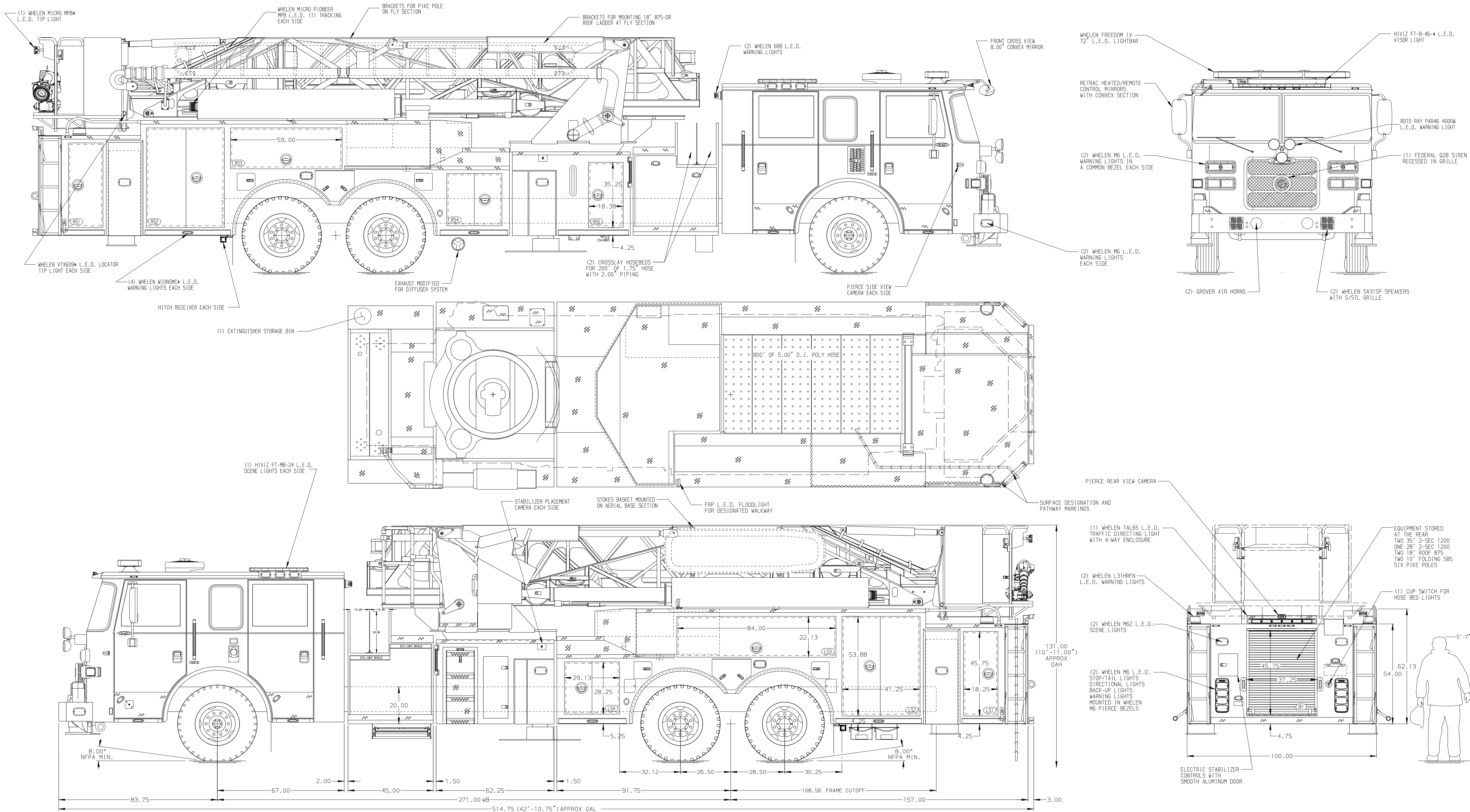
Atlantic Emergency Solutions appreciates your business. If you have any questions, please feel free to call us.

Sincerely,

Becky Rawls
336 817 8888
VP NC Sales



www.atlanticemergency.com



ALUMINUM BODY

SIDE ROLL AND FRONTAL IMPACT PROTECTION

NOTE DIMENSIONS SHOWN ARE APPROXIMATE AND ARE SUBJECT TO MINOR DEVIATIONS AS MAY OCCUR OR BE NECESSARY IN CONSTRUCTION. MINOR DETAILS NOT SHOWN.				1. SHORELINE 30 AMP RECEPTACLE WITH KUSSMAUL SUPER AUTO-EJECT LOCATED ON DRIVER SIDE OF THE CAB 2. AIR INLET RECESSED WITH DISCONNECT COUPLING IN THE DRIVER SIDE STEPWELL 3. BATTERY CHARGER LOCATED IN COMPARTMENT PER SHOP ORDER 4. BATTERY CHARGE INDICATOR LOCATED ON DRIVER SIDE CAB 5. RING LIGHTING ON AERIAL DEVICE 6. NON-RAISED AERIAL PEDESTAL 7. 3-in-1 LIFECOMB BRACKETS AT AERIAL BASKET 8. 2-WAY INTERCOM SYSTEM BETWEEN AERIAL TIP AND TURNABLE 9. TEN ADJUSTABLE FULL WIDTH/DEPTH LOCATED PER SHOP ORDER 10. TWO FLOOR MOUNTED SIDE SLIDE-OUT TRAYS LOCATED PER SHOP ORDER				11. ONE SLIDE OUT TOOLBOARD ON TRAY LOCATED PER SHOP ORDER 12. ONE VERTICAL PARTITION LOCATED PER SHOP ORDER 13. ONE PERSBOARD ON BACK WALL OF COMPARTMENT PER SHOP ORDER 14. TWO PERSBOARD ON SIDES OF COMPARTMENT PER SHOP ORDER 15. ONE 7-PLACE 120V RECEPTACLE LOCATED PER SHOP ORDER 16. ONE 120V DUPLEX RECEPTACLE LOCATED PER SHOP ORDER			
REV	DATE	BY	CH	ARROW	XT	CHASSIS DATA	MAKE	MODEL	TITLE	JOB NO.	33539
08NOV19		LWE	JGO			PIERCE			100' ASCENDANT AERIAL PLATFORM AND BODY ASSEMBLY 300 GALLON WATER TANK	SCALE	DATE
09OCT19		LWE	JGO			PIERCE			FOR PINEVILLE FIRE DEPARTMENT PINEVILLE, NC	DRAWN BY	08JULY19
26JUL19		SWA	CR1			MODEL			DWG NO.	CHECKED BY	15JUL19
						ARROW XT				SHEET SIZE	SHEET NO.
										D	1 OF 1



MANUFACTURING INC.

33539AD



CFD Ladder Truck Research



July 2020



Topics to Discuss

- Background Overview
- Preferences for Department Needs
- Research Overview
- Recommendations

Note: this presentation will not cover specific “operational practices”



Background

- A ladder truck for CFD has been a “known need” over the last several years
 - Been in CIP 10+ years
 - Emphasis for acquiring has been to have staffing
- NCDOT RRS grades CFD as a “Ladder Need”
 - 5 or more buildings 3 stories tall (32 feet) or taller;
 - 5 or more buildings with NFF 3,500gpm;
 - or combination of above to equal 5 or more
- The 2018 Fire Services Study presented to Council recommended the acquisition of a ladder truck as a HIGH Timeline A Priority

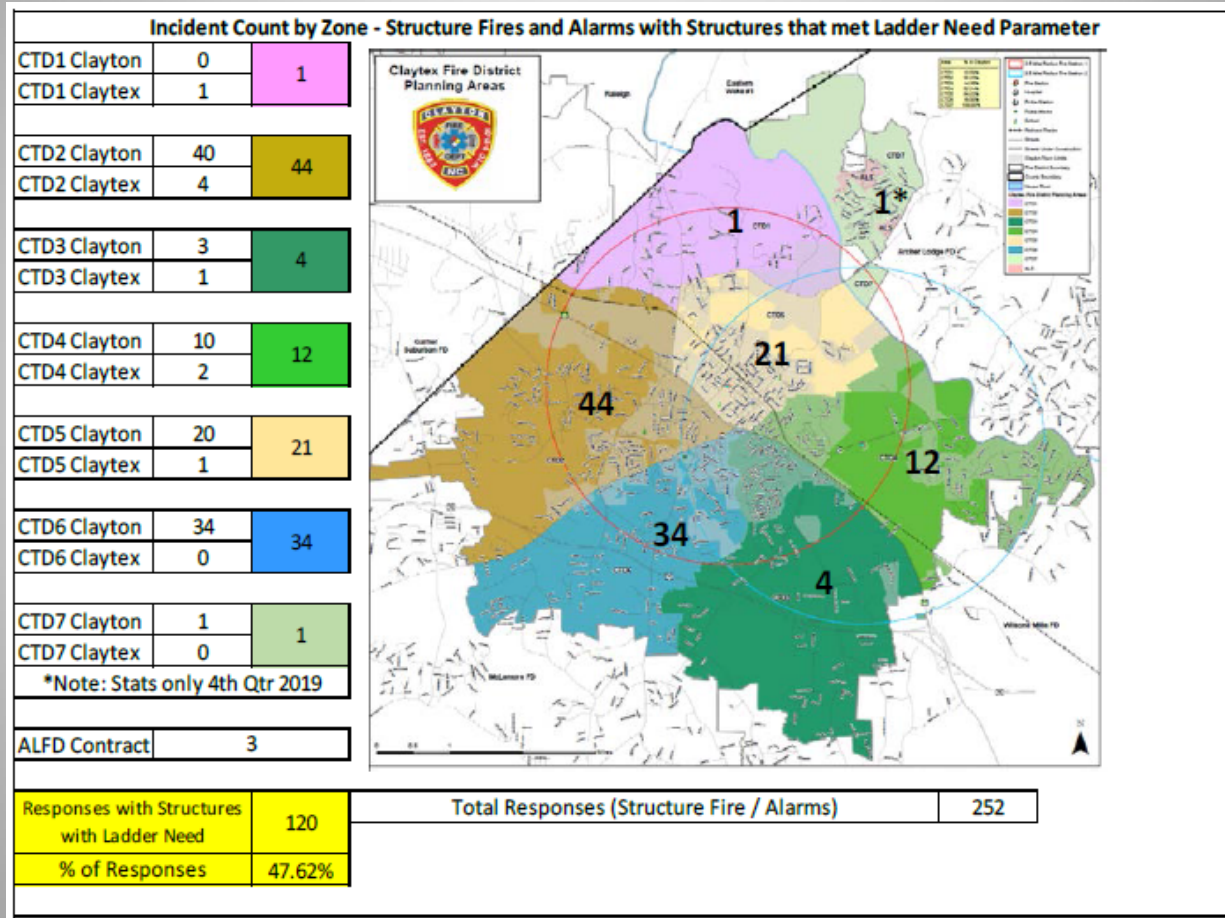


Background

- RMS system allowed personnel to track “ladder need” responses
- In 2019, there were total 2,589 incidents
 - 1,834 involved structures / 763 met “ladder need” (42%)
 - 252 incidents were coded as a structure fire or alarm-type incident / 120 met “ladder need” (47.62%)



Background



Excerpt from CFD 2019 Annual Report, page 24



Background





Department Preferences

- With district geographical characteristics, fire flow needs, and rescue features (fire ground and technical rescue), the below are preferences of features for a CFD ladder truck:
 - 2,000gpm flow rate
 - Min. 100ft vertical reach (allows greater horizontal reach for various building set-backs, parking of vehicles, etc.)
 - “Heavy Duty” platform (1,000lbs tip load rating)
 - Maneuverability (size of vehicle and option of rear-steer assist)
 - Setup “footprint” and speed of setup
 - Safety features (crush avoidance, auto-stow, etc.)



Research Overview

- For approximately 2 years, various “research” processes have been done
 - Size / Type of apparatus
 - Equipment Needs
 - Platform vrs Stick
 - Rearmount vrs Midmount
 - Single axle vrs Tandem axle
- Creation of Ladder Truck Committee





Research Overview

- June 2020: Met with Garner FD to discuss various “options” from recent research
 - Involved various vendors:
 - EOne: Limited info / feedback from rep
 - Ferrara: Limited info / feedback from rep, did receive some spec info from other departments
 - Pierce: Conducted face-to-face presentation and discussed options (MidMount 100’ Ascendant)
 - Rosenbauer: Received feedback from vendor, have planned site visit at a department in Florida (July)
 - Spartan: Limited info / feedback from rep, did receive some spec info from other departments
 - Sutphen: Conducted demo with Sutphen rep at GFD. Doing follow-up with Durham FD (primarily uses Sutphen)



Research Overview

- Feedback from GFD Sutphen Demo:
 - Does have “larger” rear overhang but tail swing was not “as bad as expected”
 - Very durable/strong ladder
 - Ladder does not have a “standard” climbing ladder (emergency access only)





Research Overview

- Feedback from GFD Sutphen Demo:
 - Does not have crush avoidance features for the apparatus (alarms only)
 - Following up with Durham FD Maintenance processes





Research Overview

- Feedback from GFD Rosenbauer Info:
 - Parts availability (local “NAPA” stores)
 - “Heavy” in technology aspects
 - Planned trip in July to Florida department
- Other info from agency with Rosenbauer Ladder
 - Technology is good but there are often “electronic issues”





Research Overview

- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel
- Primary option being presented was the 100' MidMount Ascendant Heavy-Duty Tower





Research Overview

- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel

The “WHY?”:

Departments choose mid-mount aerals over rear-mounts for the following reasons:

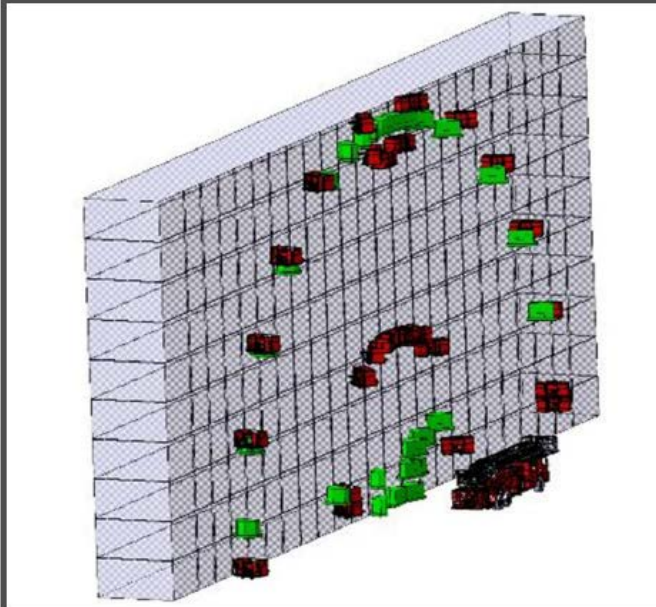
- Mid-mount platforms have unobstructed driver forward visibility
There is no bucket hanging ahead of the cab blocking the view.
- Mid-mount aerals tend to offer lower overall travel height
- Cab can be easily tilted with no obstruction presented by the aerial device
- Mid-mount towers allows for easy bucket entry from the ground at the rear of the apparatus
- Mid-mount aerals offer a compact five (5) section ladder allowing the ladder to be operated in confined space requirements at the fire scene
- Mid-mount aerals are generally easier to spot and position on the fire ground with the turntable positioned behind the cab
- Mid-mount aerals offer superior scrub area coverage on buildings compared to rear mount aerial designs. Scrub area is the part of platform or tip of the aerial device that can touch the building line especially at lower angles





Research Overview

- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel



Mid-Mount Scrub Area



Green- Basket Mid-Mount

Red- Basket Rear-Mount



Research Overview

- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel





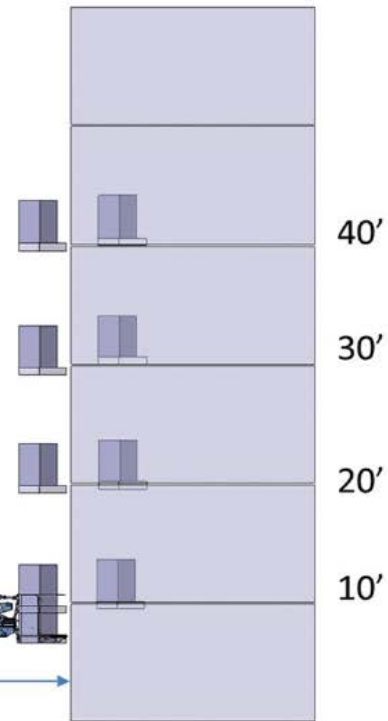
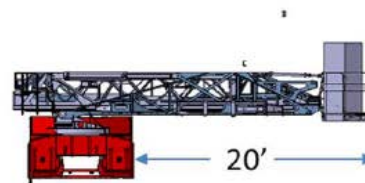
Research Overview

- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel



Minimal Set-Back

20' 100' Ascendant Tower
38' Pierce Rear Mount Platform





Research Overview

- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel





Research Overview

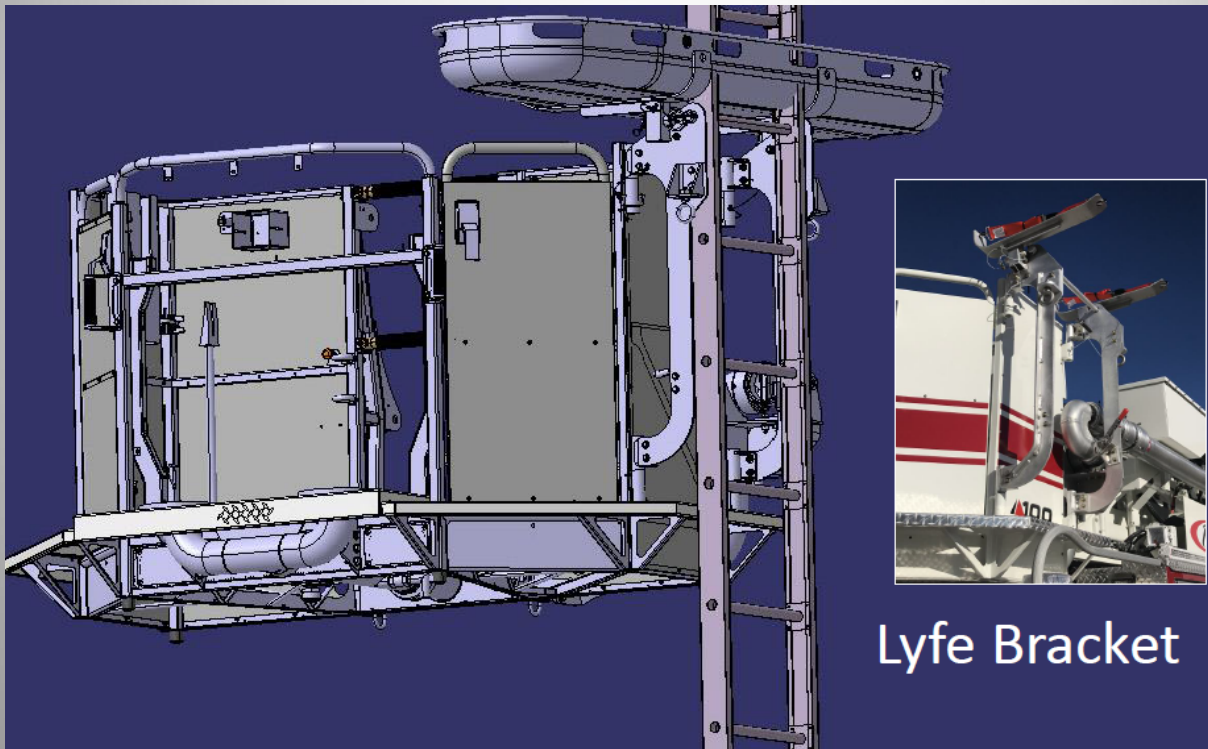
- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel





Research Overview

- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel



Lyfe Bracket



Research Overview

- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel





Research Overview

- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel

ASCENDANT

CURRENT 100' REAR-MOUNT PLATFORM vs.
NEW ASCENDANT® 100' HEAVY-DUTY AERIAL TOWER

47' 1/4"
OAL



CURRENT 100'
REAR-MOUNT
PLATFORM

41' 3"
OAL



**ASCENDANT 100'
HEAVY-DUTY
AERIAL TOWER**

5' 9 1/4" SHORTER OVERALL APPARATUS LENGTH



Research Overview

- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel

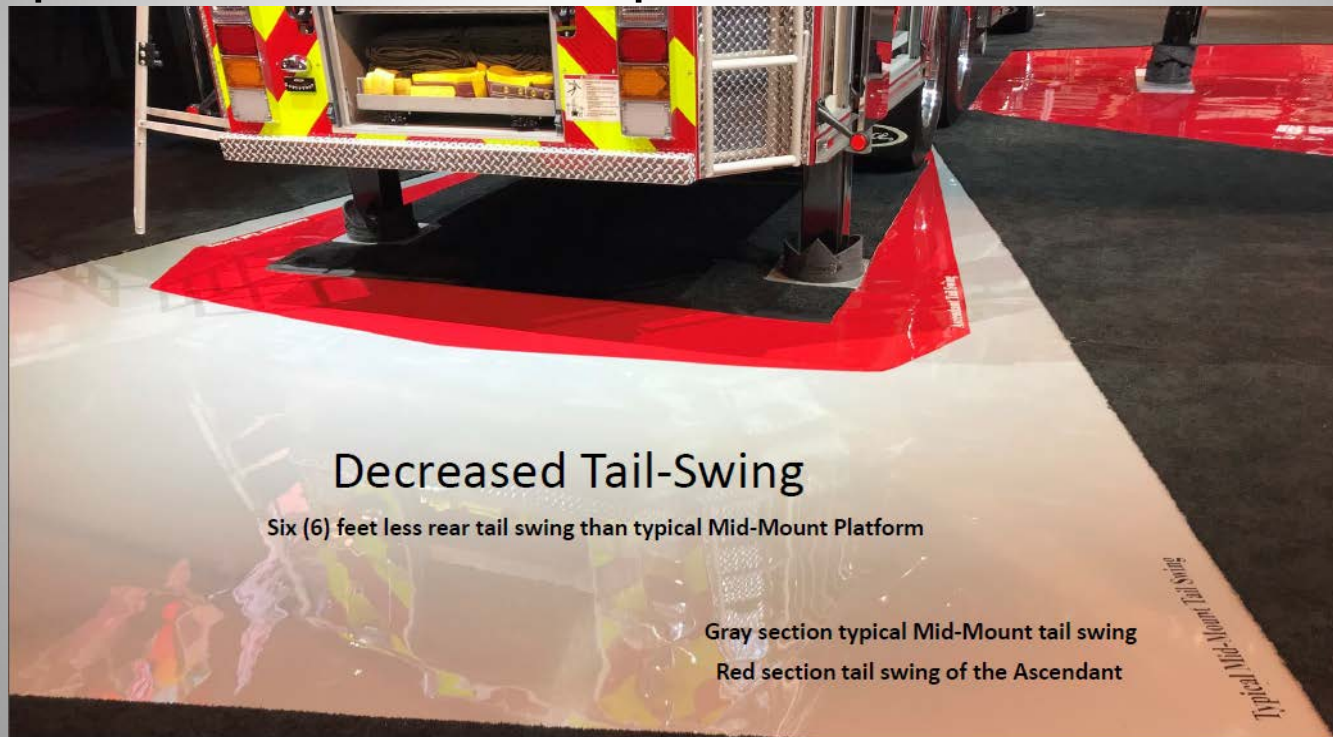
Short Rear Overhang





Research Overview

- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel





Research Overview

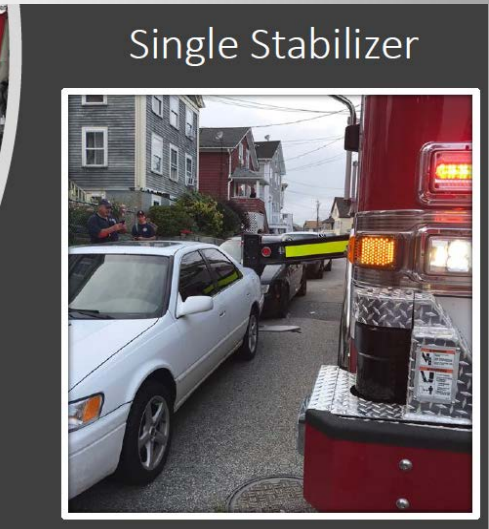
- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel





Research Overview

- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel





Research Overview

- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel

NFPA Equipment Loading





Research Overview

- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel

SERVICEABILITY

- Ability to tilt cab with no obstruction of aerial tower
- Pump plumbing access via tilting cab
- Tilt out front and rear jacks
- Centralized aerial electrical locations
- Centralized hydraulic manifold, reservoir and filter location





Research Overview

- Atlantic Emergency Solutions (Pierce rep) provided a presentation to CFD personnel
 - In regards to “service”, it was acknowledged during the presentation that Atlantic is taking all issues and concerns related to service seriously
 - There is frequent communication between CFD and Atlantic regarding service concepts
 - CFD streamlining service processes with TOC which has allowed for better tracking, accountability, etc.
 - Have / will involve TOC Fleet Manager with apparatus processes



Research Overview

	E-One	Ferrara	Pierce	Rosenbauer	Spartan	Sutphen
Overall Length	49'9"	46'3"	41'3"	47'7"	47'10"	46'7"
Driving Height	11'2"	10'9"	10'10"	10'11" - 11'11"	10'8"	11'6"
Rear Overhang	234"	190"+	160"	198.5"	245"	241"
Rear Steer Assist	Not Avail	Not Avail	Yes - TAK4 T-3	Not Avail	Not Avail	Not Avail
Pump Flow Rate	2000gpm	2000gpm	2000gpm	2000gpm	2000gpm	2000gpm
Tank Size	300g	300g	300g	300-500g	300g	300-500g
Crosslay Info	200' - DJ	2 - 200' 1/75"	2 - 200' 1.75" 1 - 200' 2.5" (wide PP)	2 - 200' 1.75" 1 - 200' 2.5"	Unk.	2 - 200' 1.75" 1 - 200' 2.5"
LDH Info	550' - 5inch	Unk.	800' - 5inch	800' - 5inch	Unk.	900' - 5inch
Ladder Reach-Vertical	95'	100'	100'	100'	100'	100'
Ladder Reach-Horizontal	Unk.	84'	93'	94'8"	99'	89'4"
Ladder Reach-Below Grade	Unk.	-12	-20	-12	-12	None
Ladder Tip Rating	Unk.	500lbs Dry / 500 Wet	1000lbs Dry / 500 Wet	1000lbs Dry / 500 Wet	1000lbs Dry / 500 Wet	1000lbs Dry / 500 Wet
Stabilizer Setup	2 sets outriggers	2 sets outriggers	1 set outriggers 2 sets downjacks	2 sets of outriggers	2 sets outriggers	1 set outriggers 1 set downriggers
Stabilizer Spread	Unk.	18' - 20'	18' / 13' short jacked	17'6"	18' / 13' short jacked	20'
Stabilizer Setup Time	Unk.	Unk.	26 seconds	Unk	Unk.	45 seconds
Safety-Crush Avoidance	Unk.	Yes	Yes	Yes	Unk.	No - Alarm Only
Safety-AutoStow	Unk.	No-Zone Indicator Only	Yes	Yes	Unk.	Not Avail



Recommendations

- With the current day research and department preferences (and available options), the recommended option is the Pierce MidMount 100ft Ascendant Tower Ladder
- Things to consider (continuation of research):
 - Maintenance costs / processes
 - NCRRS Inspector Follow-up (work in progress)
 - Operational aspects (work in progress)



Recommendations

- Training Aspects: An “Education Plan” was forwarded to Fire Chief for review
 - Fall 2020: NC D/O Pumps certification (pre-requisite for D/O Aerial certification)
 - Manufacturer Training: During Final Inspection and Post-delivery
 - Ladder Company Operations Course: Will be the “in-service” training course, 24 hours / Train-the-Trainer course provided by external specialty training company
 - Host NC D/O Aerials certification course (will allow personnel to use our ladder for the process).



What's Next??

- Equipment Inquiry / Quoting
 - Options of mounting processes (in-house vrs external)
- Gathering information regarding maintenance
- Budgetary aspects with TOC
- When budget process is finalized/approved
 - Build time is 9-13 months post-purchase/approval
 - Schedule PreCon meeting at manufacture facility
 - Actual / Physical build time is approx. 45 days
 - Final inspection done at manufacture facility
- Update operating SOGs



Summary

- Background Overview
- Preferences for Department Needs
- Research Overview
- Recommendations
- Questions??

Survey Monkey will still be available to provide feedback, suggestions, etc.

<https://www.surveymonkey.com/r/WYJXNSW>

Issue Description: Ladder Truck
Place of Payment: Private Bank - Tax Exempt
Issue Amount: \$ 1,850,000.00
Issue Date: 1/1/2021
Callable Date: N/A
Issue Number:
Purpose:

Date of Payment	Interest Rates	Outstanding Balance	Principal Payment	Interest Payment	Total Payment
6/1/2021	3.500%	1,850,000.00	185,000.00	64,750.00	249,750.00
6/1/2022	3.500%	1,665,000.00	185,000.00	58,275.00	243,275.00
6/1/2023	3.500%	1,480,000.00	185,000.00	51,800.00	236,800.00
6/1/2024	3.500%	1,295,000.00	185,000.00	45,325.00	230,325.00
6/1/2025	3.500%	1,110,000.00	185,000.00	38,850.00	223,850.00
6/1/2026	3.500%	925,000.00	185,000.00	32,375.00	217,375.00
6/1/2027	3.500%	740,000.00	185,000.00	25,900.00	210,900.00
6/1/2028	3.500%	555,000.00	185,000.00	19,425.00	204,425.00
6/1/2029	3.500%	370,000.00	185,000.00	12,950.00	197,950.00
6/1/2030	3.500%	185,000.00	185,000.00	6,475.00	191,475.00
			1,850,000.00	356,125.00	2,206,125.00

Issue Description: Ladder Truck
Place of Payment: Private Bank - Tax Exempt
Issue Amount: \$ 1,850,000.00
Issue Date: 1/1/2021
Callable Date: N/A
Issue Number:
Purpose:

Date of Payment	Interest Rates	Outstanding Balance	Principal Payment	Interest Payment	Total Payment
6/1/2021	3.500%	1,850,000.00	154,166.67	64,750.00	218,916.67
6/1/2022	3.500%	1,695,833.33	154,166.67	59,354.17	213,520.84
6/1/2023	3.500%	1,541,666.66	154,166.67	53,958.33	208,125.00
6/1/2024	3.500%	1,387,499.99	154,166.66	48,562.50	202,729.16
6/1/2025	3.500%	1,233,333.33	154,166.67	43,166.67	197,333.34
6/1/2026	3.500%	1,079,166.66	154,166.66	37,770.83	191,937.49
6/1/2027	3.500%	925,000.00	154,166.67	32,375.00	186,541.67
6/1/2028	3.500%	770,833.33	154,166.66	26,979.17	181,145.83
6/1/2029	3.500%	616,666.67	154,166.67	21,583.33	175,750.00
6/1/2030	3.500%	462,500.00	154,166.66	16,187.50	170,354.16
6/1/2031	3.500%	308,333.34	154,166.67	10,791.67	164,958.34
6/1/2032	3.500%	154,166.67	154,166.67	5,395.83	159,562.50
			1,850,000.00	420,875.00	2,270,875.00

Issue Description: Ladder Truck
Place of Payment: Private Bank - Tax Exempt
Issue Amount: \$ 1,850,000.00
Issue Date: 1/1/2021
Callable Date: N/A
Issue Number:
Purpose:

Date of Payment	Interest Rates	Outstanding Balance	Principal Payment	Interest Payment	Total Payment
6/1/2021	3.750%	1,850,000.00	123,333.33	69,375.00	192,708.33
6/1/2022	3.750%	1,726,666.67	123,333.33	64,750.00	188,083.33
6/1/2023	3.750%	1,603,333.34	123,333.34	60,125.00	183,458.34
6/1/2024	3.750%	1,480,000.00	123,333.33	55,500.00	178,833.33
6/1/2025	3.750%	1,356,666.67	123,333.33	50,875.00	174,208.33
6/1/2026	3.750%	1,233,333.34	123,333.34	46,250.00	169,583.34
6/1/2027	3.750%	1,110,000.00	123,333.33	41,625.00	164,958.33
6/1/2028	3.750%	986,666.67	123,333.33	37,000.00	160,333.33
6/1/2029	3.750%	863,333.34	123,333.34	32,375.00	155,708.34
6/1/2030	3.750%	740,000.00	123,333.33	27,750.00	151,083.33
6/1/2031	3.750%	616,666.67	123,333.33	23,125.00	146,458.33
6/1/2032	3.750%	493,333.34	123,333.34	18,500.00	141,833.34
6/1/2033	3.750%	370,000.00	123,333.33	13,875.00	137,208.33
6/1/2034	3.750%	246,666.67	123,333.33	9,250.00	132,583.33
6/1/2035	3.750%	123,333.34	123,333.34	4,625.00	127,958.34
			1,850,000.00	555,000.00	2,405,000.00

Issue Description: Ladder Truck
Place of Payment: Private Bank - Tax Exempt
Issue Amount: \$ 2,100,000.00
Issue Date: 1/1/2021
Callable Date: N/A
Issue Number:
Purpose:

Date of Payment	Interest Rates	Outstanding Balance	Principal Payment	Interest Payment	Total Payment
6/1/2021	3.500%	2,100,000.00	210,000.00	73,500.00	283,500.00
6/1/2022	3.500%	1,890,000.00	210,000.00	66,150.00	276,150.00
6/1/2023	3.500%	1,680,000.00	210,000.00	58,800.00	268,800.00
6/1/2024	3.500%	1,470,000.00	210,000.00	51,450.00	261,450.00
6/1/2025	3.500%	1,260,000.00	210,000.00	44,100.00	254,100.00
6/1/2026	3.500%	1,050,000.00	210,000.00	36,750.00	246,750.00
6/1/2027	3.500%	840,000.00	210,000.00	29,400.00	239,400.00
6/1/2028	3.500%	630,000.00	210,000.00	22,050.00	232,050.00
6/1/2029	3.500%	420,000.00	210,000.00	14,700.00	224,700.00
6/1/2030	3.500%	210,000.00	210,000.00	7,350.00	217,350.00
			2,100,000.00	404,250.00	2,504,250.00

Issue Description: Ladder Truck
Place of Payment: Private Bank - Tax Exempt
Issue Amount: \$ 2,100,000.00
Issue Date: 1/1/2021
Callable Date: N/A
Issue Number:
Purpose:

Date of Payment	Interest Rates	Outstanding Balance	Principal Payment	Interest Payment	Total Payment
6/1/2021	3.500%	2,100,000.00	175,000.00	73,500.00	248,500.00
6/1/2022	3.500%	1,925,000.00	175,000.00	67,375.00	242,375.00
6/1/2023	3.500%	1,750,000.00	175,000.00	61,250.00	236,250.00
6/1/2024	3.500%	1,575,000.00	175,000.00	55,125.00	230,125.00
6/1/2025	3.500%	1,400,000.00	175,000.00	49,000.00	224,000.00
6/1/2026	3.500%	1,225,000.00	175,000.00	42,875.00	217,875.00
6/1/2027	3.500%	1,050,000.00	175,000.00	36,750.00	211,750.00
6/1/2028	3.500%	875,000.00	175,000.00	30,625.00	205,625.00
6/1/2029	3.500%	700,000.00	175,000.00	24,500.00	199,500.00
6/1/2030	3.500%	525,000.00	175,000.00	18,375.00	193,375.00
6/1/2031	3.500%	350,000.00	175,000.00	12,250.00	187,250.00
6/1/2032	3.500%	175,000.00	175,000.00	6,125.00	181,125.00
			2,100,000.00	477,750.00	2,577,750.00

Issue Description: Ladder Truck
Place of Payment: Private Bank - Tax Exempt
Issue Amount: \$ 2,100,000.00
Issue Date: 1/1/2021
Callable Date: N/A
Issue Number:
Purpose:

Date of Payment	Interest Rates	Outstanding Balance	Principal Payment	Interest Payment	Total Payment
6/1/2021	3.750%	2,100,000.00	140,000.00	78,750.00	218,750.00
6/1/2022	3.750%	1,960,000.00	140,000.00	73,500.00	213,500.00
6/1/2023	3.750%	1,820,000.00	140,000.00	68,250.00	208,250.00
6/1/2024	3.750%	1,680,000.00	140,000.00	63,000.00	203,000.00
6/1/2025	3.750%	1,540,000.00	140,000.00	57,750.00	197,750.00
6/1/2026	3.750%	1,400,000.00	140,000.00	52,500.00	192,500.00
6/1/2027	3.750%	1,260,000.00	140,000.00	47,250.00	187,250.00
6/1/2028	3.750%	1,120,000.00	140,000.00	42,000.00	182,000.00
6/1/2029	3.750%	980,000.00	140,000.00	36,750.00	176,750.00
6/1/2030	3.750%	840,000.00	140,000.00	31,500.00	171,500.00
6/1/2031	3.750%	700,000.00	140,000.00	26,250.00	166,250.00
6/1/2032	3.750%	560,000.00	140,000.00	21,000.00	161,000.00
6/1/2033	3.750%	420,000.00	140,000.00	15,750.00	155,750.00
6/1/2034	3.750%	280,000.00	140,000.00	10,500.00	150,500.00
6/1/2035	3.750%	140,000.00	140,000.00	5,250.00	145,250.00
			2,100,000.00	630,000.00	2,730,000.00



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 \$630,824	+1,725,000	\$2,355,824
Expenditures			
100-52-95-58 48	Cap Out Heavy Equipment/Heavy Vehicles \$125,000	+1,725,000	\$1,850,000

Explanation:

Amendment to appropriate fund balance to purchase a Pierce Arrow XT Tower T3 Aerial ladder truck for the Town's Fire Department. The Town plans to finance the purchase and will utilize a reimbursement resolution prepared by bond counsel to reimburse itself for the expenditure. This amendment is required for compliance with G.S. 159-15.

Duly adopted this 21st day of September, 2020 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

TOWN COUNCIL
OF THE TOWN OF CLAYTON, NORTH CAROLINA

Excerpt of Minutes
of Meeting on
September 21, 2020

Present: Mayor _____ presiding, and

Councilmembers : _____

Absent: _____

* * * * *

The following resolution was discussed and its title was read:

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

WHEREAS, the Town Council of the Town of Clayton, North Carolina (the “Town”) intends to provide a portion of the financing of the acquisition of a ladder truck for the Town’s fire department (the “Project”);

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

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

1. The Town intends to utilize the proceeds of tax-exempt indebtedness, including but not limited to revenue bonds or notes (the “Indebtedness”) or to incur other debt, to pay the costs of the Project in an amount not currently expected to exceed \$2,000,000.
2. The Town intends that the proceeds of the Indebtedness be used to reimburse the Town for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this resolution. The Town reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Indebtedness or other debt.

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

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

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

Ayes: _____

Nays: _____

Not Voting: _____

Duly adopted this the 21st day of September, 2020 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly Moffett, CMC, NCCMC
Town Clerk

* * * * *

I, Kimberly Moffett, Clerk to the Town Council for the Town of Clayton, North Carolina,
DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the
proceedings of the Town Council at a regular meeting duly called and held September 21, 2020,
as it relates in any way to the resolution hereinabove set forth. Pursuant to G.S. § 143-318.12, a
current copy of a schedule of regular meetings of the Town Council is on file in my office.

WITNESS my hand and the common seal of the Town, this ____ day of September, 2020

Clerk, Town Council
Town of Clayton, North Carolina

(SEAL)

RESOLUTION BY CLAYTON TOWN COUNCIL

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water distribution systems, and

WHEREAS, The Town of Clayton has need for and intends to construct a new elevated storage tank described as the Elevated Storage Improvements Project, and

WHEREAS, The Town of Clayton intends to request state loan assistance for the project,

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

That the Town of Clayton, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Clayton to make scheduled repayment of the loan, to withhold from the Town of Clayton any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the Deputy Town Manager, Rich Cappola, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

That this resolution further serves as adoption of the **Applicants** 10-year Capital Improvement Plan that includes the project seeking State or Federal funding.

Duly adopted this the 21st of September, 2020 while in regular session.

Jody McLeod
Mayor

ATTEST;

Kimberly Moffett, CMC NCMCM
Town Clerk

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Clayton does hereby certify:
That the above/attached resolution is a true and correct copy of the resolution authorizing the
filing of an application with the State of North Carolina, as regularly adopted at a legally convened
meeting of the Town of Clayton duly held on the 21st day of September, 2020; and, further, that
such resolution has been fully recorded in the journal of proceedings and records in my office. IN
WITNESS WHEREOF, I have hereunto set my hand this _____ day of September, 2020.

Kimberly Moffett, CMC, NCCMC

Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

September 21, 2020

Agenda Location

Old Business

Item Title

Progress Update on Parks and Recreation Bonds Projects

Presenter

Scott Barnard and Joshua Baird

Summary/Description

Staff will provide the latest information on the bond projects planning by the consultants as well as initial staff recommendations. Intent is to make these updates quarterly moving forward.

Requested Action

Council Consensus

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.



Town Council Agenda Cover Sheet

Meeting Date

September 21, 2020

Agenda Location

New Business

Item Title

Budget Amendments

Presenter

Robert McKie, Finance Director

Summary/Description

The Finance Director will present a budget amendment to appropriate \$19,500 of fund balance to purchase uniforms and equipment for the police department's Special Enforcement Team (SET) with monies that are restricted to directly enhancing the law enforcement activities of the Clayton Police Department by State and federal law.

Requested Action

Approval

Funding Source (If Applicable):

Available Fund Balance

Cost: N/A Yes ☒ No ☐

Additional Documents to be Included in Agenda Packet

Drug Seizures Funds Budget Amendment

Meeting Timeline

Click or tap here to enter text.



Ballistic Equipment Samples



**Plan to
purchase 50
helmets;
one for
every
officer if
funding
allows.**



**Plan to
purchase
10-12 vests
for warrant
team.**

Batteries of NC & S.W.S. LLC

81 Medical Drive
 Angier, NC 27501
 (919) 331-0241
 lscott@batteriesofnc.com
 http://www.batteriesofnc.com



ESTIMATE

ADDRESS

Knightdale Purchasing
 Knightdale Purchasing
 950 Steeple Square Court
 Knightdale, NC 27545

SHIP TO

Knightdale Purchasing
 Knightdale Purchasing
 950 Steeple Square Court
 Knightdale, NC 27545

ESTIMATE # 8162**DATE** 06/06/2018**SALES REP**

Peter

PRODUCT/SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
IX34UFX	Part Number: IX34UFX Whelen Inner Edge XLP 12 Light Explorer ****All Blue****	2	600.00	1,200.00T
IDTRAY8	Part Number: IDTRAY8 Whelen Rear Inner Edge Light Bar Duo Series 5 Year Warranty ****Back Gate Light with TA Blue/Amber DUO****	2	886.80	1,773.60T
295SDA1	Part Number: 295SDA1 Whelen Dual Tone Remote, Siren and Power Control with Built in Traffic Advisor Control 2 Year Warranty	2	550.80	1,101.60T
SA315P	Part Number: SA315P Whelen Speaker, Black Plastic 100 WATT	2	165.00	330.00T
SAK44	Part Number: SAK44 Whelen Speaker Bracket for Ford Utility Explorer	2	0.00	0.00T
WIONSMM	Part Number: IONSMM Whelen ION Super LED Surface Mount (Color: Blue/Amber) ****Mounted Beside Licence Plate****	4	82.50	330.00T
TLIB	Part Number: TLIB Whelen T-Series Light Color: Blue ****Mounted on Rear Gate When Open****	4	81.00	324.00T
3SC0CDCR	Part Number: 3SC0CDCR Whelen 3" Round Compartment LT (Color: White) ****Work Light For Gate****	4	50.00	200.00T
TCRHD5	Part Number: TCRHD5 Whelen Tracer DUO 5- Lamp Housing 5 Year Warranty with ford explorer housing Blue/White	4	721.80	2,887.20T
SSFFP16	Part Number: SSFFP16 Whelen Headlight Flasher 16 SUV Interceptor ****Please order Ford Wiring Option 60A So Head Light Flasher Will Plug In****	2	83.59	167.18T
FL-20RFIF-U	Part Number: FL-20RFIF-U Brooking Rear Tail Light Flasher for Interceptor SUV	2	225.00	450.00T
C-VS-0810-INUT-PM	Part Number: C-VS-0810-INUT-PM Havis 2013-	2	395.47	790.94T

Returns: 30 Days to return merchandise. Returns within the 30 days will have a 25% restocking fee.

PRODUCT/SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
	2018 Ford Interceptor Utility Vehicle Specific 18" Angled Console w/ Internal Printer Mount			
C-HDM-204	Part Number: C-HDM-204 Havis Heavy Duty 8.5" Telescoping Pole, Side Mount, Short Handle	2	113.56	227.12T
C-MD-112	Part Number: C-MD-112 Havis 11" Slide Out Locking Swing Arm with Motion Adapter	2	211.60	423.20T
C-CUP2-I-A11	Part Number: C-CUP2-I-A11 Havis Internal 11 Degree Angled Dual Cup Holder	2	28.22	56.44T
C-AP-0325	Part Number: C-AP-0325 Havis 3" Accessory Pocket (2.5" Deep)	2	30.91	61.82T
C-ARM-102	Part Number: C-ARM-102 Havis Side Mount Arm Rest	2	46.36	92.72T
UT-1001	Part Number: UT-1001 Havis Universal Rugged Cradle for Approximately 11"-14" Computing Devices	2	193.92	387.84T
C-MCB	Part Number: C-MCB Havis Mic Clip Bracket	2	9.40	18.80T
C-DMM-2001	Part Number: C-DMM-2001 Havis Dash Mount Bracket Kit for 2013-2017 Ford Interceptor Utility	2	146.56	293.12T
PKG-KB-201	Part Number: PKG-KB-201 Havis Rugged Keyboard and Keyboard Mount System	2	384.78	769.56T
TSD-101	Part Number: TSD-101 Havis Touch Screen Display	2	783.61	1,567.22T
MMBP	Part Number: MMBP Magnetic Mic Clip	2	35.00	70.00T
488756	Tessco Part# 488756 Laird 806-866 MHZ Phantom Elite 3/4 Hole	2	35.00	70.00T
312883	Tessco Part# 312883 Brass 3/4 Hole Permanent Mount 17 Feet Cable	2	18.00	36.00T
75432	Part Number: 75432 Stream Light Stinger LED HL With 12 Volt DC Only Charger	2	110.00	220.00T
BK2019ITU12	Setina Part Number: BK2019ITU12 PB450L 4 Light ION Head Light and Fender Protection System (Qty: 4 ION Blue 2 Forward Facing and 2 30 Degree Angle for Intersections)	2	659.00	1,318.00T
TK0241ITU12	Part Number: TK0241ITU12 Setina Cargo Box for Rear Area of Ford Interceptor SUV Consist of DSC Drawer Sliding with Combination Lock an BSN Base Sliding with no lock	2	874.30	1,748.60T
TPA9289	Part Number: TPA9289 Setina Cargo Radio Slide Out Tray	2	267.40	534.80T
TF0237ITU12	Part Number: TF0237ITU12 Setina Free Standing Cargo Box Brackets	2	58.10	116.20T
Non-Inventory Item - Strobe Lights	Shop Supplies	2	300.00	600.00T
Labor	Installation of Equipment Listed Above and customer provided Radio	2	950.00	1,900.00T
Shipping, Delivery, Freight	Shipping Charges Will Apply At Time off Ordering for both Havis and Setina	1	0.00	0.00T
Sales Tax	Created by AvaTax on Tue Jan 10 09:23:36 UTC 2017	1	0.00	0.00

Returns: 30 Days to return merchandise. Returns within the 30 days will have a 25% restocking fee.

*****A Whelen Products Carry a 5 Year Warranty and All Labor
Performed by Batteries of NC / Southern Warning Systems Carries a 1
year Warranty*****
2018 Ford SUV Interceptor *****Please Order Wiring Option 60A*****
LIGHT BAR OPTION with Touch Screen Display**** Qty: 4

SUBTOTAL	20,065.96
TAX (6.75%)	1,354.45
TOTAL	\$21,420.41

Accepted By

Accepted Date

Returns: 30 Days to return merchandise. Returns within the 30 days will have a 25% restocking fee.

Batteries of NC & S.W.S. LLC

81 Medical Drive
Angier, NC 27501
9193310241
www.batteriesofnc.com



Estimate

ADDRESS

Town of Clayton
653 Hwy
42 West
Clayton, NC 27527

SHIP TO

Town of Clayton
653 Hwy
42 West
Clayton, NC 27520

ESTIMATE # 14372**DATE 07/28/2020****SALES REP**

Lonnie

PRODUCT/SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
Non-Inventory Item - Strobe Lights	Federal Signal Front and Rear ILS Dual Colors Blue/White in Front with Full Flood and Blue/Amber in Rear with Amber Override for TA, Pathfinder Handheld system, Speaker and Bracket	1	1,998.00	1,998.00T
PF200H	Part Number: PF200H Federal Signal Handheld Pathfinder Programmable Siren System	1	0.00	0.00T
ES100C	Part Number: ES100C Federal Signal DynaMax Siren and Speaker	1	0.00	0.00T
ESB-DUR15	Part Number: ESB-DUR15 Federal Signal Dodge Durango Speaker Bracket that Holds 2 MPS Series Lights	1	0.00	0.00T
MPSW9-BW	Part Number: MPSW9-BW Federal Signal MicroPulse Wide Angle Dual Color 12-LED Light Head Blue/White ****Under the mirror****	2	125.00	250.00T
MPSMW9-DUR15MIR	Part Number: MPSMW9-DUR15MIR Federal Signal MicroPulse Pair of Side Mirror Brackets for 15-17 Durango and 16+ Ram SSV	1	21.75	21.75T
MPS620U-BW	Part Number: MPS620U-BW Federal Signal MicroPulse Ultra Dual Color 12-LED Light Head Blue/White ****Back Side Window and front grill****	4	75.00	300.00T
MPSM6-LB	Part Number: MPSM6-LB Federal Signal MicroPulse 6 L Shape Bracket	2	14.00	28.00T
MPS620U-BA	Part Number: MPS620U-BA Federal Signal MicroPulse Ultra Dual Color 12-LED Light Head Blue/Amber ****Back License Plate****	2	75.00	150.00T
MPS600U-BB	Part Number: MPS600U-BB Federal Signal MicroPulse Ultra 6-LED Light Head Blue ****Rear Gate When Open****	2	60.00	120.00T
3SC0CDCR	Part Number: 3SC0CDCR Whelen 3" Round	2	50.00	100.00T

Returns: 30 Days to return merchandise. Returns within the 30 days will have a 25% restocking fee. Special Order are Non-Returnable.

PRODUCT/SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
	Compartment Light White ****Rear Gate Work Lights****			
FL-80RFID-2	Part Number: FL-80RFID-2 Brooking Flasher for Dodge Durango	1	200.00	200.00T
391637	Part Number: 391637 Tessco Brass 3/4 Hole Permanent Mount 25' Cable	1	29.35	29.35T
488756	Part Number: 488756 Tessco Laird 806-866 MHZ Phantom Elite 3/4 Hole	1	35.00	35.00T
75432	Part Number: 75432 Streamlight Stinger LED HL With 12 Volt DC Only Charger	1	117.00	117.00T
MMBP	Part Number: MMBP Magnetic Mic Clip	2	35.00	70.00T
TK0248DUR11	Part Number: TK0248DUR11 Setina Cargo Box-DSC-Drawer, Sliding with Combination Lock-BSC-Base Sliding with Combination Lock	1	987.65	987.65T
TPA9289	Part Number: TPA9289 Setina Cargo Radio Slide Out Tray	1	254.61	254.61T
TPA12419	Part Number: TPA12419 Setina Cargo Tray Top Sliding White Board	1	261.15	261.15T
7170-0841-01	Part Number: 7170-0841-01 2011+ Dodge Durango and Jeep Grand Cherokee Pedestal Kit with Mongoose® 9" Locking Slide Arm	1	457.80	457.80T
7160-0250	Part Number: 7160-0250 Gamber-Johnson NotePad V Universal Computer Cradle	1	233.40	233.40T
Shipping, Delivery, Freight	Shipping Charges Estimated Subject to Change	1	355.00	355.00T
Non-Inventory Item - Strobe Lights	Shop Supplies	1	250.00	250.00T
Outside Labor	Black out all Chrome on the durango bottom trim and fog light area	1	299.00	299.00T
Inside Labor	Installation of Equipment Listed Above in Dodge Durango	1	1,600.00	1,600.00T
Sales Tax	Sales Tax calculated by AvaTax on Tue 28 Jul 12:30:45 UTC 2020	1	547.96	547.96

SUBTOTAL	8,665.67
TAX (0%)	0.00
TOTAL	\$8,665.67

Accepted By

Accepted Date

Returns: 30 Days to return merchandise. Returns within the 30 days will have a 25% restocking fee. Special Order are Non-Returnable.

Batteries of NC & S.W.S. LLC

81 Medical Drive
Angier, NC 27501
9193310241
www.batteriesofnc.com



Estimate

ADDRESS

Town of Fuquay-Varina
134 N. Main Street
Fuquay Varina, NC 27526-9307
US

ESTIMATE # 14636**DATE** 09/03/2020**SALES REP**

Lonnie

PRODUCT/SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
Non-Inventory Item - Strobe Lights	Qty: 1 Dodge Charger Unmarked Vehicle	1	0.00	0.00T
ISFW358	Part Number: ISFW358 Whelen Inner Edge FST WeCan 8-Light for Dodge Charger ****Blue with Take Downs****	1	681.60	681.60T
ITRAYW10	Part Number: ITRAYW10 Whelen Rear RST Inner Edge ***Blue/Amber with TA	1	1,047.06	1,047.06T
HHS4206	Part Number: HHS4206 Whelen Same as HHS3206, Except with WeCan Port that Supports the Inner Edge FST, XLP, and RST Series, WeCan Lightbars, and a WeCan External Amplifier (Not for Use with the CANEM16 Expansion Module)	1	560.34	560.34T
SA315P	Part Number: SA315P Whelen Speaker, Black Plastic 100 WATT	1	183.00	183.00T
SAK37	Part Number: SAK37 Whelen Siren Mounting Kit for Dodge Chargers	1	0.00	0.00T
WIONB	Part Number: WIONB Whelen NFPA Ion Light Blue ****Front Grill and Back Side Windows****	4	90.00	360.00T
IONPEDB	Part Number: IONPEDB Whelen Pedestal Mount Kit	2	45.00	90.00T
C-VS-2500-CHGR-1	Part Number: C-VS-2500-CHGR-1 Havis 2011-2020 Dodge Charger (Police Package) Vehicle Specific 25" Console	1	260.25	260.25T
C-ARM-103	Part Number: C-ARM-103 Havis Armrest for Top Mount, Console, Large Pad	1	81.71	81.71T
CUP2-1001	Part Number: CUP2-1001 Havis Self-Adjusting Double Cup Holder (4")	1	40.64	40.64T
C-AP-0625	Part Number: C-AP-0625 Havis 6" Accessory Pocket, 2.5" Deep (6")	1	39.75	39.75T

Returns: 30 Days to return merchandise. Returns within the 30 days will have a 25% restocking fee. Special Order are Non-Returnable.

PRODUCT/SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
C-LP2-PS1-USB	Part Number: C-LP2-PS1-USB Havis 2 Lighter Plug Outlet with 1 USB Cut Out (1.5")	1	78.68	78.68T
C-MCB	Part Number: C-MCB Havis Mic Clip Bracket	1	9.69	9.69T
C-MD-112	Part Number: C-MD-112 Havis 11" Slide Out Locking Swing Arm with Motion Adapter	1	217.95	217.95T
C-HDM-204	Part Number: C-HDM-204 Havis 8.5" Heavy Duty Telescoping Pole, Side Mount, Short Handle	1	116.97	116.97T
UT-1001	Part Number: UT-1001 Havis Universal Rugged Cradle for Approximately 11"-14" Computing Devices	1	199.74	199.74T
MMBP	Part Number: MMBP Magnetic Mic Clip	1	35.00	35.00T
75432	Part Number: 75432 Streamlight Stinger LED HL With 12 Volt DC Only Charger	1	117.00	117.00T
391637	Part Number: 391637 Tessco Brass 3/4 Hole Permanent Mount 25' Cable	1	29.35	29.35T
488756	Part Number: 488756 Tessco Laird 806-866 MHZ Phantom Elite 3/4 Hole	1	35.00	35.00T
TK1189CGR11	Part Number: TK1189CGR11 Setina Slide Out Trunk Tray for Dodge Charger	1	265.30	265.30T
FL-80RFIP-2	Part Number: FL-80RFIP-2 Brooking Flasher Module for Rear Truck Lid on 2015-2016 Dodge Chargers	1	255.00	255.00T
GK0068E	Part Number: GK0068E Setina Single T Rail Mount 1080E Blac-Rac Weapons Mount System ****Mounted on Trunk Tray*****	1	538.30	538.30T
Non-Inventory Item - Strobe Lights	Shop Supplies	1	200.00	200.00T
Inside Labor	Installation of Equipment Listed Above and Customer Supplied Radio and Camera System	1	1,200.00	1,200.00T
Shipping, Delivery, Freight	Shipping Charges Will Apply at Time of Ordering	1	155.00	155.00T
Sales Tax	Sales Tax calculated by AvaTax on Mon 14 Sep 14:59:35 UTC 2020	1	492.85	492.85

SUBTOTAL	7,290.18
TAX (0%)	0.00
TOTAL	\$7,290.18

Accepted By

Accepted Date

Returns: 30 Days to return merchandise. Returns within the 30 days will have a 25% restocking fee. Special Order are Non-Returnable.



3319 Anvil Place
Raleigh, NC 27603

800 Clanton Road Suite T
Charlotte, NC 28217

4961 Broad River Rd. Suite B
Columbia, SC 29212

SALES QUOTE

SQ-324244

6/1/2020



REMIT TO: 3319 Anvil Place, Raleigh, NC 27603

Customer		Contact		Ship To	
TOWN OF CLAYTON ATTN: ACCOUNTS PAYABLE PO BOX 879 ATTN: JOHN STANLEY CLAYTON NC 27528 Tel: (919) 553-5002 Fax: (919) 553-8919				CLAYTON POLICE DEPARTMENT 315 E. SECOND STREET CLAYTON NC 27520	
Account	Terms	Due Date	Account Rep	Schedule Date	
CLAYTO	NET 30 Days	7/1/2020	JOHN SHIMER	6/1/2020	
Quotation	PO #	Reference	Ship VIA	Page	Printed
SQ-324244		GARNER	FACTORY DIRECT	1	6/1/2020 2:07:52PM
L	Item / Model / Brand Description	Qty	Price UM	Discount %	Amount
1	MONTR1000 / MON RIOT HELMET BLK W/FACE SHIELD UNIVERSAL	50	\$137.00 EA	\$0.00	\$6,850.00
2	MON2801 / 792298008690 / MON WOOD BATON 26" FIXED LENGTH, NAUTRAL WOOD COLOR	50	\$13.00 EA	\$0.00	\$650.00
3	MON2710 / MON LAPD BATON STOP ACCESSORY	50	\$4.55 EA	\$0.00	\$227.50
4	AVN70501632 / AVN PC50 MASK ASSEMBLY, TWIN PORT, LARGE	5	\$275.00 EA	\$0.00	\$1,375.00
5	AVN70501633 / 917801318 / AVN PC50 MASK ASSEMBLY, TWIN PORT, MEDIUM	5	\$275.00 EA	\$0.00	\$1,375.00
6	AVN726063 / AVN726063 / AVN CTCF50 FILTER FOR PC50/C50/FM53 (4 PACK)	4	\$164.99 EA	\$0.00	\$659.96
7	SH SHIPPING/HANDLING	1	\$149.95 EA	\$0.00	\$149.95
**PLEASE VERIFY THAT THE PART NUMBERS AND DESCRIPTIONS ARE CORRECT BEFORE SUBMITTING YOUR ORDER. **RESTOCKING FEES MAY APPLY TO RETURNED ITEMS. **FREIGHT WILL BE ADDED TO ALL INVOICES. **PRICES QUOTED ARE BASED ON PAYMENT BY CHECK OR CASH. **QUOTE IS GOOD FOR 30 DAYS.		Tax Details NCCTY675 \$761.900		Taxable Total Tax \$761.90 Exempt \$0.00 Total \$12,049.31 Balance \$12,049.31	



3319 Anvil Place
Raleigh, NC 27603

800 Clanton Road Suite T
Charlotte, NC 28217

4961 Broad River Rd. Suite B
Columbia, SC 29212

SALES QUOTE

SQ-324275

6/1/2020



REMIT TO: 3319 Anvil Place, Raleigh, NC 27603

Customer		Contact		Ship To	
TOWN OF CLAYTON ATTN: ACCOUNTS PAYABLE PO BOX 879 ATTN: JOHN STANLEY CLAYTON NC 27528 Tel: (919) 553-5002 Fax: (919) 553-8919				CLAYTON POLICE DEPARTMENT 315 E. SECOND STREET CLAYTON NC 27520	
Account	Terms	Due Date	Account Rep	Schedule Date	
CLAYTO	NET 30 Days	7/1/2020	JOHN SHIMER	6/1/2020	
Quotation	PO #	Reference	Ship VIA	Page	Printed
SQ-324275		DELTA 4	FACTORY DIRECT	1	6/1/2020 2:11:32PM
L	Item / Model / Brand Description	Qty	Price UM	Discount %	Amount
1	PRODUCT VENDOR:PROTECH VENDOR PART NUMBER:1220976-xx DESCRIPTION:DELTA 4 4BOLT MID CUT ADDITIONAL INFO:	50	\$375.00 EA	\$0.00	\$18,750.00
2	PAPPTAHSR2SM / PAP R2S Suspension System with Mesh Liner	50	\$0.00 EA	\$0.00	\$0.00
3	SH SHIPPING/HANDLING	1	\$149.95 EA	\$0.00	\$149.95
**PLEASE VERIFY THAT THE PART NUMBERS AND DESCRIPTIONS ARE CORRECT BEFORE SUBMITTING YOUR ORDER. **RESTOCKING FEES MAY APPLY TO RETURNED ITEMS. **FREIGHT WILL BE ADDED TO ALL INVOICES. **PRICES QUOTED ARE BASED ON PAYMENT BY CHECK OR CASH. **QUOTE IS GOOD FOR 30 DAYS.		Tax Details NCCTY675 \$1275.747		Taxable Total Tax \$1,275.75 Exempt \$0.00 Total \$20,175.70 Balance \$20,175.70	

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 and Police Special Revenue Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenue			
212-48 99	Fund Balance Appropriated		
	\$0	+19,500	\$19,500
Expenditures			
212-55 05	Drug Seizure Funds – Federal		
	\$0	+19,500	\$19,500

Explanation: Amendment necessary to reflect the appropriation of Fund Balance to purchase equipment for the police department with proceeds from the U.S. Department of Justice Asset Forfeiture Program that was received in the prior fiscal year and remain unspent. The Controlled Substances Act, Section 881(e)(3) of Title 21, United States Code authorizes the sharing of forfeited property. All funds received from the forfeiture program are restricted to directly enhancing the law enforcement activities of the Clayton Police Department.

Duly adopted this 21st 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 21, 2020

Agenda Location

Staff Reports

Item Title

Bulky Waste Report

Presenter

Blake Mills, Assistant Director of Public Services

Steve Blasko, Public Works Operations Manager

Justin Pulley, Grounds Maintenance Supervisor

Summary/Description

Current Bulky Waste Pickup Program

The Town of Clayton charges residents \$20.50 per month for Solid Waste, Recycling and Yard Waste Services. Clayton is charged by Allstar \$19.30 per month per house for Solid Waste (\$6.65), Recycling (\$4.48), Yard Waste (\$2.90), Leaf Vacuum (\$1.74), Solid Waste Landfill fees (\$2.43), Recycling Processing fees (\$0.95) and Yard Waste Landfill fees (\$0.15) plus the cost of Bulky Waste. On July 1, 2017, The Town changed the Bulky Waste Pickup Program from a resident calling the Town to make an appointment for Bulky Waste pickup and pay a fee based on the type of bulky waste to the new program which is a "free" pickup of bulky waste. The new program offers bulky waste pickup for each house on a weekly basis on the regular solid waste day and therefore calling in an appointment is not necessary. The bulky waste pickup includes two items such as White Goods or Brown Goods (furniture, chairs, tables, etc.) and other household items that cannot fit in the 90 gallon cart. The town does get charged by Allstar for bulky waste pickup at a rate of \$24.45 each resident location.

Reason Why Bulky Waste Pickup Costs are Increasing

Attached is a graph showing bulky waste pickups costs from FY 18, FY 19, FY20 and estimated FY 21. The FY20 monthly graph clearly shows a big spike in bulky waste pickups started in January of 2020. Over the calendar year of 2020, the Town has seen a dramatic increase in the Bulky Waste Pickup Expenses. The Town has budgeted in FY 21, \$80,223 for Bulky Waste Pickup and over the first two months of FY 21 has had expenses of \$29,486 which is 2.26 times more or \$16,435 more than the same period last year (July/August FY 20). We think, the reason for the massive increase in Bulky Waste Pickup is mainly attributed to Covid 19, where many people are working from home and have extra time and therefore are doing special projects and cleaning out storage areas. Our solid waste contractor, Allstar, believes the frequency of people moving in and out of houses is also increasing bulky waste pickup costs. In addition, as residents learn from the neighbors or other means that the service is "free" and therefore, it is expected to continue to grow. If the current trends (Covid 19) continue through June 2021, it is estimated that Bulky Waste Pickup costs in FY 21 could be as high as \$183,795, which will be \$103,572 over-budget. We estimate that the \$80,223 budget amount will be exceeded by mid-December.

The big spike in bulky waste pickups started in January 2020, where bulky waste pickups of 347 were 1.89 times greater than the previous January 2019 and have continued to increase (see attached FY 18- FY 21 Monthly Bulky Waste Pickup Chart). In June 2020, bulky waste pickups of 671 were at an all-time monthly high and were 2.16 times greater than the previous June of 2019. In August of 2020, bulky waste pickups of 592, were an all-time high of 2.52 times greater than the previous August 2019. Therefore, it is anticipated that bulky waste pickup volume in the future will continue to be high with no return to normal levels expected until schools and businesses are fully open.

and people return to work (much fewer working from home), which may not be for another 6 months or more.

Comparison of Clayton's Bulky Waste Pickup Program with Other Surrounding Towns

We have gathered information from 12 Towns in Wake County and Smithfield in Johnson County to compare their Bulky Waste Pickup Program (see Summary of Bulky Waste Pick up Comparison Chart). We found that 3 municipalities charged for Bulky Waste Pickup (Apex, Cary and Knightdale) and 5 municipalities had similar programs with free Bulky Waste pickup (Fuquay-Varina, Garner, Holly Springs, Zebulon and Smithfield). Garner and Smithfield were most similar to Clayton's, with Garner being almost identical to the Town of Clayton's. The Town of Garner also uses Allstar to pickup their Bulky Waste weekly. The Town of Garner has not seen an increase in their Bulky Waste pickup costs because their contract is structured different than Clayton. Clayton pays \$24.45 for one large item or two smaller items. In Garner, the Bulky Waste Pickup is included in the Solid Waste fee and therefore an increase in Bulky Waste does not affect the contract price because Garner does not pay separately for each pickup like Clayton. Allstar has advised that their solid waste tonnage is up by about 12% in Garner in 2020, however, they do not track Bulky Waste separately in Garner so they do not know how much is attributed to Bulky Waste.

We also, talked to the Town of Smithfield who perform Bulky Waste pickup with in-house forces on a weekly basis. Smithfield advised that their solid waste tonnage (landfill fees) was up about 15%. Since they use in-house forces to collect Bulky Waste they are seeing more staff time, however, staff time is already included in the budget and the increased landfill fees are not a significant component of the cost so they are not anticipating any budget issues.

All the other municipalities either charge for Bulky Waste Pickup, pickup Bulky Waste with in-house staff, do not pickup Bulky Waste or infrequently pick up Bulky Waste (1 or 2 times per year) and therefore, they are not experiencing big budget overruns. Clayton is somewhat unique because we pay for Bulky Waste Pickup on an individual pickup basis, we do not charge the residents separately for Bulky Waste and we do not pickup Bulky Waste with In-house Staff and therefore we are having large budget overruns related to Bulky Waste pickup.

Options and Recommendations

Clayton could consider charging residents separately for Bulky Waste Pickup. Clayton in the past did charge separately for Bulky Waste and that did not work because of the indiscriminate dumping that occurred and the exorbitant costs associated with cleaning up the indiscriminate dumping. Could Clayton perform Bulky Waste Pickup at a lower cost than contracting out? We have done the analysis and there is no way we can perform the Bulky Waste Pickup more efficiently than Allstar. Allstar currently uses the same garbage truck to pick up solid waste as they do for Bulky Waste and therefore, the driver loads the Bulky Waste at the same time. Allstar does have to dump slightly more frequently and White Goods still has to be picked up separately, however, for the most part, bulky waste items can be picked up at the same time as the solid waste. Public Works would have to send a separate truck with two staff and a special trailer (need to buy), however, we could not do it more efficiently than a garbage truck that is already there picking up solid waste and the Bulky Waste is really a bonus. Not picking up Bulky Waste or picking up Bulky Waste twice a year like Morrisville would also result in more indiscriminate dumping and exorbitant costs of cleanup.

When we started the bulky waste program with Allstar it was a new program and therefore Allstar did not know what the volume and efficiencies would be and therefore the \$24.45 price for 1 large item or 2 smaller items was developed based on Clayton's Charge Out Sheet and a general guess about the distribution of the different types of items (i.e. couches, mattresses, grills, tires, refrigerators, stoves, extra garbage bags, chairs, etc.). Initially, Bulky Waste volumes and costs were \$52,187 (FY18), \$61,302 (FY19), however, volumes and costs have increased significantly due to Covid with \$102,809 (FY20) and estimated \$183,795 (FY21). Allstar due to experience is now in a much better position to give us a better price based on the known distribution of the bulky waste items and in addition, provide a volume discount price.

We have met with Allstar and discussed various options and on how Bulky Waste costs could potentially be reduced. We are in the process of negotiating a new Bulky Waste Pickup costing model with Allstar that will reduce costs. We will come back to a future Town Council meeting to provide an update.

If necessary, we anticipate using unspent funds from other line items in Public Works to cover the over budget amount from Bulky Waste Pickups.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Power Point Presentation

FY18 – FY21 Monthly Bulky Waste Pickup Chart

Comparison of Bulky Waste Pickup Program with Other Towns

Meeting Timeline

September 21, 2020 Town Council Meeting and further updates as needed.

Comparison of Bulky Waste Pickup Program with Other Towns

Item No.	Town/City	Bulky Waste Pickup Program	Picked Up by Staff	Picked Up by Contractor	Frequency of Program	Bulky Waste Pickup Fee to Residents	Other Programs	Comments
1	Clayton	Yes	No	Yes	Weekly	Free	Yes, if exceeds two items anytime for a fee by Allstar	Limit of 1 large items or 2 smaller items per week for free. Bulk items include Mattresses/box springs, large tables, large desks, sofas and recliners, tires, extra bags of trash, sinks, toilets, dresser, headboards, refriderators, dryers, water heaters, washers, etc.
2	Apex	Yes	Yes	No	By Call in Appointment	\$11-Bulky Waste \$18-White Goods \$40 - Pickup Truck Load	Wake County Convenience Center is located in Town	Bulky Waste Pickup fees are added to the Utility Bill.
3	Cary	Yes	Yes	No	By Call in Appointment	\$15-Bulky Waste \$20-White Goods	Citizen's Convenience Center	Bulky Waste pickup is \$15 for the first item and \$8 for each additional Item.
4	Fuquay-Varina	Yes	Yes	No	Weekly	Free-Bulky Waste, \$10-White Goods		Pickup day is Monday
5	Garner	Yes	No	Yes	Weekly by Allstar on Solid Waste Day. Once a year in Spring by Town Forces	Free		Has 9,700 homes in the program. Allstar will pick up two less than 60 pound items per week for free. There is no separate charge for bulky waste because it is included in the solid waste fee of \$9.35. Allstar says solid waste landfill tonnage costs are up about 30%. Allstar is losing money on the extra bulky waste pickups in Garner. If over 60 lbs then there is an extra charge to the resident of \$39.88 per pickup. Town of Garner spent \$9,000 for landfill fees for Spring Program (2020) which was 1.8 times more than the \$5,000 spent in previous year (2019)
6	Holly Springs	Yes	Yes	No	Weekly	Free- Bulky Waste \$40-White Goods	Wake County Landfill	Each week, residents may dispose of bulky waste items under 2.5 cubic yards or under 50 pounds for free. If 2.5 -4 cubic yards or over 50 pounds it will cost \$40.
7	Knightdale	Yes	No	Yes	By Call in Appointment	\$15-Bulky Waste \$15-White Goods	Wake County Convenience Center is located in Town	Anytime for a Fee by Waste Industries
8	Morrisville	Yes	No	Yes	Twice a Year	Free	Wake County Convenience Center is located in Town	Free by Waste Industries if less than 100 pounds.
9	Raleigh	Yes	Yes	No	4 times per year	Free-Bulky Waste \$50-White Goods	Wake County Convenience Center is located in Town	Bulky Waste is Free if less than 4 cubic yards and 90 days between pickups.
10	Rolesville	No	No	No			Wake County Convenience Center is located close by	
11	Wake Forest	Yes	No	Yes		2 Free/Year, then \$50	If less than 75 pounds it must be taken to Wake County Convenience Center.	Anytime for a Fee if Greater than 75 pounds.
12	Wendell	No	No	No	Discontinued program in Jan. 2016		Wake County Convenience Center is located in Town	Discontinued program in Jan. 2016
13	Zebulon	Yes	Yes	No	Weekly	Free-Bulky Waste, Free-		Bulky Waste is collected every Friday
14	Smithfield	Yes	Yes	No	Weekly	Free- Bulky Waste, Free-White Goods		Town will pick up White Goods, bulky waste and tires on regular trash pickup day. Smithfield charges \$16.24 for Solid Waste and \$10.00 for Yard Waste, Bulky Waste and White Goods per month so it is all included in the monthly fee whether you use the service or not. Smithfield does not collect recycling at the curb, you have to take to recycling center. Special Large Volume pickups will be billed at \$60.

Similar to Clayton's Bulky Waste Program

FY 18 - FY 21 Monthly Bulky Waste Pickup Chart														
FY 2018			FY 2019			FY19/FY18	FY 2020			FY20/FY19	FY 21 Estimated Amounts			
Month	Bulky Waste Pickups	Cost of Bulky Waste	Month	Bulky Waste Pickups	Cost of Bulky Waste	Previous Year Month to Month Increase Ratio	Month	Bulky Waste Pickups	Cost of Bulky Waste	Previous Year Month to Month Increase Ratio	Month	Bulky Waste Pickups	Cost of Bulky Waste	Previous Year Month to Month Increase Ratio
July	226	\$5,198	July	181	\$4,249	0.82	July	312	\$7,444	1.72	July	614	\$15,012	1.97
August	172	\$3,956	August	200	\$4,696	1.19	August	235	\$5,607	1.18	August	592	\$14,474	2.52
September	171	\$3,933	September	193	\$4,531	1.15	September	246	\$5,869	1.27	September	616	\$15,054	2.50
October	147	\$3,381	October	153	\$3,592	1.06	October	268	\$6,394	1.75	October	671	\$16,401	2.50
November	126	\$2,898	November	213	\$5,001	1.73	November	220	\$5,249	1.03	November	551	\$13,463	2.50
December	141	\$3,243	December	147	\$3,451	1.06	December	179	\$4,270	1.22	December	448	\$10,954	2.50
January	143	\$3,289	January	184	\$4,320	1.31	January	347	\$8,279	1.89	January	671	\$16,406	1.93
February	204	\$4,692	February	165	\$3,874	0.83	February	307	\$6,442	1.86	February	671	\$16,406	2.19
March	251	\$5,773	March	227	\$5,329	0.92	March	471	\$11,238	2.07	March	671	\$16,406	1.42
April	206	\$4,738	April	303	\$7,114	1.50	April	556	\$13,266	1.83	April	671	\$16,406	1.21
May	251	\$5,773	May	330	\$7,748	1.34	May	534	\$12,741	1.62	May	671	\$16,406	1.26
June	231	\$5,313	June	310	\$7,397	1.39	June	671	\$16,010	2.16	June	671	\$16,406	1.00
FY 2018 Totals	2269	\$52,187	FY 2019 Totals	2606	\$61,302	1.17	FY 2020 Totals	4346	\$102,809	1.67	FY21 Totals	7517	\$183,795	1.73

Average increase in bulky waste pickups over last 6 months from previous year
Additonal Estimated Increase in Bulky Waste Pickups for Remainder of Year
Total Estimated Increase or 671 total pickups whichever is less

Cost of Bulk Waste Pickup per House

	Total
	2.00
25%	0.50
	2.50
	\$24.45