



Town of Clayton
Regular Town Council Meeting Agenda
Monday, March 16, 2020 @ 6:00 PM
Council Chambers

THIS IS AN AMENDED AGENDA

IF YOU HAVE A COMMENT THAT YOU WISH TO SHARE WITH TOWN COUNCIL,
PLEASE FEEL FREE TO SEND YOUR COMMENT TO THE ATTENTION OF THE TOWN
CLERK:.

KMOFFETT@TOWNOFCLAYTONNC.ORG

1. CALL TO ORDER

Pledge of Allegiance and Invocation

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

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

a. DRAFT Minutes

- February 24 & 25, 2020 Draft Minutes - Town Council Retreat

[Town Council Retreat - Day #1 DRAFT Minutes](#)

[Town Council Retreat - Day #2 DRAFT Minutes](#)

b. Proclamations

- Arbor Day
- Traumatic Brain Injury Awareness
- Developmental Disabilities Awareness

[Arbor Day Proclamation](#)

[Traumatic Brain Injury Awareness Proclamation](#)

[Developmental Disabilities Awareness Proclamation](#)

c. Warranty Acceptance

- Parkview, Phases 12, 16 & 17
- Village at Little Creek Subdivision, Phase I
- RWAC Alpine Valley - 6D-3
- RWAC Alpine Valley - 6D-3 (FINAL ASPHALT)

[Parkview, Phases 12, 16 & 17](#)

[Village at Little Creek Subdivision, Phase 1](#)

[RWAC Alpine Valley - 6D3](#)

[RWAC Alpine Valley - 6D3 - \(ASPHALT\)](#)

POTENTIAL ACTION:

Adoption of Consent Agenda as Presented

4. PUBLIC HEARINGS

a. Amendment to Comprehensive List of Fees & Charges - After Hours Inspection Fees

Presenter: Rich Cappola, Public Services Director

[Cover](#)

[After Hour Inspection Request Form](#)

[After Hour Inspection Policy](#)
[Newspaper Ad](#)
[Ordinance](#)

POTENTIAL ACTION: Adoption of After Hours Inspection Fee Policy

POTENTIAL ACTION: Adoption of Ordinance #2020-03-03

- b. 2019-243-OA - Code of Ordinance Amendment - Chapter 400 - Access
Presenter: Samantha Wullenwaber, Planning Director

[Cover](#)
[Application](#)
[Strikethrough Copy](#)
[Clean Copy](#)
[Memo of Support - Fire Advisory Board](#)
[Planning Board Recommendation](#)
[Newspaper Ad](#)
[Consistency Statement](#)
[Staff Report](#)
[Motion Form](#)
[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2020-03-04

- c. 2020-10-RZ - 2900 NC Highway 42 W - Rezoning
Presenter: Samantha Wullenwaber, Planning Director

[Cover](#)
[Application](#)
[Adj Property Letter](#)
[Neighborhood Meeting Material](#)
[Owner's Consent](#)
[Survey](#)
[Planning Board Recommendation](#)
[Newspaper Ad](#)
[Consistency And Reasonable Statement](#)
[Staff Report](#)
[Motion Form](#)
[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2020-03-05

5. OLD BUSINESS

- a. Neuse River Water Reclamation Facility Update
Presenter: JD Solomon

POTENTIAL ACTION: None - Informational Only

- b. Neuse River Water Reclamation Facility - Financing RRP Recommendation
Presenter: Robert McKie, Finance Director

[Cover](#)
[Bid Summary](#)

POTENTIAL ACTION:

Authorization to Proceed with Recommendation

6. NEW BUSINESS

- a. Application for Library Grants
Presenter: Joy Garretson, Library Director
- Eco Explore Grant
 - Humanities Council Grant
 - Library Services & Technical Act (LSTA) Grant

[Cover - ecoExplore Grant](#)

[Cover - Humanities Council Grant](#)

[Cover - LSTA Grant](#)

POTENTIAL ACTION:

Authorization to Proceed with Applications

- b. Budget Amendments - Design Contract Recreational Facilities
Presenter: Robert McKie, Finance Director

[Cover](#)

[Ordinance](#)

[Design Proposal](#)

POTENTIAL ACTION:

Adoption of Ordinance #2020-03-06

- c. Electric System Update?
Presenter: Dale Medlin, Electric System Supervisor

[Cover](#)

[40-Day Rate Change Notice](#)

POTENTIAL ACTION:

None - Informational Only

7. STAFF REPORTS

- a. Town Manager
- b. Town Attorney
- c. Town Clerk
- d. Other Staff
- Firefighter High School Update
Presenter: Lee Barbee, Fire Chief

8. OTHER BUSINESS

- a. Council Comments
- b. Informal Discussion & Public Comment*
- * *We will asking that all public comments be limited to three minutes.*

9. ADJOURNMENT

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



Town of Clayton
Regular Town Council Meeting Minutes
Monday, February 24, 2020 @ 8:00 AM
Clayton Police Department

COUNCIL PRESENT:

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

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, Deputy Town Manager
Katherine Ross, Town Attorney
Merrick Parrot, Town Attorney
Kimberly Moffett, Town Clerk
Heidi Holland, Deputy Town Clerk
Stacy Beard, Communications Director
Samantha Wullenwaber, Planning Director
Haley Hogg, Senior Planner
Rich Cappola, Public Services Director
Joshua Baird, Town Engineer

PRESENTERS PRESENT:

JD Solomon (*J.D. Solomon, Inc.*)
Cindy Szwarczkop (*Stewart Engineering*)

1 CALL TO ORDER

- a) Mr. Solomon called the meeting to order at 8:32 a.m.

2 SUBJECTS/TOPICS

- a) 8:00 - 8:30 a.m.
Breakfast/Coffee

- b) 8:30 - 8:45 a.m.
Welcome
Presenter: Mayor McLeod & Adam Lindsay

Mayor McLeod welcomed everyone. Mr. Lindsay thanked staff and everyone for their hard work for making this happen.

- c) 8:45 - 9:00 a.m.
Overview & Icebreaker
Presenter: JD Solomon

Mr. Solomon began this session at 8:45 a.m., he explained the schedule, agenda and the topics for the day. He went into detail the vision that he had for the meeting. He went over ground rules and stated to the public that this group would take an hour for lunch which at that time no action would be taken. He stated during this retreat he would look for points of agreement, some that can be settled tomorrow or eventually decided over time. Mr. Lindsay stated there is an actual agenda but also an achievement agenda, he wanted to ensure

each achievement topic had been met before moving on. Mr. Solomon stated he had three things that he wanted to state for today: First - Most Units of local government would love to have our "problems". Second - We agree on much more than we disagree on. Third – It doesn't matter where we are, it matters where we are going to be.

Mr. Solomon distributed clickers to each council member to use to vote on different topics/questions throughout the day.

He asked council: "Are you excited about the direction of Clayton's future?" The majority answered "Making good progress". Council Member Grannis stated we have many gaps. He elaborated on his answer and stated there is room for improvement but we are headed in that direction. Mayor Pro Tem Thompson stated the town is making good progress, we aren't sitting still. Council Member Holder discussed his thoughts on communication. Mayor McLeod stated we have been improving for a long time, it shows a level of commitment. Council Member Everett discussed his thoughts on this subject, he stated for the short time he had been here he sees things that could be performed better but sees things going really great in the town. Council Member Bunn discussed his thoughts on the subject, he stated just the two years he had been here he sees the town moving into a more progressive structure.

- d) 9:00 - 10:00 a.m.
Development Patterns
Density Definition & Locations
Dimensional Criteria
Presenters: Samantha Wullenwaber & Rich Cappola

Mr. Solomon began this session at 9:02 a.m.

Development Patterns, Density Definition & Locations, Dimensional Criteria

Mr. Solomon stated there were four stations about this topic setup for council to spend about 10 minutes at each and rotate through each one. The first station was a presentation on Visualization of Density, the middle station was informational, third station presented Heat Maps and Certain Types of Development and fourth station presented information on stormwater.

Below are statements Mr. Solomon asked council to vote on and the responses:

"Our mix of residential and commercial/industrial development is about right."

- 50% of council disagreed with that statement. Council Member Holder stated we need to know what our goal is and how we compare to other towns our size. He stated we do not have a chart that shares that information. Mr. Solomon stated that could be created. Council Member Grannis stated he did not think we have enough commercial or industrial. He stated we don't have a lot of restaurants and no movie theaters. He stated hotels are extremely important, if we don't have places for people to stay it limits the town from certain events. Mayor Pro Tem Thompson stated he agrees with Council Member Grannis on

the hotel issue. He stated people that are working here drive to Raleigh or Selma to stay and the town is losing money.

"Our mix of low, medium and high density residential is about right."

- 50% of council felt neutral about this statement and 33% stated they disagree. Council Member Holder stated he found it hard to answer this question because we don't know what is right for us. Council Member Grannis stated low density is about 50% right now and he thinks this is too high.

"Our focus on new growth versus in-fill development is correctly balanced."

- 50% of council disagreed with this statement and thought the town is too focused on new growth. Council Member Everett stated there are a lot of things we can do with old buildings. Council Member Grannis stated a challenge for us are things on the north side of town, if the balance could shift a little that would make a difference. Council Member Holder asked how could we increase interest in in-fill growth versus new growth? Mr. Solomon stated Ms. Szwarcop would cover that in her upcoming session.

Mr. Solomon explained the last exercise for this topic is. He gave council a forced ranking ballot to rank density from 1-6.

- Consensus definition of high, medium and low density
- Mix of residential, commercial/industrial development
- Mix of low, medium and high density residential
- Location of certain types of development
- New development versus in-fill development
- Other

Mr. Solomon stated we would take a break and asked everyone to return by 10:15 a.m.

e) 10:00 - 10:15 a.m.

BREAK

This break ran from 10:02 a.m. until 10:15 a.m.

f) 10:15 - 10:20 a.m.

Chapter 160D Overview

Presenters: Cindy Szwarcop - Stewart Engineering & Katherine Ross

This session began at 10:16 a.m.

Mr. Solomon introduced Ms. Szwarcop with Stewart Engineering and stated she and Ms. Ross would start off this session. He asked everyone to take notes for later. Ms. Szwarcop stated Stewart Engineering would be helping the town with the UDC rewrite and the Comprehensive Plan. She discussed an overview of the UDC rewrite. Every jurisdiction would have to be updated by January 1, 2021, the rewrite process would begin next month.

Chapter 160D would apply to Clayton in the following ways:

- Consolidate, organize and streamline development ordinances
- Consolidate planning and development regulations as new Chapter 160D with uniform procedures
- Reorganize statutes to be more user-friendly
- Clarify and modernize provisions
- Requires uniform terminology
- Simplified plan consistency statements

She shared what our comprehensive plan looks like now and then what the 160D suggests. Ms. Ross readdressed what had been said. She stated we are above schedule with the comprehensive plan and doing the UDC rewrite. Ms. Ross stated we would have 24 months to complete this and sometimes things take time to get it right. There is a balance of thoughtfulness and action needed for this plan. The 160D UDC rewrite must be completed before the comprehensive plan.

g) 10:20 - 11:15 a.m.

Key Chapter 160D Topics

Presenters: Cindy Szwarczkop & Katherine Ross

- Conditional Zoning
- Quasi-Judicial
- Special Use Permits
- Application of Conditions
- Modifications

This session began at 10:22 a.m.

Conditional Zoning

Ms. Ross stated one of the changes in 160D is the elimination of the phrase Conditional Use. According to legislative action under legislative zoning, you don't have to adopt the conditional zoning, but would probably want to.

Statements on Conditional Zoning:

- A legislative approval with site-specific conditions
- Conditional zoning is standard practice in cities and counties using conditional zoning is to create a set of conditional zoning districts to correspond with each conventional zoning district.
- Individualized conditions and site plan provisions are incorporated by reference into the zoning district requirements.

If adopted, you must obtain applicants/landowners written consent to conditions related to approval. Ms. Ross stated conditional zoning is a contract with the developer. In a conditional zoning you can agree with a developer but it must be stated in the conditions. If you are not able to reach an agreement, it has to be denied.

Special Use Permits

In Chapter 160D, the town can establish two categories, one heard by Planning Board and one heard by Council. The status quo can be maintained or changed to which uses are heard by which body may be made.

Ms. Ross presented slides of current uses that go to council and go to planning board. None of this has to change, but it can in the UDC rewrite if we would like it to. She stated these are things that need to be discussed. Ms. Ross shared slides and there was discussion on case laws pertaining to this subject.

Quasi-Judicial

- Quasi-judicial conditions must not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose.
- Quasi-judicial conditions must obtain applicant/landowners written consent to conditions related to a special use permit to ensure enforceability.

If all the findings aren't met and the developer would not agree, you have to legally deny.

Ms. Ross went into discussion on changes of Conflicts of Interest, the board must adopt a broadened conflict of interest standards for governing and advisory boards. She then discussed modifications. Currently our code allows the planning director to approve minor deviations to development, our language on this would need to be cleaned up a bit, not much change on modifications.

h) 11:15 - 11:30 a.m.

Knowledge Transfer Potpourri

Presenters: Rich Cappola & Samantha Wullenwaber

- Watershed Protection Overlay
- Other Overlays

Mr. Solomon began this session at 11:07 a.m.

This session was an exercise that divided council into 2 teams, Team Ashley Horne (A) which consisted of Mayor McLeod, Council Member Everett and Council Member Bunn. Team William Dodd (B) consisted of Council Member Holder, Council Member Grannis and Mayor Pro Tem Thompson.

Mr. Solomon asked the two teams questions that came from information that had been discussed today. Council used the buzzers to answer.

i) 11:30 - 11:45 a.m.

Planning/Engineering/Inspection Functions

- Organizational Structure
- Workflow

This session began at 11:31 a.m.

Watershed Protection Overlay

Mr. Cappola began discussion on watershed protection overlay, he stated only a portion of our jurisdiction is in the watershed. He discussed the watershed protection overlay is a district that overlays the designated water supply watershed. The town follows the 10-70 rule which allows Clayton to designate 10% of its watershed protection overlay area for up to 70% impervious surface development, provided certain stormwater control measures are implemented. He stated there are smaller provisions we look at and divide it up on a square footage basis rather than acreage basis. He went into discussion and explained special intensity allocation.

Other Overlays

Ms. Wullenwaber presented a slide of the downtown overlay, which was adopted in 2017 and amended last year. This overlay would be looked at and possibly change the district on the north side of the railroad tracks. It was stated with these rules in place it's almost impossible for people in this area to renovate their homes. Ms. Wullenwaber stated there are a couple projects planned on being rezoned out of the Downtown Overlay, she would ask for input from Council before moving forward with that.

There was discussion on the additional set of standards included in this overlay that would make it hard to renovate as well as the primary fire district which requires certain materials to be used. Ms. Wullenwaber stated moving forward, adding a transit overlay would help support transportation efforts. This is an important part of the rewrite.

Planning Functions

Ms. Wullenwaber presented flow charts that explained how engineering, inspections and planning all work together. She discussed the current process of a permit being issued. She stated she would ask for a second permit specialist in the next budget due to the increase of permits issued over the past year. She stated as more of these applications come across, we need to have the right people in the right positions to process these permits. She stated each department is separate but the goal is to work together efficiently. Ms. Wullenwaber shared these departments have been working with an architectural firm about utilizing the space they are in now and would create a workspace that would allow engineering, inspections and planning to be in the same area. Mr. Lindsay stated the goal is to keep the work function going while looking ahead 15-20 years. Council Member Holder stated it is very important to look years ahead. He shared discussions he had heard regarding expediting permits. There was further discussion on the time frame for a permit and the process.

- j) 11:45 a.m. - 12:30 p.m.

Lunch

Lunch ran from 11:50 a.m. until 12:32 p.m.

- k) 12:30 - 1:00 p.m.

Benchmarking with Other Towns

***Presenter:* Samantha Wullenwaber**

This session began at 12:33 p.m.

He stated Ms. Wullenwaber and Ms. Hogg compiled this information by driving around surrounding areas and talking to citizens. Ms. Wullenwaber discussed what she saw in these areas such as landscaping and sidewalks. She stated they are using a new software program called Community Analyst for this process. She presented a comparison of our town versus surrounding areas (Apex, Holly Springs, Wake Forest and Fuquay Varina). This chart showed population, median age, median household home, home value and home cost.

She discussed the number of TRC submittals each month which is about 7. She compared TRC submittals, subdivision review timeline and major site plan review stats from our town compared to these other areas also.

Council Member Holder stated if we expedited permits we should be able to charge for that. Council Member Grannis asked if we hire additional staff, is it safe to say it's because there is an increase in permits. Mr. Lindsay stated the other reason to hire staff is the more complicated the review, the more time it would take to process the permit. Mayor McLeod stated the biggest picture is the customer experience and our goal should be to provide this even if it includes expediting permits. Ms. Wullenwaber stated she is working with her staff on this.

Council Member Grannis asked if there could there be a variance in what we are seeing and to what degree? Mr. Solomon stated as far as our information, it is accurate but having the other towns go through the process of getting exact information it would take the time. Mr. Lindsay stated what we don't know is the cultural difference between us and the surrounding areas. He described situations where cultural differences could come into play.

Ms. Wullenwaber stated we are in line with our permit fees compared to these surrounding areas. She stated in 2014 there were 555 permits issued and in 2019 there were 1,596. She discussed the increase in subdivisions as well. The increase is attributed to residential growth. She stated there have been complaints on how long the subdivision process takes. She stated we are at the point we can get selective with choosing new developments. In the future she would like to be able to spend more time on reviews to make sure nothing had been missed.

Mr. Solomon shared the force rank ballot results from the Density Definition & Locations session earlier. He stated these results are a way of prioritizing topics.

- I) 1:00 - 1:15 p.m.
Site Plan Approval by Staff
Presenter: Samantha Wullenwaber

This session began at 1:03 p.m.

Ms. Wullenwaber presented examples of different site plans that have come through planning. She discussed having different townhomes and family homes in one subdivision which brings different product types and home values. Mayor McLeod asked if it is a new trend to have different price points in the same area, Ms. Wullenwaber stated Ms. Szwarczkop will touch on that in her session.

There was discussion on if Council thought Planning Board and/or staff had too much review authority. Council Member Grannis stated that maybe some things don't have to go to council for approval but should go to them for discussion. Ms. Wullenwaber stated sometimes the issue with that is time. There are a lot of behind the scene steps to go through before approval. When a plan goes through a board, staff reports must be done. She stated if an application meets the standards of the code it had to be approved. Ms. Ross asked what is looked at during a site plan review, Ms. Wullenwaber stated parking spaces, setbacks, architecture, landscape, driveway locations to name a few. It was stated the more detailed our UDC is, the more restrictions we would have on new projects..

- m) 1:15 - 1:45 p.m.
Architectural Standards Including Facades
Presenter: Cindy Szwarczkop

This session began at 1:17 p.m.

Ms. Szwarczkop stated she wants council think about neighborhood and development character. She stated it is more common lately that neighborhoods have different homes and she discussed different situations portraying this. In these neighborhoods you have a common theme but allowing each section to have their own flair. Ms. Medlin asked if there was any information on citizens moving to a different house while staying in the same neighborhood. Ms. Szwarczkop stated she does not have any actual information just situations to share.

On the private development side a lot of active 55 and above developments are coming to town. Council Member Grannis stated we need to think of younger generations, subdivisions that have coffee shops and stores all included. Ms. Szwarczkop asked Council, what they envision for new citizens, what do you want for your kids when they go to buy homes? Displays were presented that showed facts on these two types of characters for council to view. Council viewed these and was asked to select the type of development and neighborhood character they envision for the future of Clayton. Council discussed what their thoughts on this subject.

- n) 1:45 - 2:15 p.m.
Transportation
Presenters: Samantha Wullenwaber & Rich Cappola

This session began at 1:51 p.m.

Ms. Wullenwaber presented current transportation plans in process. She stated Clayton is doing an ADA Transition Plan and Sidewalk Master plan. Planning is also working on NCDOT Pedestrian Planning Grant which starts in 2020. This grant would identify and prioritize future pedestrian projects within the town which in turn would increase opportunities for funding of projects. Mr. Cappola discussed in detail these plans and stated there would be an information session for these plans. The plan is to bring these plans to council for approval within the calendar year.

Council Member Grannis asked if crosswalks would be included in any plans and Mr. Cappola stated it is part of the sidewalk master plan, crosswalks would be considered. He stated if there are specific areas Council had in mind he would look into those areas. Mayor Pro Tem Thompson and Council Member Holder shared concerns of identifying pedestrian crosswalks, Mr. Cappola stated that would be addressed in the Pedestrian Planning Grant. He stated when an inventory of all the needs are complete, it would go before council.

Mr. Cappola and Ms. Wullenwaber discussed future NCDOT projects in our area which included:

- NC Hwy 42E widening project (estimated completion: February 2023)
- Shotwell Road Improvements (estimated start date: Mid-2020)
- NC 42 W Widening Project: (estimated start date: Spring 2025)
- Ranch Road Extension: (estimated start date: TBD)

Traffic Impact Analysis

Ms. Wullenwaber discussed Traffic Impact Analysis and stated they did an in-depth dive into this topic and brought in consultants to help with this. This subject would be rolled into the UDC rewrite. A traffic analysis is required for 100+ peak hour trips. There was discussion who should pay for traffic studies, the town or developer.

Ms. Wullenwaber stated they have been researching two options. Ms. Wullenwaber stated one option would be the town would assign a transportation consultant to applicant, consultant would submit summary of fees to Planning Department. Then the applicant would enter into an agreement with the town to pay the fees for the study performed. The other option would be the applicant would choose a consultant from a list of town approved firms. Mayor McLeod stated he would be curious to see which one worked better. Council Member Holder asked what the time frame for the two options would be. There was detailed discussion on this topic.

- o) 2:30 - 2:45 p.m.

BREAK

This break ran from 2:17 p.m. until 2:31 p.m.

- p) 2:15 - 2:30 p.m.
Ordinance Change Process
Presenter: JD Solomon

This session started at 2:33 p.m.

Mr. Solomon asked council if they felt like the rate of ordinance changes is too high or frequent. Council Member Holder stated he thinks we should look at ordinances every once or two years. Ms. Wullenwaber stated planning looked at the ordinances and noticed a lot of changes which is why she would like a rewrite with hopes of not changing for a while. There was a suggestion to go to a bundling change which would allow ordinance changes once a month.

Mr. Solomon asked council if they thought consent items should be minor changes and if major changes should take more time. Council strongly agreed with this. Council Member Grannis stated he liked this approach and he is getting little or no notice on agenda items. He stated an item would just appear in the agenda packet with not enough time to review it. Ms. Ross stated given we are doing a UDC rewrite, it would be better not to do a lot of ordinance changes. If a customer really wants a citizen initiated ordinance, this would possibly be pushed through. Ms. Szwarczkop suggested to slow down on the amendments and bundle it all together with the big rewrite.

- q) 2:45 - 3:15 p.m.
CP/UDC Update & Future Workshops
Presenters: Samantha Wullenwaber & Cindy Szwarczkop

This session began at 2:59 p.m.

Ms. Szwarczkop began the session by introducing her team at Stewart Engineering and discussing who would be working with council on the comprehensive plan as well as the UDC rewrite.

There was discussion on public engagement and its importance in local governments. Ms. Szwarczkop provided examples of different ways to reach the public. One suggestion is to have a tent set up at festivals and ask the public what is needed.

She shared the Comprehensive Plan schedule. This plan would start in March 2020 and is usually a ten month process, it would take approximately 2 months to adopt. She went into detail of the steps of this process. She stated a member on her team is CommunityViz certified and would specifically work on future land use map and character areas. She stated they would deliver a rewrite that is implementable.

She discussed UDC rewrite strategies. She stated you have to be really focused to get the public to engage in this. She stated we would need to involve people that often utilize the UDC. She provided the UDC re-write schedule which would start in September 2020, right after the Comprehensive Plan had been adopted. The completed target date of the UDC rewrite is February 2022. She stated her team would spend a lot of time with her staff to make sure everything is aesthetically pleasing with prominent titles, easy to read with appropriate graphics and colors areas.

Ms. Wullenwaber stated she is in the process of creating a steering committee for this process.

- r) 3:15 - 4:00 p.m.
Council Thoughts & Visioning
Presenter: JD Solomon

This session began at 3:13 p.m.

Mr. Solomon distributed to Council a forced ranking ballot that would rank their priorities over the next 3-5 years:

Ranking exercise 3-5 year priorities:

- Start Comprehensive Plan Update
- Specific 160(D) Requirements
- UDC – Planning Board/Staff Plan Reviews
- UDC – Density and Mix
- UDC – Access Points
- UDC – Transportation Impact Analysis
- UDC – Water & Wastewater Capacity
- Improve Planning Processes
- Additional Benchmarking
- Other

Mr. Solomon asked council to name one thing that stuck out from today. Council Member Bunn stated density. Council Member Holder stated wastewater capacity, this needs to be solved. Council Member Everett stated this day had been very eye opening. Mayor McLeod stated from the perspective of meeting the guidelines for the rewrites, the energy is the fact that every bit of this is designed to make Clayton a stellar place to live.

Council Member Grannis stated the most important thing is that we are all together coming up with common goals. He stated out of that list the most important is wastewater capacity which includes the plant. He stated the second is the Comprehensive Plan, we need that in order to do several other things or to be able to have a handle on things.

Mr. Solomon asked if anyone had benchmarked off of Clayton. Ms. Wullenwaber stated the areas that we benchmarked have not. Ms. Hogg stated in the past 6 months Zebulon had called about us. Mayor McLeod stated we are here and we tag ourselves as “The premiere community”. We can’t be the premier community right now, but that is our goal. He stated we get to learn from the surrounding areas. Mayor Pro Tem Thompson stated when you think at the end of the day how important planning is, it speaks volumes and will get us to that premiere community. He stated we are going to get there. Mayor McLeod stated our downtown is unbelievable and Ms. Beard stated we have been benchmarked on our art throughout the town.

There was discussion on the longevity of the past manager as well as past and current council members and mayor. Mayor Pro Tem Thompson stated he was

amazed at the time and effort in everything that had been looked at today. He went into discussion on how well council and staff work as a team. Mayor McLeod stated the information that had been received today was easy to understand, that someone with 16 years of experience and someone with only months experience both would understand. The method that the information that was delivered was great. Council Member Bunn stated staff did an outstanding job today. He stated staff brought the information to them that was easy to understand. Council Member Everett thanked everyone and stated he was able to understand the information provided him today.

Council Member Grannis stated we are going from a medium to a large town and wanted to be sure we have the staff needed to get the job done. He stated he doesn't want us to lose sight of that. The quality is there, but we need to be sure we are properly staffed and doing an equitable job. Substandard work will be produced without the proper amount of staff. The right people need to be in the right place.

Council Member Holder stated he supports what Council Member Grannis said but is concerned on how to pay for it without a tax increase. Mr. Solomon stated process and people go hand in hand.

Mr. Solomon asked everyone to state what they liked and disliked about the day. There was detailed discussion on their thoughts. Council Member Holder stated he saw a group of people that is very interested in where Clayton is going and how we would get there. Council Member Everett stated he liked getting to know everyone. Mayor McLeod stated he liked having legal counsel there. Council Member Grannis stated he liked the interaction between everyone. Mayor Pro Tem Thompson stated the facilitator was great, he made this session tailored to the town and that kept everyone engaged. Mr. Solomon thanked Ms. Wullenwaber and Ms. Hogg and stated they all worked well together on this program. Ms. Medlin stated Ms. Wullenwaber worked very hard on this retreat and did a phenomenal job. Ms. Wullenwaber thanked Ms. Hogg for all of her help.

- s) 4:00 - 4:15 p.m.
Closing Thoughts
Presenters: Mayor McLeod & Adam Lindsay

This session began at 3:56 p.m.

Mr. Lindsay thanked Ms. Wullenwaber and stated he is excited council is engaged and giving feedback for the vision of this town. He stated we can align policies and procedures for the growth of this town. He is appreciative of staff and it had been a great first day.

- t) 4:15 - 4:45 p.m.
Wrap Up

3 ADJOURNMENT

- a) With nothing further, the meeting was adjourned at 4:00 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Bunn

Second: Council Member Holder

Vote: Unanimous

Duly adopted this the 16th day of March, 2020.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town of Clayton
Regular Town Council Meeting Minutes
Tuesday, February 25, 2020 @ 8:00 AM
Clayton Police Department

COUNCIL PRESENT:

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

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, Deputy Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Heidi Holland, Deputy Town Clerk
Stacy Beard, Communications Director
Samantha Wullenwaber, Planning Director
Haley Hogg, Senior Planner
Rich Cappola, Public Services Director
Joshua Baird, Town Engineer
Lee Barbee, Fire Chief
Kevin Stancil, Fire Inspector
Lori Bryant, Dev. Services Coordinator

COUNCIL ABSENT:

1 CALL TO ORDER

- a) Mayor McLeod called the meeting to order at 8:33 a.m.

2 SUBJECTS/TOPICS

- a) 8:00 - 8:30 a.m.
Breakfast/Coffee

- b) 8:30 a.m.
Welcome Back / Overview of the Day
Presenters: Mayor McLeod & Adam Lindsay

Mayor McLeod welcomed everyone and shared an inspirational quote. He stated yesterday was a great day and everyone made great strides. Mr. Lindsay stated today would be a day of discussion.

- c) 8:30 - 9:45 a.m.
Access Ordinance
Presenters: Samantha Wullenwaber, Rich Cappola & Lee Barbee

This session began at 8:35 a.m.

Mr. Lindsay started this session and turned it over to Ms. Wullenwaber. She stated the big discussion point is the access ordinance which has been discussed for 6 months.

She shared the current requirement for access points in subdivisions and then presented what is proposed.

Clayton Current:

- <30 lots – 1 Access Point
 - 30-75 (Second access can be a stub) – 2 Access Points
 - 75-249 (Second access must be bonded or constructed) – 2 Access Points
 - 250+ lots – 3 Access Points
- **Town council may waive the immediate construction of the 3 access points**

Clayton Proposed:

- <30 lots – 1 Access Point
 - 30-249 – 2 Access Points
 - 300 – 3 Access Points
- **Variance instead of Waiver**

There was discussion on the difference between a waiver and a variance. Council can grant a waiver with no evidence, it is a governing body making a decision based on language and a variance (which is approved by the Planning Board) is evidence based. If there is a requirement in our ordinance that an applicant cannot meet, they could apply for a variance. If the applicant doesn't agree they could appeal to superior court.

There was discussion on sidewalks ordinances and the requirements. Mayor Pro Tem Thompson stated he doesn't want to see pay in lieu as an easy way out of requirements. He stated we need sidewalks and pedestrian connectivity. There was detailed discussion on this topic. Council Member Grannis asked what caused the review for the change on access points, Ms. Wullenwaber stated this had been in the works and the fire department has had this issue for a number of years. Ms. Ross stated the code needs to be revised and this is the time to do it. Chief Barbee stated he is the longest serving Fire Chief and this is not a new issue, this is something they have been persistent about over the years and would like to see changes. He discussed the tornadoes that went through Clayton in the 1990's, he stated if we had those storms today with our current population and single access points we would be in trouble. He stated we have had to adapt over the years with what we have. He stated we have great staff that is working toward changing this.

Ms. Wullenwaber introduced Mr. Stancil to discuss this topic in detail. He shared photos and discussed a recent situation in Surf City where several homes were ruined due to the area only have a single access point. He stated in today's time, emergency responders face numerous and various challenges, changes and emergencies. Families are getting bigger and towns and jurisdictions are expanding with developments being built on every corner. With all this change, materials themselves used in this growth are unfortunately becoming more cheaply made. These cheaper materials allow

fires to grow and increase in size and danger in a shorter period of time creating egress and evacuation problems for citizens. Mr. Stancil shared samples of modern building construction materials and what happened with these materials during a fire.

Mr. Stancil stated it takes about 11 emergency vehicles to respond to a fire. Chief Barbee stated when you have that many vehicles it equals to a total of 25-30 people on scene. Mr. Stancil shared slides of neighborhoods that do not have enough access points and neighborhoods with just enough access points. He shared and explained slides on different fire code violations as well as slides that showed stats on reported home structure fires, average fire death rate per 1,000 home structure fires and injuries caused by home structure fires.

Chief Barbee stated when neighborhoods do not have enough access points, the department has to preplan for an emergency. There was detailed discussion on different neighborhoods and different situations where the lack of access points were an issue and created a problem. There was discussion on the need to increase street width also. Fire engines and ambulances are wider than a normal car needing an increase to our current street width.

There was discussion the TRC and how the committee is much more involved than in the past. Chief Barbee stated growth has caused us to think differently and now there is a team approach. Mayor McLeod stated we have to be aware of the future needs while we are approving future developments. He stated when we benchmark other towns, we aren't aware of their behind the scenes, we need to do what is right for our town. Chief Barbee stated Council has his full support to make these changes to the access ordinance.

There was discussion on the importance and the benefits of sprinkler systems. Mr. Stancil stated the Clayton Fire Department has a mission to provide prompt and professional services with pride and protect lives and property. He stated there are three incident/scene priorities that the department have to ensure on every incident

- Life Safety
- Incident Stabilization
- Property Conservation

Ms. Wullenwaber thanked Mr. Stancil for a great presentation.

Ms. Wullenwaber provided an access benchmark slide that showed the access point requirements for Wake Forest, Holly Springs, Garner, Apex and Fuquay Varina.

Mayor McLeod asked the difference between 250-300 lots, Ms. Wullenwaber stated 300 lots puts us more in line with Wake Forest and Apex. Council Member Holder stated he had a better idea why this is important after hearing this presentation. He stated we do not need to ignore safety, we need to look at what is best for Clayton. Council Member Grannis stated because of the

importance of this topic, this should be handled during the UDC rewrite. He stated we would have people that are experienced in this that can bring a lot to the table. He asked if we are going over and above the fire code or state statute for these requirements, Ms. Ross stated we have adopted Appendix D (Fire Apparatus Access Roads) and our ordinance should be in line with the fire code and also the zoning ordinance. There was further discussion on Appendix D and what was included in there. It was stated that currently, any application that came in before the new access point ordinance is adopted, we have no say so over it because of our current code. There was discussion on if we want to live 2 years on our current code or make changes now. Council Member Holder stated he did not want to see future developments approved without taking this into consideration.

Council Member Everett stated he feels this needs to go back to planning board and get this ordinance adopted. Ms. Ross stated this ordinance does not have to necessarily go back to the planning board, since this is only a recommending board, it can go straight to council with this minor change.

It was stated this code section amendment doesn't include street width. Council Member Holder stated the access point and the street width needs to go together, one goes with the other. Ms. Wullenwaber stated we have about 4,499 homes that would still be built on old standards and over 30,000 people with the access points we have now. If we wait two years, think of how many people would then live in Clayton. Mayor Pro Tem Thompson stated we need to get this moving now. This is a safety issue and we need to act on it, we don't need to delay it any further. Mayor McLeod stated to get this on the agenda, if anyone had questions or concerns that gives adequate time to get those in.

There was discussion on sharing this information with the public to educate them on what happens when an emergency occurs and neighborhoods are cut off. We need to share that it is not just one firetruck that answers a call.

Council Member Grannis suggested holding a developer's breakfast on this topic. This would give developers the opportunity to know what our interests are and give them the opportunity to chime in. Ms. Wullenwaber stated we could hold one in March or June. She stated the planning department had asked some developers to put in more access points than the ordinance states and they have not had a problem with it.

Ms. Ross explained the difference between a legislative and Quasi-Judicial decision and stated it is what council wants ultimately. She stated council could give the ability to waive stub out but not connection points. There was discussion on offering waiver for a length of the cul-de-sac and stated the lengths that are in the code need to be looked at. Chief Barbee stated this is something that has tried to be addressed and changed. Ms. Ross stated the cul-de-sac is on the menu for the large UDC rewrite. Ms. Wullenwaber asked for a consensus on this topic, Mayor McLeod stated he is hearing we are ready to move forward and to put this on the agenda. It was stated we need to get information to the public and developers need to know this is going to happen. It was suggested to send an email out to developers in the area with this

information.

- d) 9:45 - 10:45 a.m.
Wastewater Allocation Policy
Presenter: Rich Cappola

This session began at 10:46 a.m.

Mr. Cappola explained paperflow to everyone. He stated when a development comes in and a permit is submitted that states we have approved that development, lots of things can change with paperflow (such as the number of houses planned versus the number built). By the time we hit 90% of flow we have to be under construction for the new plant and we are not there yet. In the year 2023, we would be fully under construction. He stated every month a new spreadsheet with these numbers is provided. He stated all the rain hurts us because the pipes are sitting in water, when water get inside the pipes it makes it seem like we are flowing more than we are.

Mr. Cappola stated this policy was initially driven by new developments being approved. He stated we have looked at other towns that have similar issues. The concept is benchmarked but the numbers are unique to our community and how we built this chart. He went into detailed discussion on the point system and the explanations behind them. He stated we need to incentivize the larger lots over the smaller lots. He stated he tried to use as much of the original language from the original document, the big change is the scoring system. He stated there must be a minimum of 50 points in order to qualify for approval. Proposed projects could gain Bonus Points by the applicant offering to provide items such as additional amenities or offering to provide "minimum of 25% of building facades would be made of masonry materials.

The total amount of available capacity should be allocated by the following:

- No more than 50% of the total available capacity may be allocated to residential development
- At least 30% of total available capacity shall be reserved for commercial/industrial projects
- Mixed use elements may be considered for allocation even if such an allocation will exceed the limit established above for residential use

Mr. Cappola stated this is council's policy, they could allot it as they like. Mayor McLeod asked about the scoring system, Mr. Cappola went into further detail about this. Rich discussed incentivizing points and stated job creation and neighborhoods with a lot of amenities scores a lot of points.

Mayor McLeod asked based on this, what do you see opens the door to welcome in Clayton? Mr. Cappola stated when these developments come in, we need to ask what makes them unique. Ms. Wullenwaber stated with this policy we could incentivize developments to have nicer houses and finishes on the inside. Mr. Lindsay stated for the next three years let's incentivize higher quality residential, all of this should go in line with the UDC rewrite. Mr. Lindsay asked for any feedback from council. Mayor McLeod stated he thinks

this policy is good. Council Member Holder stated citizens need to realize this is a short term solution. It was suggested to put this on the consent agenda for 2nd meeting in March.

e) 10:45 - 11:00 a.m.

BREAK

This break ran from 10:57 a.m. until 11:12 a.m.

f) 11:00 a.m. - 12:30 p.m.

Technical Review Committee

Presenters: Samantha Wullenwaber, Engineering Department, Fire Department & Public Services

This session began at 11:13 a.m.

Ms. Wullenwaber stated the Technical Review Committee includes most departments except for The Clayton Center and the library. There is a position on this committee from the school board but since the job at the school system had been eliminated that spot is open.

She stated she has three stations throughout the room with information on this committee that she asked council to visit and rotate through each one.

She then shared the overview of the TRC which is:

- Pre-Application (Purpose: ensuring transparency regarding fees and processes before submittal)
- Submittal Day/In-take Process (Purpose: ensuring in-take of complete submission packets)
- TRC Review (Purpose: ensuring staff is performing thorough reviews, providing sound feedback while approving projects in a timely manner)
- TRC Certification (Purpose: ensuring documentation of approval is recorded)

She discussed the pre-application meetings are scheduled by the Development Services Coordinator and are held on the 1st, 2nd, & 3rd Wednesdays of each month. The coordinator holds in-person meetings which serves as the consultation between town staff and the applicant. During this time, applicants receive feedback and discuss any potential issues. Once this meeting has concluded, the coordinator collects the Fee Estimation Worksheet, Progress Timelines and Flow Charts and emails to the applicant the following week. The coordinator will provide as much upfront information as possible which allows applicants to get a cost idea of their project before submitting an application.

Ms. Wullenwaber stated there are multiple rounds of provisions. She stated there is a 10-day review process for the for any resubmittal revisions. She shared several flow charts regarding the different stages such as Preliminary Plat Review Stage, Construction Plan Stage, Final Plat Stage, Performance Guarantee Stage, Zoning Compliance/Building Permit Stage and Warranty Stage.

For new submittals, the application in-take day is the 1st working day of the month. When a new submittal is received, the application is reviewed and entered into the system. On the 2nd working day of each month, the coordinator would compile all new submittals and meet with staff to review projects and assign project managers. The applicant is emailed with notification of the application acceptance and project manager information. On the 3rd working day of each month the coordinator would create the TRC agenda and distribute agenda packets for review.

Ms. Wullenwaber shared a new feature on the town's website that lists all projects and developments. This new addition shows in detail a new development map, zoning map and future land use map. Council was very impressed with this new feature.

Mr. Baird, town engineer, spoke about the Engineering Review process. He stated the review included but is not limited to:

- Review utility plan to verify all application requirements
- Review wastewater allocation form for accuracy
- Review street layout and design
- Review gutter spread calculations to insure design standards comply with the town
- Review preliminary storm drainage plan
- Review preliminary water distribution system
- Review preliminary sanitary sewer collection system

He stated the purpose of this review is to ensure the layout will work and the infrastructure could support this. Also to make sure water and sewer are available in this area and if there is enough flow to support a fire.

Mr. Cappola gave a Public Works Review. He stated the Public Works Department review included but not limited to:

- ADA access related to sidewalks
- Street light in ROW
- Whether public mainline sanitary sewer and/or water needs to be extended to service adjacent properties
- Landscaping as it related to shade trees for public sidewalks
- Easements and maintenance issues related to public sanitary sewers, storms sewers and water mains
- Burying of overhead dry utilities
- Traffic calming
- Private road and alley access for garbage trucks
- Public access and turnaround for public pump stations

Mr. Cappola stated NC Dot reviews submittals from a traffic standpoint. This review mainly included:

- Review if the proposed ingress/egress will minimize any safety and congestion issues
- Review number of driveways, locations of driveways and if the traffic

flow in the site will cause backups onto DOT roads, required road improvements and if any traffic studies are needed

Mr. Stancil discussed the Review Fire Department which included but not limited to:

- Review location of proposed slide
- Type of construction, # of lots, number of stories of a building
- Road width, access points
- Turning radius, parking, no parking
- Water supply
- Addressing of the project
- Hazardous material on site such as swimming pools
- Gates, electronic, emergency entry for emergency services
- Life safety requirements

Ms. Wullenwaber discussed the TRC certification process. She stated this would provide applicants with official documentation that all staff comments have been addressed and staff had either approved a project to proceed to a decision board hearing or notified applicants that a project had been approved at staff level and they can proceed with obtaining any needed permits. The coordinator is responsible for creating and obtaining required signatures from the project manager. Once a project had been approved and the TRC certification is granted, project managers have to complete the following:

- Prepare Staff Reports
- Prepare Staff Report Maps
- Prepare Newspaper Ads
- Prepare Adjacent Property Owner Letters
- Compile Agenda items for board meetings

There was discussion on dumpsters being a safety hazard in streets of developing neighborhoods. It was stated this is a team effort, there needs to be a process in place and documentation that would inform builders/developers. It was suggested to give them a warning and if it continues stop the buck until it has been corrected. It's an educational process to get the builders/developers aware of situation. If an inspector saw a violation, he could fail for the day and they would have to stop production. Then there should be a re-inspection fee. This would have to have a policy created and by adopted by council.

Ms. Beard stated she had heard conversations from our citizens that cannot get home because dumpsters are in their way. There was conversation on the way some sites are being mismanaged and construction crews have damaged new water meters. The town will not foot the bill to replace these meters. Mayor McLeod stated if this were to get adopted, we need to enforce it.

There was discussion on developers/builders turning off the water valves. This is an issue for water pressure and if there were a fire that would cause a huge problem. Another issue is we would not know it's turned off until someone tried to use it. It was stated there should be a fine for this. Mr. Lindsay stated

this a growing pain of going from a small to a medium size town.

Mayor Pro Tem Thompson stated listening to Ms. Hogg talk about the depth of the TRC process is eye opening to him and informational. He stated it speaks highly we have staff that can speak expertly on these subjects. Mr. Stancil stated the team we have now that put in the leg work is impressive.

g) 12:30 - 1:15 p.m.

Lunch

Lunch ran from 12:45 p.m. until 1:23 p.m.

h) 1:15 - 2:00 p.m.

BUDGET Assumptions

Presenters: Adam Lindsay & Nancy Medlin

This session began at 1:25 p.m.

Mr. Lindsay stated code rewrites would be top priority in the budget this fiscal year. He stated another assumption is there would not be a tax increase but other rates and fees would adjust using the electric and water rate model. He stated he heard a lot of feedback about position needs, in current and longer view outlook. He had asked staff to provide a 5-year impact staffing need.

He stated he is supportive of completing and continuing the CIP projects. Ms. Medlin discussed in detail the progress of some CIP projects in FY 19-20 which included:

- Vehicle rotation plan for the town and Police Department (Order 4 police vehicles; 7 total town vehicles, 3 are in service and 4 are waiting)
- Town Hall Parking Lot (Working to get bin in March)
- Sam's Branch Phase II (There were permitting issues, began grading in October with estimated completion this fall)
- Payton Drive Extension (Begin late spring/early summer, waiting on design from the railroad engineer)
- ADA Transition Plan (kickoff in March 2020 with estimated completion date fall 2020)
- Sidewalk Improvement Plan (Estimated completion date by June 2020)

She stated all recreation projects in the CIP, with the exception of Harmony Playground, would go through the bond process. Harmony Playground is finalizing a few things and we should see some motion with grading equipment in the next couple weeks with a completion date of this fall. There was discussion on the Town Square Project. Money had been taken from this project to go toward Harmony Playground, council was asked if they are interested in adding the Town Square Project to the bond scope. The majority of council stated they would be interested in that. Council Member Grannis asked how much would that cost, Mr. Lindsay estimated \$750,000 based on the concept only. Mr. Lindsay discussed the idea of a possible splash pad and/or interactive objects in Town Square with the Parks & Recreation Director agreeing with that location.

Mr. Lindsay asked council how soon they would like to be involved with the bond. He asked should the process start with council then on to stakeholders or leave it to other groups and then brought to council. Mayor McLeod stated he would like to be on the front end of the process, Mayor Pro Tem Thompson agreed.

Mr. Lindsay stated another project discussed last year during project prioritization was a senior citizen recreation center space, which would build a creative partnership in the community. There was discussion on their current location being only 3,000 sq. ft. which is too small for them. He stated during the bond referendum there was a lot of support for this from the Civitans. One of their interests is strong partnership with the Special Olympics and with that they need recreational space. Parks & Rec. has been in conversation with them about this. Mr. Lindsay asked Parks & Rec. to research adding 6,000 sq. ft. on to the current Parks & Rec. facility. There was discussion on senior citizens attending our current Parks & Rec. location, the disadvantage they see to that is the cost to them. They would like a standalone building and do not want to share a space with anyone else. Council Member Grannis stated he spoke with Parks & Rec. Director Scott Barnard about increasing the building to 10,000 sq. ft. He stated if they are going to expand we might be able to accommodate this group and more. The average times the senior citizens use the facility is 9AM-2PM and most of our youth programming begins in the evening. A timeframe of 8AM-4PM could be scheduled for only them in an allotted area. Council Member Holder stated a senior citizen center had been on his calendar since he has been on council. He stated he has not pushed it because of funding. There was discussion on if they used our current facility, there would be a need for them to pay because of the use of our staff.

Mr. Lindsay stated he is getting the sense that council is interested in this and to look at this as part of the bond. There was detailed discussion on the financial aspect of this topic. Mayor Pro Tem Thompson stated the ideal solution is to do something with our existing space. Ms. Medlin stated one of their key programs is providing meals on Friday, she asked would we look into continuing that program. It was stated these are subjects that would need to be discussed at the stakeholders meeting. Mr. Lindsay stated partnering with the seniors would be advantageous to the town.

- i) 2:00 - 2:30 p.m.
BUDGET - Process & Calendar
Presenters: Adam Lindsay & Nancy Medlin

Mr. Lindsay stated his goal for the budget is to have it ready around May 5th which is earlier than usual and to have the manager recommended budget about 10 days ahead of that. He stated he would like council to have between 5-7 days to look at the budget and ask any questions about it. He stated this is a loose schedule this year. There was discussion on the budget retreat lasting one day or two half days. Council Member Bunn and Council Member Holder stated they were fine with one day. The consensus was to hold it during one full day. There was detailed discussion on council's concerns about the budget last year. Mayor Pro Tem Thompson stated they need to do their homework

and be aware of things ahead of time.

Mr. Lindsay stated there will be time spend discussing The Clayton Center budget, fee changes, personnel and funding regarding major CIPs. One of those projects would be space needs at town hall and the growing demand for staff. Council Member Bunn stated he would like to look into IT management. Mayor McLeod stated he would like to consider funding for Economic Development recruitment and development. He stated we need to start funding for appreciation toward all of our industry. He also stated he would like to see the Public Information Office get their own drone, we have the talent and ability in that office but we need the equipment to go along with it. Council Member Grannis stated he would like to look into fire apparatus.

Council Member Holder asked what grants are available that could help offset some of this cost? Mr. Lindsay stated he doesn't put any limitations on departments to look for grants, they have the green light all year to look. All grants should come before council so they know when a department has applied for one. Mayor McLeod suggested budgeting money for a grant writer if that would be help to the town. Mr. Lindsay stated grants are not out there like they used to be, you could spend a lot of time searching for grants.

j) 2:30 - 2:45 p.m.

BREAK

This break ran from 2:34 p.m. until 2:46 p.m.

k) *Items From This Point Forward Will Be If Time Permits*

l) 2:45 - 3:00 p.m.

Commuter Rail

Presenter: Adam Lindsay

This session began at 2:47 p.m.

Mr. Baird stated this had been talked about loosely over the years. He stated federal dollars have become available, he went into detailed discussion on the different methods of transportation and what areas this could travel to. He stated eventually it would benefit Clayton for the transportation to go into Smithfield/Selma. Mayor McLeod asked what should council and the town do to advocate for this? Mr. Lindsay stated there is a Johnston County Commissioners meeting in March, a member from council could attend and bring this up. Mayor McLeod stated the time is right to go before Johnston County Commissioners so we can tell our story, to share what our contributions to Johnston County are, until we do that no one can appreciate what we bring to the county. It has never been done and the timing is right to do this as we look into future investments. Council Member Grannis agreed with Mayor McLeod. Council Member Holder stated the presentation should be done in a way where Clayton isn't taking credit but showing what could happen to other towns in Johnston County.

Mr. Baird stated Durham, Orange County and Wake County have all gone to

transit. He stated Durham and Wake County also have a commuter rail. He shared a video explaining more about commuter rail. He shared results of studies that were performed in Durham and Wake County on this commuter rail. He shared stats of end points between surrounding areas and the range of cost for that.

Mr. Baird stated if we want to get involved we could get federal funding. There was detailed discussion on what the cost would be. Mr. Baird stated to receive federal funding, Johnston County must have a resolution showing they are in support. Mr. Lindsay stated this is many years from now, Mr. Baird stated 10-15 years from now would be a safe assumption.

Mr. Holder asked several questions on this subject, Mr. Baird stated he will look into that information for him. Mr. Baird stated another option is the BRT Bus Rapid Transit. He shared a video explaining this system. He stated the city of Raleigh had plans to move forward with this. He stated he thinks these are two options that he predicts would be in our future. Council Member Everett stated he thinks it is a progressive idea especially as we grow. He stated this is a good solution that we can answer some of the issues we have about traffic.

Mayor Pro Tem Thompson stated as we have grown and everyone has cars, it has caused congestion. He stated we eventually need something like a rail system. Council Member Grannis stated this is not about Clayton, this is definitely about Johnston County. There would have to be a sales tax increase if we want to get involved in this. Mayor Pro Tem Thompson stated think of the people that could commute to Clayton to work. There is opportunity here, it could bring people to work in our pharmaceutical industries. Mr. Lindsay stated there is Johnston County Commissioner meeting Monday at 10AM, he asked if any staff would be interested in attending. Council Member Grannis stated he would be willing to attend.

- m) 3:00 - 3:30 p.m.
Water & Sewer Update
Presenter: Rich Cappola

This session began at 3:25 p.m.

Mr. Cappola stated he had been working with Jacobs Engineering the last several months on this topic. He stated LGC had not come around with a firm decision on whether they would let Clayton take out a revenue bond to pay for the initial design and request to allow us to do a Design/Build. Design Build process would help save several months of time on the project. This was the process used to do the Wastewater Facility. LGC wants us to go with the normal method but unfortunately our schedule does not allow for that. Mr. Cappola stated with everyone working together pushing this forward, once we get a decision from the LGC we would know more of a final date. There was further detailed discussion on this process. Ms. Medlin stated we are trying to develop contingency plans with others but hoped the decision with the LGC would go through. Mr. Cappola went into detail on the proposed timeline of the

project, he stated we are going through the environmental permitting now. He stated he planned in the spring to get a bid out to haul off the waste material. There is a lot of dirt that needs to be moved and he hoped to be able to partner with someone to get that moved.

Council Member Grannis asked what the plan is if LGC denied us. Mr. Cappola stated we would look at other capital projects that would have to be delayed to be able to have available funds for this. He stated worst case is this would be delayed. Ms. Medlin stated her first alternative would be possibly to look at other avenues and then to delay other capital improvement projects

n) 3:30 - 3:45 p.m.

Load Management

Presenter: Nancy Medlin

This session began at 3:40 p.m.

Ms. Medlin discussed the Load Management program which is for residential electric customers. A device is placed that controls the hot water heater, electric heat strip and the air compressor on the heat unit. We give credits to customers that sign up for this program. During the year when consumption is really high, we ask to control their devices. She discussed the town purchases their electric from Duke, each month our peak demand is not the same as their peak demand. When that happens we pay 8 or 9 times more. When we are able to manage these devices, we control it during the window of our peak time to make sure our peak does not match Duke's.

In 2018, we had a gross savings of \$405,000 (net \$222,000) and in 2019 we had a gross savings of \$241,000 (net around \$60,000). The town is able to save a lot of money with this program, we want to make sure we are netting more than we would pay out. This device is required on all new electric accounts and current customers have the choice to opt out if they would like. To opt out of the program the customer must sign a waiver. Ms. Medlin stated 55% of the town's customers have this device and 24% have chosen to opt out of it. She stated 76% of customers stay with the program. We currently have 6400 eligible customers and a little under 3500 are enrolled. We are adding an average of 27 new customers a month.

Ms. Beard stated she is currently working with Penny Adams at the Operations Center on rebranding this program to possibly call it Money Saving Energy Saving Program rather than Load Management. She stated they are thinking of creating an informational video on this program. Ms. Medlin stated most people do not even notice they have this device. We need to make it known to our customers that this would be a personal loss if they don't sign up.

Council Member Grannis asked what the timeline on this is. Ms. Beard stated she hoped to have brochures out in March for new customers and Penny would email customers and put the information online.

Mr. Lindsay stated before we send this out he wanted to gather additional

information regarding how others handle this program. Ms. Medlin stated an AC credit is only available 4 months of the year but the water heater credit is year round. Council Member Holder stated it would be a good idea to put a survey out in Glen Laurel to see how many do not have this device because they did not understand it would go on the AC unit. Council Member Grannis stated he's not convinced folks are completely informed about this.

- o) 3:45 - 4:15 p.m.
Senior Center Concerns/Questions
Presenter: Michael Grannis

This session began at 4:01 p.m.

Council Member Grannis stated he visited the Senior Center and received about 45-50 questions from these citizens. In answering these questions he realized some are uninformed. A lot of them feel the town is responsible for the senior center. He shared some of the questions asked and went into discussion of the answers. Ms. Beard suggested that some seniors should serve on the Recreation Advisory Board so they would become familiar with the center. The seniors want to be connected and want interaction. He stated he, Ms. Beard and Ann Game (Customer Service Director) attended the Electricities summit last week and a lot was learned. He gave everyone a summary of what breakout sessions were available to them.

- p) 4:15 - 4:30 p.m.
Wrap Up

This session began at 4:19 p.m.

Mr. Lindsay expressed his appreciation to staff and council. He stated he heard a lot of positive things about this retreat. We have reached a point that we might want to consider more than one retreat per year, maybe a one day retreat in September where we talk about projects, etc. He asked for feedback on that from council. Mayor Pro Tem Thompson suggested to hold planning sessions once a quarter or once every six months. Mayor McLeod agreed. He stated the point is to continue to educate us on the departments, the more exposure we have as a governing board the better decisions we could make. The consensus of the group thought a quarterly work session is a good idea. Mayor McLeod stated he appreciates everyone's focus, hard work and effort. Council Member Grannis acknowledged staff, he stated he is very proud of everyone and this can not go unnoticed. Council Member Holder asked Ms. Medlin and Mr. Lindsay to share that statement that Council Member Grannis just stated. Mayor Pro Tem Thompson stated our management team has groomed us for this.

3 ADJOURNMENT

- a) Adjourn the Meeting

With there being nothing further, the meeting was adjourned at 4:27 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Bunn

Second: Council Member Grannis

Vote: Unanimous

Duly adopted this the 16th day of March, 2020 while in regular session.

**Jody L. McLeod
Mayor**

ATTEST:

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

**February 25, 2020
Minutes**

Proclamation

WHEREAS, in celebration of Arbor Day, a day dedicated to planting trees around the world, we look back at the history of this day; and,

WHEREAS, long ago, J. Sterling Morton of Nebraska, who would become the secretary of Agriculture for President Grover Cleveland, which is like the governor that manages plants, animals, and farming practices for our state, suggested that a special day be set aside for planting trees; and,

WHEREAS, the upcoming holiday – Arbor Day – was first founded in the state of Nebraska, with the planting of more than one million trees and is now watched all over the nation and the world; and

WHEREAS, trees are our resources that return fruit and nuts for food and earnings, wood for building, fuel for warmth, paper products and a collection of other goods; and,

WHEREAS, some things that trees help do are: stop storm water runoff and wearing down, clean air and water, produce better air, slow climate change by absorbing carbon dioxide, provide habitat for wildlife, and reasonable air temperature; and

WHEREAS, when properly selected and farmed how they're supposed to, trees can increase property values, improve the success of our economic of businesses, provide buffers from traffic and are a source of joy and spiritual renewal for all people to enjoy; and

WHEREAS, the Town of Clayton first earned Tree City, USA ranking in 2006 and continues to control and improve our urban forest by the planting of more trees to appreciate our community; and

WHEREAS, Arbor Day reminds us of the timeless observation by its founder, J. Sterling Morton, that "Each generation takes the earth as trustees;"

SO, THEREFORE, let it be proclaimed by the Honorable Mayor and Town Council of the Town of Clayton, NC, that Friday, March 20, 2020 be recognized as "Arbor Day" and we suggest that all citizens celebrate Arbor Day, even in small ways, and support efforts to protect our trees and woodlands, and encourage all citizens to plant trees to promote our current and future generations because a healthy forest in downtown Clayton can bring a sense of energy or relaxation, adventure or calm and escape or contentment, enclosed by asphalt and concrete.



Proudly announced by the students of Clayton Middle School and duly proclaimed this 16th day of March 2020.

Jody McLeod
Mayor
Town of Clayton

Proclamation

Traumatic Brain Injury (TBI) Awareness Month

Whereas, a Traumatic Brain Injury (TBI) is an injury to the brain occurring after birth as a result of an external force to the head; and

Whereas, the condition is often a result of a fall, an assault, a motor vehicle accident, being struck by/against, and/or other causes or unknown causes; and

Whereas, over 200,000 North Carolinians currently live with a TBI-related disability; and

Whereas, the condition affects the lives of not only the individual/survivor, but also their Parents, Spouses, Siblings, Extended Family, Friends, Healthcare Providers, Insurance Companies, Attorneys, Educators, Government Agencies, and Employers; and

Whereas, ongoing supports are often needed to support the individual in their daily life skills; and

Whereas, TBI can sometimes be an “invisible” condition, creating many challenges around stigmas, awareness, understanding, and acceptance of individuals with TBI; and

Whereas, the most effective way to increase awareness is through everyone’s openness to learn and acknowledge that there are systemic barriers that reduce the likelihood of those with TBI enjoying equitable experiences and living independent, productive lives within their communities; and

Whereas, policies must be developed, attitudes shaped, and equitable experiences be offered to all individuals, including those with TBI; and

Whereas, we ask that citizens do all in their power to; recognize the value of the disability experience in our lives and the valued role it has in our rich diversity, recognize the barriers presented to those with Traumatic Brain Injury across all aspects of their lives, create ways to include everyone; especially those with Traumatic Brain Injury, to be fully included in all aspects of life, understand the losses (financial, spiritual, human rights, contributions to community, and otherwise) when our communities segregate and create barriers for those with Traumatic Brain Injury and demand policymakers no longer invest in segregation and create inclusive, equitable policies and systems for all.

Now, therefore, on behalf of the Clayton Town Council I do hereby proclaim March 2020 as

TRAUMATIC BRAIN INJURY AWARENESS MONTH

Duly adopted this the 16th day of March, 2020 while in regular session.

Jody McLeod, Mayor

*P*roclamation

Developmental Disability Awareness Month

Whereas, a Developmental Disability is diverse group of chronic conditions that are due to mental or physical impairments that arise before adulthood; and

Whereas, the condition is likely to continue indefinitely and limits the individual in 3 or more of the following areas: Self-care, Receptive and expressive language, Learning, Mobility, Self-direction, Capacity for independent living, and Economic self-sufficiency; and

Whereas, the condition creates the individual's need for a combination of special, interdisciplinary services, individualized/person-centered supports, and other forms of long-term assistance that are individually planned and coordinated; and

Whereas, the disability experience is a natural part of life and is valued as a part of our rich diversity; and

Whereas, disability is a social construct. The 'problem' is not the medical condition that resides within the individual, but the 'problem' is that society does not create welcoming, supporting, and inclusive environments, policies, and/or systems for all, to promote equality and acceptance in all areas of life, including schools, places of employment, and in our communities; and

Whereas, the most effective way to increase awareness is through everyone's openness to learn and acknowledge that there are systemic barriers that reduce the likelihood of those with disabilities enjoying equitable experiences and living independent, productive lives within their communities; and

Whereas, policies must be developed, attitudes shaped, and equitable experiences be offered to all individuals, including those with developmental disabilities; and

Whereas, citizens should do all in their power to recognize the value of the disability experience in our lives and the valued role it has in our rich diversity, recognize the barriers presented to those with disabilities across all aspects of their lives, create ways to include everyone; especially those with developmental disabilities, to be fully included in all aspects of life, understand the losses (financial, spiritual, human rights, contributions to community, and otherwise) when our communities segregate and create barriers for those with disabilities, and demand policymakers no longer invest in segregation and create inclusive, equitable policies and systems for all.

Now, therefore on behalf of the Clayton Town Council, I hereby proclaim March, 2020 as

DEVELOPMENTAL DISABILITIES AWARENESS MONTH

Duly adopted this the 16th day of March, 2020 while in regular session.

Jody McLeod
Mayor



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, Adams & Hodge Engineering
Karen Durham, Engineering & Inspections Coordinator

Date: February 28, 2020

Subject: Parkview, Phases 12, 16, & 17

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



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Andy Simerman, Construction Project Administrator

Copy: Keith Gettle, CAA Engineers
Lori Bryant, Development Services Coordinator

Date: March 2, 2020

Subject: Village at Little Creek Subdivision – Phase I

Please place a pre warranty acceptance request for the referenced public sanitary sewer and water utilities on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the sanitary sewer and water will be subject to a one-year warranty period. Following the warranty period, a final inspection will be done and all deficient items corrected prior to final acceptance.



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Andy Simerman, Construction Project Administrator

Copy: Jess Adams – Fred Smith Co
Donnie Adams – Adams and Hodge
Lori Bryant, Development Services Coordinator

Date: March 8, 2020

Subject: RWAC Alpine Valley – 6D-3

Please place a pre warranty acceptance request for the referenced public sanitary sewer and water utilities on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the sanitary sewer and water will be subject to a one-year warranty period. Following the warranty period, a final inspection will be done and all deficient items corrected prior to final acceptance.



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Andy Simerman, Construction Project Administrator

Copy: Donnie Adams, Adams & Hodge Engineering
Jess Adams, Fred Smith Company
Paralee Smith, Development Services Coordinator

Date: March 8, 2020

Subject: RWAC – Alpine Valley, Phase 6D-3

The final lift of asphalt has been installed in the subject section. Please schedule Council action for the acceptance of this work subject to a five year warranty. Subsequent to the warranty period, pavement and base course conditions will be evaluated and any faults corrected by the developer prior to acceptance.

If further information or clarification of the comments is required, you may contact my office at 919-553-5002 x. 5611.



Town Council Agenda Cover Sheet

Meeting Date

March 16, 2020

Agenda Location

New Business

Item Title

After-hours Inspections Fees & Policy

Presenter

Rich Cappola, PE – Public Services Director

Summary/Description

Request by contractor for weekend and after hours inspection be available for commercial project.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

- Revised fee sheet
- Policy and Application

Meeting Timeline



Application/Permit # _____

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

SPECIAL REQUEST & AFTER HOURS INSPECTION APPLICATION

This form must be completed for projects whenever a special inspection request or after hour's inspection (Before 730AM or after 4PM) is needed. A Special Request Inspection fee will be assessed based on the current adopted fee schedule. Approval is at the discretion of the Inspections Supervisor and subject to inspector availability.

Please return the completed form a minimum of 3 business days prior to the requested date(s) to the Public Services - Inspections Division in person at Town Hall, email to Inspections@TownofClaytonNC.org, or fax to (919) 553-1720.

PROJECT INFORMATION

Project Address _____ City _____ Zip _____
Location _____ Lot # _____
Project Name _____

INSPECTION REQUEST

Please check all that apply and indicate specific inspection

_____ Fire (specify) _____ Plumbing (specify) _____
_____ Building (specify) _____ Mechanical (specify) _____
_____ Electrical (specify) _____ Other (specify) _____

INSPECTION DESCRIPTION

Please detail what item(s) you would like inspected:

Date of Inspection _____ Day _____
Time of Inspection _____ AM / PM Estimated Time _____ Hours

CONTACT INFORMATION

Contact Person _____ (Must be at job site at time of inspection)

Company Name _____

Address _____ State _____ Zip _____

Email _____ Mobile Phone _____

I hereby certify that I have the authority to schedule inspections on this permit, and that I understand that this is a Special Request Inspection which may result in charges additional to those already paid at the time of permit issuance.

Owner/Agent Name (print) Owner/Agent Signature Date

TOWN OF CLAYON APPROVALS

Fire Inspector Assigned		Plumbing Inspector Assigned	
Fire Inspector Approval		Plumbing Inspector Approval	
Date		Date	
Building Inspector Assigned		Mechanical Inspector Assigned	

Building Inspector Approval		Mechanical Inspector Approval	
Date		Date	
Electrical Inspector Assigned		Other Inspector Assigned	
Electrical Inspector Approval		Other Inspector Approval	
Date		Date	

PENDING ADOPTION

	TOWN OF CLAYTON POLICY	
	Department: Public Services - Inspections	Effective: Mar. 16, 2020
Policy Title: AFTER-HOURS INSPECTIONS (AHI) POLICY Version #01	Supersedes: New	
	Prepared By: Richard D. Cappola Jr., PE Public Services Director	
	Approved By: Town Council	
	Date: Mar. 16, 2020	

I. Purpose

Many construction projects will benefit from the ability to schedule inspections after-hours and weekends. It is the desire of the Town to provide building permit holders for non-residential construction with the opportunity to request inspections to be performed outside of normal business hours under specific circumstances.

II. Scope

This policy applies to field inspections required of non-residential building permit types by a Building Code Inspector of the Town of Clayton ("Inspectors"). This is a premium service, using existing staff on a volunteer basis for a premium fee. This fee would be over and above the normal permit fee. To the extent this policy conflicts with other Town policies or regulations, the Town Manager shall determine the applicability of this policy.

III. Definitions

- **After-hours:** Inspections requested to be performed before 8:30AM or after 4:00 PM Monday through Friday, anytime on Saturday or Sunday, or on Holidays where the Town of Clayton is closed for normal business (NOTE: construction activities are subject other provisions of the Code of Ordinances that may limit operating hours without special permission). Scheduled inspection requests starting during our normal business hours and running beyond our normal business hours or requests starting before our normal business hours and running into our normal business hours are considered After-hours. Examples are requests from 4:00AM-7:00PM or 6:00AM – 8:30AM
- **Non-residential building permit types:** For the purpose of this policy, this shall mean commercial, including apartment buildings and mixed-use structures, and industrial projects. Single-family residential, including townhomes, shall not be eligible.
- **After-hours Inspection Fee:** a fee adopted by the Town Council as part of the Comprehensive List of Fees and Charges. A minimum of three (3) hours shall be charged for all approved AHIs. The hourly

charge rate will incorporate full program costs (i.e., full burden including travel time, permitting staff, miscellaneous support, Department overhead, ext.). The fee shall include all four trade areas (Building, Plumbing, Mechanical, and Electrical).

IV. Requirements

- Approval of requests shall be at the Public Services Director, or their designee's discretion and are subject to Inspector availability. There are no guarantees on inspector availability.
- The General Contractor (GC) or permit holder assigned to the permit are the only entities authorized to request AHI.
- The GC requesting AHI is responsible for estimating the number of hours, so that fees will be charged to the permit upfront. All requests are subject to a minimum of 3 hours per request, which includes 1 hour inspector's drive time. If travel conditions cause the inspector to be late, the inspector will advise the assigned contact person.
- All AHI fees will be charged to the permit upfront. If contractor needs additional AHI hours a new request must be submitted.
 - Exceptions: If inspection is critical, inspector may use discretion and extend AHI hours and notify permitting staff and Inspections Supervisor. If this occurs, the Inspector will hold inspection results until the next business day when permit staff has applied fees to the permit to cover the additional hours. No subsequent inspections will be performed until all AHI fees have been paid.
- Once a request has been processed and contractor's account has been charged, no refund is due unless cancellation is submitted to the Inspections Supervisor in writing (email or hand delivered to permitting staff) 24 hours prior to the scheduled AHI.
- The inspection(s) will be performed as scheduled, with the results entered electronically.
- AHI Inspectors are assigned to the project by the Inspections supervisor based on availability and Certificate Level, and will remain on site for the duration of the time requested.
- If the customer has inspection issues or concerns, those should be addressed to the Program Coordinator and then should be brought to the specific Trade Supervisor or Core Process Manager for resolution.
- Town approved construction documents, including revisions and critical documentation (i.e., sealed truss drawings, engineering letters, and test reports), must be on site for the duration of the inspection.
- Work must be code compliant; inspectors are not to be used to provide lengthy code compliant punch lists. If the work areas are not ready for inspections when the AHI inspector arrives additional fees and penalties may apply.
- Code interpretation issues that arise during an AHI will be discussed with the assigned Field Inspector for resolution. If resolution is not achievable or requires Department of Insurance (DOI) interpretation, the AHI shall be terminated.
- The Town reserves the right to make changes to, or eliminate this policy at any time.

IV. Procedure

- Requests shall be made in writing using the appropriate forms and applications sent to Inspections@TownofClaytonNC.org or submitted in hard-copy to permitting staff at 111 E. main Street, Clayton, NC 27528.
 - Any requests submitted to other email addresses will not be considered valid.
 - AHI requests can be submitted any time during our normal business hours (i.e. Mon-Fri 8a.m - 5p.m).
 - The request must be submitted at least 72 hours prior to the inspection start time. This will allow sufficient time to coordinate the inspection team that will cover the request.
- The Inspections Supervisor will review the AHI request based upon the customer's requested dates and times and solicit volunteer inspectors to fill the time requested.
- The Public Services Director or their designee will approve the request for AHI.
- The Inspections Supervisor or permitting staff will advise the customer of AHI availability and estimate of Fees to be applied to the permit.
- Once fees are satisfied, Permitting Staff will communicate inspection confirmation, inspector(s)'s name and phone number to customer.

PUBLIC NOTICE

The Clayton Town Council will hold a public hearing on Monday, March 16, 2020, at 6:00 PM at Town Hall, 111 East Second Street, to receive public comment on the proposed amendment to the Comprehensive List of Fees & Charges related to Inspection Fees..

This is an open meeting and citizens are invited to attend.

Kimberly A. Moore, CMC, NC-CMC; Town Clerk

919-553-5002

Town of Clayton
Amendment to the Comprehensive List of Fees and Charges

BE IT HEREBY APPROVED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA, THAT THE COMPREHENSIVE LIST OF FEES AND CHARGES WILL BE AMENDED TO INCLUDE THE FOLLOWING:

INSPECTION FEES:

After Hours Inspection Fees \$200.00/hour* (Minimum 3 hours)

**These fees apply to any requested non-residential inspections (Building, Plumbing, Mechanical & Building) during the following; prior to 8:30 a.m. or after 4:00 p.m. M-F or ANY Saturday, Sunday or Holiday when the Town of Clayton is closed for normal business.*

All above rates will be effective immediately upon adoption.

Duly adopted this the 16th day of March, 2020 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

March 16, 2020

Agenda Location

Public Hearings

Item Title

2019-243-OA Access Ordinance Amendment

Presenter

Samantha Wullenwaber, Planning Department

Summary/Description

Request to amend the Unified Development Code to clarify the general development standards for residential and non-residential development. The amendment includes access points clarification, sidewalk, and fee-in-lieu clarification among other items.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application
Strikethrough Copy
Clean Copy
Staff Report
PB Recommendation
Consistency Statement
Newspaper Ad

Meeting Timeline

December 17, 2019- Planning Board (recommendation)
January 6, 2020- Town Council (postponed)
March 16, 2020- Town Council



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

ORDINANCE AMENDMENT APPLICATION

Pursuant to Article 7, Section 155.703 of the Unified Development Code, the Town Council, Board of Adjustment, Planning Board, Planning Director, or the general public may petition the Town Council to amend the Code of Ordinances.

Application Fee: TBD

Advertisement Fee: \$100.00

All fees are due when the application is submitted.

AMENDMENT INFORMATION

Project Name: Access / Sidewalk Ordinance Amendment

Existing title of Code Section(s): General Development Standards- Access

Code Section Number(s): 155.400 Access

APPLICANT/CONTACT INFORMATION

Applicant: Town of Clayton Planning Department

Mailing Address: PO Box 879 Clayton, NC 27520

Phone Number: 919-553-5002

Fax: _____

Contact Person: Haley Hogg, Planner II & Samantha Wullenwaber, Planning Director

Email Address: hhogg@townofclaytonnc.org & swullenwaber@townofclaytonnc.org

DESCRIPTION OF REQUESTED CHANGES

Please provide a general justification of the requested ordinance amendment. Attach additional sheets if necessary.

Update the requirements for access points for residential subdivisions and multi-family developments to ensure adequate access for emergency vehicles including fire, police, and EMS. Additionally, the amendment specifies the requirements of sidewalks and when sidewalk development vs. fee-in-lieu is appropriate.

FOR OFFICE USE ONLY

Date Received: 12-2-19

Amount Paid: NO Fee -
Town initiated

File Number: 2019-243

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany this application for it to be deemed complete.

To be completed by the applicant:	For staff use only:				
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☐				
2. Review Fee and Advertisement Fee	☐				
3. Completed application	☒				
4. A bound strikethrough/underline copy of the Code section(s) proposed for revision	☒				
5. A bound "clean" copy of the Code section(s) proposed for revision	☒				

APPROVAL CRITERIA

All applications for Ordinance Amendment must address the following criteria:

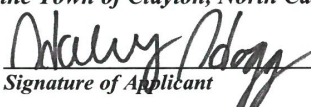
1. The extent to which the proposed text amendment is consistent with the remainder of the chapter, including specifically, any purpose and intent statements.
The proposed text amendment is consistent with the remainder of the chapter, including any purpose and intent statements.
2. The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time.
The proposed amendment does not represent a new idea not considered in the existing chapter, but does represent a revision necessitated to ensure adequate vehicular and pedestrian access is provided.
3. Whether or not the proposed text amendment corrects an error in the chapter.
The text amendment does not correct an error in the chapter.
4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
The proposed amendment is not proposed to comply with state or federal statutes or case law.

APPLICANT AFFIDAVIT

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

Haley Hogg

Print Name



Signature of Applicant

12/2/19

Date

ARTICLE 4: GENERAL DEVELOPMENT STANDARDS

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§ 155.400 ACCESS

(A) PURPOSE AND INTENT

It is the intent of this Section to establish procedures and design standards for driveways and access points to promote efficiency and safety of the connecting street system, support operations of the surrounding pedestrian and bicycle network, ensure safe roadway access to all parcels and lots, and promote a vibrant and attractive streetscape character. These procedures and standards are intended to preserve and enhance the character of the community, and protect the health, safety and general welfare of Clayton's residents.

(B) ACCESS

For the purposes of this section, access means the point or points of ingress and egress from a development or parcel to the existing right-of-way network.

(C) **ACCESS REQUIRED**

- (1) Except as provided in paragraph(c)(2) below, no principal building, structure, or use may be erected or established on any lot which does not abut at least 30 feet on a street that is publicly-dedicated and maintained by the Town or the North Carolina Department Of Transportation.
- (2) The Planning Director may authorize, in specific situations, alternative driveway access when:
 - (a) The effect of such application would be to deprive the parcel of reasonable access; or
 - (b) The size, configuration, or lack of frontage makes alternatives infeasible.
 - (c) At a minimum, entrances and exits, except those associated with a single-family residential use, shall be subject to the dimensional standards provided in Table 4-1 below.

TABLE 4-1 –DIMENSIONAL STANDARDS OF ACCESS WAYS

Min. Entrance/Exit Width	Feet ⁽¹⁾
One-Way	15
Two-Way without median	25 (35 maximum)
Two-way with median	40 ⁽²⁾
Right Turn Radius ⁽³⁾	
Minimum	25
Maximum	30
Notes:	
1. All entrances and exits are subject to approval by the Town of Clayton and/or NCDOT. Widths exceeding these standards may be approved by the Planning Director or Town Engineer, depending on the use.	
2. Width excludes median. 20 foot unobstructed pavement required on both sides of median, excluding landscape islands.	
3. Measured on side of driveway exposed to entry or exit by right turning vehicles.	

(D) **COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS**

- (3) Prior to beginning any construction, permits necessary to connect to the right-of-way network of the town or state shall be secured. Driveway connections to individual residences are generally excluded from this requirement, but may be necessary if a safety concern is identified.
- (4) Failure to secure necessary permits prior to construction may result in the removal of the driveways and/or denial of access at that location.

- (5) A Certificate of Occupancy shall not be issued until the access requirements of this chapter have been met.

(E) **ACCESS TO RESIDENTIAL SUBDIVISIONS**

- (1) When a residential subdivision borders on or contains a major thoroughfare, direct driveway access from lots within the subdivision onto the thoroughfare shall not be permitted.
- (2) In order to accommodate emergency and service vehicles, the following standards shall apply:
- (a) Any residential subdivision of greater than 30 lots shall include at least two separate and constructed access points. ~~The second access may consist of an existing or future street connection to an adjacent development.~~
- ~~(b) Any residential subdivision of greater than 75 lots shall include at least two access points. The second access may consist of a street connection to an existing adjacent development.~~
- ~~(c) No more than 75 certificates of occupancy may be issued within the subdivision until the required secondary access has been constructed or bonded for construction.~~
- (b) Residential subdivisions of 300 ~~250~~ or more lots shall provide at least three separate and constructed access points. ~~Where three or more access points are required, the Town Council may waive the requirement for immediate construction of more than two access points, provided that subdivision phasing and design illustrates the additional required connections. A Variance may be sought in accordance with section § 155.716 in situations where unique topographical features such as slope or other unique circumstances limit the potential for the third access point.~~
- ~~(c) Street stub-outs to adjacent undeveloped properties shall be provided as deemed appropriate. Stub-outs to adjacent undeveloped properties shall not count towards the minimum number of required access points. All stub-outs shall be constructed to the property line.~~
- ~~(d) Street connections shall be made to existing stub-outs on adjacent developed properties. These street connections may count towards the minimum number of required access points.~~
- (e) All required access points outlined in this section shall be constructed prior to plat recordation of the phase in which the access points are located.

Commented [HH1]: Modified to 300 units

~~(3) — A waiver (see § 155.706(l)(7)) of these standards may be allowed by the Town Council during approval of the preliminary subdivision plat only where limited frontage, natural features (slope, topography), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery.~~

(F) MULTI-FAMILY RESIDENTIAL DEVELOPMENTS

~~(a) Multi-Family projects having more than 100 dwelling units shall provide at least two separate and constructed access points. Required access points shall be constructed prior to issuance of the first Certificate of Occupancy for the phase in which they are located.~~

(F)(G) RESIDENTIAL DRIVEWAY STANDARDS

Residential driveway access to and from streets shall be constructed in accordance with Town standards as outlined below:

(1) Design

The standard residential driveway access for the Town shall be a "ramp" type driveway section. Ramp-type driveways shall be constructed in accordance with Town standards and specifications as outlined in the Town's *Engineering Design Manual*.

(2) Width

The width of a residential driveway shall be no less than ten feet and no more than 24 feet. When two residential driveways coincide along a property line, the maximum width of both driveways combined shall not exceed 24 feet.

(3) Number

The number of driveway access points servicing a residential lot should be limited to one. In no instance shall there be more than two residential driveway access points servicing the lot.

(4) Setbacks

- (a) Residential driveways shall be spaced at least 20 feet from any other driveway on the same lot.
- (b) Driveways shall be no closer than three and one-half feet to any lot line, except where two residential driveways coincide along the same lot line.
- (c) The minimum corner clearance from the curb line or edge of pavement of intersecting streets shall be at least 20 feet from the point of tangency of the radius curvature, or 20 feet from the intersection of right-of-way lines, whichever is greater.

- (d) The radius of the driveway shall not encroach on the minimum corner clearance.

~~(G)(H)~~ **NON-RESIDENTIAL DRIVEWAY STANDARDS**

(1) **Design**

Non-residential driveway access to and from streets shall be constructed in accordance with the standards and specifications provided in the manual, *Policy on Street and Driveway Access to North Carolina Highways*, as adopted and amended by NCDOT.

(2) **Number**

- (a) For any development, the number of driveway access points may be restricted where it is necessary for purposes of decreasing traffic congestion or hazards. These restrictions may include required common access points.
- (b) Approval of driveway access between a lot and the right-of-way at an interval less than those specified by the *Policy on Street and Driveway Access to North Carolina Highways* manual, as adopted and amended by NCDOT, may be granted only by review and recommendation of the Town Engineer and NCDOT.

(3) **Outparcels**

Outparcels shall take access from within the development, where possible.

~~(H)(I)~~ **CROSS ACCESS CONNECTIONS**

- (1) Internal driveway connections to adjacent existing or future development shall be provided for residential and commercial development, and clearly identified. All driveway connections shall be constructed and stubbed to the property line, and future development of adjacent property shall complete a connection to any existing stub.
- (2) Access easements may be required to ensure outparcels or adjacent developments have adequate access if ownership patterns change.

~~(2) — The Planning Board or Town Council may waive the requirement for a driveway connection required above in those cases where unusual topography or site conditions would render such a connection or easement of no benefit to adjoining properties.~~

~~(H)(J)~~ **SHARED ACCESS**

A shared access easement may be required between adjacent lots fronting on a thoroughfare in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots.

~~(H)(K)~~ **CLOSURE OR RELOCATION OF EXISTING ACCESS POINTS**

- (1) The Planning Board or Town Council, in conjunction with NCDOT, shall have the authority to require the closure or relocation of existing access points where multiple access points to the site are available.
- (2) The Planning Board or Town Council may approve the closure of driveway access in those cases where adjoining parcels are subsequently developed with a residential use.

~~(K)~~(L) **VISIBILITY AT INTERSECTIONS**

- (1) On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 30 inches and ten feet in a triangular area formed by a diagonal line between two points on the right-of-way lines, 20 feet from where they intersect.
- (2) Adequate sight distance should be provided at all driveway access points and shall be in accordance with the standards provided in the manual, *Policy on Street and Driveway Access to North Carolina Highways*, as adopted and amended by the NCDOT.

~~(L)~~(M) **THOROUGHFARE OVERLAY DISTRICT**

In addition to the standards set forth in this Section, driveways to be constructed within a Thoroughfare Overlay District are subject to the additional standards set forth in § 155.204(A).

~~(N)~~ **SIDEWALKS**

- (1) All sidewalks associated with a residential subdivision shall be required as outlined in Article 6 of this chapter.
- (2) All residential and non-residential development projects not associated with a residential subdivision shall be required to install sidewalks and curb-and-gutter along all property lines with road frontage. If there is no existing sidewalk within 300' of the proposed development project, a fee-in-lieu of sidewalk may be accepted.
- (3) If fee-in-lieu of sidewalk is made, an Engineer's estimate for fee-in-lieu shall be provided to the Town's Engineering department for review. Fee-in-lieu shall be paid for sidewalks prior to issuance of building permits.

(4) Sidewalks shall be installed prior to issuance of a Certificate of Occupancy for the development.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2013-09-03, passed 9-3-13)

ARTICLE 4: GENERAL DEVELOPMENT STANDARDS

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§ 155.400 ACCESS

(A) PURPOSE AND INTENT

It is the intent of this Section to establish procedures and design standards for driveways and access points to promote efficiency and safety of the connecting street system, support operations of the surrounding pedestrian and bicycle network, ensure safe roadway access to all parcels and lots, and promote a vibrant and attractive streetscape character. These procedures and standards are intended to preserve and enhance the character of the community, and protect the health, safety and general welfare of Clayton's residents.

(B) ACCESS

For the purposes of this section, access means the point or points of ingress and egress from a development or parcel to the existing right-of-way network.

(C) **ACCESS REQUIRED**

- (1) Except as provided in paragraph(c)(2) below, no principal building, structure, or use may be erected or established on any lot which does not abut at least 30 feet on a street that is publicly-dedicated and maintained by the Town or the North Carolina Department Of Transportation.
- (2) The Planning Director may authorize, in specific situations, alternative driveway access when:
 - (a) The effect of such application would be to deprive the parcel of reasonable access; or
 - (b) The size, configuration, or lack of frontage makes alternatives infeasible.
 - (c) At a minimum, entrances and exits, except those associated with a single-family residential use, shall be subject to the dimensional standards provided in Table 4-1 below.

TABLE 4-1 –DIMENSIONAL STANDARDS OF ACCESS WAYS

Min. Entrance/Exit Width	Feet ⁽¹⁾
One-Way	15
Two-Way without median	25 (35 maximum)
Two-way with median	40 ⁽²⁾
Right Turn Radius ⁽³⁾	
Minimum	25
Maximum	30
Notes:	
1. All entrances and exits are subject to approval by the Town of Clayton and/or NCDOT. Widths exceeding these standards may be approved by the Planning Director or Town Engineer, depending on the use.	
2. Width excludes median. 20 foot unobstructed pavement required on both sides of median, excluding landscape islands.	
3. Measured on side of driveway exposed to entry or exit by right turning vehicles.	

(D) **COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS**

- (3) Prior to beginning any construction, permits necessary to connect to the right-of-way network of the town or state shall be secured. Driveway connections to individual residences are generally excluded from this requirement, but may be necessary if a safety concern is identified.
- (4) Failure to secure necessary permits prior to construction may result in the removal of the driveways and/or denial of access at that location.

- (5) A Certificate of Occupancy shall not be issued until the access requirements of this chapter have been met.

(E) **ACCESS TO RESIDENTIAL SUBDIVISIONS**

- (1) When a residential subdivision borders on or contains a major thoroughfare, direct driveway access from lots within the subdivision onto the thoroughfare shall not be permitted.
- (2) In order to accommodate emergency and service vehicles, the following standards shall apply:
- (a) Any residential subdivision of greater than 30 lots shall include at least two separate and constructed access points.
 - (b) Residential subdivisions of 300 or more lots shall provide at least three separate and constructed access points. A Variance may be sought in accordance with section § 155.716 in situations where unique topographical features such as slope or other unique circumstances limit the potential for the third access point.
 - (c) Street stub-outs to adjacent undeveloped properties shall be provided as deemed appropriate. Stub-outs to adjacent undeveloped properties shall not count towards the minimum number of required access points. All stub-outs shall be constructed to the property line.
 - (d) Street connections shall be made to existing stub-outs on adjacent developed properties. These street connections may count towards the minimum number of required access points.
 - (e) All required access points outlined in this section shall be constructed prior to plat recordation of the phase in which the access points are located.

(F) **MULTI-FAMILY RESIDENTIAL DEVELOPMENTS**

- (a) Multi-Family projects having more than 100 dwelling units shall provide at least two separate and constructed access points. Required access points shall be constructed prior to issuance of the first Certificate of Occupancy for the phase in which they are located.

(G) **RESIDENTIAL DRIVEWAY STANDARDS**

Residential driveway access to and from streets shall be constructed in accordance with Town standards as outlined below:

(1) **Design**

The standard residential driveway access for the Town shall be a "ramp" type driveway section. Ramp-type driveways shall be constructed in accordance with Town standards and specifications as outlined in the Town's *Engineering Design Manual*.

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The width of a residential driveway shall be no less than ten feet and no more than 24 feet. When two residential driveways coincide along a property line, the maximum width of both driveways combined shall not exceed 24 feet.

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(H) **NON-RESIDENTIAL DRIVEWAY STANDARDS**

(1) **Design**

Non-residential driveway access to and from streets shall be constructed in accordance with the standards and specifications provided in the manual, *Policy on Street and Driveway Access to North Carolina Highways*, as adopted and amended by NCDOT.

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Outparcels shall take access from within the development, where possible.

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 - (3) If fee-in-lieu of sidewalk is made, an Engineer's estimate for fee-in-lieu shall be provided to the Town's Engineering department for review. Fee-in-lieu shall be paid for sidewalks prior to issuance of building permits.
- (4) Sidewalks shall be installed prior to issuance of a Certificate of Occupancy for the development. (Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2013-09-03, passed 9-3-13)



Memorandum

To: Lee Barbee, Fire Chief
From: Matt Sutphin, Board Chair and Fire Advisory Board Members
Date: January 24, 2020
RE: Supporting the Proposed Amendment to UDO (Section 155.400)

On January 24, 2020 at the Clayton's Fire Advisory Board meeting, the board members and I fully discussed safety concerns regarding access points for residential subdivisions. Having the appropriate number of access points can help save lives in a fire or other emergency. The changes in this UDO are proposed for safety reasons and will better match the Fire Code requirement.

As our community continues to grow, adopting the updated Section 155.400 of the UDO will allow the Clayton Fire Department to continue the high level of safety and performance currently expected by our citizens. It is my pleasure to acknowledge the support of the Fire Advisory Board and their recommendation that Council adopt this amendment.

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
Ordinance Amendment**

2019-243-OA Access & Sidewalk Ordinance Amendment

On December 17, 2019 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to:

☒ approve the request.

☐ deny the request.

Recommendation(s) made this 17th day of December, 2019 while in regular session.

Signed:


Robert J. Ahlert, Planning Board Chair

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold a public hearing on Monday, March 16, 2020, at 6:00 PM in the Council Chambers at the Clayton Center, 111 E Second Street, to consider the following amendment to the Unified Development Code: 2019-243-OA Access Ordinance Amendment. This amendment pertains to the minimum number of required access points and sidewalk requirements. Copies of the proposed amendment are available in the Planning office and the Town Clerk's office for review by the public. Title XV, Chapter 155 is proposed to be amended to add the following section:

- Section 400: Access

The public is invited to attend.

Samantha Wullenwaber, Planning Director
919-553-5002

The Johnstonian Newspaper

Please advertise on the following dates:

March 4, 2020

March 11, 2020

Affidavit of publication required.

TOWN OF CLAYTON
ORDINANCE AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT
[2019-243-OA Access Ordinance Amendment]

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced ordinance amendment IS APPROVED.

Section 2: The above referenced ordinance amendment IS CONSISTENT with:

The Town of Clayton's Comprehensive Plan 2040, specifically:

- Goal M2: Support interconnected street systems that efficiently disperse traffic.
- Goal LU2: Encourage quality development which maximizes existing infrastructure, promotes walking and biking, and enhances travel safety.

The requested ordinance amendment is consistent with the above referenced goals of the Comprehensive Plan 2040. The proposed amendment seeks to modify the UDC 155.400 section regarding access and general development standards. The proposed amendment updates and clarifies access and sidewalk requirements for residential and non-residential developments. The amendment will ensure that street systems associated with future residential and non-residential developments are interconnected to disperse traffic in an efficient manner. The amendment will also further encourage quality development that promotes walking with sidewalk requirements that are clearly outlined for clarification purposes.

Section 3: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically

that the ordinance amendment is consistent with the Comprehensive Plan 2040,

the above referenced ordinance amendment is reasonable and in the public interest.



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

*Town Council
March 16, 2020*

STAFF REPORT

Application Number: 2019-243-OA
Project Name: Access & Sidewalk Ordinance Amendment

Applicant: Town of Clayton

Public Noticing:

- Newspaper ad to be published March 4, 2020 & March 11, 2020

REQUEST: Request to amend the Unified Development Code Title XV, §155.400. This amendment seeks to clarify the general development standards for residential and non-residential development. The amendment includes access points clarification, sidewalk, and fee-in-lieu clarification among other items.

SECTIONS PROPOSED FOR AMENDMENT:

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

- 400- Access

STAFF ANALYSIS AND COMMENTARY:

Overview

This ordinance amendment modifies Section 400 of the Unified Development Code which pertains to general development standards. The primary proposed changes are outlined in detail below:

Access to Residential Subdivisions

1. Number of Access Points

Staff is proposing to amend the requirement for the minimum number of access points for residential subdivisions for safety purposes. These proposed changes have been discussed internally among the Planning, Engineering, Public Services, Police, Inspections, and Fire departments.

At this time the Fire Department enforces the access requirements of Appendix D of the North Carolina State Fire Code for residential subdivisions, which requires all subdivisions over 30 lots to include at least two separate and constructed access points. The UDC's current language contradicts this requirement as

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it currently allows the secondary access to be provided in the form of a stub-out or future connection to adjacent parcels. Staff is proposing to modify the requirement to better match the Fire Code requirement.

The proposed ordinance amendment is slightly more stringent than the Fire Code. As currently written, the fire code allows at times the number of access points to be reduced if individual housing units have sprinkler systems installed. While this addresses the concern of fire, it still does not address the issue of access for other emergency services such as EMS and Police. For this reason staff is proposing the recommended number of access points be required regardless of whether or not sprinkler systems are installed within individual units. This means that any subdivision over 30 lots would be required to have two constructed access points serving the development.

These changes are proposed for safety reasons. If a subdivision is constructed with only one access point there is a risk that if that access point is blocked for any reason then emergency services would not be able to get to residents within the development. The proposed changes are to ensure that adequate access for emergency services (fire, EMS, and police) is provided for residences. This also allows for looping of utility lines which is necessary for water quality and flow. Looping water lines instead of creating dead ends helps water quality and pressure.

2. Waivers

This ordinance amendment proposes the removal of the language regarding waivers for required access points. The Fire Code does not permit waivers. In instances that the UDC may be stricter regarding access points, a variance process would be more appropriate when there is a unique hardship as it is a quasi-judicial process which requires evidence and specific Findings to be met.

3. Timing of Construction

Staff is proposing that the required access points be constructed prior to plat recordation of the phase in which the access points are located.

Access to Multi-Family Developments

The UDC does not currently specify access requirements for multi-family residential developments. This would include apartment developments primarily, but may also include townhomes that are built to multi-family building code standards. The proposed required number of access points is based upon the Fire Code, which is already being enforced by the Town's Fire department. As with the modifications for residential subdivisions, the proposed ordinance amendment would not allow a reduction in the number of required access points regardless of whether or not the buildings have sprinkler systems installed. These access points would be required to be constructed prior to issuance of the first CO in the phase in which they are located.

Sidewalks

The UDC does not currently have clear standards in regards to the requirements of sidewalk and situations in which fee-in-lieu of sidewalk is appropriate. The amendment proposed pertains only to residential and non-residential developments not associated with major subdivisions, as major subdivisions are subject to separate requirements in Section 6 of the UDC. The proposed ordinance amendment clarifies that sidewalks and curb-and-gutter are required along all property lines with road frontage for developments. In instances where there is no existing sidewalk within 300', fee-in-lieu may be paid instead prior to issuance of building permits.

Update to Ordinance Amendment

Following the Planning Board meeting and additional conversations regarding the topic of access, staff is now proposing a third constructed access point be required at 300 single-family lots rather than 250 single-family lots.

Approval Criteria:

- **Consistency with remainder of the Chapter**

The request is consistent with the remainder of Chapter 155.

- **Novelty of the request**

The request does not represent novel changes to the Code. The code currently outlines requirements for access points and sidewalks. The modifications are simply updating the access point requirements to better match the Fire Code and the sidewalks to provide additional clarification.

CONSIDERATIONS

- The Planning Board shall make a recommendation to Town Council. The Town Council shall make a final decision regarding revisions to the Town Code.
-

STAFF RECOMMENDATION:

Staff is recommending approval of the proposed amendment.

ATTACHMENTS:

- 1) Application
- 2) Draft Ordinance Amendment, in strikethrough/underline
- 3) Draft Ordinance- Clean Copy
- 4) PB Recommendation
- 5) Newspaper Ad
- 6) Letter of Support

**Town of Clayton
Town Council
Text Amendment Motion Sheet**

After considering the recommendations of the Planning Board and Planning Director, I move to [approve OR deny] **Case # 2019-243-OA – Code of Ordinance - Chapter 400 - Access**
[IF APPROVING]

and to approve the Statement of Consistency and Reasonableness included in the Agenda packet [with the following modifications: STATE MODIFICATIONS, IF ANY].

MOTION FORM
Item 6b
2019-243-OA
Code of Ordinance Text Amendment
Chapter 400 - Access

**TOWN OF CLAYTON
Amendment to the Code of Ordinances
Chapter 155, Section 400**

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA that the following text of the Clayton Code or Ordinances shall be amended to read as follows:

155.400 ACCESS

(A) **PURPOSE AND INTENT**

It is the intent of this Section to establish procedures and design standards for driveways and access points to promote efficiency and safety of the connecting street system, support operations of the surrounding pedestrian and bicycle network, ensure safe roadway access to all parcels and lots, and promote a vibrant and attractive streetscape character. These procedures and standards are intended to preserve and enhance the character of the community, and protect the health, safety and general welfare of Clayton's residents.

(B) **ACCESS**

For the purposes of this section, access means the point or points of ingress and egress from a development or parcel to the existing right-of-way network.

(C) **ACCESS REQUIRED**

- (1) Except as provided in paragraph(c)(2) below, no principal building, structure, or use may be erected or established on any lot which does not abut at least 30 feet on a street that is publicly-dedicated and maintained by the Town or the North Carolina Department Of Transportation.
- (2) The Planning Director may authorize, in specific situations, alternative driveway access when:
 - (a) The effect of such application would be to deprive the parcel of reasonable access; or
 - (b) The size, configuration, or lack of frontage makes alternatives infeasible.

- (c) At a minimum, entrances and exits, except those associated with a single-family residential use, shall be subject to the dimensional standards provided in Table 4-1 below.

TABLE 4-1 – DIMENSIONAL STANDARDS OF ACCESS WAYS

Min. Entrance/Exit	Feet (1)
One-Way	15
Two-Way without median	25 (35 maximum)
Two-way with median	40 (2)
Right Turn Radius (3)	
Minimum	25
Maximum	30
Notes:	
1. All entrances and exits are subject to approval by the Town of Clayton and/or NCDOT. Widths exceeding these standards may be approved by the Planning Director or Town Engineer, depending on the use.	
2. Width excludes median. 20 foot unobstructed pavement required on both sides of median, excluding landscape islands.	

(D) **COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS**

- (3) Prior to beginning any construction, permits necessary to connect to the right-of-way network of the town or state shall be secured. Driveway connections to individual residences are generally excluded from this requirement, but may be necessary if a safety concern is identified.
- (4) Failure to secure necessary permits prior to construction may result in the removal of the driveways and/or denial of access at that location.
- (5) A Certificate of Occupancy shall not be issued until the access requirements of this chapter have been met.

(E) **ACCESS TO RESIDENTIAL SUBDIVISIONS**

- (1) When a residential subdivision borders on or contains a major thoroughfare, direct driveway access from lots within the subdivision onto the thoroughfare shall not be permitted.
- (2) In order to accommodate emergency and service vehicles, the following standards shall apply:

- (a) Any residential subdivision of greater than 30 lots shall include at least two separate and constructed access points.
- (b) Residential subdivisions of 300 or more lots shall provide at least three separate and constructed access points. A Variance may be sought in accordance with section § 155.716 in situations where unique topographical features such as slope or other unique circumstances limit the potential for the third access point.
- (c) Street stub-outs to adjacent undeveloped properties shall be provided as deemed appropriate. Stub-outs to adjacent undeveloped properties shall not count towards the minimum number of required access points. All stub-outs shall be constructed to the property line.
- (d) Street connections shall be made to existing stub-outs on adjacent developed properties. These street connections may count towards the minimum number of required access points.
- (e) All required access points outlined in this section shall be constructed prior to plat recordation of the phase in which the access points are located.

(F) **MULTI-FAMILY RESIDENTIAL DEVELOPMENTS**

(a) Multi-Family projects having more than 100 dwelling units shall provide at least two separate and constructed access points. Required access points shall be constructed prior to issuance of the first Certificate of Occupancy for the phase in which they are located.

(G) **RESIDENTIAL DRIVEWAY STANDARDS**

Residential driveway access to and from streets shall be constructed in accordance with Town standards as outlined below:

(1) **Design**

The standard residential driveway access for the Town shall be a "ramp" type driveway section. Ramp-type driveways shall be constructed in accordance with Town standards and specifications as outlined in the Town's *Engineering Design Manual*.

(2) **Width**

The width of a residential driveway shall be no less than ten feet and no more than 24 feet. When two residential driveways coincide along a property line, the maximum width of both driveways combined shall not exceed 24 feet.

(3) **Number**

The number of driveway access points servicing a residential lot should be limited to one. In no instance shall there be more than two residential driveway access points servicing the lot.

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- (a) Residential driveways shall be spaced at least 20 feet from any other driveway on the same lot.
- (b) Driveways shall be no closer than three and one-half feet to any lot line, except where two residential driveways coincide along the same lot line.
- (c) The minimum corner clearance from the curb line or edge of pavement of intersecting streets shall be at least 20 feet from the point of tangency of the radius curvature, or 20 feet from the intersection of right-of-way lines, whichever is greater.
- (d) The radius of the driveway shall not encroach on the minimum corner clearance.

(H) **NON-RESIDENTIAL DRIVEWAY STANDARDS**

(1) **Design**

Non-residential driveway access to and from streets shall be constructed in accordance with the standards and specifications provided in the manual, *Policy on Street and Driveway Access to North Carolina Highways*, as adopted and amended by NCDOT.

(2) **Number**

- (a) For any development, the number of driveway access points may be restricted where it is necessary for purposes of decreasing traffic congestion or hazards. These restrictions may include required common access points.
- (b) Approval of driveway access between a lot and the right-of-way

at an interval less than those specified by the *Policy on Street and Driveway Access to North Carolina Highways* manual, as adopted and amended by NCDOT, may be granted only by review and recommendation of the Town Engineer and NCDOT.

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Outparcels shall take access from within the development, where possible.

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(J) **SHARED ACCESS**

A shared access easement may be required between adjacent lots fronting on a thoroughfare in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots.

(K) **CLOSURE OR RELOCATION OF EXISTING ACCESS POINTS**

- (1) The Planning Board or Town Council, in conjunction with NCDOT, shall have the authority to require the closure or relocation of existing access points where multiple access points to the site are available.
- (2) The Planning Board or Town Council may approve the closure of driveway access in those cases where adjoining parcels are subsequently developed with a residential use.

(L) **VISIBILITY AT INTERSECTIONS**

- (1) On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 30 inches and ten feet in a triangular area formed by a diagonal line between two points on the right-of-way lines, 20 feet from where they

intersect.

- (2) Adequate sight distance should be provided at all driveway access points and shall be in accordance with the standards provided in the manual, *Policy on Street and Driveway Access to North Carolina Highways*, as adopted and amended by the NCDOT.

(M) **THOROUGHFARE OVERLAY DISTRICT**

In addition to the standards set forth in this Section, driveways to be constructed within a Thoroughfare Overlay District are subject to the additional standards set forth in § 155.204(A).

(N) **SIDEWALKS**

- (1) All sidewalks associated with a residential subdivision shall be required as outlined in Article 6 of this chapter.
- (2) All residential and non-residential development projects not associated with a residential subdivision shall be required to install sidewalks and curb-and-gutter along all property lines with road frontage. If there is no existing sidewalk within 300' of the proposed development project, a fee-in-lieu of sidewalk may be accepted.
- (3) If fee-in-lieu of sidewalk is made, an Engineer's estimate for fee-in-lieu shall be provided to the Town's Engineering department for review. Fee-in-lieu shall be paid for sidewalks prior to issuance of building permits.
- (4) Sidewalks shall be installed prior to issuance of a Certificate of Occupancy for the development.

Duly adopted by the Clayton Town Council this 16th day of March, 2020 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

March 16, 2020

Agenda Location

Public Hearings

Item Title

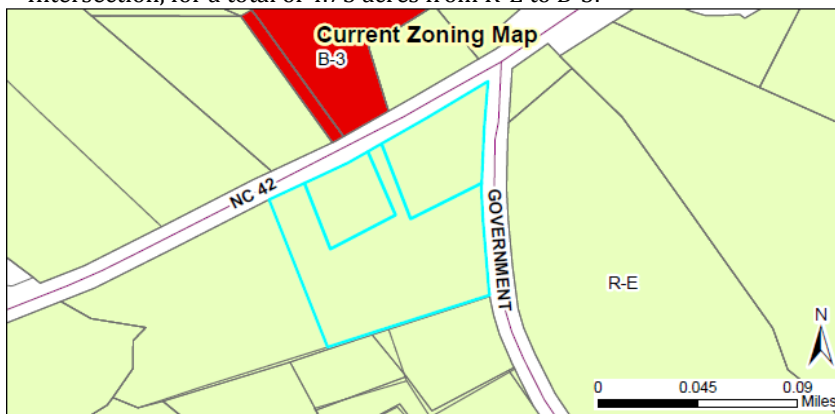
2020-10-RZ- 2900 NC Hwy 42 W

Presenter

Planning Department- Samantha Wullenwaber, Planning Director

Summary/Description

Rezoning request on three parcels of land located at the southwest quadrant of NC Hwy 42 W and Government Road Intersection, for a total of 4.75 acres from R-E to B-3.



Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application
Staff Report
Site Plan
Rezoning Map/Future Land Use Map

Meeting Timeline

March 16, 2020



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

REZONING APPLICATION COVER SHEET

Name of Project: 2900 NC Hwy 42 W Government Road Rezoning Date: 1/16/2020
Applicant Name: McAdams - Jessie Hardesty

The following checklist to be completed by applicant:

- ☒ Pre-Application Meeting on: November 20, 2019
- ☒ Review Fee
- ☒ Advertisement Fee
- ☒ Completed Application
- ☒ Owner's Consent Form
- ☒ Adjacent Property Owner's List
- ☒ Neighborhood Meeting Notice Letter (1 copy)
- ☒ 2 Sets of stamped, addressed, empty envelopes for adjacent property owner notification
- ☒ Signed & Sealed Boundary Survey
- ☒ Copy of signed & sealed boundary survey in PDF on USB

Reviewed by: _____



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

REZONING APPLICATION

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

SITE INFORMATION

Name of Project: Government Road Rezoning
Acreage of Property: 4.72 Zoning District: R-E
County Tag #: 05F02019B; 05F02019C; 05F02019E NC Pin #: 164800411151; 164800319071; 164800400991
Address/Location: 2900 NC Highway 42 W Clayton, NC 27520
Existing Zoning District: R-E Proposed Zoning District: B-3

APPLICANT INFORMATION

Applicant: McAdams
Mailing Address: 2905 Meridian Parkway Durham, NC 27713
Phone Number: 919-361-5000 Fax: _____
Contact Person: Jessie Hardesty
Email Address: hardesty@mcadamsco.com

PROPERTY OWNER INFORMATION

Name: John Brian Smith
Mailing Address: 2900 NC Highway 42 W Clayton, NC 27520 (same address for all three parcels)
Phone Number: _____ Fax: _____
Email Address: _____

OFFICE USE ONLY

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

April 2019
TOWN OF CLAYTON
PLANNING DEPARTMENT

2 of 10

EXPLANATION OF PROJECT

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

A rezoning is requested on three parcels of land located at the southwest quadrant of the NC Hwy 42 and Government Road intersection, totaling 4.72 acres,

R-E to B-3.

See attached sheet on the following pages for responses to Approval Criteria.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

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

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

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

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

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

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

APPLICANT AFFIDAVIT

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

Jessie Hardesty

Print Name

Jessie Hardesty

Signature of Applicant

01/16/2020

Date

January 3, 2020

Town of Clayton
111 East Second Street
Clayton, NC 27528

Re: Clayton Rezoning Application Approval Criteria

Below are responses to the Approval Criteria to be addressed for the requested rezoning of parcels 164800411151, 164800319071, 164800400991 from R-E to B-3.

1. Consistency with the adopted plans of the Town.

Applicant Response: The requested rezoning is consistent with the Town of Clayton Comprehensive Plan. The Town of Clayton Comprehensive Plan designates the parcels subject to this rezoning request as 'Community Center' and 'High Density Residential.' 'High Density Residential' is designed to include all housing types and allows for neighborhood commercial uses. 'Community Center' is described as typically serving a larger population, adjacent to major thoroughfares or intersections, and incorporates community-serving commercial uses. B-3 zoning fits this description given its location near Highway 70 and 42 and its intention to service and be accessible to the entire community. This rezoning from R-E to B-3 will allow for development of the subject parcels in a way that is more compatible with the Future Land Use Map than would be allowable as the current zoning, and this is illustrated in the Compatible Zoning Districts table on page 17 of the Comprehensive Plan. R-E is not a compatible zoning district under either FLUM designation, however, B-3 is compatible under 'Community Center.'

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

Applicant Response: The subject site is more suited for development permitted in the Highway Business designation. The subject parcels are located at the intersection of NC HWY 42, a major thoroughfare, and Government Road. Due to current and projected traffic counts at this intersection, the highest and best use of the subject parcels is for a non-residential use. Additionally, considering the close proximity to Highway 70 and Highway 42, and as the surrounding area fulfills the future land use designation of 'Community Center', the property will be more suited for a Highway Business use than Residential Estate.

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

Applicant Response: Per Objective LU1.3 in the Comprehensive Plan, this proposed change will improve the balance and mix of uses in the subject area. Rezoning to B-3 will encourage a mix of residential and non-residential land uses

meeting the goal or demand of the Town to allow for growth and development in the appropriate areas to enhance the quality of life for existing and future Clayton residents.

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

Applicant Response: There is capacity of adequate public facilities for the proposed use. For the proposed rezoning, these facilities would include roads, wastewater treatment, potable water supply, and stormwater drainage. The County has a 16" water main on the north side of NC 42 and an 8" water main on the west side of Government Road, as shown on Johnston County GIS. Additionally, there is a County and Municipal fire hydrant located on the north side of NC 42 across from the property. Clayton does not have sewer service available to the site, but the site is eligible to connect to the County sewer system. The stormwater management plan will abide by NCDEQ requirements in addition to Town of Clayton Stormwater Design Manual. The requested rezoning will permit a range of non-residential uses on the properties. Non-residential uses will not create a burden on public schools and will require fewer services from the Town of Clayton.

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

Applicant Response: The legal purposes for which zoning exists are not violated. All of the necessary rezoning submittal materials are included in the application. A pre-application meeting was held to discuss the proposal with the Town and there has been ongoing dialogue to ensure compliance with all rezoning processes. The property owner has consented to the rezoning and a neighborhood meeting has been scheduled to discuss the proposal and solicit any questions or comments from neighboring property owners.

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

Applicant Response: The proposed change to B-3 zoning will not have an adverse effect upon adjoining property owners. It will primarily contribute to growth in the area, and the three parcels will be aligned with B-3 zoned land across the street. Class C buffers will be provided as a barrier between the property and adjacent R-E zoned properties and street yard setback requirements will be met to ensure no adverse visual effects on adjacent property owners. Environmental protection strategies will be implemented in accordance with the Town of Clayton and Johnston County.

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

Applicant Response: The proposed zoning change will not benefit the property owner to the detriment of the general public. The rezoning is fulfilling the future land use plans of the Town of Clayton to benefit the general



public. This rezoning will allow for uses on the property that may provide a service to residents and visitors of the Town. Additionally, rezoning from R-E to B-3 will increase the property taxes for the property owner, therefore they will not be benefiting from the change to the detriment of the public.

Sincerely,
MCADAMS

A handwritten signature in cursive script that reads 'Jessica Hardesty'.

Jessica Hardesty
Planner, Planning + Design



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

March 2, 2020

NOTICE

SUBJECT: **Project:** 2020- 10-RZ
 Address: 2900 NC Hwy 42 W
 TAG #: 05F02019B; 05F02019C; 05F02019E
 Applicant: McAdams

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold a public hearing on **Monday, March 16, 2020 at 6:00 PM** at Town Hall, 111 E. Second Street, to make a decision on the above referenced rezoning application. The applicant is requesting to rezone 4.72 acres from Residential Estate (R-E) to Highway Business (B-3). Please see the map on the back of this letter.

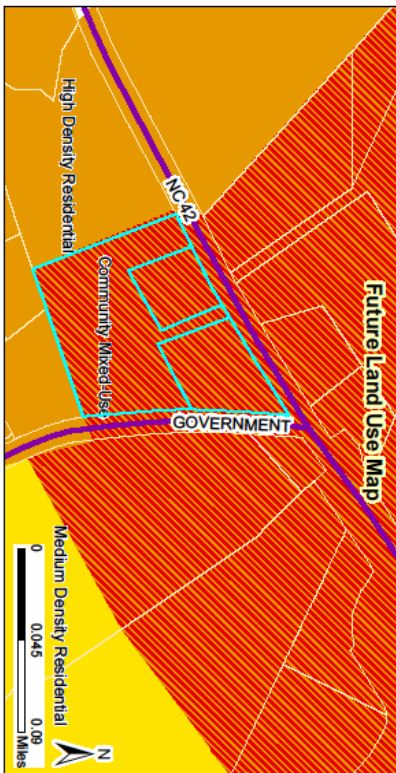
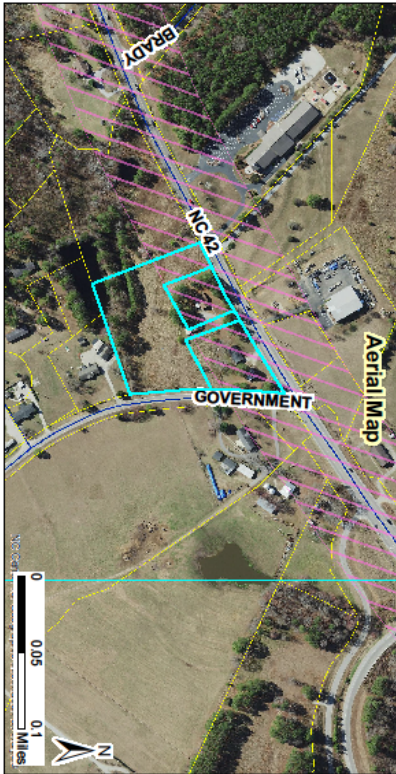
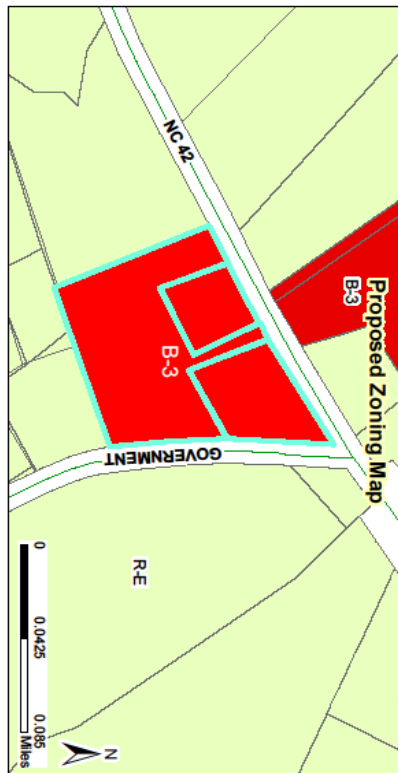
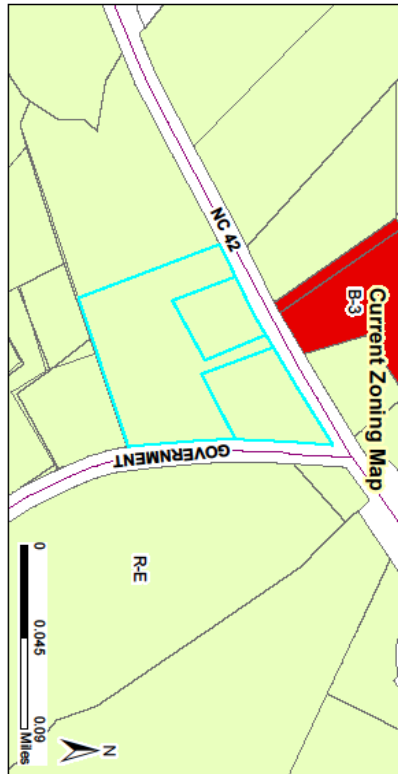
Based upon records in the Johnston County Tax Office, you are the owner of property that is within 100 feet of this proposed rezoning request. You are invited to attend this meeting and express your opinions on this request to the Planning Board.

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

Sincerely,

Sharon Sharpe

Sharon Sharpe, Planner



Staff Report Map

2900 NC HWY 42 W Rezoning
2020-10-RZ
Request: Rezone from R-E to B-3
 Applicant: McAdams
 Property Owners: John Smith, Dianne Smith, Phillip Starling
 TAG #: 05F02019B, 06F02019E, 06G02019C



Division of Public City Planning and Economic Development 2020/10/20 16:42:2.801 NC Hwy 42 W Map 2020-10-RZ 2900 NC HWY 42 W Map

02/10/2020
 Prepared by: TDC Planning
 Checked by: TDC Planning
 Approved by: TDC Planning
 Responsible for the representation of the map

Legend

- 100-yr Flood Zone
- Thoroughfare Overlay
- Watershed Protection Overlay
- Site

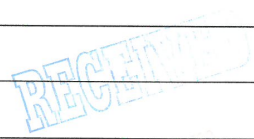
ADJACENT PROPERTY OWNERS LIST

Project Name: Government Road Rezoning 2900 NC Hwy 42 W

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

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

PARCEL NUMBER	NAME	ADDRESS
0991, 9071, 6361	Dianne and Phillip Starling	2900 NC Hwy 42 W, Clayton, NC 27520
0072, 6852	Johnny Brian Smith	2850 NC 42 W, Clayton, NC 27520
6092, 7675,3383	Barbara C and Charles H Coats Revocable Trust	2995 Government Rd, Clayton, NC 27520
2534, 0628, 0484	Teinishia A Badger	110 David Lane, Clayton, NC 27520
0562	J4 Holdings Group LLC	303 Federal Road, Benson, NC 27504
1151	Johnny Brian Smith and Dianne Smith Starling	2900 NC Hwy 42 W, Clayton, NC 27520
2741	Linwood D McNeill	2893 Government Rd, Clayton, NC 27520
2370	Holy Cross Lutheran Church of Clayton	2920 NC Hwy 42 W, Clayton, NC 27520
1318	Haywood Arthur and Phyllis Pearl Johnson	257 Johnson Estate Road, Clayton, NC 27520
2486	Brooks Denmark LLC	2104 Breeze Rd, Raleigh, NC 27608


 JAN 21 2019
 TOWN OF CLAYTON
 PLANNING DEPARTMENT

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Rezoning Date of Mailing: 12/30/2019
Date of Meeting: January 15, 2020 Time of Meeting: 6:30pm-8:30pm
Location of Meeting: Community Center Room 111 (715 Amelia Church Road, Clayton, NC 27520)

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

Printed Name: Jessie Hardesty Signature: Jessie Hardesty

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

A neighborhood meeting was held at the Clayton Community Center, located at 715 Amelia Church Road Clayton, NC, on January 15, 2020 to discuss the proposed rezoning of three parcels of land located at 2900 NC Hwy 42. Notices were sent to property owners within 100' of the subject properties. In attendance representing the Rezoning application were Charlie Yokley, Senior Planner with the McAdams Company and Jessie Hardesty, Planner I with the McAdams Company. One bordering property owner was in attendance. Jessie Hardesty gave a brief presentation of the project, including a discussion of the current and future zoning, the Clayton Future Land Use Map designation of the land, and potential uses of the site. Following the introduction to the project, the meeting was opened to questions and comments from the property owner in attendance.

Below is a synopsis of questions and concerns that were raised and the applicant's response:

Question / Concern: What is the planned use of the site?

Applicant Response: The client wants to move forward with the rezoning before the specific use and site plan is developed. If the rezoning is approved, another neighborhood meeting will be held for the site plan, and you will receive a notice. It will be a commercial use of the site that is permitted in the B-3 zoning district.

Question / Concern: Will there be any road widening on Hwy 42? This area gets backed up often, and I have concern about the traffic.

Applicant Response: We are unsure at this time, however if NCDOT requires it, we will comply with their road improvements.

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

April 2019

9 of 10

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Government Road & Hwy 42 Rezoning

Application: Rezoning

Location/Date: 715 Amelia Church Road, Clayton, NC 27520 (Room 111) / January 15, 2020

	NAME	ADDRESS
1	Linwood McNeill	2893 Government Rd Clayton, NC
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December 30, 2019

NEIGHBORHOOD MEETING NOTICE

Dear Property Owner:

As a representative of record for the property owner of record, we are sending this letter to invite you to an informational meeting regarding a proposed Rezoning in Clayton, North Carolina. If you are receiving this letter it is our understanding that you own property that is located within 100' of the subject property.

The site of the proposed rezoning is located at 2900 NC Hwy 42 with the Parcel IDs 164800411151, 164800319071, and 164800400991. During the meeting the applicant will present their plan(s) to reclassify the properties from Residential Estate to Highway Business. The total area of the site is 5.06 acres.

The meeting will be held at the Community Center in Room 111 located at 715 Amelia Church Road, Clayton, NC 27520. The meeting is scheduled for **Wednesday, January 15, from 6:30-8:30 PM.** We welcome any questions or comments on the proposed project prior to or after the meeting.

The following will be available for your inspection at the Neighborhood Meeting:

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

If you have questions or cannot attend the meeting but would like further information please feel free to call me at (919) 361-5000 or contact me by e-mail at hardesty@mcadamsco.com.

Sincerely,

The John R. McAdams Company, INC.

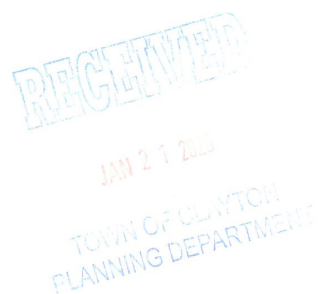
Jessie Hardesty
Planner, Planning + Design Group

**The John R. McAdams
Company, Inc.**

Raleigh / Durham, NC
2905 Meridian Parkway
Durham, North Carolina 27713
(919) 361-5000

Charlotte, NC
3436 Toringdon Way
Suite 110
Charlotte, North Carolina 28277
(704) 527-0800

McAdamsCo.com



Designing Tomorrow's Infrastructure & Communities



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

OWNER'S CONSENT FORM

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

Project Name: _____ **Address or PIN #:** 164800411151; 164800319071; 164800400991
2900 NC Hwy 42 W

AGENT/APPLICANT INFORMATION:

McAdams Co _____ 2905 Meridian Parkway _____
(Name - type, print clearly) (Address)
Durham, NC, 27713 _____
(City, State, Zip)

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

Rezoning & Annexation Site Permitting
Site Plan Approval

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

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

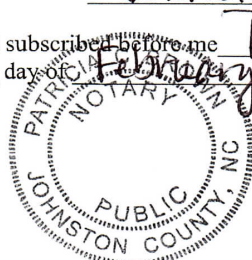
OWNER AUTHORIZATION:

DIANNE SMITH STARLING 2900 NC 42W
(Name - type, print clearly) (Address)
Dianne Smith Starling CLAYTON NC 27520
(Owner's Signature) (City, State, Zip)

STATE OF NC
COUNTY OF Johnston

Sworn and subscribed before me the 16th day of February, 2020. Patricia C Brown, a Notary Public for the above State and County, this

SEAL



Patricia C Brown
Notary Public

My Commission
Expires:

03/26/2020

July 2018



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

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Project Name: _____ **Address or PIN #:** 164800411151; 164800319071; 164800400991
2900 NC Hwy 42 W

AGENT/APPLICANT INFORMATION:

McAdams Co (Name - type, print clearly)	2905 Meridian Parkway (Address) Durham, NC, 27713 (City, State, Zip)
--	---

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

Rezoning & Annexation

Site Permitting

Site Plan Approval

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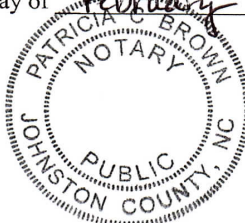
OWNER AUTHORIZATION:

<u>Philip Drew Starling</u> (Name - type, print clearly)	<u>2900 NC 42W</u> (Address)
<u>Philip Drew Starling</u> (Owner's Signature)	<u>CLAYTON NC 27520</u> (City, State, Zip)

STATE OF NC
COUNTY OF Johnston

Sworn and subscribed before me Patricia C Brown, a Notary Public for the above State and County, this the 10th day of February, 2020.

SEAL



Patricia C Brown
Notary Public

My Commission
Expires:

03/26/2024

July 2018



RECEIVED
JAN 21 2021
TOWN OF CLAYTON
PLANNING DEPARTMENT

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

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Project Name: _____ **Address or PIN #:** 164800411151; 164800319071; 164800400991

AGENT/APPLICANT INFORMATION:

McAdams Co

(Name - type, print clearly)

2905 Meridian Parkway

(Address)

Durham, NC, 27713

(City, State, Zip)

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

Rezoning & Annexation

Site Permitting

Site Plan Approval

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

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

OWNER AUTHORIZATION:

John Beal Smith

(Name - type, print clearly)

2850 NC Hwy 42 W

(Address)

[Signature]

(Owner's Signature)

Clayton NC 27520

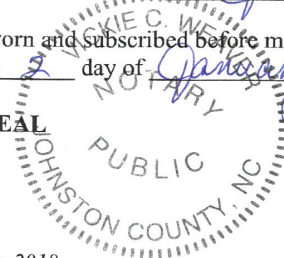
(City, State, Zip)

STATE OF
COUNTY OF

North Carolina
Johnston

Sworn and subscribed before me, Vickie C. Weaver, a Notary Public for the above State and County, this the 2 day of January, 2020.

SEAL



Notary Public

My Commission
Expires:

6/6/2021

July 2018



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

OWNER'S CONSENT FORM

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

Project Name: _____ **Address or PIN #:** 164800411151; 164800319071; 164800400991
2900 NC Hwy 42 W

AGENT/APPLICANT INFORMATION:

McAdams Co 2905 Meridian Parkway
(Name - type, print clearly) (Address)
Durham, NC, 27713
(City, State, Zip)

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

Rezoning & Annexation Site Permitting
Site Plan Approval

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

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

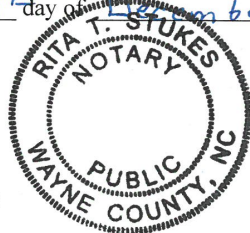
OWNER AUTHORIZATION:

Reps. Inc. P.O. Box 649 - 1092 N. Breazede
(Name - type, print clearly) (Address) Ave
E. J. Pope III President MT. Olive, NC 28345
(Owner's Signature) (City, State, Zip)

STATE OF North Carolina
COUNTY OF Wayne

Sworn and subscribed before me Rita T. Stukes, a Notary Public for the above State and County, this
the 30th day of November, 2019.

SEAL



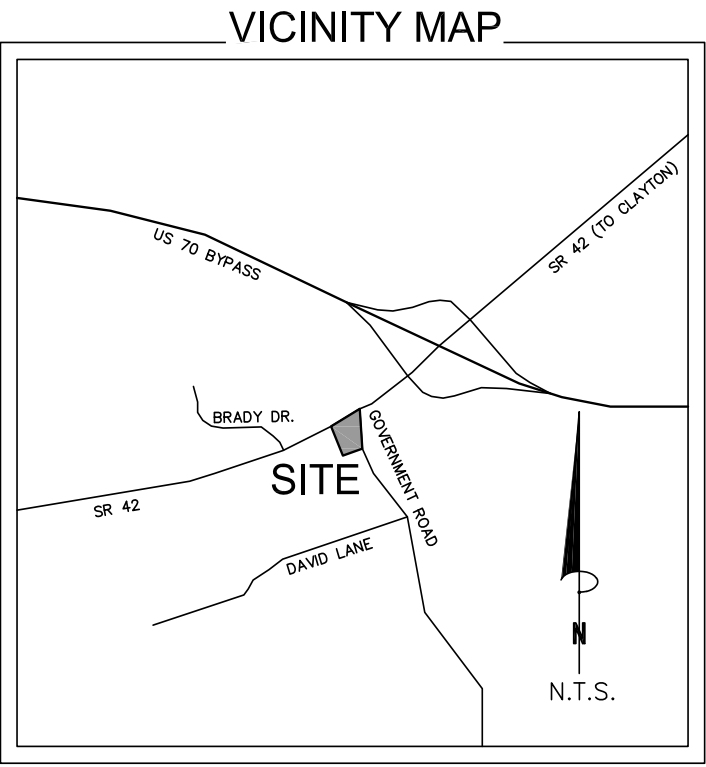
Rita T. Stukes
Notary Public

My Commission
Expires:

November 18, 2022

July 2018

Received By:
Town of Clayton
1/21/2020



2900 NC Hwy 42 W

LEGAL DESCRIPTION:

Tract Six (6), 3.122 acres of the plat entitled "Pauline N. Smith Heirs" dated February 27, 1995 by Barbour Land Surveying and recorded at Plat Book 45, Page 15 of the Johnston County, North Carolina Registry.
Per North Carolina General Warranty Deed recorded December 8, 1995 in Book 1484, Page 563 in the Deed Records of Johnston County, North Carolina.

NOTES:

1. This is a topographic map. This is not a boundary survey and is only intended to depict those topographic features or improvements shown. The property lines shown are record lines only and are shown for graphical reference only.
2. Any underground utilities shown have been located from field survey information. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from the information available. This site was located by standard RF methods.
3. FEDERAL EMERGENCY MANAGEMENT AGENCY, FEMA FIRMeTte published December 10, 2019, referencing Flood Insurance Rate Map, Map Number 3720164800K effective date June 20, 2018, indicates this parcel of land is located in Zone X (Area of minimal flood hazard).
4. This survey does not constitute a title search by Clark Land Surveying, Inc. to determine ownership or easements of record.
5. The lineal units used in this survey are U.S. Survey Feet.
6. Elevations are based on NAVD 88 datum.
7. BENCHMARK: Notch in pole, as shown, Elevation: 325.82' (NAVD 88).
8. BASIS OF BEARINGS: Bearings are based upon North Carolina State Plane, Zone 3200.
9. Field work for this survey was completed on November 27, 2019.
10. The owner names and tax parcel data shown hereon are based upon the public records available at the original date of this survey. Current ownership and tax parcel data should be verified for accuracy.
11. This site is zoned "R-10" (Single Family Residential-10,000 S.F. Lot) per Town of Clayton Planning Department.
Building Setbacks:
Front: 30', Interior Side: 10', Street Side: 20' Rear: 25'
No zoning information provided by the client. For clarification of exact zoning designations and setback locations, please, contact the Town of Clayton Planning and Zoning Department at (919) 553-5002.

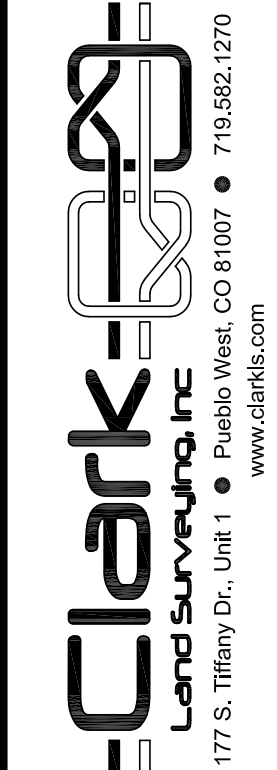
SURVEYOR'S STATEMENT:

On the basis of my knowledge, information and belief, I hereby state and declare that this drawing was prepared under my direct supervision to the standard of care of surveyors practicing in the State of North Carolina and that the information shown hereon is true and correct to the best of my knowledge and belief.

This statement is neither a warranty nor a guarantee, either expressed or implied.



Donovan Benson
North Carolina Registered Land Surveyor No. L-5245
For and on behalf of Clark Land Surveying, Inc.



Revisions		
No.	Description	Date

ENGINEERING DESIGN SURVEY

A PORTION OF TRACT SIX (6)
PLAT BOOK 45, PAGE 45
TOWN OF CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

Project No.	190969	Drawn By: AMF	Date: 1/6/2020
		Checked By: DB	Sheet 1 of 2

TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
Rezoning

2020-10-RZ 2900 nc Hwy 42 W Rezoning

On February 24, 2020 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

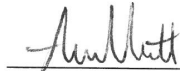
☒ Approve the request

☐ Approve the request with the following modified or added conditions:

☐ Deny the request.

Recommendation(s) made this 24th day of February 2020 while in regular session.

Signed:



Andria Merritt, Planning Board Chair

PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on March, 16 2020, at 6 PM at Town Hall, 111 East Second Street, to consider rezoning request 2020-10- RZ for TAG number(s) 05F02019B; 05F02019C; 05F02019E. The requested change is from R-E to B-3.

The Clayton Town Council reserves the right to approve the request as presented or any portion of the request without necessity of withdrawal or modification of the application or additional public hearing on the matter. Likewise, the Town Council may designate approval to the district requested or another district or districts without modification of the request or additional public hearing.

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

Sharon Sharpe, Planner
919-553-5002

Johnsonian Newspaper

Please advertise on the following dates:

March 4, 2020

March 11, 2020

Affidavit of publication required.

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

2020-10-RZ 2900 NC Hwy 42 W Rezoning

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS APPROVED.

Section 2: The above referenced zoning amendment IS CONSISTENT with:

The Town of Clayton's Comprehensive Plan 2040, specifically:

- **Goal LU1:** Preserve Clayton's small-town character while allowing for growth and development in appropriate areas.
- **Objective LU1.3:** Encourage a mix of residential and non-residential land uses within Neighborhood and Community Centers identified on Future Land Use Map.

The requested rezoning is consistent with the above referenced objectives within the Comprehensive Plan 2040. The Future Land Use Map designates this property as High Density Residential/Community Center. The proposed rezoning would be consistent with this designation as B-3 does allow for offices, service uses, business retailing, and convenience goods for the community. Rezoning from R-E to B-3 will allow for development of the subject parcels in a way that is more compatible with the Future Land Use Map.

Section 3: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton.

The subject property is located at a major intersection that already contains adjacent non-residential uses and districts to the north. A rezoning to Highway-Business (B-3) is consistent with the current development pattern of the intersection and would allow for non-residential uses in an appropriate location to serve surrounding residential development.

the above referenced zoning amendment is reasonable and in the public interest.



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

*Planning Board, February 24, 2020
Town Council, March 16, 2020*

STAFF REPORT

Application Number: 2020-10-RZ Project Name: 2900 NC Hwy 42 W Rezoning

TAG #(s): 05F02019B; 05F02019C; 05F02019E

Town Limits/ETJ: Town Limits

Applicant: McAdams

Owner: John Brian Smith, Phillip D Smith, Darlene Starling Smith

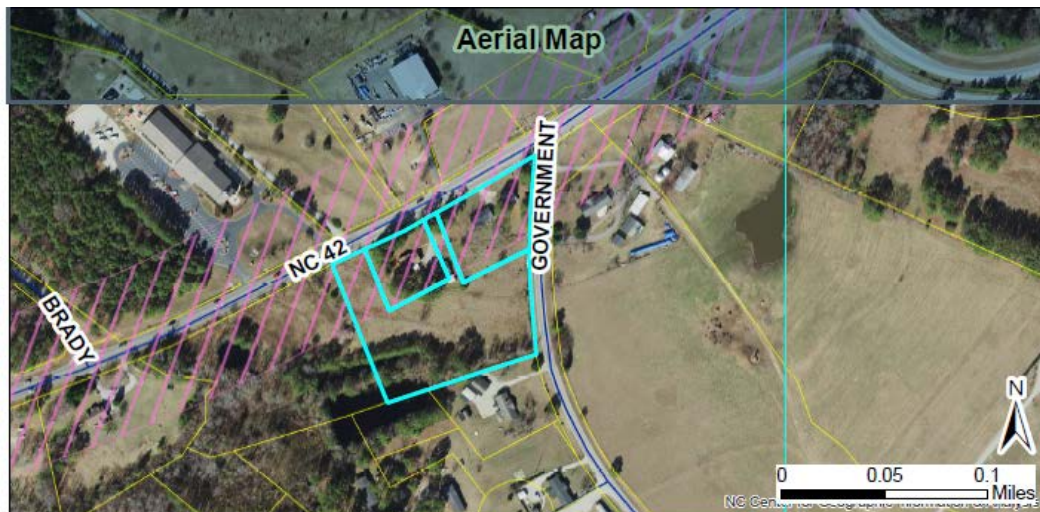
Location: Located off NC Hwy 42 W

Project Planner: Sharon Sharpe, Planner

Public Noticing Dates:

- **Neighborhood Meeting:** January 15, 2020
- **Sign posted:** February 14, 2020
- **Adjacent Property Letters Mailed:** February 14, 2020 (PB) & March 5, 2020 (TC)
- **Newspaper Ad published:** March 4, 2020 & March 11, 2020

REQUEST: Request to rezone from Residential-Estate(R-E) to Highway Business-(B-3)

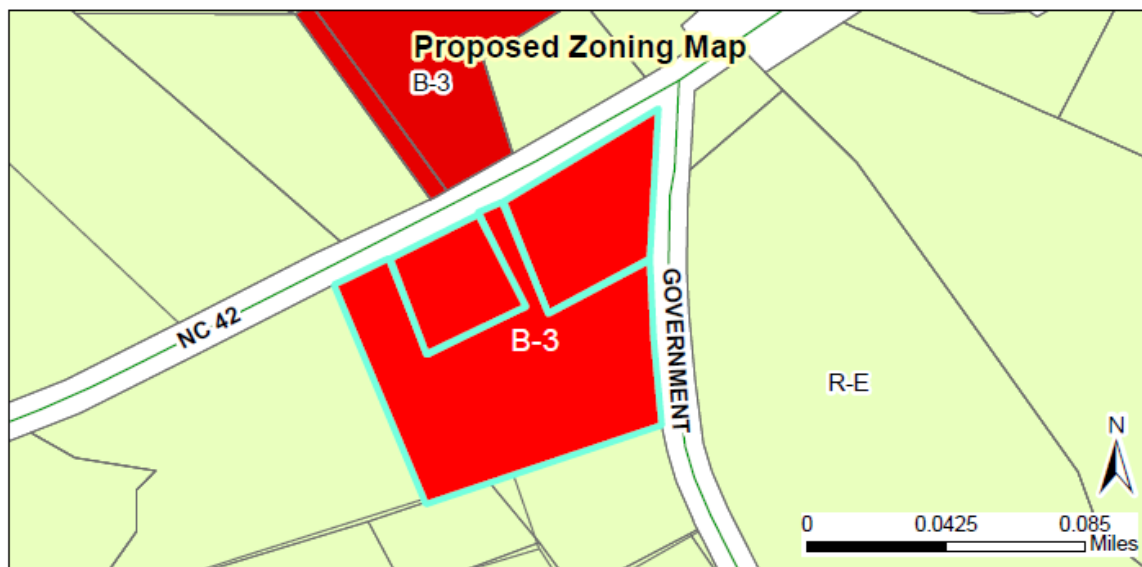


SITE DATA:

Acreage: 4.72
Existing Use: Residential with homes and vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Highway Business- (B-3)	Commercial Business
South	Residential Estate- (R-E)	Single-family Residential
East	Residential Estate- (R-E)	Single-family Residential
West	Residential Estate- (R-E)	Vacant



STAFF ANALYSIS AND COMMENTARY:**Overview**

McAdams is requesting to rezone 4.72 acres of land from Residential Estate (R-E) to Highway Business (B-3). The applicant is requesting to rezone the parcels to B-3 in order to prepare the corner parcels closest to NC Hwy 42 West for future development of commercial businesses. If the rezoning is approved, a separate site plan will be required to be submitted, and another neighborhood meeting will be held for the site plan to discuss potential commercial uses. The B-3 designation is consistent with the Future Land Use Map. Due to the location on the corner of the intersection off NC Hwy 42 W , staff is in support of the requested rezoning. The parcel to the north already zoned commercial district (B-3) as well. This intersection has the potential to serve non-residential uses to the surrounding residential developments.

Consistency with the Comprehensive Plan 2040

The properties are designated as High Density Residential/Community Center and High-Density/Residential Community Mixed-Use in the Future Land Use Map. The proposed rezoning would be consistent with these designations, as B-3 does allow for offices, service users, business retailing and convenience goods for the community. This rezoning from R-E to B-3 will allow for development of the subject parcels in a way that is more compatible with the Future Land Use Map than would be allowable under the current zoning, and this is illustrated in the Compatible Zoning District table on page 17 on the Comprehensive Plan. R-E is not a compatible zoning district under either FLUM designation, however, B-3 is compatible under “Community Center”.

Comprehensive Plan Goals supporting the rezoning request include:

- Goal LU1: Preserve Clayton’s small-town character while allowing for growth and development in appropriate areas.
- Objective LU1.3 Encourage a mix of residential and non-residential land uses within Neighborhood and Community Centers identified on Future Land Use Map.

Comprehensive Plan Goals not supporting the rezoning request include:

- None



CONSIDERATIONS:

- Rezoning decisions are made by the Town Council. The Planning Board shall make a recommendation to the Town Council.
 - When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest.
-

STAFF RECOMMENDATION:

Staff recommends approval of the proposed rezoning request.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Maps
- 3) Neighborhood Meeting Materials
- 4) Survey
- 5) PB Adjacent Property Letter
- 6) TC Adjacent Property Letter
- 7) Newspaper Ad

**Town of Clayton
Town Council
Rezoning Motion Sheet**

After considering the recommendations of the Planning Board and Planning Director, I move to [approve OR deny] **Case # 2020-10-RZ – 2900 NC Highway 42 W – Rezoning**

[IF APPROVING]

and to approve the Statement of Consistency and Reasonableness included in the Agenda packet [with the following modifications: STATE MODIFICATIONS, IF ANY].

MOTION FORM
Item 6c
2020-10-RZ
2900 NC Highway 42 W- Rezoning

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

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in Highway Business (B-3) zone the property described below, said property formerly being zoned Residential Estate (R-E) and

WHEREAS said property is owned by John Brian Smith, Phillip D Smith, Darlene Starling Smith

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

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in The Johnstonian, a local newspaper, as required by Section 155.702(D) of the Clayton Unified Development Code and by Section 160A-364 of the North Carolina General Statutes; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listings, and to the owners of all parcels of land abutting that (those) parcel(s) of land and within 100 feet of the subject parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 155.702(D) of the Zoning Ordinance of the Town of Clayton and by Section 160A-384 of the General Statutes; and

WHEREAS the said public hearing was actually conducted at 6:00 p.m. on March 16, 2020 wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

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

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the Highway Business (B-3) zone the following described property:

General Description:

Located off NC Highway 42 West (2900)

Specific Description:

NC Parcel Identification Numbers: 05F02019B; 05F02019C; 05F02019E

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Highway Business (B-3) zone the above-described property and will be so marked.

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

SECTION 4. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED by the Clayton Town Council this 16th day of April, 2020 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

March 2, 2020

Agenda Location

Old Business

Item Title

Neuse River Water Reclamation Facility – Financing RFP Recommendation

Presenter

Robert McKie, Finance Director

Summary/Description

The Finance Director will review the financing bids and make a recommendation of acceptance for the issuance of Water and Sewer System Revenue Bonds not to exceed \$15 million.

Requested Action

Approval

Funding Source (If Applicable):

Revenue Bonds

Cost: N/A **Yes** ☒ **No** ☐

Not to exceed \$15,000,000

Additional Documents to be Included in Agenda Packet

Summary of Bids

Meeting Timeline

Click or tap here to enter text.

DAVENPORT & COMPANY

Davenport Public Finance

Independence Center
101 N. Tryon Street Ste. 1220
Charlotte, NC 28246

To Town of Clayton, North Carolina
From Davenport & Company LLC
Date March 16, 2020
Subject 2020 Revenue Bond RFP Summary

Background

Davenport & Company LLC (“Davenport”), on behalf of the Town of Clayton, NC (the “Town”), distributed a Request for Proposals (“RFP”) to secure a commitment for a Revenue Bond to finance the Town’s Nutrient Credit Purchases, preliminary design and engineering costs related to the construction of a new Neuse River Water Reclamation Facility, and pay related costs of issuance.

The RFP was distributed to over 50 National, Regional, and Local lending institutions. After the initial distribution, Davenport reached out to the potential bidders to assess their interest in the financing and address any questions they had.

As part of the RFP process, responding institutions were asked to provide Non-Bank Qualified interest rates for a 15-year, 20-year, and 25-year amortization term.

RFP Responses

Through this process, the Town was able to secure five responses to the RFP, including:

1. Capital One Public Funding, LLC (“Capital One”)
2. Chase Bank (“Chase”);
3. First National Bank (“First National”);
4. Pinnacle Public Finance (“Pinnacle”); and
5. Truist Bank (“Truist”).

The following pages contain a summary of the key terms and conditions for the responses received.

DAVENPORT & COMPANY

March 16, 2020

Discussion Points

1. Interest Rate

A summary of the interest rates proposed by the 5 bidders is outlined in Table 1 below. The interest rates provided by Capital One, Pinnacle, and Truist are held firm through the anticipated closing date and fixed through final maturity. The Chase and First National proposals included indicative interest rates.

Table 1: Summary of Interest Rates

	A	B	C	D	E
Lender	15-Year	17-Year	20-Year	25-Year	
1 Capital One	2.22%	-	2.49%	2.88%	
2 Chase ¹	Option A: 1.61% Option B: 1.89% Option C: 1.80%	Option A: 1.63% Option B: 1.95% Option C: 1.86%	-	-	
3 First National Bank ²	2.14%	-	-	-	
4 Pinnacle Public Finance	2.18%	-	2.70%	-	
5 Truist	2.21%	-	2.63%	-	

¹ Option A is not prepayable, Option B is prepayable beginning 6/1/2023, and Option C is prepayable beginning 6/1/2025. Rates are indicative and can be updated as requested. Upon acceptance, required within two business days of providing the rates, rates will be locked through a closing on 4/17.

² Rate is indicative.

³ A public sale would take approximately 90 days to process.

The remainder of the memo will focus on the proposal offering the lowest 20 and 25 year interest rates (Capital One), the proposal offering the lowest 15 and 17 year interest rates (Chase), and the proposal offering the lowest 15 year interest rate that is locked through closing (Truist).

March 16, 2020

2. Prepayment Provisions

Prepayment provisions offered by the select lending institutions are shown in Table 2 below.

Table 2: Summary of Prepayment Provisions

Lender	Prepayment Provisions
Capital One	In whole on any date beginning 6/1/2028 for the 15 year amortization, 6/1/2030 for the 20 year amortization, and 6/1/2033 for the 25 year amortization. Partial prepayment is allowed on any interest payment date throughout the life of the Loan. ¹
Chase	Option A: Not prepayable. Option B: Prepayable on or after 6/1/2023. Option C: Prepayable on or after 6/1/2025.
Truist	In whole at any time with a one percent prepayment penalty. As an alternative, the Borrower may elect to have the transaction be non-callable for the first half of the term and callable at par thereafter.

¹ (i) From proceeds other than refunding sources; (ii) once per calendar year per transaction; (iii) in a minimum amount of \$500,000; (iv) in a maximum amount of \$1,000,000; and (iv) provided that any such prepayment is applied to outstanding Loan principal in inverse order of maturity.

3. Bank Closing Fees

Bank closing fees required by the select lending institutions are shown in Table 3 below.

Table 3: Summary of Bank Closing Fees

Lender	Bank Closing Fees
Capital One	\$0
Chase	\$10,000
Truist	\$5,900

DAVENPORT & COMPANY

March 16, 2020

4. Estimated Debt Service

A summary comparison of the estimated debt service structure for the Capital One, Chase, and Truist proposals are shown in Table 4. The preliminary estimated debt service shown accounts for estimated costs of issuance.

Table 4: Summary of Debt Service

	15 Years			17 Years		20 Years	25 Years
A	B	C	D	E	F	G	H
Lender	Chase ¹ (Option A)	Chase ¹ (Option B)	Truist	Chase ¹ (Option A)	Chase ¹ (Option B)	Capital One	Capital One
Sources							
Par Amount*	\$ 15,000,000	\$ 15,000,000	\$ 14,996,000	\$ 15,000,000	\$ 15,000,000	\$ 14,990,000	\$ 14,992,000
Total	\$ 15,000,000	\$ 15,000,000	\$ 14,996,000	\$ 15,000,000	\$ 15,000,000	\$ 14,990,000	\$ 14,992,000
Uses							
Project Fund*	\$ 14,840,000	\$ 14,840,000	\$ 14,840,000	\$ 14,840,000	\$ 14,840,000	\$ 14,840,000	\$ 14,840,000
Cost of Issuance*	150,000	150,000	150,000	150,000	150,000	150,000	150,000
Bank Fees	10,000	10,000	5,900	10,000	10,000	-	-
Additional Proceeds*	-	-	100	-	-	-	2,000
Total	\$ 15,000,000	\$ 15,000,000	\$ 14,996,000	\$ 15,000,000	\$ 15,000,000	\$ 14,990,000	\$ 14,992,000
Interest Rate	1.6100%	1.8900%	2.2100%	1.6300%	1.9500%	2.4900%	2.8800%
All-In TIC*	1.7489%	2.0301%	2.3478%	1.7545%	2.0758%	2.5945%	2.9682%
Closing Date*	4/17/2020	4/17/2020	4/17/2020	4/17/2020	4/17/2020	4/17/2020	4/17/2020
First Interest Payment	12/1/2020	12/1/2020	12/1/2020	12/1/2020	12/1/2020	12/1/2020	12/1/2020
First Principal Payment	6/1/2021	6/1/2021	6/1/2021	6/1/2021	6/1/2021	6/1/2021	6/1/2021
Final Maturity	6/1/2035	6/1/2035	6/1/2035	6/1/2037	6/1/2037	6/1/2040	6/1/2045
Debt Service*							
Fiscal Year							
2021	\$ 1,136,017	\$ 1,160,150	\$ 1,188,917	\$ 1,019,383	\$ 1,047,250	\$ 963,871	\$ 852,541
2022	1,135,574	1,160,586	1,188,356	1,019,357	1,047,480	963,681	852,171
2023	1,135,955	1,160,709	1,189,018	1,019,528	1,047,484	963,641	851,758
2024	1,136,094	1,160,510	1,188,239	1,019,488	1,047,196	963,228	852,000
2025	1,135,993	1,159,989	1,189,040	1,019,237	1,047,616	963,441	851,867
2026	1,135,649	1,160,148	1,188,376	1,019,773	1,047,723	963,256	852,360
2027	1,136,065	1,159,966	1,188,271	1,019,081	1,047,519	963,673	852,450
2028	1,135,222	1,160,444	1,188,701	1,019,177	1,048,002	963,666	852,136
2029	1,136,138	1,160,563	1,188,645	1,019,045	1,047,154	963,236	852,419
2030	1,135,781	1,160,323	1,188,103	1,019,684	1,047,994	963,383	852,270
2031	1,135,165	1,160,723	1,189,075	1,019,080	1,047,483	964,081	852,690
2032	1,135,293	1,160,746	1,188,516	1,019,247	1,047,641	963,307	852,648
2033	1,136,146	1,160,391	1,188,449	1,019,169	1,047,447	964,084	852,146
2034	1,135,710	1,160,657	1,188,852	1,019,847	1,047,903	963,363	852,182
2035	1,136,000	1,160,527	1,188,702	1,019,264	1,047,988	963,169	852,730
2036	-	-	-	1,019,437	1,047,702	963,477	851,758
2037	-	-	-	1,019,349	1,048,046	963,263	852,298
2038	-	-	-	-	-	963,525	852,290
2039	-	-	-	-	-	963,239	852,734
2040	-	-	-	-	-	963,406	852,603
2041	-	-	-	-	-	-	852,896
2042	-	-	-	-	-	-	851,584
2043	-	-	-	-	-	-	854,696
2044	-	-	-	-	-	-	852,088
2045	-	-	-	-	-	-	853,904
Total	\$ 17,036,800	\$ 17,406,430	\$ 17,829,261	\$ 17,329,145	\$ 17,809,625	\$ 19,269,989	\$ 21,311,220

* Preliminary and subject to change

¹ Interest rates are indicative and subject to change.

DAVENPORT & COMPANY

March 16, 2020

Recommendation

Based upon our review of the proposals, related analyses, and discussions with Town Staff, Davenport recommends that the Town select the Capital One proposal with a 25-year amortization term. The 25-year term offered by Capital One provides the lowest annual debt service payment resulting in the lowest impact to rate payers. The Capital One interest rate is held firm through the anticipated closing date and fixed through the full 25-year term while providing flexibility to prepay the loan in whole or in part after 6/1/2033.

Next Steps

March 16 th	Town Council considers selecting a winning bidder and adopting a Series Resolution (if possible).
April 6 th	Town Council considers adopting a Series Resolution (if necessary).
April 7 th	LGC considers approving the financing.
By April 17 th	Close on Financing.

The U.S. Securities and Exchange Commission (the "SEC") has clarified that a broker, dealer or municipal securities dealer engaging in municipal advisory activities outside the scope of underwriting a particular issuance of municipal securities should be subject to municipal advisor registration. Davenport & Company LLC ("Davenport") has registered as a municipal advisor with the SEC. As a registered municipal advisor Davenport may provide advice to a municipal entity or obligated person. An obligated person is an entity other than a municipal entity, such as a not for profit corporation, that has commenced an application or negotiation with an entity to issue municipal securities on its behalf and for which it will provide support. If and when an issuer engages Davenport to provide financial advisory or consultant services with respect to the issuance of municipal securities, Davenport is obligated to evidence such a financial advisory relationship with a written agreement.

When acting as a registered municipal advisor Davenport is a fiduciary required by federal law to act in the best interest of a municipal entity without regard to its own financial or other interests. Davenport is not a fiduciary when it acts as a registered investment advisor, when advising an obligated person, or when acting as an underwriter, though it is required to deal fairly with such persons.

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Town Council Agenda Cover Sheet

Meeting Date

March 16, 2020

Agenda Location

New Business

Item Title

Grant Application—ecoExplore

Presenter

Joy Garretson, Library Director

Summary/Description

Joy Garretson is applying for the exoExplore grant from the North Carolina Arboretum. The grant includes a Library LoanSpot, which would allow the library to:

- Lend out nature study areas to the public
- Host quarterly education programs
- Offer an outdoor study area for patrons to make observations of plants and animals. (Selected LoanSpots will also receive a bird feeding station and pollinator plants to create a small wildlife garden.)
- Join a statewide effort to encourage families to spend time outdoors together while participating in real-life field ecology experiences

The best part is that all of this is FREE. This project has been grant funded and Howell Woods Learning Center will support us with programming.

Requested Action

Informational Only

Funding Source (If Applicable):

The North Carolina Arboretum.

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

March 16, 2020

Agenda Location

New Business

Item Title

Grant Application—Let's Talk About It Humanities Council Grant

Presenter

Joy Garretson, Library Director

Summary/Description

Joy Garretson is applying for the Let's Talk About It grant from the North Carolina Humanities Council. This grant provides funding for a reading program that meets 5 times over a nine-week period. In the program, participants are loaned books to read (from the Humanities Council), and a scholar comes to each of the 5 meetings to discuss the books. The library will partner with the Woman's Club of Clayton to provide a venue for the meetings, as well as advertisements and refreshments. After polling several groups, the library applied for the "Mysteries: Clues to Who We Are" book series, which will include 5 mysteries for the group to read and discuss. The program will run in the summer months and will be incorporated into our annual summer reading program. The grant does require a 2-to-1 match, and using in-kind donations and support from the Woman's Club, we expect for this to cost us around \$1,900. (The total expected costs associated with this grant are \$5400.)

Requested Action

Informational Only

Funding Source (If Applicable):

The North Carolina Humanities Council, The Woman's Club of Clayton, Library funding

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

March 16, 2020

Agenda Location

New Business

Item Title

Grant Application—LSTA Grant for Active Reading Experiences

Presenter

Joy Garretson, Library Director

Summary/Description

Joy Garretson is applying for an LSTA (Library Services and Technology Act) grant through the state library of North Carolina. This grant application for \$5900 will require a \$590 (or 10%) match in funds, and will provide Active Reading classes for parents of young children, 35 Active Reading Kits to help Children learn early literacy and pre-kindergarten skills, and will provide shelving to store the kits.

Requested Action

Informational Only

Funding Source (If Applicable):

State Library of North Carolina

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

March 16, 2020

Agenda Location

New Business

Item Title

Budget Amendment

Presenter

Robert McKie, Finance Director

Summary/Description

The Finance Director will present a budget amendment to transfer recreation fee in-lieu monies to fund two 30% design contracts for renovations and new construction at the Town's recreational facilities.

Requested Action

Approval

Funding Source (If Applicable):

Recreation Fee In-Lieu Proceeds

Cost: N/A Yes ☒ No ☐

Additional Documents to be Included in Agenda Packet

Recreation Fee In-Lieu Budget Amendment

Meeting Timeline

Click or tap here to enter text.

Town of Clayton
Amendment to the FY 19-20 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF
CLAYTON that the following amendments shall be made to the FY 19-20 Budget:

Fund: General Fund and Special Revenue Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenue			
100-40-00-48 82	Transfer from Special Revenue Fund		
	\$0	+700,000	\$700,000
210-48 99	Fund Balance Appropriated		
	\$0	+700,000	\$700,000
Expenditures			
100-60-02-56 00	Professional Services		
	\$30,000	+700,000	\$730,000
210-59 20	Transfer to General Fund		
	\$0	+700,000	\$700,000

Amendment to transfer recreation fee in-lieu monies to fund two 30% design contracts for renovations at the Clayton Community Center and new construction and renovations at various parks, including Municipal, East Clayton, and Community. This amendment is required for compliance with G.S. 159-15:

Duly adopted this 16th day of March, 2020 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

February 5, 2020
Revised March 3, 2020

Joshua Baird, PE
Town Engineer
Town of Clayton
111 E 2nd Street
Clayton, North Carolina 27520

**RE: Design Services for the Design of Renovations and Additions to Municipal/Civitan Park, Clayton Community Park, and East Clayton Community Park
Clayton, North Carolina
FOR-19764**

Dear Mr. Baird,

We look forward to the opportunity to work with you and the Town of Clayton to provide public engagement, detailed site investigations, 30% construction documents, and the opinion of probable construction costs for the three projects outlined below.

GENERAL PROJECT UNDERSTANDING:

It is McAdams' understanding that the Town of Clayton wishes to develop 30% construction drawings for the renovation and / or expansion of **Municipal/Civitan Park, Clayton Community Park, and East Clayton Community Park**. The McAdams team is supported by Fitfields (athletic field programming and design), Stanford White (electrical engineering), Lynch Mykins (structural engineering), MBP (cost estimating) SM&E (geotechnical) for this project.

Municipal/ Civitan Park Project Understanding

It is McAdams' understanding that the Town of Clayton wishes to propose multipurpose fields, a future community center, shelters, restrooms, performance pavilion, basketball courts, playground and a splash pad along with additional parking area at Municipal/ Civitan Park. During the design process, the project team will evaluate the viability of the proposed park improvements as depicted in the master plans concepts provided by Sage Design and make recommendations for concept refinement to address site opportunities and constraints and regulatory requirements. Detailed considerations will include siting of the community center, siting of the performance pavilion to address fireworks fall zone areas, adequate parking, optimal site access, unique theming for playground and splashpad features, and athletic field programming and design to maximize user experience and playability.

Clayton Community Park Project Understanding

It is McAdams' understanding that the Town of Clayton wishes to design a dog park, tennis courts, additional parking area, and multi-use trails through the park property. The Town also wishes to find a better location for bocce ball courts for ease of access to parking and restrooms. The Town wishes to investigate feasibility of expansion of the existing community center in addition to the proposed community center at Municipal/ Civitan Park which will be contingent upon site conditions, geotechnical reports, and provision of additional parking area. Other important site considerations will be configuration of proposed tennis courts to meet local development requirements (i.e. setbacks and buffers), renovation of existing tennis courts to address standing water and seepage, and possible relocation of the entrance drive.

East Clayton Community Park Project Understanding

It is McAdams' understanding that the Town of Clayton wishes to design four multipurpose fields, restrooms, additional parking, and improvements / expansion of existing stormwater management devices at East Clayton Community Park. Key to this project's success will be understanding the capacity of the existing stormwater control measures as compared to the required capacity based on park expansion; parking requirements to support the park amenities during peak use hours (including the Harmony Playground and athletic fields); and coordination with the construction of the Harmony Playground.

General Assumptions:

This proposal is based on the following assumptions:

- > The scope of this proposal is for preliminary design services for on-site improvements (as described below) only. A separate contract will be necessary for preparation of future phases (i.e. final construction drawings, bid phase services, construction administration or additional investigations other than those described herein), along with the design of any identified offsite improvements (e.g. utility extensions, offsite roadway / intersection improvements, signal modifications, etc.).
- > Data from previous planning efforts will be provided to McAdams by the Town.
- > Traffic planning / engineering services (i.e. traffic impact analysis, design of offsite traffic improvements, signal design, etc.) are outside the scope of this agreement and will be completed by others.
- > If changes in the project scope result from significant modifications to specific project site plans as directed by the Owner or other unforeseen influences to the design and management scope of the project, additional services by the consultant will be warranted. A supplemental scope and fee estimate will be provided as necessary.
- > Construction documents provided in this proposal will be completed at a Schematic Design (SD) level (30%) for each project.
- > Permitting services are not included within this scope of work. A list of anticipated permits shall be provided.
- > The Town shall provide access to the sites and any adjacent areas which may be applicable to completing the enclosed scope of services. This may require the Town to gain permission from landowners for access to the properties which are not owned by Town of Clayton.
- > Architectural services for this project are excluded and shall be provided by others.
- > Athletic field programming and design will not be provided for Clayton Community Park.

- > Any additional consultants or services beyond those specifically indicated within the proposal, will be additional.
- > For the purposes of this proposal, construction costs for each project are based on the 25% Summary of Cost presented in the Parks and Recreation Master Plan Update Addendum dated March 2019 and are assumed as follows:

Municipal Park - \$10.2M (\$8M assumed for community center)

Clayton Community Park – \$2.3M

East Clayton Community Park - \$5.9M

Town Square - TBD

Assumed Total Site Work Construction Budget: \$10.4M plus Town Square (TBD)

Stormwater Assumptions:

- The 1,2, and 10-year storms will be need to meet detention requirements.
- Town staff may recognize the use of Low- and High-Density areas within the same site. This must be discussed and vetted with Town staff.
- Treatment only applies to a net increase in BUA or in the case of a retrofitting or taking an existing SCM offline treating the area already receiving treatment and the net increase.
- One SCM per site will be needed to meet nutrient and detention requirements for each park site.
- One site will seek to implement an innovative, nonconventional, or amenitized stormwater SCM.
- A short memo will document the existing capacity of onsite SCMs for each site.
- The types of SCMs desired to be implemented on the sites will be discussed/addressed with staff at the Concept Plan Refinement stage prior to issuing the Preliminary Stormwater Management Analysis Report.
- A short report will build on the existing capacity memo, discuss utilizing existing capacity, retrofits to existing SCMs, and/or design of new SCMs based on discussion of desired SCMs with staff.
- Geotechnical information will be provided by others if an infiltration type SCM is desired due to infiltration capacity of in-situ soils.
- Resolution of comments on 30% CDs and advancement toward 60% drawings are not included in this scope.
- Structural design of any SCM elements is excluded.

Cost Estimating Assumptions

- Any additional documentation, information, or direction received after our commencement of a task may entitle McAdams an equitable adjustment to its fee and performance schedule.
- Cost estimating for Future Community Center at the Municipal Park will be provided by others.
- Pricing of phasing options is not included.

PROPOSED SERVICES

We propose the following services (Alphanumeric task numbers are for internal coding purposes). Services and tasks will be described in this section. Project specific tasks and costs will be defined for each project following this section of the proposal:

PART I: PROJECT KICK-OFF + DATA REVIEW**R8.00 Project Kickoff and Existing Data Review:****FEE: \$6,660**

Conduct an initial planning kickoff meeting (Workshop 1 as outlined below, March 9th) with the Client and attendees as the Client invites, to:

- > Confirm goals and objectives
- > Review project scope and budget
- > Establish project schedule
- > Review community input results collected as part of previously completed public input efforts
- > Visit each existing park
- > Review project opportunities and constraints

This meeting is also intended to collect and review existing / previously prepared project information and data that has been gathered by the Town, and review of existing regulatory information governing the development of the project sites. Data includes but is not limited to:

- > Final park program and elements confirmation
- > Park Master Planning reports
- > Community engagement / input
- > Zoning and planning constraints
- > Deed restrictions
- > Available as-built record drawings
- > Previous studies, master plan, guidelines and written reports including comprehensive, etc.
- > Environmental studies
- > Geotechnical reports

The Project Team will provide a summary of the data review and results of the detailed site investigations (below) for the Town's review and records.

R8.09 Prepare Base Maps:

FEE: \$6,390

Using field survey (as outlined in task B2.10 and B2.40), as built record drawings provided by the Town and / or base data provided by Johnston County GIS, prepare a base map for use in preparing the site analysis. Prepare a site analysis outlining the opportunities and constraints of the project sites including:

- > Site's physical characteristics and implications on project development
- > Prepare a general issues and constraints assessment including roadway, parking, utilities, easements and right-of-way (existing and proposed), slopes/grades, existing trees, and other items.
- > Review opportunities and constraints and collect feedback related to any initial changes in project framework from the previously developed park master plans.

A4.10 Preliminary Stormwater Management Capacity Analysis:

FEE: \$3,960

With more stringent stormwater requirements being planned for and net increases in BUA at all parks likely, stormwater management and treatment will be necessary. Existing facilities whether meeting the requirements of primary SCMs or secondary will be assessed for capacity and retrofit potential. Current treatment and additional capacity of onsite practices will be assessed and documented to inform Concept Plan Refinement.

PART II: DETAILED SITE INVESTIGATIONS**A4.40 Preliminary Phase I Cultural Resource & Protected Species Assessment:**

FEE: \$7,800

A review of the North Carolina State Historic Preservation Office (SHPO) National Registry records will be conducted to determine if there are any recorded historic structures, cemeteries, or historic properties within the project area and/or within 0.25 miles of the project boundary. The project area will be traversed on foot to identify and photo document structures present on the site. A request for an environmental review will be submitted to identify archeological sites and solicit comments from SHPO. The agency's response is usually provided within 30 days of submittal and will be forwarded upon receipt.

A threatened and endangered species assessment of the project area for Federally Listed Threatened and Endangered Species will be conducted. USFWS's Information for Planning and Consultation online tool will be used to identify protected species and habitat that may be impacted and conduct a regulatory review of the project. NC Natural Heritage Data Explorer will be consulted to identify occurrences of natural resources located in the project area. The property will be traversed on foot to conduct a survey of suitable habitat. A report detailing the protected species identified, suitable habitat within the project area, biological conclusion/opinions and, if necessary, recommendations for additional species surveys that may require time of year restrictions or subconsultants with highly specialized expertise will be prepared and submitted to US Fish and Wildlife Service (USFWS). The USFWS may provide comments or request additional information. No response from the USFWS within 30 days of submittal indicates their concurrence with biological conclusions of the report.

A4.70 Detailed Surface Water/Wetland Delineation:

TOTAL FEE: \$14,400

Municipal Park (24 AC)

FEE: \$4,000

Clayton Community Park (32 AC)

FEE: \$4,400

East Clayton Community Park (43 AC – excludes disc golf course area)

FEE: \$5,000

Town Square

FEE: \$1,000

A detailed delineation of surface waters and wetlands present on the tract will be completed in general accordance with *1987 Corps of Engineers Wetland Delineation Manual* and the appropriate regional supplement and the NC Division of Water Resources Methodology for Identification of

streams. Sequentially numbered flags will be hung in the field around the boundaries of wetlands and at the start/end points of stream channels. A report of our findings will be provided including the stream types present, flag numbers and features to be surveyed, general permitting guidance, and a map of the surface waters, wetlands, and riparian buffers present on the property.

A4.80 Surface Water/Wetland Verification:**FEE: \$9,000**

With property owner permission, the delineation along with the appropriate wetland data, stream identification and jurisdictional determination forms will be provided to the USACE for their verification of the delineation. This will involve a site meeting with a representative of the USACE for issuance of a preliminary jurisdictional determination that is suitable for permitting purposes. A site meeting with the NC Division of Water Resources will be required to confirm buffer subjectivity and/or stream types on the site.

B2.10 Boundary Survey:**TOTAL FEE: \$25,070****Municipal Park**

Johnston County Parcel ID 05029002 & 05E99020S & 05030067 & 05030055

FEE: \$ 6,330**Clayton Community Park**

Johnston County Parcel ID 05G02009J & 05G02053T

FEE: \$ 10,510**East Clayton Community Park**

Johnston County Parcel ID 05I04016H

FEE: \$ 8,230

Perform a boundary survey of the subject properties listed above in accordance with the Standards of Practice for Land Surveying in North Carolina. The survey will be performed using the North Carolina State Plane Coordinate System, NAD 83 adjustment as the basis of bearing. A closed traverse loop will be performed along the property boundary. Pertinent site features within and on the property boundary including structures, wells, fences, etc. will be located in the field. Evidence of property lines will be located in the field and used in conjunction with deeds and plats of record to retrace the property boundary. Corners missing or destroyed will be reset per North Carolina Standards of Practice. Any apparent property overlaps, gaps, gores, etc. will be located in the field and referenced in the survey. The results of the boundary surveys will be incorporated into the topographic maps prepared under B2.80.

B2.30 Utility Designation (Private Utility Locating)/Level B:

Fee: \$1,500

Clayton Community Park

Provide private utility location in advance of geotechnical field investigations. Conductive utilities will be marked utilizing Geophysical prospecting techniques in conjunction with radio, audio, and electromagnetic equipment. Multiple utility sweeps will be performed to identify any unknown conductive utilities. All non-conductive utilities will be marked utilizing above ground features utility plats and/or as-built, and recollections. Utilities will be marked utilizing standard marking paint and/or flags and whisksers in accordance with APWA standard code to ensure accuracy in the collection of the information. Basic Maintenance of Traffic will be provided. Basic MOT includes the following: cones and signs as needed. Client will ensure that there is access to all areas inside and outside of the building so a thorough locate and sweeps can be performed.

B2.80 UAS Flight and Data Services:

TOTAL FEE: \$22,500

Municipal Park

Approximately 31.5 acres (Survey Attachment A)

FEE: \$8,500

Clayton Community Park

Approximately 38 acres (Survey Attachment B)

FEE: \$6,000

East Clayton Community Park

Approximately 53.5 acres (Survey Attachment C). Survey team will coordinate scheduling the survey to include the final construction of the Harmony Playground.

FEE: \$8,000

McAdams UAS flight crews will perform all flights under Part 107 regulations and will acquire the necessary FAA airspace authorizations to perform such tasks. Once any necessary authorization has been granted flight plans will be prepared to complete the project mission. LiDAR and aerial photography will be collected within the project limits. Ground Control points and Photo Identification points will be established for the project site and the northings, eastings, and elevations will be recorded for each on NAD 83 (2011) and NAVD88 datum. The data collected from the UAS will be validated with the collected points. Aerial data will be processed in accordance to ASPRS standards and reported to Accuracy Standards for Geospatial Data, as well as any regulations required by the Board of Examiners for Engineers and Land Surveyors. All planimetric and topographic information will be extracted from the processed

data including back of curb, edge of pavement, sidewalks, buildings, paint striping, athletic fields, light poles, utility poles. Deliverable will be a signed and sealed topographic survey and AutoCAD drawing file.

B2.90 UAS Supplement Ground Survey:

TOTAL FEE: \$14,310

Municipal Park

FEE: \$3,800

Clayton Community Park

FEE: \$3,800

East Clayton Community Park

FEE: \$6,710

Perform a topographic survey on the ground to supplement the UAS survey performed in B2.80. Features to be located will include critical routes including accessibility routes, roads/travel lanes, and handicap ramps. These features will be incorporated into the UAS survey data and included on the topographic maps.

L8.10 Geotechnical Investigation – Desktop Review:

FEE: \$4,950

The project team will perform a desktop review of available resources to gather potential geotechnical and site grading considerations for each site. Resources reviewed will include the North Carolina Geologic Map prepared by USGS, soil survey information prepared by USDA, and previous geotechnical explorations performed by the geotechnical engineer in the vicinity of the project sites (excluding Town Square – See allowances for geotechnical exploration at Town Square). The project will prepare a letter for each site summarizing the resources reviewed along with geotechnical and site grading considerations apparent based on the review.

Final (stamped) geotechnical recommendations can only be provided once the appropriate field exploration, laboratory testing, and engineering analyses have been performed under a separate scope.

L8.11 Geotechnical Investigation – Field & Labs:

FEE: \$6,600

Clayton Community Park

The project team proposes to perform a total of 5 borings for the proposed building additions (3 borings) and to evaluate the existing tennis courts (2 borings). S&ME will mark the test locations in the field and contact North Carolina OneCall to mark public underground utilities in the vicinity of the borings. Privat

underground utilities will be marked by McAdams prior to our drill rig mobilization (see task B2.30). Borings will be performed to depths ranging from 5 to 20 feet and include standard penetration testing (SPT).

Samples from the geotechnical field exploration will be brought back to S&ME's laboratory for visual classification and testing. Geotechnical analyses will be performed, and a geotechnical report prepared which will provide geotechnical recommendations including site grading considerations, foundation recommendations and a seismic site class for the building additions, and asphalt pavement thickness design recommendations. S&ME will also comment on any geotechnical concerns observed within the existing tennis courts.

L8.12 Geotechnical Investigation - Seasonal High-Water Table:

Fee: \$9,890 est.

To inform design of each site's stormwater control measure (SCM), the project team will evaluate the soil conditions and estimate the Seasonal High Water Table (SHWT) at up to two locations within the proposed Stormwater Control Measure (SCM) area at each site with the understanding that there will be one SCM area at each site. The hand auger borings will extend to a depth of a maximum of ten feet below existing ground surface, two feet below proposed SCM subgrade depth, to auger refusal, or until SHWT conditions are encountered (whichever is first encountered) as determined by a Licensed Soil Scientist (LSS) and soil profile descriptions will be recorded. Profile descriptions will include soil morphological conditions such as: texture, color, structure, consistency, and estimated United States Department of Agriculture (USDA) permeability and estimated USDA saturated hydraulic conductivity for the different soil horizons found on-site.

The SHWT will be estimated by advancing a hand auger boring and evaluating the soil for evidence of SHWT influence. This evaluation involves examining the actual moisture content in the soil and observing the matrix and mottle colors. Depending on the soil texture, the soil color will indicate processes that are driven by SHWT fluctuations, such as iron reduction and oxidation and organic matter staining. Please note that these SHWT estimations by soil indicators are based on secondary evidence and not on direct groundwater level measurements. The apparent (observed) water table and depth to auger refusal will also be recorded if encountered.

The results of our soil evaluation services will be presented in a letter report and map.

PART III: COMMUNITY + STAFF ENGAGEMENT

The primary goal of community engagement will be to validate the program elements presented in the original master plans (by others) and present the refined conceptual site plans. Additionally, community engagement presents an opportunity to receive more focused feedback from stakeholders and partner organizations who, through support of the refined conceptual site plans, may be willing to financially support implementation of plan elements to improve user satisfaction. For the purposes of this proposal, stakeholders have been identified to include:

- > Little League
- > Soccer
- > Community & Senior Services
- > Civitan

For the purposes of this proposal, the Steering Committee has been identified as the Parks and Recreation Advisory Board.

Finally, the Project Team will use this opportunity to collaborate with Town staff to gain a deep understanding of the design preferences, maintenance requirements and operations the park renovations must support.

R8.49 Community & Staff Workshops:

FEE: \$12,280

The Project Team proposes a series of 3 full-day input days with the following tentative schedules:

- 9am – 3pm: Project Team & Staff collaboration meetings
- 4pm – 6pm: Trunk Show (lobby of Community Center)
- 6pm – 7pm: Steering Committee Meeting
- 7pm – 8pm: Public Input Meeting

The Project Team proposes the following topics for each of the three meetings:

Workshop 1:

- Tour each facility with Town Staff to further identify existing site concerns or challenges
- Validate the proposed park programs with the Steering Committee and the public

Workshop 2:

- Present and discuss findings of site analysis and detailed studies
- Review conceptual site plan alternatives

McAdams and team will provide the following at each meeting:

- > Introduce the project and gauge public support;
- > Solicit and compile comments;

- > Fulfill requests for information;
- > Share and refine critical issues, goals and objectives;
- > Draft a summary of the staff / public participation process and its results.

R8.21 Facility Tour:

FEE: \$2,400

The project team will lead a one-day of facility tours to other parks in the greater Raleigh-Durham area to gain a deeper understanding of staff preferences to inform design decisions. The park sites for the tour will be selected by the Town in collaboration with the project team. The Town shall provide transportation for all attendees. The cost of lunch will be the responsibility of each attendee.

R8.22 Project Management and Design Coordination:

FEE: \$5,855

Managing a design team across three projects requires a great deal of coordination between team members, subconsultants, Town staff, stakeholders and elected officials. This task includes email and phone coordination with involved parties (staff, stakeholders and elected officials), project updates and internal coordination with team members (scheduling, etc.), and design coordination and technical meetings with internal team members and subconsultants.

PART IV: CONCEPT PLAN REFINEMENT & PRELIMINARY COST ESTIMATE**L8.20 Athletic Field Program Analysis and Concept Design:**

FEE: \$14,900

Sport Field Program assessment - Complete a coordinated field program analysis to maximize the results of improvements at both Municipal Park and East Clayton Community Park.

This shall include examine:

- > Existing field use and demand review
- > Field Surface type matrix w/play hours
- > Identify risk management issues
- > Identify existing and future user group populations and specific requirements for each
- > Evaluate existing and future field demand
- > Determine most effective and efficient field configurations and surfacing
- > Coordination with McAdam's for the storm water requirements. e. Assist in the development a maximum of two preliminary design alternatives for each park. This consist of providing cad plan assistance arrangements of the sport fields in the desired envelope to include.
- > Written sport field analysis summary of each park concept (not to exceed 2 pages)
- > Provide estimates for natural grass vs synthetic turf field options.
- > Develop a preliminary line item/unit opinion of probable cost for each park concept
- > Develop a preliminary irrigation strategy plan for each park

R8.55 Conceptual Plan Refinement:

FEE: \$31,440

Based on the existing approved Master Plans (prepared by others) and site assessment documents as outlined above, design adjustments authorized by the client in the program, prepare for approval by the Client two refined conceptual plan alternatives each park project. Plans will include the revised location of program elements and their relationship to existing site elements and consider the results of the Athletic Field Program Assessment.

This task will also include conceptual design alternatives for Town Square. Based on the overall needs of the community and revealed site constraints of the other parks, the project team will develop two design alternatives for the development of Town Square.

The plan alternatives will also consider the pros and cons of constructing a single large recreation center at Municipal Park versus both an addition to the recreation center at Clayton Community Park and construction of a smaller recreation center at Municipal Park. This analysis will consider geographic equity (i.e., the location and distribution of indoor recreation space), non-vehicular connectivity and access, and

market position / similar provider analysis. The Project Team will coordinate with HH Architecture to understand the existing building conditions and renovation / expansion potential of each site to further inform the analysis.

During this task, the project team will also explore more detailed design decisions for each park including:

- > Hardscape materials pallet
- > Landscape plant pallet (for approval my maintenance team)
- > Playground theming
- > Splashpad theming
- > Placemaking
- > Athletics (see L8.21)
- > Integrated stormwater management (see A4.10 below)

The Project Team will conduct a refined conceptual plan meeting in collaboration with Town of Clayton staff to review the refined plan options (see Workshop 2 under R8.49).

Based on one round of comments from the Town and the selected concept alternative, the project team will finalize one conceptual plan for each site. This conceptual plan will serve as the basis for the 30% construction drawings. The final conceptual plans will be presented to Town staff.

Each final conceptual site plan will be delivered to the Town as a rendered two-dimensional graphic for use in presentation or marketing materials.

E6.10 Utility + Agency Coordination:

FEE: \$3,960

Preliminary coordination with utility providers to understand local regulations, opportunities and constraints. Upon development of draft 30% construction drawings (schematic design), coordinate preliminary plan review of projects with appropriate governing bodies to review schematic plans with local regulations. Agencies to include within this general review step (but are not limited) to; NCDOT, NCDEMLR, NCDEWQ, Town of Clayton Planning, Town of Clayton Engineering, Town of Clayton Public Utilities, and Johnston County.

A4.20 Preliminary Stormwater Management Analysis & Design:

FEE: \$ 18,650

Currently stormwater in the Town of Clayton has been administered by the County as well as Nutrient requirements. In discussions with the Town it is their intent to govern their own Stormwater and plan to

do so around June or July of 2020. Due to this stormwater requirements will change, and McAdams is prepared to meet those requirements. From early discussion the storms which peak attenuation would be implemented for are the 1, 2, and 10-year storms and further would require a primary SCM, as defined by the Minimum Design Criteria, to be implemented. All of these potential requirements are above those required by the County, so McAdams will plan for this scenario.

Discussion will take place with the Town to determine the desired method of implementation. It is assumed that existing BUA may remain treated by existing practices and only the increase in BUA would be required to have treatment by a primary SCM. Though in consolidating treatment, overtreatment of the existing to account for BUA increase may occur as-well.

Modeling and routing of SCMs will be performed both to address quality and peak flow concerns. A short report based on the site investigation memo will also address proposed site treatment, preliminary nutrient compliance and ability of design to achieve peak flow rate targets and document function up to the 100-yr storm.

One round of comments on the stormwater strategy is anticipated and resolution shall inform the 30% design set.

E6.20 Preliminary Grading Plan**FEE: \$9,500**

Based on the final conceptual site plans, the project team will prepare a preliminary grading plan to serve as the basis for cut and fill calculations to inform the initial cost estimate.

D8.10 Design Review Meeting:**FEE: \$3,200**

The project team will attend one conceptual design review meeting with members of the Town's Technical Review Committee. The project team will attend this meeting to identify any potential challenges or concerns that should be addressed prior to moving forward with the Schematic Design (30% CD's) Phase of the project.

R8.35 Preliminary Cost Estimate:**FEE: \$ 11,500**

Prepare master plan level cost estimate for each park. Estimates will be based on current market conditions and unit prices from recent bid tabs.

D8.20 Presentation to Council:**FEE: \$2,100**

The project team will present the final conceptual site plans to Town Council for approval as the basis of 30% construction drawings.

DRAFT

PART V: CONSTRUCTION DRAWING SERVICES (30% SCHEMATIC PLANS)

The Project Team will prepare schematic construction documents for each project at a 30% detail level. Plans will be structured for a single phase of construction. Schematic Construction documents will include, site engineering, MEP design, structural, landscape and hardscape plans, details and plan notes at a level of detail that will allow for accurate cost estimating of all projects. Construction documents will be submitted to the Town for review at the schematic design stage (30% Construction documents) for one round of review and comment. Any required project specifications will be submitted in written note format on the plan set and does not include a separate project specifications manual.

D4.12 Preliminary Stormwater Design:

FEE: \$18,500

In developing the 30% construction drawing, it is assumed that design of a single new or retrofitted primary SCM will be necessary to treat added BUA for each site. Existing BUA will generally be treated by existing practices or when incidentally located with the new BUA, it will be routed to the primary SCM. It will be McAdams goal to look at utilizing an innovative stormwater practice as the primary SCM at one or more of the sites, to showcase Clayton's new regulatory purview. Innovative practices may include placing SCMs into or under park elements such as sand filter in ballfields or storage and treatment under asphalt surfaces. Other types of LID/GSI type SCMS can also be looked at.

McAdams will provide 30% design plans for an SCM at each park site. 30% plans include horizontal layout of the facility, and basic design of key outlet works and any internal configurations. Basic design of outlet works will include details calling out elevations essential to functions and a basic cross-section due to the preliminary nature of design. Detailed and intricate interworking's as well as planting plans and material specifications area not included.

A6.30 Preliminary Civil + Infrastructure Design + Engineering:

FEE: \$58,400

Prepare preliminary design drawings for park features and infrastructure based on the approved refined conceptual master plan to be prepared by McAdams. It is assumed that preliminary design drawings will be completed at a 30% level of detail. These documents will also be suitable for cost estimating.

L8.21 Athletics:

FEE: \$65,100

Comments from the conceptual design phase will be addressed and incorporated into the preparation of 30% construction drawings to include:

- > Base and TBlock Set Up Coordination
- > Layout Plan

- > Grading Plan
- > Drainage Plan
- > Field Details
- > Fencing/Netting Details
- > Irrigation Plan
- > Irrigation Details
- > Specifications

This task will include the coordination with stormwater engineers, review of erosion control plans and coordination with the overall site utility plan.

D8.30 Landscape Architecture + Park Features Design:

FEE: \$50,400

Prepare site plans for improvements based on the approved conceptual refinement plans provided by McAdams for each project. Coordinate with Architect to obtain updated building footprints and design documents. Prepare landscape and hardscape construction documents for each project's features as described above. Prepare Landscape Architecture Schematic Construction Documents (30% level of detail) setting forth in detail the requirements of construction for landscape and hardscape elements including:

- > Sidewalk, terraces, and pedestrian paving and detailing.
- > Selection of prefabricated shelters and restrooms
- > Splash pad layout and features
- > Playground – layout and specification of equipment and playground surfacing
- > Handrails, benches, seat walls, steps and ramps. Retaining wall system and aesthetics (coordinated with structural design and details)
- > Trees, lawns, and plantings
- > Limited pedestrian site lighting improvements along main pathways only (location and fixture selection only – wiring included in item L8.30).
- > Site furnishings, as approved by the City of Town of Clayton.

L8.30 Mechanical / Electrical / Plumbing Design:

FEE: 45,000 est.

The project team will prepare schematic construction documents for each park at a 30% detail level. Plans will be initially structured for a single phase of construction. Schematic construction documents will include plans, details and specifications (notes on plan – no spec manual) at a level of detail that will allow for accurate cost estimating of all projects. Schematic construction documents will be submitted to the Town for review and comment.

For the purposes of this proposal, the project team plans to prepare 30% CD's based on the following program elements:

Municipal Park: Athletic field lighting, court lighting, lighting at picnic shelters and performance pavilion, splash pad (power and drain infrastructure), site lighting, parking lot lighting, and electric and plumbing of restrooms.

Clayton Community Park: courts, picnic shelters, site lighting, parking lot lighting and electric and plumbing of restrooms.

East Clayton Community Park: Athletic field lighting, site lighting, parking lot lighting, and electric and plumbing of restrooms.

L8.40 Structural Design:

FEE: \$9,500 est.

The project team will provide structural engineering services consisting of basic structural analysis and design, preparation of schematic design structural contract drawings and design calculations. The structural engineer will also coordinate with the project team and other engineering consultants in preparation of the contract drawings for this work. The scope of structural services for this project includes structural design for:

Municipal Park

- 1 pergola / entrance feature
- 1 prefabricated performance pavilion with restrooms
- 4 shelter buildings
- 1 combined shelter and restroom building
- Typical detail for footings for goals
- 8 light poles

Clayton Community Park

- 2 prefabricated shelters

East Clayton Community Park

- 1 prefabricated shelter
- 1 prefabricated combined shelter and restroom
- 8 light poles

Miscellaneous items / Town Square Elements

- Review of column footing details
- Review of wall details (<4' height)

30% Construction drawings to include:

- > Existing Conditions Plan (Site Survey)
- > Demolition Plan
- > Utility Plan (sanitary sewer and water connections)
- > Grading with rough cut/fill quantities
- > Stormwater collection and conveyance (piping) on Grading Plan with preliminary pipe sizing
- > Erosion control plan and sequence for the project
- > Site Plan
- > Hardscape Plan
- > Landscape Plan
- > Site lighting and furnishings Plan
- > Electrical wiring plan
- > Hardscape Details
- > Site Details
- > Utility / Infrastructure Details
- > Structural Details

D8.11 Design Review Meeting CDs:

FEE: \$8,540

The 30% Construction Drawings will be presented to Town Staff. It is recommended members of the Town's Technical Review Committee attend this meeting to identify any potential challenges or concerns that should be addressed prior to moving forward with Design Development Phases of the project.

Workshop 3:

- Present 30% construction drawings for review
- Present concepts for playgrounds, splashpads and other unique site features
- Present hardscape, plant, furnishings and lighting pallet

L8.50 Opinion of Probable Construction Cost:

FEE: \$19,370 est.

Provide 30% construction document cost estimate and written report, including assumptions and clarifications in PDF format. Provide a report for each of the three parks separately.

Attend one estimate review and reconciliation meeting with the Client (and other parties so designated to participate in this meeting by the Client). Based on the comments received, make minor adjustments to

the cost estimates and attend a second estimate reconciliation meeting by phone. The final cost estimate will be delivered in a final written report after the meeting.

DRAFT

PART VI: FINAL PLAN APPROVALS AND PROJECT MANAGEMENT**R8.70 Final 30% Construction Drawings / Response to Site Plan Comments:**

FEE: Hourly, Est. \$32,350

Based on one round of comments provided in the design review meeting (task D8.10) or via comments from site plan submittal (see task xx in Optional Services) incorporate all comments into the final 30% Construction Drawings deliverable or approved site plan.

R8.64 Presentation to Town Council:

FEE: \$2,100

Team shall prepare a power point presentation summarizing the design process, primary findings, and the 35% plans and cost estimate to Town Council for their approval. Meeting shall occur at a regularly scheduled Town Council meeting.

R8.36 Project Management and Design Coordination:

FEE: \$6,545

Managing a design team across three projects requires a great deal of coordination between team members, subconsultants, Town staff, stakeholders and elected officials. This task includes email and phone coordination with involved parties (staff, stakeholders and elected officials), project updates and internal coordination with team members (scheduling, etc.), and design coordination and technical meetings with internal team members and subconsultants.

Extra Services**J. Additional Services:**

When requested by City of Town of Clayton or its authorized representatives and approved in writing, McAdams will perform additional services beyond the scope of services described herein. Fees associated with additional services will be defined per task or by hourly charges in accordance with the attached Rate Schedule, as directed at the time of the request for additional services. No additional services will be performed without specific written consent of the of Town of Clayton or its authorized representative.

Allowances

All allowances are provided as estimates for budgetary purposes. Once the concepts have been finalized a formal fee proposal for the selected allowance services will be provided to the Town for Review and approval.

L8.13 Geotechnical Investigation – Field & Labs (Post Concept Approval):

Once the revised conceptual site plans have been approved, provide additional borings at each park to serve as the basis for structural foundations and pavement design.

Municipal Park

FEE Est.: \$7,500

Clayton Community Park

FEE Est.: \$6,500

East Clayton Community Park

FEE Est.: \$6,500

Town Square

FEE Est.: \$6,500

L8.14 Geotechnical Investigation - Infiltration Testing:

Fee Est. \$1,000 / Infiltration Test
3 Tests = \$3,000

Infiltration testing can be performed if elected, but we recommend this testing occur after the results of the seasonal high-water table evaluation have been received such that the necessity of further testing can be evaluated before it is undertaken.

R8.37 Additional Presentation to Town Council

FEE \$2,100

R8.38 Additional Day of Workshops

FEE \$5,340

Optional Services**R8.39 Site Plan Submittal:**

FEE: \$10,500

Prepare drawings to meet the Town of Clayton's checklist for major or minor site plan approval.

B2.11 Boundary Survey-Additional Parcels:

FEE: \$4,560

Perform a boundary survey of the subject properties (Johnston County Parcel ID 05I04016A & 05I04016) in accordance with the Standards of Practice for Land Surveying in North Carolina. The survey will be performed using the North Carolina State Plane Coordinate System, NAD 83 adjustment as the basis of bearing. A closed traverse loop will be performed along the property boundary. Pertinent site features within and on the property boundary including structures, wells, fences, etc. will be located in the field. Evidence of property lines will be located in the field and used in conjunction with deeds and plats of record to retrace the property boundary. Corners missing or destroyed will be reset per North Carolina Standards of Practice. Any apparent property overlaps, gaps, gores, etc. will be located in the field and referenced in the survey. The results of the boundary survey will be shown on a map signed and sealed by a NC licensed land surveyor.

B2.81 UAS Flight and Data Services-Additional Parcels:

FEE: \$2,500

McAdams UAS flight crews will perform all flights under Part 107 regulations and will acquire the necessary FAA airspace authorizations to perform such tasks. Once any necessary authorization has been granted flight plans will be prepared to complete the project mission. LiDAR and aerial photography will be collected within the project limits. Ground Control points and Photo Identification points will be established for the project site and the northings, eastings, and elevations will be recorded for each on NAD 83 (2011) and NAVD88 datum. The data collected from the UAS will be validated with the collected points. Aerial data will be processed in accordance to ASPRS standards and reported to Accuracy Standards for Geospatial Data, as well as any regulations required by the Board of Examiners for Engineers and Land Surveyors. All planimetric and topographic information will be extracted from the processed data including: back of curb, edge of pavement, sidewalks, buildings, paint striping, athletic fields, light poles, utility poles. Deliverable will be a signed and sealed topographic survey and AutoCAD drawing file.

B2.91 UAS Supplement Ground Survey-Additional Parcels:

FEE: \$1,900

Perform a topographic survey on the ground to supplement the UAS survey performed in Task B2.81. Features to be located will include critical routes including accessibility routes, roads/travel lanes, and

handicap ramps. These features will be incorporated into the UAS survey data and included on the topographic map.

R8.66 3-D Modeling + Animation:

FEE: \$5,000 per park

Upon client request, prepare a digital model of the final conceptual plan for use by client and with the public in obtaining approvals and for general project information. Use modeling programs such as Sketch-up and or Lumion, to provide views of the improvements for use by the client team. Provide fly through animation of final plan showing a variety of areas of the park and their relationship to each other and adjacent conditions. Review model and fly through animation with client and make one round of revisions based on feedback.

Reimbursables

K. Reimbursable Expenses:

FEE Total Est. \$1,250

Applicable items will be billed in accordance with the attached Rate Schedule. This fee includes estimated reimbursable expenses for mileage and printing hard copies of the final 35% set of construction documents and accompanying graphics.

PROJECT FEE SUMMARY BY PHASE

PHASE	TOTAL FEE
KICK-OFF + DATA REVIEW	\$17,010
DETAILED SITE INVESTIGATIONS	\$116,020
COMMUNITY + STAFF ENGAGEMENT	\$20,535.00
CONCEPT PLAN REFINEMENT & PRELIMINARY COST ESTIMATE	\$95,250.00
30% CONSTRUCTION DRAWINGS	\$274,810.00
FINAL PLAN APPROVALS + PROJECT MANAGEMENT	\$40,995.00
TOTAL	\$564,620.00

PROJECT SCHEDULE

McAdams' services shall be performed as expeditiously as is consistent with professional skill and care and the orderly progress of the project. The following is the expected schedule for completion of work on this project:

As mutually agreed upon by the Town of Clayton and the Project Team.

The time limits and schedule set forth above have been agreed to by the Owner and McAdams, but the time limits and schedule shall be extended for (1) reasonable cause, or for (2) any delays associated with McAdams work on the project that are not the sole responsibility of McAdams and included but are not limited to, client directed scope changes, weather preventing design team from performing site due diligence tasks, critical client decisions not made in accordance with project schedule, force majeure, etc.

OWNER RESPONSIBILITIES

Owner shall be responsible for the following:

- > Notification to proceed including a signed copy of this Agreement.
- > Any existing and available survey, site plans, and other park / planning documents in both hardcopy and electronic AutoCAD compatible formats as may be required.
- > Timely approval of information presented for approval.
- > Providing information in a timely manner from other professional service providers as may be engaged in the project and contracted directly with the Owner.
- > Payment of invoices in accordance with Item 1 of Terms and Conditions.
- > Notification to Consultant of any problems, in accordance with Item 2 of Terms and Conditions.

EXCLUSIONS

The following services are not included in this Agreement:

General

- > Asbestos Survey.
- > Phase I Environmental Investigation.
- > Preparation of Rezoning or Zoning Amendment documents for subject properties.
- > Lot recombinations or preparation of exhibits for same.
- > Off-site utility extensions specific design.
- > Traffic or Transportation Analysis
- > Off-site roadway improvements specific design.
- > Permitting Services aside those specifically stated herein.
- > Permit application fees.
- > Legal advertisements for construction contracts.
- > Construction period services.
- > Court appearances for litigation, or preparation for same.
- > Assistance with acquisition of right-of-way or off-site easements; preparation of exhibits for same.
- > Revised directives not outlined in this proposal from Owner after project process has begun.
- > Any other services not specifically described in the scope of work.
- > Detailed irrigation design.

Mechanical / Electrical / Plumbing Design Services:

- > Food service equipment layout.
- > Hazardous Material Identification.
- > Hazardous Material Design.
- > Fire sprinkler design.
- > Design of emergency/stand-by generator system.
- > Design of voice reinforcement wiring/equipment.
- > Design of security CCTV and/or intrusion detection wiring/equipment.
- > Design of electronic access control wiring/equipment.
- > Design of audio-visual wiring/equipment.
- > Design of telecommunications-data wiring/equipment.
- > Design of lightning protection.
- > Special inspections as defined by Chapter 17 in the NC Building Code.
- > Design or assistance with any sustainable certification program (i.e. LEED, Green Globes, etc.).
- > Commissioning or commissioning design
- > Computer day-lighting simulations.

GENERAL CONDITIONS

- > This proposal is valid for 30 days from the above date.
- > Reimbursable expenses will be billed in accordance with the attached Rate Schedule.

CONCLUSION

We sincerely appreciate this opportunity to propose our services for these important projects. Please do not hesitate to contact me at your convenience if you have any questions or comments. If in agreement, please sign below and also sign the Rate Schedule document attached, and we will be prepared to begin.

Sincerely,

McADAMS



Rachel Cotter, RLA, ASLA
Assistant Director, Public

RC/lk

Enclosures: Hourly Rates



Town Council Agenda Cover Sheet

Meeting Date

March 16, 2020

Agenda Location

New Business

Item Title

Electric System Update

Presenter

Dale Medlin, Clayton Public Power/Electric Director

Summary/Description

This informational presentation is part of an annual review of the electric system which involves reviewing the cost of serving the community as a Public Power town. Clayton has been providing hometown electricity since 1913. Each year, staff, with the support of ElectriCities and the NC Eastern Municipal Power Agency (NCEMPA), analyze operations and the electric market. They review our purchasing power (wholesale power costs) and the cost of providing power (distribution costs), which include linemen, wires, poles, meters, etc.

This presentation will review recommendations and information from our support agencies (see NCEMPA letter attached) and go over the staff efforts. All of this information will be factored into the budget discussions during the coming weeks and staff and the Town Manager will come forward with our rate recommendations through the Council's annual budget process.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

ElectriCities/NCEMPA Letter

Meeting Timeline



TO: North Carolina Eastern Municipal Power Agency
Board of Commissioners

FROM: Kathy Moyer
Vice President, Operations

DATE: February 19, 2020

SUBJECT: NOTICE OF RATE CHANGE

This Notice of Proposed Rate Change is provided to you in accordance with requirements under the Full Requirements Power Sales Agreement.

At its January 24, 2020 meeting, the Electricities Board of Directors approved the recommendations of the Rate Committee and Board of Commissioners of North Carolina Eastern Municipal Power Agency for changes to the wholesale rate by adopting:

1. FR-5, Full Requirements Bulk Power Supply Schedule

A copy of FR-5, Full Requirements Bulk Power Supply Schedule, is attached for inclusion in your rate manuals. All riders remain unchanged.

This Notice serves as the formal 40-day notice of any rate change in accordance with the Full Requirements Power Sales Agreement. If you have any questions, please call me at (919)760-6225.

Attachments

cc: NCEMPA Alternate Commissioners
NCEMPA City Managers
NCEMPA Utility Directors
NCEMPA Finance Directors
Electricities Board of Directors
Gary Brunault, GDS
Sr. Management Staff

KM:ts

The energy behind public power

919.760.6000
1427 Meadow Wood Blvd.
Raleigh, North Carolina 27604
www.electricities.com

Effective: April 1, 2020

NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY
MEMBER ELECTRIC RATE SCHEDULE

FULL REQUIREMENTS BULK POWER SUPPLY
SCHEDULE FR-5

I. APPLICABILITY

Service under this Full Requirements Bulk Power Supply Rate Schedule is applicable to all Members as defined in the Full Requirements Power Sales Agreement between North Carolina Eastern Municipal Power Agency ("Power Agency") and its Members, dated as of April 24, 2015 (the "FRPSA"), and is subject to the provisions of the FRPSA and the Debt Service Support Contract between Power Agency and its Members, dated as of April 24, 2015 (the "DSSC"). This rate schedule, as supplemented and amended, is applicable for the sale of Full Requirements Bulk Power Supply, as defined in the FRPSA, for use and resale from existing facilities of adequate type and service. This rate schedule is applicable commencing with the billing month of April, 2020 to be billed in May, 2020.

II. FULL REQUIREMENTS MONTHLY CHARGES

Full Requirements Monthly Charges shall consist of the following Demand Charge and Energy Charge:

Demand Charge:

\$ 23.35 per kW of Billing Demand

Energy Charge:

2.319 ¢ per kWh of Billing Energy

III. DETERMINATION OF BILLING DEMAND AND BILLING ENERGY

A. Determination of Billing Demand

Billing Demand for each Member shall be the average kW measured at the Delivery Point, as such term is defined in the FRPSA, in the 60-minute interval during the current billing month, which is coincident with Duke Energy Progress's ("DEP") Monthly Peak Demand, as such term is defined in the Full Requirements Power Purchase Agreement between Power Agency and DEP, dated as of September 5, 2014 (the "FRPPA"), less any capacity allocation, in kW, from the Southeastern Power Administration ("SEPA") at such point of delivery, but not less than zero.

B. Determination of Billing Energy

Billing Energy shall be the total energy measured during the current billing month at the Delivery Point, in kWh, less any energy allocation, in kWh, from SEPA at such point of delivery.

IV. GENERAL

Pursuant to the FRPSA and the DSSC, the Monthly Bill will include the Full Requirements Monthly Charges, specified above, and amounts calculated in accordance with the applicable Rider(s) to this Full Requirements Bulk Power Supply Rate Schedule, which are incorporated herein and made a part hereof. Nothing in this Full Requirements Bulk Power Supply Rate Schedule shall be construed to prevent Power Agency from reviewing and amending this Rate Schedule or the Riders hereto and the charges contained herein from time to time.