



Town of Clayton
Regular Town Council Meeting Agenda
Monday, February 18, 2019 @ 6:00 PM
Council Chambers

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. Warranty Acceptances

- Warrick Park Subdivision (FINAL)
- Ashcroft Subdivision, Phase 2

[Warrick Park Subdivision](#)

[Ashcroft Subdivision, Phase 2](#)

b. Certification of Sufficiency - 2019-12-ANX - E. Clayton Elementary School

[Certificate of Sufficiency](#)

POTENTIAL ACTION:

Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

a. Fresh Air Fund Day 2019 Proclamation

[Cover](#)

[Proclamation](#)

POTENTIAL ACTION:

Approve Proclamation

b. Warranty Acceptance:

- Umstead Subdivision

[Umstead Subdivision](#)

POTENTIAL ACTION:

Place on March 4, 2019 Consent Agenda

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Introduction New Employee(s):

Presenter: Blake Mills, Asst. Public Works Director

- Joe Pitt, Fleet Maintenance Supervisor

b. Citizen Recognition

Presenter: Jody McLeod, Mayor

- c. Citizen Recognition
Presenter: Michael Grannis, Mayor Pro Tem
- d. Recreation Advisory Board Annual Update
Presenter: Rebecca Bradford, Recreation Advisory Board Chair
POTENTIAL ACTION: None - Informational Only

6. PUBLIC HEARINGS

- a. 2018-230-SUP - Bobbit Road Family Cemetery (Quasi-Judicial)
This hearing is continued from February 4, 2019
Presenter: Planning Department
[Cover](#)
[Application](#)
[Site Plan - 3rd Submittal](#)
[Adj Property Letter](#)
[Newspaper Ad](#)
[Owner's Consent Form](#)
[Map](#)
[Staff Report Updated](#)
[Motion Form](#)
POTENTIAL ACTION: Approval/Denial of 2018-230-SUP
- b. 2019-04-RZ - Johnston Health Rezoning
Presenter: Planning Department
[Cover](#)
[Application](#)
[Adjacent Property Letter](#)
[Neighborhood Meeting Materials](#)
[Survey](#)
[Newspaper Ad](#)
[Owner's Consent](#)
[Staff Report](#)
[Map - Updated](#)
[Planning Board Recommendation](#)
[Consistency Statement](#)
[Motion Form](#)
[Ordinance](#)
POTENTIAL ACTION: Adoption of Ordinance #2019-02-01
- c. 2019-07-OA - Downtown Overlay Ordinance
Presenter: Planning Department
[Cover](#)
[Application](#)
[Article 204C - Strikethrough Final](#)
[Article 204C - Clean Copy with changes](#)
[Map](#)
[Newspaper Ad](#)
[Planning Board Recommendation](#)
[Staff Report](#)

Ordinance

POTENTIAL ACTION: Adoption of Ordinance #2019-02-02

- d. Water & Sewer Rates /Wastewater Capacity Study
"Public Hearing originally advertised for and opened on November 19, 2019"
Presenters: Rich Cappola, Interim Public Works Director & Wooten Company Representatives

[Cover](#)

[Wastewater Capacity Update Slides](#)

[Supplement 1 - WWTF](#)

[Supplement 2 WWTF Scenarios](#)

POTENTIAL ACTION: Council Direction

7. NEW BUSINESS

- a. 2019-12-ANX - East Clayton Elementary School

Presenter: Planning Department

[Cover](#)

[Application](#)

[Resolution](#)

POTENTIAL ACTION: Set Public Hearing for March 4, 2019

- b. Sam's Branch Greenway, Phase 2 Bid Award

Presenter: Rich Cappola, Director of Engineering & Inspections / Interim Public Works& Utilities Director

[Cover](#)

[Bid Submittal](#)

POTENTIAL ACTION: Award Bid to Fred Smith Company in amount of \$2,169,345

POTENTIAL ACTION: Authorize Town Manager to Negotiate & Execute CEI Contract

POTENTIAL ACTION: Increase Capital Project Fund to \$3,100,000

8. STAFF REPORTS

- a. Town Manager
- Council Retreat Agenda

[Agenda](#)

- b. Town Attorney

- c. Town Clerk

- d. Other Staff

- LED Lighting Update
- Peak Shaving

Presenter: Dale Medlin, Electric System Director

9. OTHER BUSINESS

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

10. ADJOURNMENT



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: January 03, 2019

Subject: Warrick Park Subdivision

Please place a final acceptance request for the subject public water utility, all related easements, and the asphalt pavement structure on the next available agenda. A final inspection was performed with all identified punch list items completed. Upon final acceptance, the Town will assume all operational and maintenance duties.



TOWN 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 & Inspection Coordinator

Date: January 15, 2019

Subject: Ashcroft Subdivision, Phase 2

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

ANNEXATION PETITION 2019-12-ANX
East Clayton Elementary
Parcels: 16J05002H and 16K05012F
Owners: Johnston County Board of Education
Non-Contiguous; 29.00 acres and 2.84 acres

CERTIFICATE OF SUFFICIENCY

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

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

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Clayton, this 18th day of February, 2019.

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

February 18 2019

Agenda Location

Administrative

Item Title

Fresh Air Fund Proclamation

Presenter

Heidi Holland, Deputy Town Clerk

Summary/Description

The Town received a request from the Fresh Air Fund to recognize this organization. The Fresh Air Fund provides a summertime experience for children, who might not otherwise have the opportunity, to enjoy the fresh air of Clayton backyards, parks, greenways, and wide open spaces. Currently there is one Clayton family that participates in this program.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Fresh Air Fund Proclamation 2019

Meeting Timeline

Click or tap here to enter text.

Proclamation

WHEREAS, The Fresh Air Fund provides free outdoor summer experiences to thousands of children from New York City's low-income communities each summer: and

WHEREAS, The Fresh Air Fund allows children from New York City to visit the homes of volunteer host families along the East Coast; and

WHEREAS, a family from the Town of Clayton will be participating in The Fresh Air Fund's Volunteer Host Family Program for the 2019 summer; and

WHEREAS, The Fresh Air Fund allows children from New York City to enjoy Clayton backyards, parks, and wide open spaces that they wouldn't otherwise have the chance to experience; and

WHEREAS, The Fresh Air Fund is celebrating its 143rd summer,

NOW, THEREFORE BE IT RESOLVED THAT , the Clayton Town Council, does hereby recognize March 20, 2019 as:

THE FRESH AIR FUND DAY

FURTHER, we urge all citizens to support and encourage children of all ages to value all summertime experiences and the opportunities to being outside and enjoying the fresh air.

Duly proclaimed this the 18th day of February, 2019.

Jody L. 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: Andy Simerman, Construction Project Administrator

Copy: Jonathan Barnes, Dalton Engineering and Associates
Jay Johnson, JSJ Development
Lori Bryant, Development Services Coordinator
Karen Durham, Engineering

Date: February 11, 2019

Subject: Umstead Subdivision

Please place a warranty acceptance request for the referenced public sewer, water, storm sewer utilities, all pertinent easements, sidewalks, curb and gutter, asphalt pavement on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the above mentioned infrastructure 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.

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

February 18 2019

Agenda Location

Public Hearings

Item Title

2018-230-SUP Bobbit Road Cemetery Special Use Permit

Presenter

Planning Department

Summary/Description

Request for issuance of a Special Use Permit to develop a private family cemetery on a portion of the subject property. The property is zoned R-E and is currently used as a single-family residential. The residential aspect of the property will remain. The owner is requesting to utilize roughly 1 acre of the property for a private 32 plot family cemetery. The cemetery will not be open to the public. It will be accessed via an existing access easement off Bobbit Road.



Requested Action

Other

Additional Documents to be Included in Agenda Packet

Application
Site Plan
Neighborhood Meeting Materials
Staff Report
Staff Report Map
Adjacent Property Letter
Newspaper Ad

Meeting Timeline

January 22nd – Set a Public Hearing (Town Council) February 4th – Continue Public Hearing, February 18 (Public Hearing)



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

SPECIAL USE PERMIT APPLICATION COVER SHEET

Name of Project: John E. Francis Date: 11/16/18
Applicant Name: True Line Surveying

The following checklist to be completed by applicant:

- ☒ Pre-Application Meeting on: 10/17/18
- ☒ Application Review fee
- ☒ Advertisement Fee

11 copies of the following:

- ☒ Completed Application
- ☒ Owner's Consent Form
- ☒ Adjacent Property Owner's List
- ☒ Neighborhood Meeting Notice Letter (1 copy)
- ☒ Wastewater Allocation Request Form (if applicable)
- ☒ Set of stamped, addressed, empty envelopes for adjacent property owner notification
- ☒ Associated Site Plan (separate application required for major site plans, must be submitted concurrently)



Reviewed by: 



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
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SPECIAL USE PERMIT APPLICATION

Application Fee: \$400.00
Advertisement Fee: \$200.00

☒ New Special Use Permit

☐ Major Modification to an approved SUP
Permit Modified: _____

SITE INFORMATION

Name of Project: John E. Francis

Acreage of Property: 52.80

Zoning District: R-E

County Tag #: 05H01009M

NC Pin #: 175000-86-9928

Address/Location: 875 Bobbit Rd., Clayton, NC 27520

Existing Use: Agriculture

Proposed Use: Cemetery

Is project within a Planned Development? ☐ Yes ☒ No If yes, which: _____

Is project within an Overlay District? ☐ Yes ☒ No If yes, which: _____

APPLICANT INFORMATION

Applicant: True Line Surveying

Mailing Address: 205 W. Main St., Clayton, NC 27520

Phone Number: 919-359-0427

Fax: 919-359-0428

Contact Person: Curk Lane

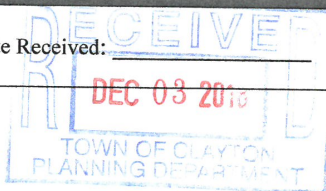
Email Address: curk@truelinesurveying.com

OFFICE USE ONLY

Date Received: _____

Amount Paid: \$600

File Number: 2018-230-SUP



July 2018

2 of 10

PROPERTY OWNER INFORMATION

Name: John E. Francis

Mailing Address: 4124 Reddington Rd., Raleigh, NC 27609

Phone Number:

Fax:

Email Address:

EXPLANATION OF PROJECT

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

The request is to create a private family cemetery.

REQUIRED FINDINGS OF FACT

Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

1. That the application will not materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.

The location of the private family cemetery will not endanger the public health or safety due to the remote location of the site.

2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.

The private family cemetery plan has been reviewed by Town of Clayton staff and TOC-TRC and is designed according to all comments provided in order to conform with Town Code of Ordinances.

3. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

All land surrounding the private family cemetery is owned by said family and is being created to serve said family.

Therefore will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

4. That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

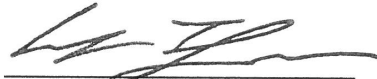
The creation of the private family cemetery is an allowed use for the current zoning of his property and is located in the ETJ. It will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

APPLICANT AFFIDAVIT

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

Curk Lane

Print Name



Signature of Applicant

12/3/18

Date



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

OWNER'S CONSENT FORM

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

Project Name: John Francis **Address or PIN #:** 05H01009M

AGENT/APPLICANT INFORMATION:

True Line Surveying 205 W. Main St.
(Name - type, print clearly) (Address)
Clayton, NC 27520
(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):

Minor
Special Use

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 FRANCIS 4124 REDINGTON DR
DONNA FRANCIS (Address)
(Name - type, print clearly) RALEIGH, NC 27609
Donna R. Francis (City, State, Zip)
(Owner's Signature)

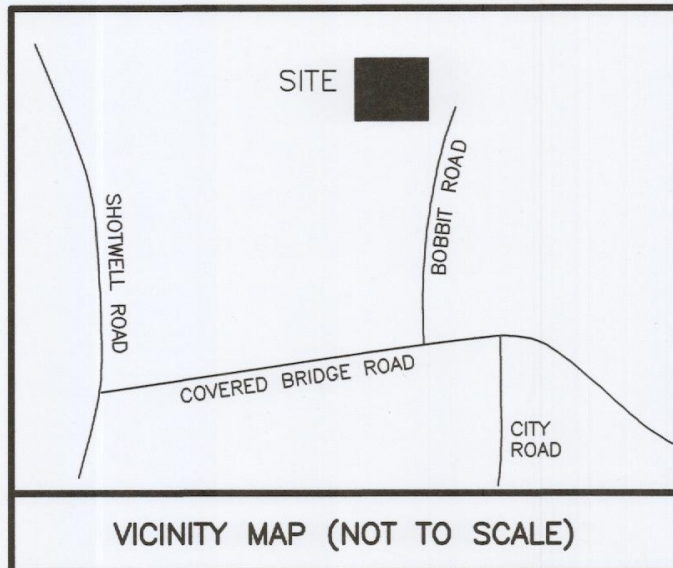
STATE OF NC
COUNTY OF Johnston

Sworn and subscribed before me Molly L. Herring, a Notary Public for the above State and County, this
the 30 day of November, 2018.



Molly L. Herring
Notary Public

My Commission Expires: 11/5/19



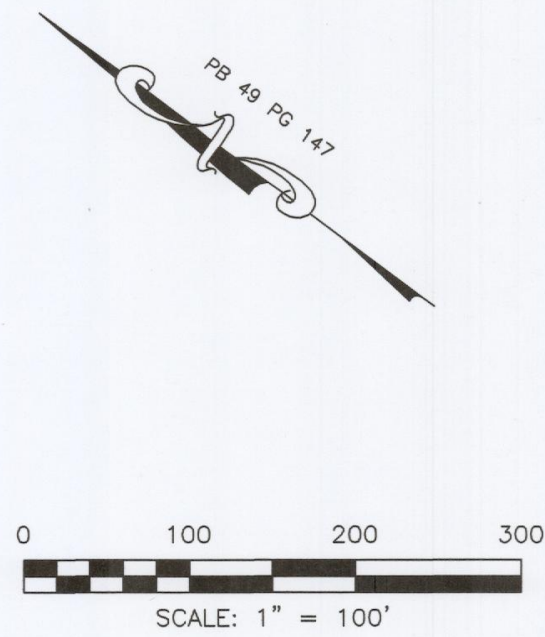
SITE INFORMATION

OWNER: JOHN E. & DONNA R. FRANCIS
4124 REDDINGTON RD
RALEIGH, N.C. 27609
PARCEL NO. 05H01009M
NO PIN NO. 175000-86-4928
PARENT TRACT DEED: DB 1585 PG 331

THERE ARE NO INSTANCES OF 100 YEAR FEMA FLOOD
ON SITE. FEMA FLOOD PANEL 3720175000 L

STATE: NC
COUNTY: JOHNSTON
TOWNSHIP: CLAYTON
ETJ: CLAYTON
TOWN ZONING: R-E
CURRENT USE: RESIDENTIAL
TOTAL ACRES: 53.0064

CEMETERY PLOTS ARE NOT TO BE SOLD



LINE	BEARING	DISTANCE
L1	S33°18'03"W	24.09'
L2	S33°18'03"W	80.33'
L3	S33°18'03"W	18.00'
L4	S33°18'03"W	86.60'
L5	S19°15'04"E	67.71'
L6	S43°09'54"W	39.41'
L7	N73°03'29"W	31.27'
L8	S67°02'20"W	41.42'
L9	N66°14'18"W	13.50'
L10	S66°34'04"E	5.18'
L11	S48°40'33"E	5.19'

N/F
CRIDER FAMILY
IRREVOCABLE TRUST
DB 5185 PG 634
PN 05H01009L
ZONING: R-E
CURRENT USE: AGRICULTURAL

TRACT TWO
PORTION OF
DB 1585 PG 331
PN 05H01009M
40000 SF
0.918 AC

N/F
JAMES M. RINGGOLD
DB 1585 PG 328
PN 05H01009J
ZONING: R-E
CURRENT USE: RESIDENTIAL

N/F
KATHERINE R. PRICE
DB 2636 PG 709
PN 05H01017U
ZONING: R-E
CURRENT USE: RESIDENTIAL

N/F
JAMES M. RINGGOLD
DB 1585 PG 328
PN 05H01017V
ZONING: R-E
CURRENT USE: AGRICULTURAL

N/F
JAMES M. RINGGOLD
DB 1585 PG 328
PN 05H01009J
ZONING: R-E
CURRENT USE: RESIDENTIAL

TRACT ONE
PORTION OF
DB 1585 PG 331
PN 05H01009M
53.396 AC±
ZONING: R-E
CURRENT USE: RESIDENTIAL

N/F
JOHN E. FRANCIS
DB 1585 PG 331
PN 05H01016J

N/F
BONNIE D. DENNIS
DB 4732 PG 854
PN 05G01010L

BROOKHILL ESTATES
PB 50 PG 280

BROOKHILL ESTATES
PB 50 PG 280

**JOHN E. FRANCIS
DONNA R. FRANCIS**

CLAYTON TOWNSHIP, JOHNSTON COUNTY

NORTH CAROLINA

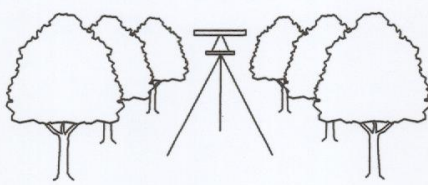
SEPTEMBER 26, 2018

SHEET 1 OF 2

NAME OF PROJECT	PARCEL NUMBER	AREA IN SITE	SITE LOCATION	EXISTING ZONING	EXISTING USE	PROPOSED USE	EXISTING DENSITY	PROPOSED DENSITY	BUILDING COVERAGE	EXISTING PERVIOUS AREA	PROPOSED PERVIOUS AREA	EXISTING IMPERVIOUS AREA	PROPOSED IMPERVIOUS AREA	BUILDING HEIGHT	PARKING CALCULATION	PARKING PROVIDED	ELECTRICAL PROVIDER	WATER & SEWER PROVIDER	LANDSCAPED AREA REQUIRED	LANDSCAPED AREA PROVIDED
JOHN E. FRANCIS DONNA R. FRANCIS	05H01009M	10846 SF 0.249 AC	ETJ LIMITS OF CLAYTON	R-E	RESIDENTIAL	CEMETERY	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	4 TOTAL SPACES	4 TOTAL SPACES	N/A	N/A	N/A	N/A

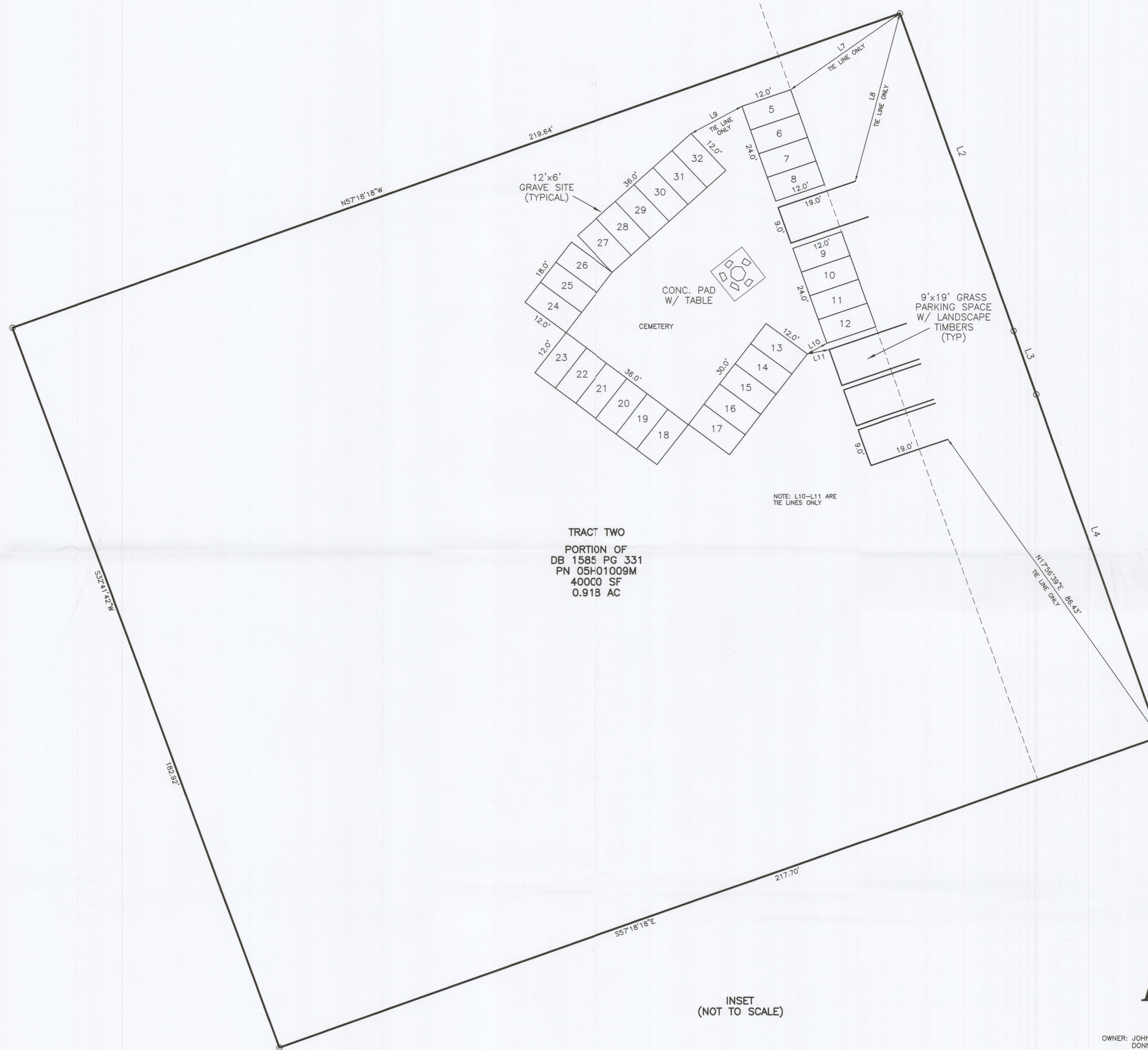
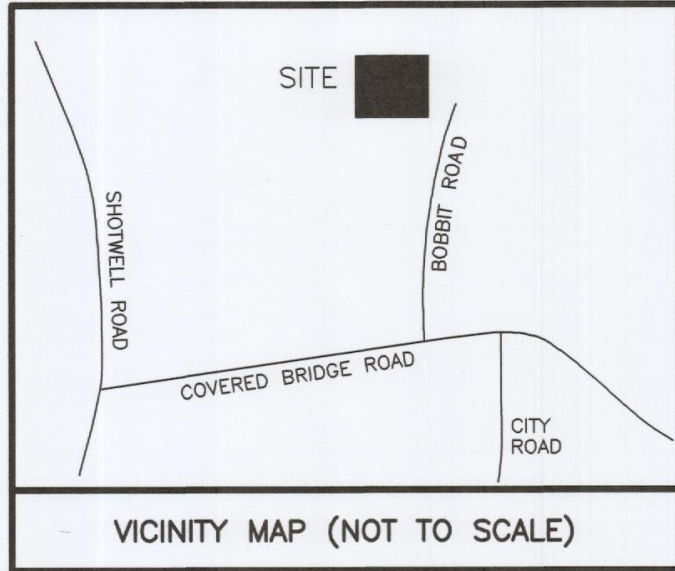
SURVEYED BY:
DRAWN BY: MIKE
CHECKED BY:
DRAWING NAME: CEMETERY SITE.DWG
SURVEY DATE:
JOB NO. 3361.001

TRUE LINE SURVEYING, P.C.



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

C-1859



INSET
(NOT TO SCALE)

CEMETERY SITE PLAN
FOR

**JOHN E. FRANCIS
DONNA R. FRANCIS**

CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
SEPTEMBER 26, 2018 SHEET 2 OF 2

OWNER: JOHN E. FRANCIS
DONNA R. FRANCIS
4124 REDDINGTON RD
RALEIGH, N.C. 27609

TRUE LINE SURVEYING, P.C.

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

3361.001 C-1859



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27925
P.O. Box 879, Clayton, NC 27925
Phone: 919-553-5002
Fax: 919-553-5003

February 5, 2019

NOTICE

SUBJECT: **Project:** 2018-230-SPM Bobbit Road Cemetery Special Use Permit
 TAG #s: 05H01009M
 Applicant: True Line Surveying

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold an evidentiary hearing on **Monday, February 18, 2019 at 6:00 PM** at Town Hall, 111 E Second Street, to consider the above referenced Special Use Permit application. The applicant is requesting issuance of a Special Use Permit to develop a private family cemetery on a portion of the subject property. Per UDC requirements, the use of a cemetery in this zoning district (Residential-Estate) requires a Special Use Permit in order to be permitted. The property is located off Bobbit Road; 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 request. You are invited to attend this meeting. During an evidentiary hearing, the Town Council must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. This is an open meeting and interested persons are invited to attend.

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

Sincerely,

Haley Hogg, CZO



PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold an evidentiary hearing on Monday, February 4, 2019, at 6 PM at Town Hall, 111 East Second Street, to consider 2018-230-SUP Bobbit Rd Cemetery Special Use Permit; request for special use permit to develop a private family cemetery on a portion of the subject property. Per UDC, the use of a cemetery is permitted only via issuance of a special use permit in this zoning district. The property is zoned Residential-Estate, is 53.20 acres, and is located off Bobbit Road. TAG # 05H01009M.

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

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

Samantha Wullenwaber, Planning Director
919-553-5002

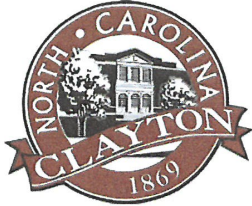
The Johnstonian Newspaper

Please advertise on the following dates:

Wednesday, January 23, 2019

Wednesday, January 30, 2019

Affidavit of publication required.



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: John Francis

Address or PIN #: 05H01009M

AGENT/APPLICANT INFORMATION:

True Line Surveying

(Name - type, print clearly)

205 W. Main St.

(Address)

Clayton, NC 27520

(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*):

Minor

Special Use

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 FRANCIS

(Name - type, print clearly)

Donna Francis

(Owner's Signature)

4124 REDINGTON DR

(Address)

RALEIGH, NC 27609

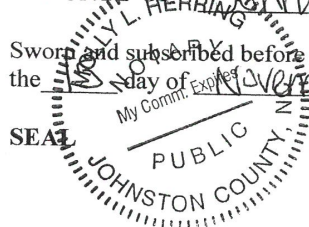
(City, State, Zip)

STATE OF NC

COUNTY OF JOHNSTON

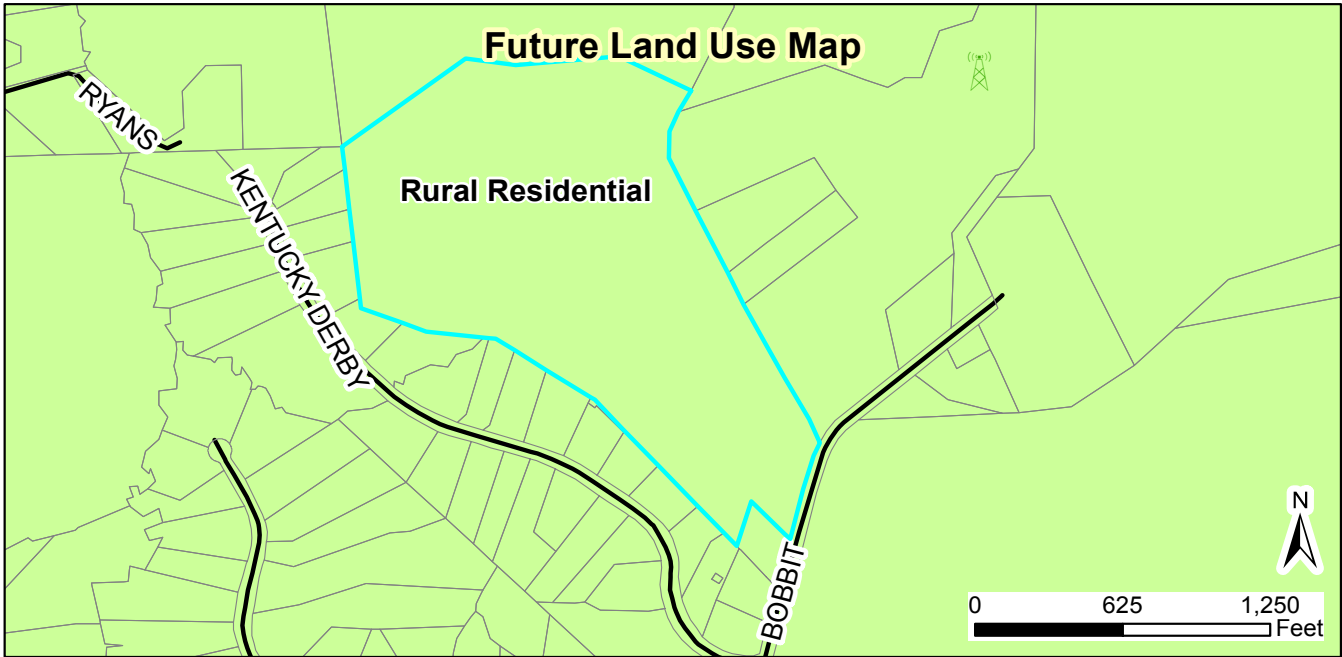
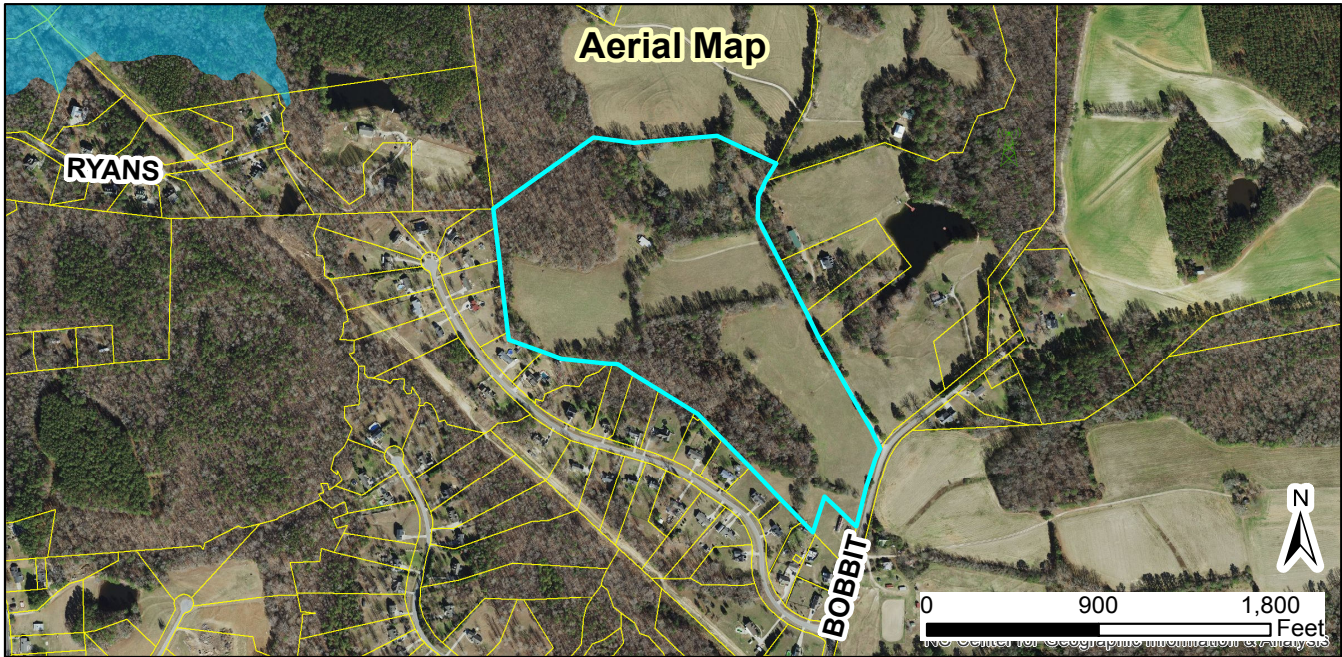
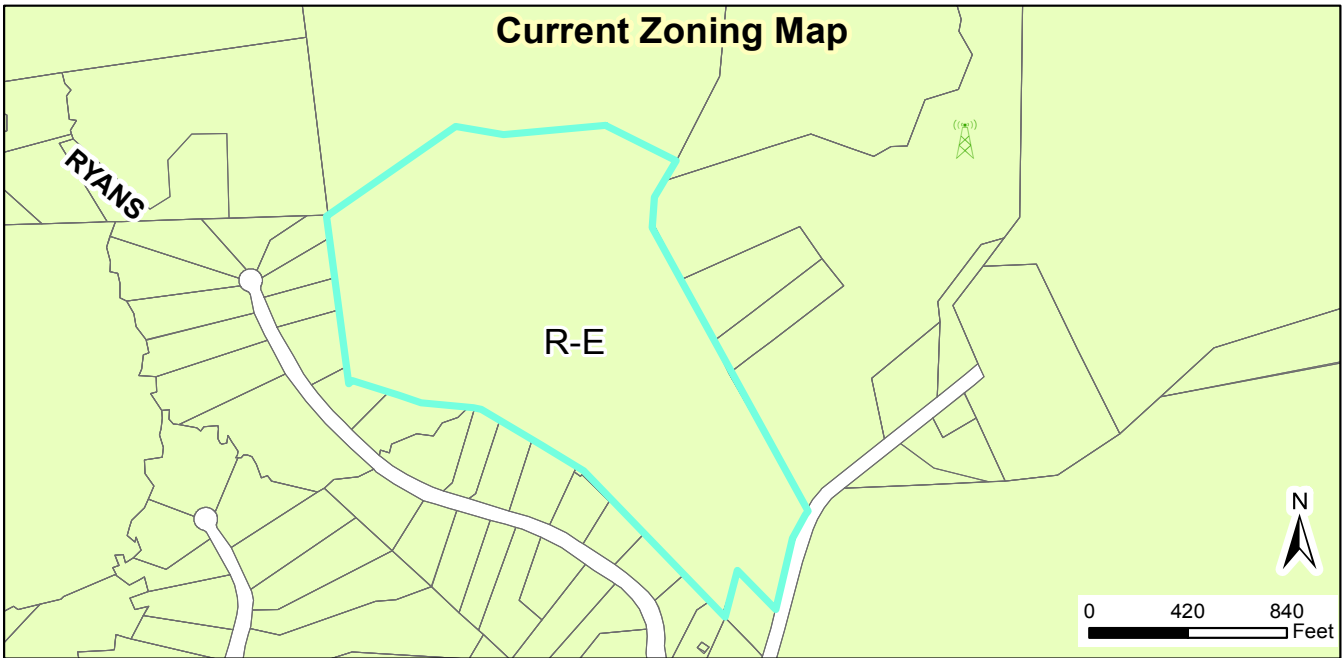
Sworn and subscribed before me Molly L. Herring, a Notary Public for the above State and County, this 15 day of November, 2018.

SEAL



Molly L. Herring
Notary Public

My Commission Expires: 11/5/19



2018-230-SUP
Bobbit Road Cemetery, Special Use Permit
Request: develop a private family cemetery on the subject property

Applicant: True Line Surveying
 Property Owners: John E. Francis
 Parcel ID: 175000-86-9928
 Tag#: 05H01009M

Staff Report Map



Document Path: O:\PLANNING\SPECIAL USE\2018\2018-230-SUP 875 Bobbit Road Cemetery Special Use Permit\Maps\2018-230-SUP.mxd

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

01/24/19
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.



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

*Town Council
February 18, 2019*

STAFF REPORT

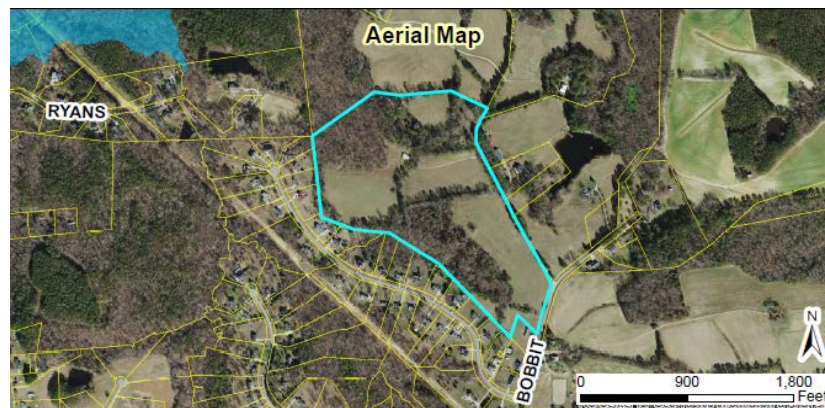
Application Number: 2018-230-SUP
Project Name: Bobbit Road Cemetery Special Use Permit

NC PIN / Tag #: 175000-86-9928 / 05H01009M
Town Limits/ETJ: ETJ
Overlay: None
Applicant: True Line Surveying
Owner: John E. Francis
Location: 875 Bobbit Road

Public Noticing:

- Neighborhood meeting to be held February 7, 2019
- Sign posted prior to January 23, 2019
- Letters mailed prior to February 8, 2019
- Newspaper ad posted January 23, 2019 and January 30, 2019

REQUEST: Request for issuance of a Special Use Permit to develop a private family cemetery on a portion of the subject property. The use of a cemetery requires a Special Use Permit in order to be permitted in this zoning district.



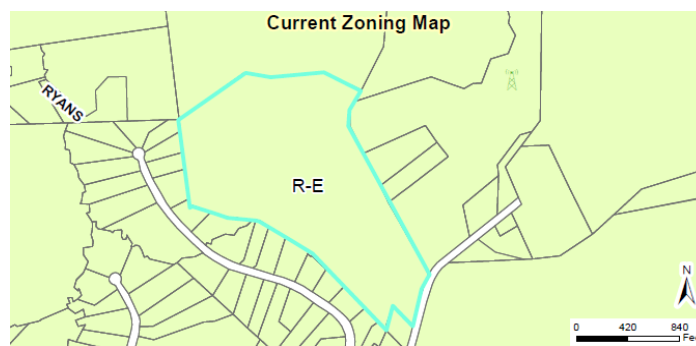
SITE DATA:

Acreage: 1 acre (cemetery use only; overall parcel is 52.80 acres)

Existing Use: Single Family Residence

ADJACENT ZONING AND LAND USES:

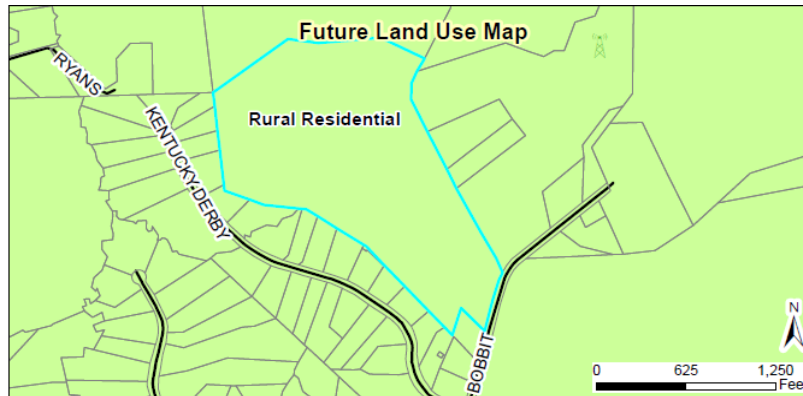
Direction	Zoning	Existing Use
North	Residential-Estate (R-E)	Single-family residential
South	Residential-Estate (R-E)	Single family residential
East	Residential-Estate (R-E)	Single family residential
West	Residential-Estate (R-E)	Single-family residential



STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting issuance of a Special Use Permit in order to develop the use of a cemetery on a portion of the subject property. The overall property is 52.80 acres, but the cemetery will only be 1 acre in total. It is proposed to be located in the northeast corner of the parcel and will be accessed via an existing shared access easement off Bobbit Road.

The cemetery will be a private family cemetery that is not open to the public. There will be 28 grave sites within the cemetery, as well as three grass parking spaces for visitors. The site will also include a concrete pad with a table for the visitors to utilize. A minor site plan (2018-232-SPM) is running concurrently with this application and has been included as an attachment for the Council to review.



Consistency with the Comprehensive Plan 2040

The property is identified in the Future Land Use Map as Rural Residential, which typically consists of single-family residential uses. Staff feels that the proposed private cemetery is consistent with this designation since it is an accessory to an existing single-family residential use on the property and will not be open to the public.

Consistency with Surrounding Land Uses

The proposed use of a cemetery is consistent with the surrounding area since it is a private family cemetery that will not be open to the public and therefore will not interfere with the existing residential character of the area.

FINDINGS OF FACT:

Section 155.711(l) of the Unified Development Code requires applications to address the following findings. The burden of proof is on the applicant. These Findings, as well as the applicant's response and staff's commentary, are included below:

1. ***That the application will not materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.***

Applicant's Response: "The location of the private family cemetery will not endanger the public health or safety due to the remote location of the site."

Staff Commentary: Staff concurs that the site is located remotely in a rural area of Clayton's ETJ.

2. ***That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable requirements.***

Applicant's Response: "The private cemetery plan has been reviewed by Town of Clayton staff and TOC-TRC and is designed according to all comments provided in order to conform with the Town Code of Ordinances".

Staff Commentary: The minor site plan has been reviewed and granted TRC certification from Town staff.

3. *That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.*

Applicant's Response: "All land surrounding the private cemetery is owned by family and is being created to serve said family. Therefore will not be detrimental to the use or development of adjacent properties or other neighborhood uses."

Staff Commentary: The cemetery is proposed to be a private family cemetery, so it will be closed to the general public.

4. *That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.*

Applicant's Response: "The creation of the private family cemetery is an allowed use for the current zoning of this property and is located in the ETJ. It will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties."

Staff Commentary: The site is located in the ETJ and the use is permitted via issuance of a special use permit.

CONSIDERATIONS:

- Special Use Permits are decided upon by Town Council. Planning Board shall make a recommendation to Town Council.
- The Special Use Permit shall only be valid for the portion of the property included within the associated site plan.

RECOMMENDED CONDITIONS OF APPROVAL:

1. This special use permit allows for the development of a private family cemetery only. The cemetery shall not be open to the general public.
2. A note shall be added to the associated minor site plan stating that the plots included in the cemetery shall not be sold.
3. The development of the site is limited to the site design and use approved by Town Council and outlined within the associated minor site plan application. Modification to the associated minor site plan or this Special Use Permit shall require review in accordance with the provisions of the Unified Development Code.

ATTACHMENTS:

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

- 4) Associated Site Plan
- 5) Newspaper Ad
- 6) Adjacent Property Letters

**Town of Clayton
Town Council
SUP Motion Sheet**

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

- ☐ Approve
- ☐ Deny
- ☐ Approve with Conditions

SUP Application **2018-230-SUP**.

This motion is based on the following findings:

1. The application **WILL NOT** materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.

OR

The application **WILL** materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved. (State evidence supporting finding.)

2. The application **MEETS** all required specifications and **CONFORMS** to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations.

OR

The application **DOES NOT MEET** all required specifications and **DOES NOT CONFORM** to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations. (State evidence supporting finding.)

Item 6a
2018-230-SUP
Bobbit Road Family Cemetery

3. The application **WILL NOT** substantially injure the value of adjoining or abutting property, and **WILL NOT** be detrimental to the use or development of adjacent properties or other neighborhood uses.

OR

The application **WILL** substantially injure the value of adjoining or abutting property, and **WILL** be detrimental to the use or development of adjacent properties or other neighborhood uses. (State evidence supporting finding).

4. The application **WILL NOT** adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

OR

The application **WILL** adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties. (State evidence supporting finding.)

[If approved with conditions] The applicant meets the above findings subject to the following conditions:

Item 6a
2018-230-SUP
Bobbitt Road Family Cemetery



Town Council Agenda Cover Sheet

Meeting Date

February 18 2019

Agenda Location

Public Hearings

Item Title

2019-04-RZ Johnston Health Rezoning

Presenter

Planning Department

Summary/Description

Johnston Health is requesting to rezone 74.61 acres of land from Planned Development Mixed Use (PDMU) to Office Institutional (OI). The applicant is requesting this rezoning in order to prepare the parcel on the corner of Amelia Church Road/Hwy 42 W for future development of medical offices. All properties within the hospital campus are included in the rezoning request though, in order to ensure that the hospital has a consistent zoning designation throughout its campus. A master plan was originally approved for these parcels in 2007 at which time it was zoned to PD-MU.

**Requested Action**

Approval

Additional Documents to be Included in Agenda Packet

Application
Staff Report
Staff Report Maps
Neighborhood Meeting Materials
PB Recommendation
Adj. Property Letter

Newspaper Ad

Meeting Timeline

January 28, 2019 – Planning Board

February 4, 2019- Town Council (set public hearing)

February 18, 2019- Town Council (public hearing)



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: Johnston Health Clayton Date: 1/2/19
Applicant Name: Bass, Nixon and Kennedy, Inc.

The following checklist to be completed by applicant:

- [☒] Pre-Application Meeting on: December 12, 2018 ✓
- [☒] Review Fee ✓
- [☒] Advertisement Fee ✓
- [☒] Completed Application ✓
- [☒] Owner's Consent Form ✓
- [☒] Adjacent Property Owner's List ✓
- [☒] Neighborhood Meeting Notice Letter (1 copy) *not scheduled yet - emailing*
- [☒] Set of stamped, addressed, empty envelopes for adjacent property owner notification ✓
- [☒] Signed & Sealed Boundary Survey ✓
- [☒] Copy of signed & sealed boundary survey in PDF on USB *emailing*

RECEIVED

JAN 02 2019

TOWN OF CLAYTON
PLANNING DEPARTMENT

Reviewed by: *CDunn*



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: Johnston Health Clayton
Acreage of Property: 74.61 Zoning District: PD-MU
County Tag #: See Attachment NC Pin #: See Attachment
Address/Location: 2138 NC Hwy. 42, Clayton, NC 27520-03557
Existing Zoning District: PD-MU Proposed Zoning District: Office-Institutional (O-I)

APPLICANT INFORMATION

Applicant: Bass, Nixon and Kennedy, Inc.
Mailing Address: 6310 Chapel Hill Rd., Ste. 250
Phone Number: 919-851-4422 Fax: 919-851-8968
Contact Person: Marty D. Bizzell, PE
Email Address: marty.bizzell@bnkinc.com

PROPERTY OWNER INFORMATION

Name: Johnston Memorial Hospital Authority
Mailing Address: P.O. Box 1376, Smithfield, NC 27577
Phone Number: 919-585-8000 Fax: N/A
Email Address: Kyle.Mcdermott@unchealth.unc.edu

RECEIVED
JAN 0 2 2019

OFFICE USE ONLY

Date Received: JAN 0 2 2019 Amount Paid: RECEIVED File Number: 2019-4-RZ

TOWN OF CLAYTON
PLANNING DEPARTMENT

JAN 0 2 2019

paid \$700

July 2018

TOWN OF CLAYTON
PLANNING DEPARTMENT

2 of 10

EXPLANATION OF PROJECT

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

The purpose of this request is to rezone the property noted above and owned by Johnston Memorial Hospital Authority from existing Planned Development - Mixed Use (PD-MU) to Office-Institutional (O-I). The intent of this rezoning request to keep the total hospital campus under one zoning district and to give the hospital greater flexibility to develop the portion of the campus east of the lake (currently undeveloped). The existing PD-MU zoning held the property to a master plan that is not conducive to providing the flexibility the hospital requires as the campus is developed. The O-I zoning district provides this flexibility allows all uses that would ultimately be located on the hospital campus.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
The proposed rezoning is consistent with the adopted plans of the Town of Clayton including the the 2040 Comprehensive Plan. The property is noted as Neighborhood Center and Community Center in the comprehensive plan. The undeveloped portion of the campus is noted as Neighborhood Center and is compatible with O-I zoning according to the comp. plan.
2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
The property is well suited for the uses permitted by proposed O-I zoning district. All existing uses on the hospital campus as well as those uses proposed for the undeveloped portion of the property are considered allowable uses under O-I zoning. Those uses allowed under the current PD-MU zoning are also allowed under the proposed O-I zoning.
3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
The proposed zoning of O-I gives the hospital greater flexibility to develop the campus in a way that meets the changing demands of the Town and the surrounding community.
4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.
Adequate public facilities exist in the area including street, water, sewer, power and stormwater drainage facilities for the proposed use. NCDOT will be constructing road improvements to Hwy. 42 west in the near future.
5. It has been determined that the legal purposes for which zoning exists are not violated.
The legal purposes of the zoning request 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.
It is not anticipated that there will be an adverse effect upon the adjoining property owners. The proposed uses and facilities to be constructed under this proposed zoning district will provide needed health care services to the citizens of the Town and to the overall community therefore improving the public 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.

It is not anticipated that any one property owner or small group of property owners will benefit materially from the rezoning change that will be determined to be a detriment of the general public.

APPLICANT AFFIDAVIT

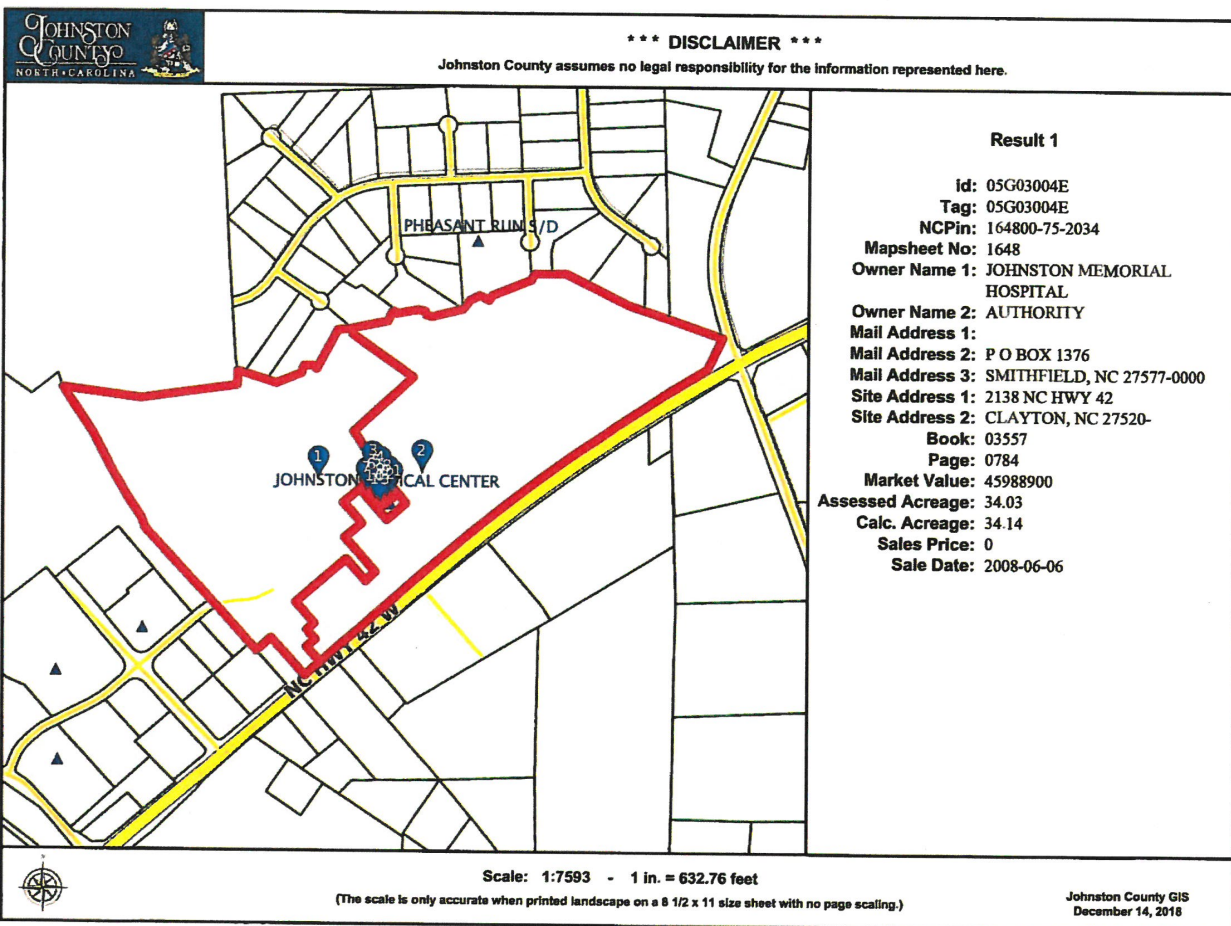
I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to amend the Zoning Ordinance and change the Official Zoning Map of the Town of Clayton as requested. I hereby certify that I have full legal right to request such action and that the statements 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.

Marty D. Bizzell

Print Name

Marty D. Bizzell
Signature of Applicant

1/2/19
Date





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

OWNER'S CONSENT FORM

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

Project Name: Johnston Health Clayton Address or PIN #: See Attachment

AGENT/APPLICANT INFORMATION:

Marty D. Bizzell
(Name - type, print clearly)

6310 Chapel Hill Rd., Ste. 250
(Address)
Raleigh, NC 27607
(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
Minor Subdivision

Major Site Plan

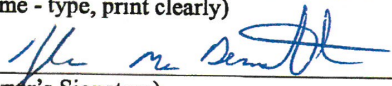
Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

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:

Kyle McDermott
(Name - type, print clearly)

2138 NC Hwy. 42
(Address)


(Owner's Signature)

Clayton, NC 27520-03557
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Michelle S. Medlin, a Notary Public for the above State and County, this the 20th day of December, 2018.

SEAL




Notary Public

My Commission
Expires:

April 08, 2022

July 2018

10 of 10



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27925
P.O. Box 879, Clayton, NC 27925
Phone: 919-553-5002
Fax: 919-553-5002

February 5, 2019

NOTICE

SUBJECT: **Project:** 2019-4-RZ Johnston Health Clayton Rezoning
Address: 2138 NC Hwy 42, Clayton, North Carolina, 27520
Parcel #: 05G03004E, 05G03004C, 05G03004F, 05G03004L, 05G03004K,
 05G03004O, 05G03004M, 05G03004P, 05G03004N, 05G03004G,
 05G03004H, 05G03004I, 05G03004J
Applicant: Bass, Nixon and Kennedy, Inc.

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold a public hearing on **Monday, February 18, 2019 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 74.61 acres of land from Planned Development Mixed Use (PD-MU) to Office & Institutional (O-I). 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 hhogg@townofclaytonnc.org.

Sincerely,

Haley Hogg, CZO
Planner



BASS, NIXON & KENNEDY, INC., CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607
919/851-4422 FAX 919/851-8968 BNK@BNKinc.com

January 4, 2019

Dear Clayton Area Property Owner:

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

Meeting Date: January 16, 2019

Meeting Time: 7:00PM

Meeting Location: Johnston Health – Clayton
2138 Hwy 42W
Clayton, NC 27520
Classrooms A and B

Type of Application: Rezoning

Project/proposal property address: 2138 NC Hwy. 42W, Clayton

Description of project/proposal: Request to rezone the Clayton Johnston Health Medical Campus from Planned Development Mixed Use (PD-MU) to Office-Institutional (O-I).

At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

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

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

If you have any questions prior to or after this meeting, you may contact us at 919-851-4422. You may also contact the Planning Department at 919-553-5002.

Sincerely,

A handwritten signature in blue ink that reads "Marty D. Bizzell".

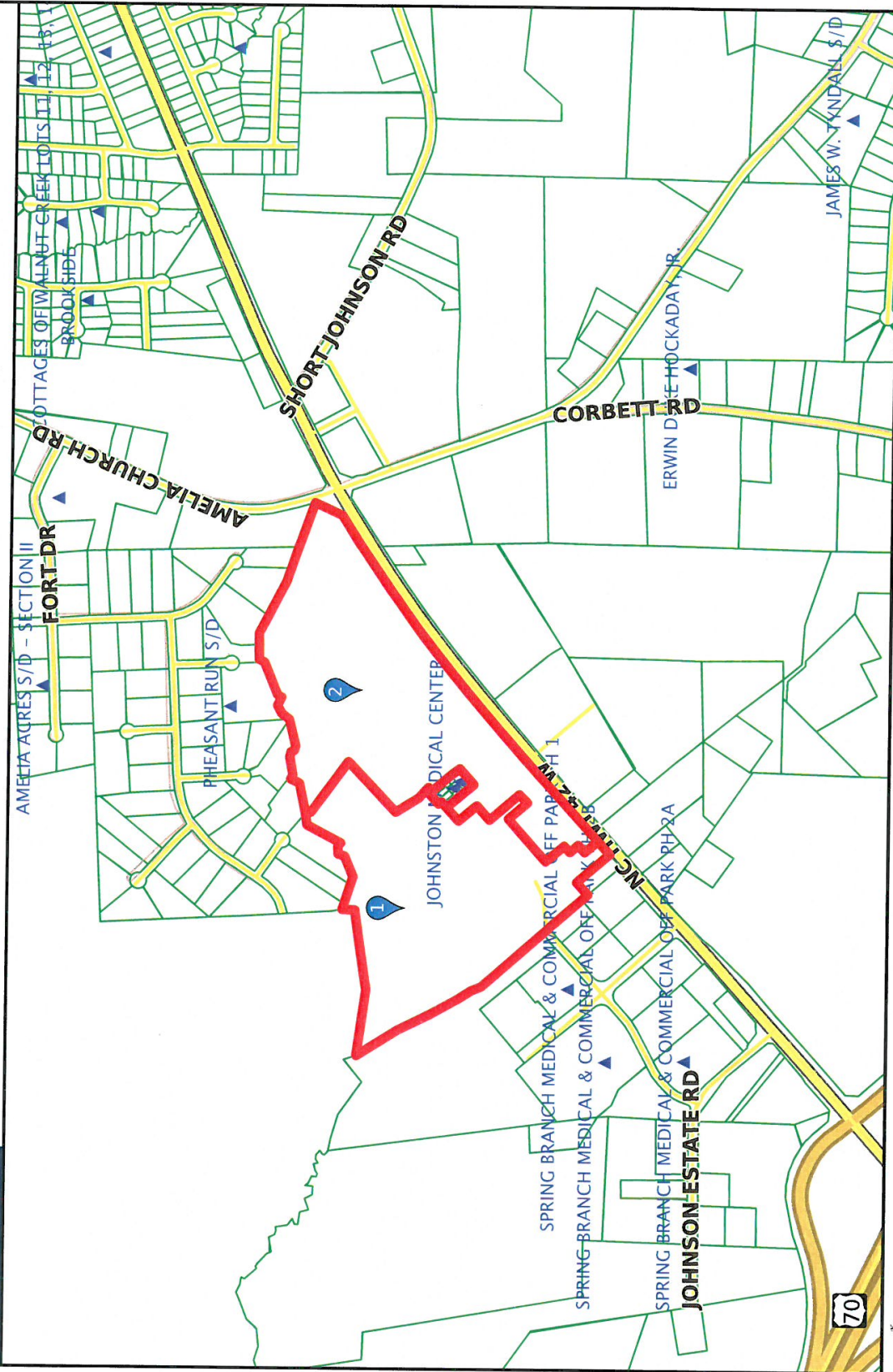
Marty D. Bizzell, PE
Bass, Nixon & Kennedy, Inc

Cc: Town of Clayton Planning Dept.



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.



Scale: 1:9956 - 1 in. = 829.65 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
January 4, 2019



BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS

6310 CHAPEL HILL ROAD, STE. 250, RALEIGH, NC 27607
TEL: (919) 851-4422, FAX: (919) 851-8968

DATE 1/16/19 JOB NO. _____

JOB _____

1 SQUARE = _____ Ft.

JOANSTON HEALTH CLAYTON
REZONING
NEIGHBORHOOD MEETING

NAME

ADDRESS

Jay Johnson 1436 Ridge Rd Raleigh, NC 27607
for: HealthPartners@FortyTwo West, LLC " " " "

Bret Page (METRO PROPERTIES) 1436 Ridge Rd. Raleigh, NC 27607
(BUSINESS ADDRESS)

Mike & Renee HARGIS Owner 2162 NC 42 W. Clayton N.C.

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

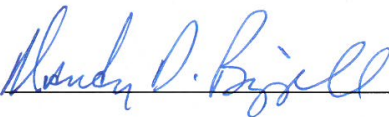
Application: Johnston Health Rezoning Date of Mailing: January 4, 2019

Date of Meeting: January 16, 2019 Time of Meeting: 7:00 P.M.

Location of Meeting: Johnston Health Clayton - 2138 Hwy. 42 W, 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: Marty D. Bizzell, PE

Signature: 

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

The meeting began at 7:00 p.m. in Classrooms A and B of the Johnston Health Clayton Hospital Building.

Marty Bizzell and Kyle McDermott gave an overview of the rezoning request that has been filed with the Town of Clayton and also previewed phase 2 conceptual ideas that the hospital has for the undeveloped portion of the hospital campus. It was explained that the hospital was requesting a rezoning from PD-MU zoning to O-I or Office Institutional in order to fit the Johnston Health's Plan for development of the remainder of the hospital campus.

There were questions regarding what was planned for the undeveloped portion of the campus.

Although plans are not available for the future phases, it was explained that plans for additional development would most likely be presented as 1 or 2 buildings at a time and would go through the Town's review process and another neighborhood meeting would be held to present the plans as they become available. A question about the future widening of Hwy. 42 W. was also discussed.

Johnston Health is in communication with NCDOT and will incorporate the widening plans into the project as they become available. The meeting adjourned at approximately 7:45 p.m.

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Johnston Health - Clayton

Application: Rezoning

Location/Date: Johnston Health - Clayton, January 16, 2019 7:00 P.M.

	NAME	ADDRESS
1	Jay Johnson	1436 Ridge Road, Raleigh, NC 27607
2	Bret Page	1436 Ridge Road, Raleigh, NC 27607
3	Mike Hargis	2162 NC 42W, Clayton, 27520
4	Renee Hargis	2162 NC 42W, Clayton 27520
5	Kyle McDermott	2138 NC Hwy 42, 27520
6	Marty Bizzell	6310 Chapel Hill Rd., Ste. 250, Raleigh, NC 27607
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20		



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.

Result 2

id: 05G03004C
Tag: 05G03004C
NCPin: 164800-85-6610
Mapsheet No: 1648
Owner Name 1: JOHNSTON MEMORIAL
HOSPITAL
Owner Name 2: AUTHORITY
Mail Address 1:
Mail Address 2: P O BOX 1376
Mail Address 3: SMITHFIELD, NC 27577-0000
Site Address 1:
Site Address 2:
Book: 03557
Page: 0788
Market Value: 3829660
Assessed Acreage: 41.37
Calc. Acreage: 39.79
Sales Price: 0
Sale Date: 2008-06-06

Result 3

id: 05G03004F
Tag: 05G03004F
NCPin: 164800-75-9070
Mapsheet No: 1648
Owner Name 1: TRIANGLE ORTHOPAEDICS
REAL ESTATE GROUP LLC
Owner Name 2:
Mail Address 1: 120 WILLIAM PENN PLZ
Mail Address 2:
Mail Address 3: DURHAM, NC 27704-2150
Site Address 1: 2076 NC HWY 42
Site Address 2: CLAYTON, NC 27520-
Book: 04146
Page: 0113
Market Value: 3032470
Assessed Acreage: 1
Calc. Acreage: 0.32
Sales Price: 0
Sale Date: 2012-07-17

Result 4

id: 05G03004G
Tag: 05G03004G
NCPin: 164800-75-9175
Mapsheet No: 1648
Owner Name 1: WHAV PROPERTIES II LLC
Owner Name 2:
Mail Address 1: 910 BERKSHIRE RD
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577-0000
Site Address 1:
Site Address 2:
Book: 03796
Page: 0268
Market Value: 1368940
Assessed Acreage: 1
Calc. Acreage: 0.04
Sales Price: 1304000
Sale Date: 2009-12-28

Result 5

id: 05G03004H
Tag: 05G03004H
NCPin: 164800-75-9143
Mapsheet No: 1648
Owner Name 1: MARZBANI FAMILY LIMITED
PARTNERSHIP
Owner Name 2:
Mail Address 1: 520 NORTH ST
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577-4016
Site Address 1:
Site Address 2:
Book: 04319
Page: 0258
Market Value: 388180
Assessed Acreage: 1
Calc. Acreage: 0.05
Sales Price: 398000
Sale Date: 2013-07-03



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.

Result 6

id: 05G03004I
Tag: 05G03004I
NCPin: 164800-75-9121
Mapsheet No: 1648
Owner Name 1: JOHNSTON MEMORIAL
HOSPITAL
Owner Name 2: AUTHORITY
Mail Address 1:
Mail Address 2: P O BOX 1376
Mail Address 3: SMITHFIELD, NC 27577-0000
Site Address 1:
Site Address 2:
Book: 03557
Page: 0788
Market Value: 490070
Assessed Acreage: 1
Calc. Acreage: 0.05
Sales Price: 0
Sale Date: 2008-06-06

Result 7

id: 05G03004J
Tag: 05G03004J
NCPin: 164800-75-8098
Mapsheet No: 1648
Owner Name 1: JOHNSTON MEMORIAL
HOSPITAL
Owner Name 2: AUTHORITY
Mail Address 1:
Mail Address 2: P O BOX 1376
Mail Address 3: SMITHFIELD, NC 27577-0000
Site Address 1:
Site Address 2:
Book: 03557
Page: 0788
Market Value: 645650
Assessed Acreage: 1
Calc. Acreage: 0.04
Sales Price: 0
Sale Date: 2008-06-06

Result 8

id: 05G03004M
Tag: 05G03004M
NCPin: 164800-75-9191
Mapsheet No: 1648
Owner Name 1: FREEDOM CITADEL
INVESTMENTS, LLC
Owner Name 2:
Mail Address 1: 5016 DILLSWOOD LN
Mail Address 2:
Mail Address 3: RALEIGH, NC 27606-4271
Site Address 1:
Site Address 2:
Book: 05183
Page: 0916
Market Value: 587480
Assessed Acreage: 1
Calc. Acreage: 0.03
Sales Price: 0
Sale Date: 2018-07-17

Result 9

id: 05G03004P
Tag: 05G03004P
NCPin: 164800-75-9068
Mapsheet No: 1648
Owner Name 1: SMTB LLC
Owner Name 2:
Mail Address 1: 2076 NC HIGHWAY 42 W STE
230
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-5303
Site Address 1:
Site Address 2:
Book: 03972
Page: 0279
Market Value: 566780
Assessed Acreage: 1
Calc. Acreage: 0.03
Sales Price: 0
Sale Date: 2011-04-13



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.

Result 10

id: 05G03004N
Tag: 05G03004N
NCPin: 164800-75-9035
Mapsheet No: 1648
Owner Name 1: JOHNSTON HEALTH ENTERPRISES, INC.
Owner Name 2:
Mail Address 1: 505 N BRIGHTLEAF BLVD
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577
Site Address 1:
Site Address 2:
Book: 05071
Page: 0441
Market Value: 437470
Assessed Acreage: 1
Calc. Acreage: 0.03
Sales Price: 203500
Sale Date: 2017-12-08

Result 11

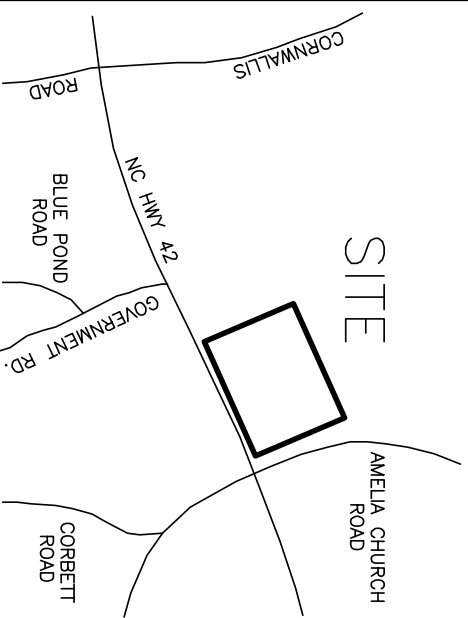
id: 05G03004L
Tag: 05G03004L
NCPin: 164800-85-0018
Mapsheet No: 1648
Owner Name 1: MARKET STREET MEDICAL BUILDING LLC
Owner Name 2:
Mail Address 1: 131 EAST MARKET STREET
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577-0000
Site Address 1:
Site Address 2:
Book: 03761
Page: 0098
Market Value: 406720
Assessed Acreage: 1
Calc. Acreage: 0.03
Sales Price: 394500
Sale Date: 2009-09-25

Result 12

id: 05G03004K
Tag: 05G03004K
NCPin: 164800-75-9085
Mapsheet No: 1648
Owner Name 1: SWC ASSOCIATES OF CLAYTON LLC
Owner Name 2:
Mail Address 1: 200 TOWNSEND DRIVE
Mail Address 2:
Mail Address 3: CLAYTON, NC 27527-0000
Site Address 1:
Site Address 2:
Book: 04938
Page: 0467
Market Value: 276860
Assessed Acreage: 1
Calc. Acreage: 0.03
Sales Price: 192000
Sale Date: 2017-04-10

Result 13

id: 05G03004O
Tag: 05G03004O
NCPin: 164800-75-9053
Mapsheet No: 1648
Owner Name 1: SWC ASSOCIATES OF CLAYTON LLC
Owner Name 2:
Mail Address 1: 200 TOWNSEND DRIVE
Mail Address 2:
Mail Address 3: CLAYTON, NC 27527-0000
Site Address 1:
Site Address 2:
Book: 03776
Page: 0134
Market Value: 845490
Assessed Acreage: 1
Calc. Acreage: 0.03
Sales Price: 894500
Sale Date: 2009-11-03

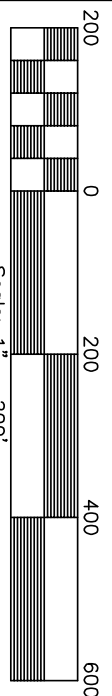


VICINITY MAP (NOT TO SCALE)

LINE	TIME	DISTANCE
11	51.706.07"E	106.55
12	55.851.43"W	98.54
13	55.615.29"W	34.09
14	55.571.19"W	72.00
15	55.600.05"W	32.82
16	55.435.42"W	105.35
17	55.244.51"W	37.67
18	55.431.31"W	68.67
19	55.531.31"W	105.20
20	55.226.55"W	106.11
21	55.136.05"W	105.69
22	55.084.47"W	103.25
23	55.070.12"W	107.52
24	54.993.51"W	109.35
25	54.929.19"W	110.14
26	54.871.39"W	76.73
27	54.818.25"W	103.66
28	54.700.25"W	100.01
29	55.226.52"W	97.50

**SPRING BRANCH MEDICAL
& COMMERCIAL OFFICE PARK
PB 76 PG 411**

THIS SURVEY:
IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR
ONE OR MORE EXISTING EASEMENTS AND DOES NOT
CREATE A NEW STREET OR CHANGE AN EXISTING
STREET.



DATE _____

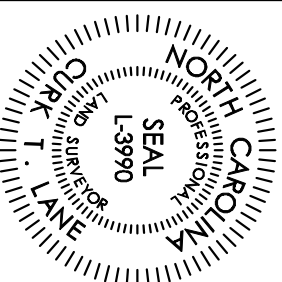
SURVEYOR

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

1-2-19
DATE

~~SURVEYOR~~

STATE OF NORTH CAROLINA, JOHNSON, COUNTY
 1. CLERK, I, LAURE, DO HEREBY CERTIFY THAT
 THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN
 ACCURATE SURVEY OF THE LAND DESCRIBED IN THE
 DESCRIPTION RECORDED IN BOOK 3557, PAGE 286
 ETC.); THAT THE FOUNDERS NOT SURVEYED ARE CLEARLY
 INDICATED AS DRAWN FROM INFORMATION FOUND IN
 BOOK 3552, PAGE 284; THAT THE RATIO OF PRECISION
 AS ACCURATELY WITHIN 1/100,000; THAT THE PLAT
 WAS DRAWN BY ME, CLERK, AND IS HEREBY WITNESSED BY
 THIS JUDICIAL SIGNATURE, REGISTRATION NUMBER AND SEAL
 THIS 2ND DAY OF JAN., A.D., 2019



SURVEYOR

L - 3990
LICENSE NUMBER

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

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

RECORDED IN PB _____ PG _____

PROPERTY SHOWN HEREON _____ IS _____ IS NOT
LOCATED IN A FEMA DESIGNATED FLOOD ZONE.
FEMA FLOOD HAZARD PANEL NO. 3720164800 K
EFFECTIVE DATE: APRIL 30, 2014

STATE OF NORTH CAROLINA, JOHNSTON COUNTY

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

CRAIG OLIVE By _____
 REGISTER OF DEEDS ASST. REG. OF DEEDS
 RECORDED IN PB _____ PG _____

LINE	BEARING	DISTANCE
L21	N41°11'31"W	98.79'
L22	N48°48'52"E	59.35'
L23	N41°11'08"W	55.15'
L24	N48°48'52"E	61.53'
L25	N41°11'08"W	145.94'
L26	N48°48'52"E	341.83'
L27	S41°08'09"E	150.40'
L28	N48°51'51"E	68.86'
L29	N41°11'08"W	236.45'
L30	N48°48'52"E	114.28'

LINE	BEARING	DISTANCE
L31	N41°11'08"W	14.02°
L32	N48°48'52"E	156.11°
L33	N41°11'29"W	21.35°
L34	N48°48'52"E	84.98°
L35	S41°11'29"E	21.36°
L36	N48°48'52"E	28.82°
L37	N46°10'07"W	86.11°
L38	S32°48'30"W	41.61°
L39	N42°53'52"E	41.68°
L40	N42°53'52"E	41.68°
L41	N48°00'25"W	18.32°
L42	N43°00'23"W	33.72°
L43	N21°43'34"W	61.01°
L44	N33°17'59"W	106.13°
L45	N02°49'24"W	72.02°
L46	S73°59'29"E	208.08°
L47	N67°40'15"E	136.90°
L48	N18°31'57"E	40.65°
L49	N88°00'28"E	46.44°
L50	S48°26'22"E	25.52°

LINE	BEARING	DISTANCE
151	N28°55'21"E	14.86
152	N82°38'51"E	70.23
153	N1°57'40"W	33.34
154	N62°28'52"E	54.30
155	N46°41'09"E	55.81
156	N81°49'16"E	174.36
157	N28°47'25"E	60.55
158	N1°16'49"E	26.89
159	N72°52'48"E	70.21
160	N74°05'55"E	30.16
161	S74°10'55"E	30.16
162	S12°16'39"E	16.19
163	S76°24'40"E	21.98
164	S16°51'48"E	11.24
165	N26°49'47"E	166.31
166	N19°17'35"E	53.80
167	N59°50'32"E	65.76
168	S57°36'49"E	43.65
169	N45°08'22"E	28.82
170	N17°00'44"E	22.87

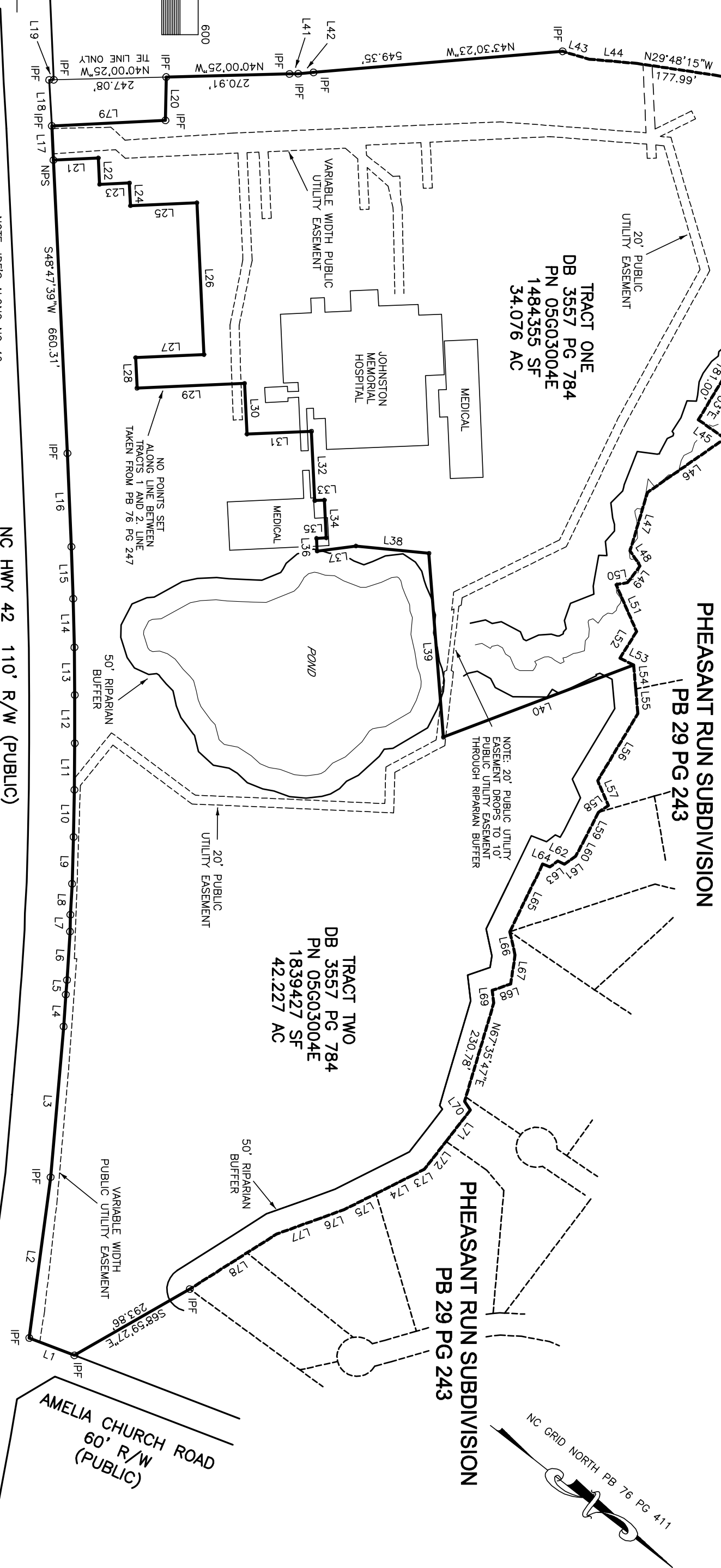
LINE	BEARING	DISTANCE
L71	N88°40'19"E	89.14'
L72	N88°40'19"E	78.61'
L73	S66°03'10"E	27.04'
L74	S65°43'35"E	92.31'
L75	S65°43'35"E	78.78'
L76	S58°49'04"E	63.43'
L77	S58°49'04"E	94.18'
L78	S71°29'21"E	228.19'
L79	N41°25'45"W	249.94'

NOTES:

- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
- 2) AREAS COMPUTED BY COORDINATE METHOD.
- 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- 4) NO. 15 BEARER IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
- 5) SEE PG 76 P. 411 FOR NC GRID TIE
- 6) ZONING: PD-MU
- 7) PARCEL TRACT DEED DB 3557 PG 788
- 8) PARCEL: NO. 056G3004-6

REFERENCES:

DB 3557	PG 788	PB 76	PG 247
		PB 72	PG 325
		PB 76	PG 411
		PB 76	PG 308



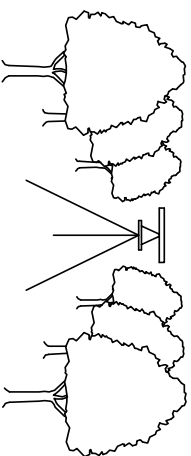
OWNER: JOHNSTON MEMORIAL HOSPITAL AUTHORITY
P.O. BOX 1376
SMITHFIELD, N.C. 27577

LEGEND

*JOHNSTON MEMORIAL
HOSPITAL AUTHORITY*

CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
JANUARY 2, 2019

TRUE LINE SURVEYING, P.C.



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

C-1859

PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on Monday February 18, 2019, at 6 PM at Town Hall, 111 East Second Street, to consider 2019-04-RZ Johnston Health Rezoning; request to rezone subject properties from Planned Development-Mixed Use to Office-Institutional. The properties are located in the town limits off HWY 42 West. Tag #s: 05G03004E, 05G03004C, 05G03004F, 05G03004L, 05G03004K, 05G03004O, 05G03004M, 05G03004P, 05G03004N, 05G03004G, 05G03004H, 05G03004I, 05G03004J.

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.

Haley Hogg, Planner
919-553-5002

The Johnstonian Newspaper

Please advertise on the following dates:
February 6, 2019
February 13, 2019

Affidavit of publication required.



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: Johnston Health Clayton Address or PIN #: See Attachment

AGENT/APPLICANT INFORMATION:

Marty D. Bizzell
(Name - type, print clearly)

6310 Chapel Hill Rd., Ste. 250
(Address)
Raleigh, NC 27607
(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
Minor Subdivision

Major Site Plan

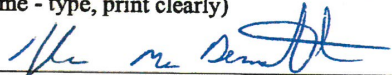
Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

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:

Kyle McDermott
(Name - type, print clearly)

2138 NC Hwy. 42
(Address)

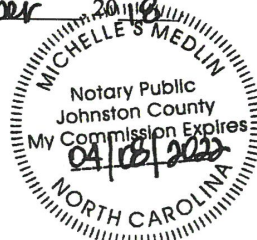

(Owner's Signature)

Clayton, NC 27520-03557
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Michelle S. Medlin, a Notary Public for the above State and County, this the 20th day of December, 2018.

SEAL



July 2018


Notary Public

My Commission
Expires:

April 08, 2022

10 of 10



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
January 28, 2019

STAFF REPORT

Application Number: 2019-04-RZ Project Name: Johnston Health Rezoning

TAG #s: 05G03004E, 05G03004C, 05G03004F, 05G03004L, 05G03004K, 05G03004O, 05G03004M, 05G03004P, 05G03004N, 05G03004G, 05G03004H, 05G03004I, 05G03004J
Town Limits/ETJ: Town Limits
Applicant: Bass, Nixon, and Kennedy, Inc.
Owner: Johnston Memorial Hospital Authority
Location: Located off HWY 42 W

Public Noticing:

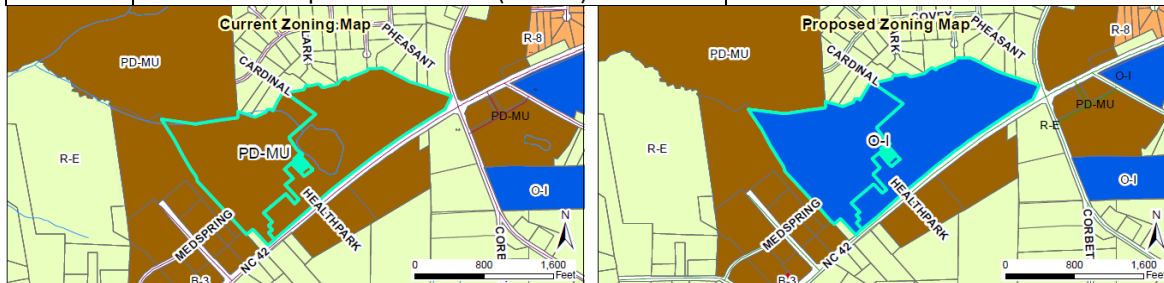
- Neighborhood meeting held on January 16, 2019
- Sign posted prior to December 18, 2019
- Letters mailed prior to February 8, 2019
- Newspaper ad published on February 6, 2019 and February 13, 2019

REQUEST: Request to rezone from Planned Development-Mixed Use (PD-MU) to Office-Institutional (O-I).



SITE DATA:**Acreage:** 74.61 acres**Existing Use:** Hospital/Medical Office/ Vacant**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	Planned Development Mixed Use (PD-MU), Residential-Estate (R-E)	Vacant, Single-family residential
South	Planned Development Mixed Use (PD-MU), Residential Estate (R-E)	Medical Offices, Single-family residential
East	Planned Development Mixed Use (PD-MU)	Vacant
West	Planned Development Mixed Use (PD-MU)	Medical Offices

**STAFF ANALYSIS AND COMMENTARY:****Overview**

Johnston Memorial Hospital is requesting to rezone 74.61 acres of land from Planned Development Mixed Use (PD-MU) to Office-Institutional (O-I). The applicant is requesting to rezone the parcels to O-I in order to prepare the corner parcel closest to Amelia Church Road for future development of medical offices. They have included all properties that serve the hospital in this rezoning request so that the entire hospital campus has a consistent zoning designation. The existing uses on the properties are consistent with the O-I zoning designation, and the new designation would still allow for future development of additional medical offices as a permitted use.

In 2007 these parcels were originally zoned PD-MU as a part of the Planned Development Master Plan for the hospital. The master plan did not include any deviations from the dimensional standards of the UDC, so staff is comfortable with the properties converting to a standard zoning category. The original master plan has been reviewed and staff has determined that the existing structures will meet the O-I dimensional standards, so the rezoning will not create a non-conforming status for the existing structures.

Consistency with the Comprehensive Plan 2040

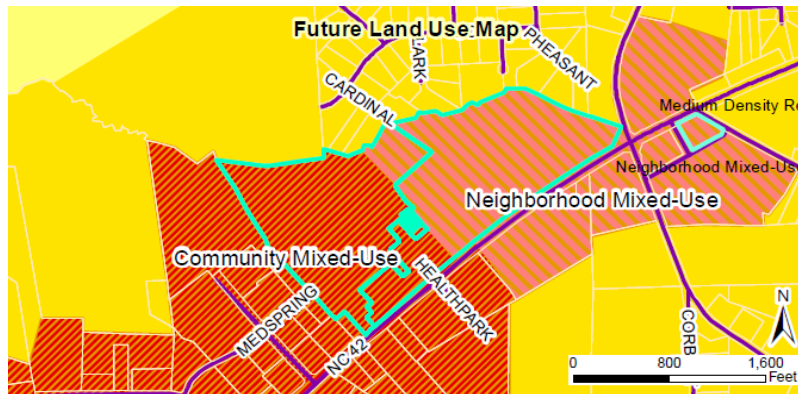
The properties are designated as High Density Residential/Community Center and High Density Residential/Neighborhood Center in the Future Land Use Map. The proposed rezoning would be consistent with these designations, as the O-I district does allow for office, institutional uses which are typical of the community center/neighborhood center designations.

Comprehensive Plan Goals supporting the rezoning request include:

- ED1- Increase opportunities for companies, which provide well-compensated, highly-skilled positions.
- LU2- Encourage quality development, which maximizes existing infrastructure, promotes walking and biking, and enhances travel safety.

Comprehensive Plan Goals not supporting the rezoning request include:

- None



CONSIDERATIONS:

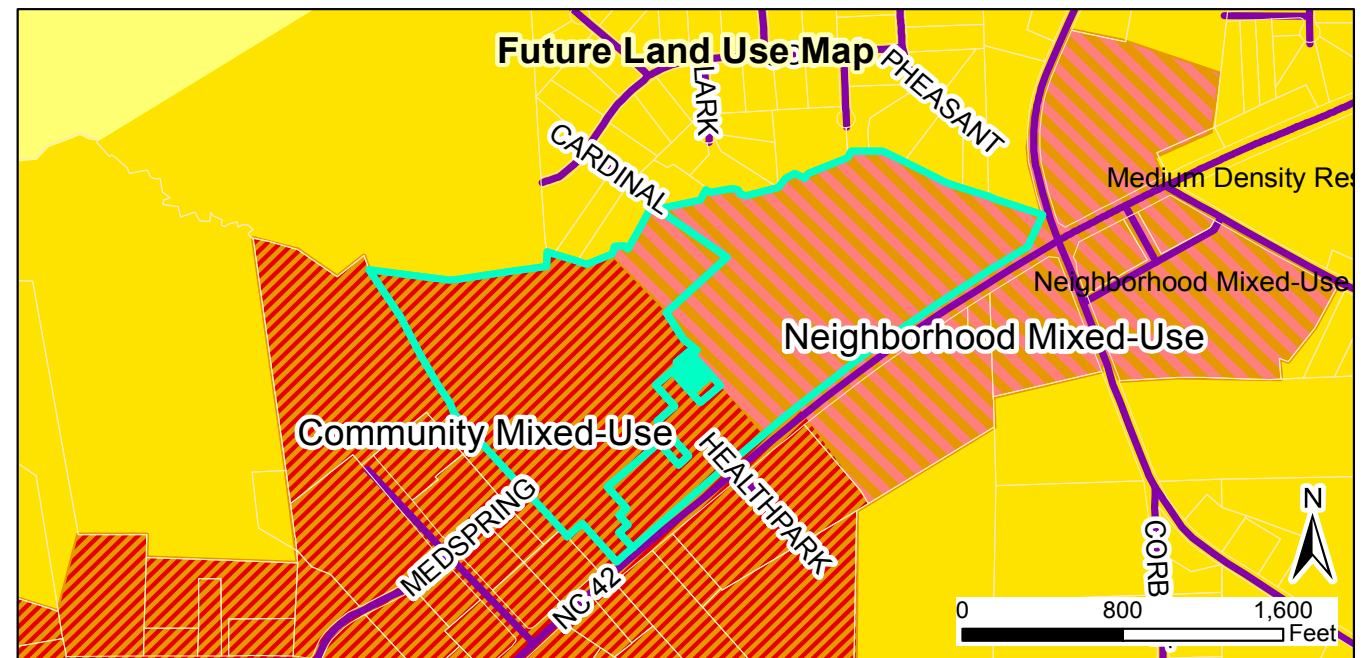
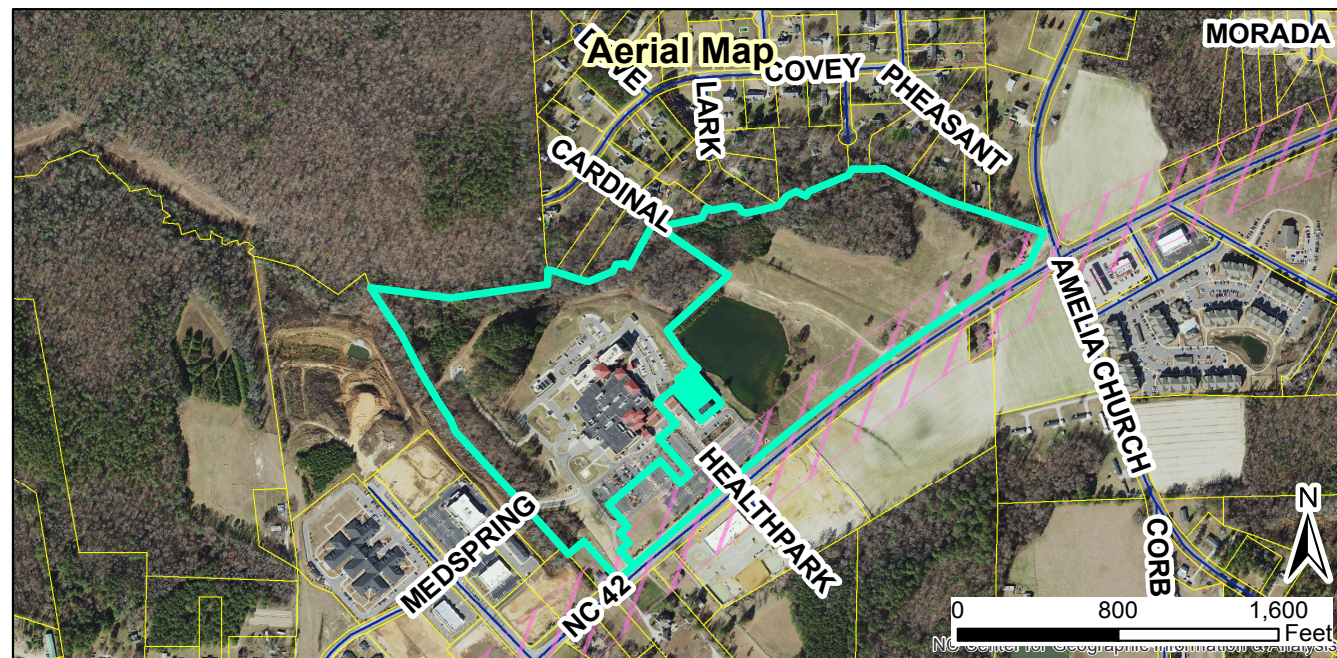
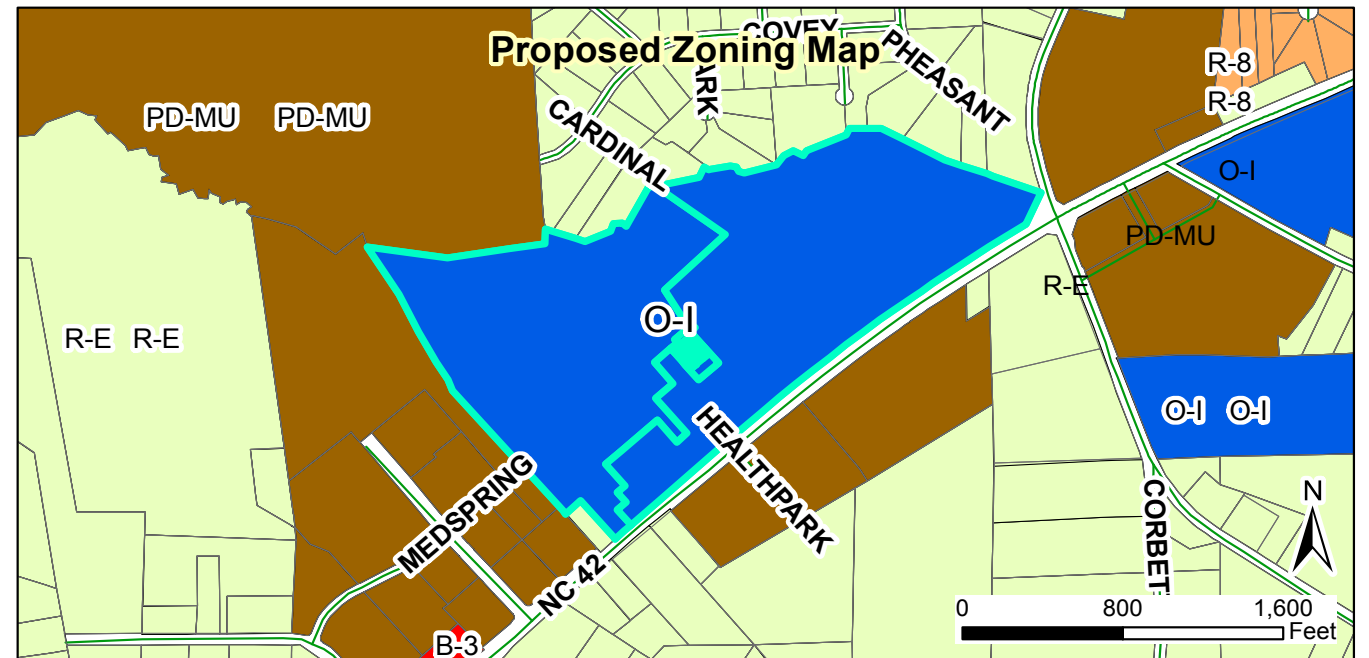
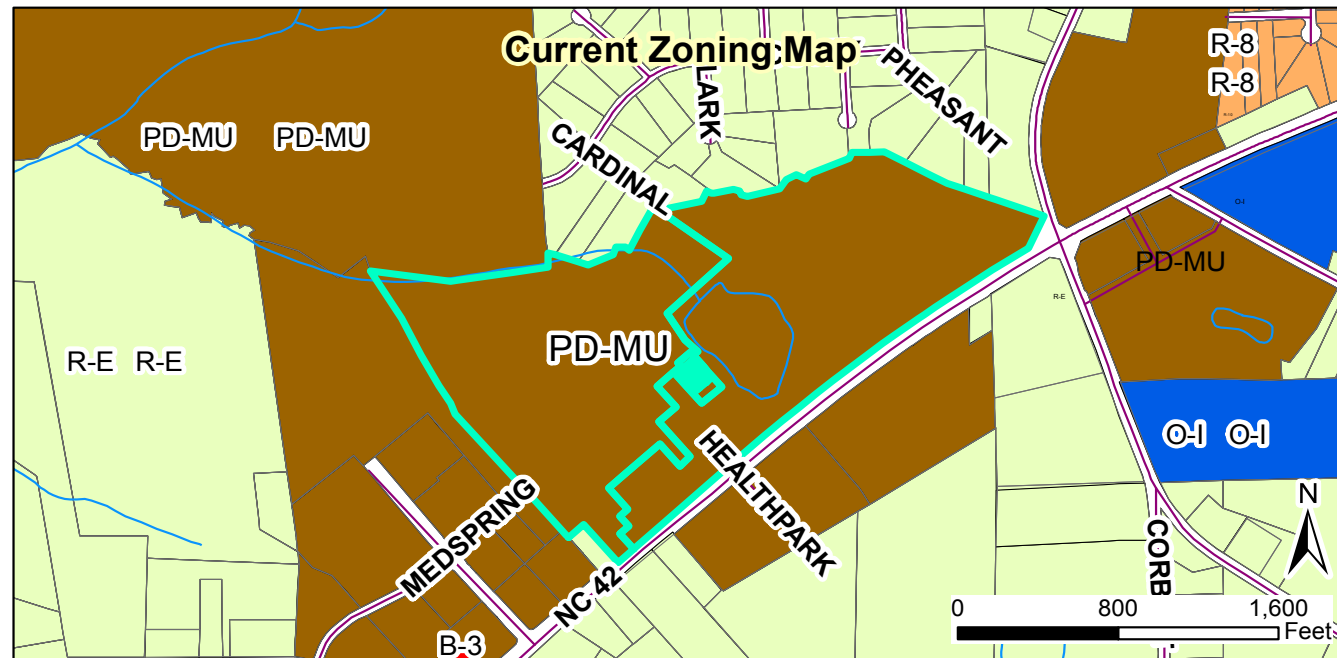
- Rezonings are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining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

STAFF RECOMMENDATION:

Approval of the rezoning.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Maps
- 3) Neighborhood Meeting Materials
- 4) Survey
- 5) PB Adjacent Property Letter



Request: 2019-4-RZ, Johnston Health Clayton, Rezoning

Applicant: Bass, Nixon and Kennedy, Inc.
 Property Owner: Johnston Memorial Hospital Authority
 Parcel ID: 164800-75-2034, 164800-85-6610, 164800-75-9070, 164800-85-0018, 164800-75-9085, 164800-75-9035, 164800-75-9068, 164800-75-9053, 164800-75-9191, 164800-75-9175, 164800-75-9143, 164800-75-9121, 164800-75-8098
 Tag #: 05G03004E, 05G03004C, 05G03004F, 05G03004L, 05G03004K, 05G03004N, 05G03004P, 05G03004O, 05G03004M, 05G03004G, 05G03004H, 05G03004I, 05G03004J

Staff Report Map



Document Path: O:\PLANNING\REZONING\Rezoning\2019\2019-04-RZ - Johnston Health Clayton\Map\2019-4-RZ Johnston Health Clayton\Rezoning.mxd

Legend

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

01/15/2019

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

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
Rezoning**

2019-04-RZ Johnston Health Rezoning

On January 28, 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 28th day of January 2019 while in regular session.

Signed:


Robert Anfert, Planning Board Chair

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

[2019-04-RZ Johnston Health 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:

- ED1- Increase opportunities for companies, which provide well-compensated, highly-skilled positions.
- LU2- Encourage quality development, which maximizes existing infrastructure, promotes walking and biking, and enhances travel safety.

Description of zoning amendment's consistency with the above plan objective:

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 and High Density Residential/Neighborhood Center. Properties within this designation may include office and institutional uses. The requested rezoning will prepare the properties for future development of community-serving uses, consistent with existing non-residential surrounding development.

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 rezoning is consistent with the Future Land Use Map designation in the Comprehensive Plan 2040,

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

**Town of Clayton
Town Council
Zoning Ordinance Amendment Motion Sheet
(Rezoning or Text Amendment)**

After considering the recommendations of the Planning Board and Planning Director, I move to **[approve OR deny]** **2019-04-RZ – Johnston Health**

[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
2019-04-RZ
Johnston Health**

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

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the Office-Institutional (O-I) zone the property described below, said property formerly being zoned Planned Development Mixed Use (PD-MU) and

WHEREAS said property is owned by Johnston Memorial Hospital Authority; and

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

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in the 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 February 18, 2019 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 Office-Institutional (O-I) zone the following described property:

General Description:

Property is located at 2138 NC Highway 42, Clayton, NC 27520

Specific Description:

NC Parcel Identification Numbers: 05G03004E, 05G03004C, 05G03004F, 05G03004L, 05G03004K, 05G03004O, 05G03004M, 05G03004P, 05G03004N, 05G03004G, 05G03004H, 05G03004I, 05G03004J

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Office-Institutional (O-I) 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 18th day of February, 2019 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

February 18 2019

Agenda Location

Public Hearings

Item Title

2019-07-OA Downtown Overlay Ordinance Amendment

Presenter

Planning Department

Summary/Description

The Planning Department is requesting an ordinance amendment to Section 155.204 of the Unified Development Code in order to update the Downtown Overlay District standards. Staff proposes to adjust the requirements of the district and is providing graphics in the ordinance to better depict the requirements of this section to the public.

Requested Action

Approval

Additional Documents to be Included in Agenda Packet

Application
Staff Report
Strikethrough Copy
Clean Copy with changes
Downtown Overlay Boundary Map
PB Recommendation
Newspaper Ad

Meeting Timeline

January 28, 2019- Planning Board
February 4, 2019- Town Council (set public hearing)
February 18, 2019- Town Council (public hearing)



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: Downtown Overlay District Ordinance Amendment

Existing title of Code Section(s): Downtown Overlay District

Code Section Number(s): Title XV, Article 155.204(D)

APPLICANT/CONTACT INFORMATION

Applicant: Planning Department, Town of Clayton

Mailing Address: PO Box 879 Clayton, NC 27528

Phone Number: 919-553-5002

Fax: _____

Contact Person: Samantha Wullenwaber, Planning Director / Haley Hogg, Planner

Email Address: swullenwaber@townofclaytonnc.org

DESCRIPTION OF REQUESTED CHANGES

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

Revise the existing Downtown Overlay District regulations, to adjust requirements and provide graphics to better depict the requirements of the ordinance.

RECEIVED

FOR OFFICE USE ONLY

Date Received: JAN 11 2019 Amount Paid: N/A - Town initiated File Number: 2019-7-01A

July 2018

TOWN OF CLAYTON
PLANNING DEPARTMENT

Page 1 of 2

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:		
<i>Submit 9 copies of all materials unless otherwise noted or directed by staff</i>	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☒	N/A			
2. Review Fee and Advertisement Fee	☒	N/A			
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 revisions are consistent with the remainder of the chapter.

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 changes provide clarity and adjust regulations as needed based upon an evolution of the district.

3. Whether or not the proposed text amendment corrects an error in the chapter.
The proposed text amendment does not correct errors within the chapter.

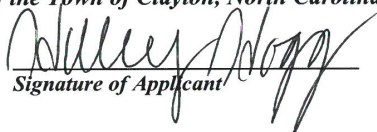
4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
The proposed text amendment does not revise the chapter to comply with state/federal statutes/case laws.

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

1-11-19

Date

ARTICLE 2: ZONING DISTRICTS

§ 155.204 OVERLAY DISTRICT STANDARDS

(C) DOWNTOWN OVERLAY DISTRICT

The Downtown Overlay District is established for the purpose of fostering the economic vitality of the area within the district's boundaries. It is recognized that an attractive and vibrant downtown promotes the economic development and stability of the entire community. The uses, character, and design of the public and private realm all contribute to the success of the downtown. The standards established herein shall be applied to all properties which are located within the district's boundaries.

(1) Designation of Downtown Overlay District

This district shall be an overlay district and shall include all properties located wholly or partially (20% percent or more) within the Downtown Overlay District of the Town Zoning Map.

(2) Permitted Uses

- (a) All permitted, special, and conditional uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each classification, subject to site plan approval. The site plan shall be reviewed by the Technical Review Committee and may be subject to approval, and the following modificationsadditional requirements of this section.
- (b) All nonresidential tenants, businesses, uses, and activities on the ground (first) floor of a building which fronts on Main Street shall be responsive to and provide services, goods, or otherwise engage in business with pedestrians and the general public. More specifically, the following use types are prohibited on the first floor (street level) of Main Street, with the Planning Director responsible for ultimate interpretation:
 - 1. Businesses which exclusively engage in "by appointment only" clientele or do not have active reception areas which accept walk-in customers;
 - 2. Residential uses. This does not include ancillary facilities, such as lobbies which serve upper story residential uses;
 - 3. Drive-thru facilities;

(3) Sign Regulations

The following criteria modifies, but does not replace, the text of §155.403 "Signs", and may be either more or less restrictive.

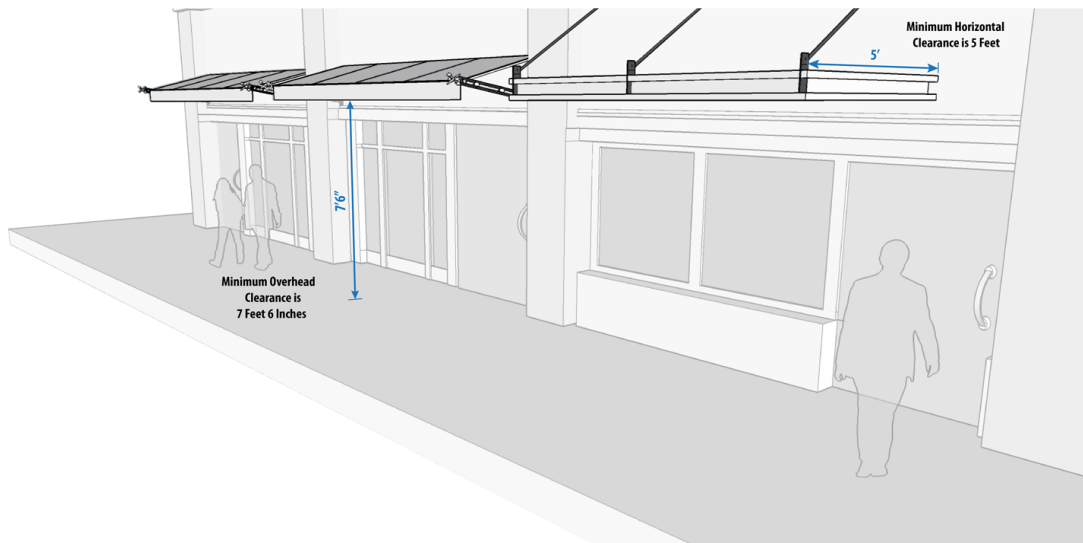
- (a) All signs allowed in the Downtown Overlay District, with the exception of Window / Door Signs, Awning / Marquee / Canopy Signs, and Flags, shall have at least one distinguishing architectural or design feature, including but not limited to one of the following:
1. Exterior illumination with decorative lighting fixture;
 2. Decorative or architectural mounting bracket;
 3. Decorative border design that deviates from a standard rectangle;
 4. Or some other design feature or embellishment that distinguishes the sign as high quality and enhancing of the downtown streetscape.

(b) **Illumination**

Illumination of sign shall not be restricted based on proximity to residential uses, but rather by the business hours of the use.

(c) **Clearance**

1. The minimum required clearance for any overhead sign, awning, or canopy is seven feet ~~– six inches. (7')~~.
2. The minimum required horizontal clearance is five feet ~~(5' feet)~~, to allow for adequate pedestrian movement on the sidewalk.



(d) **Prohibited Signs**

Except for “Historic Signs”, the following additional signs shall be prohibited in the Downtown Overlay District:

1. All signs designated in §155.403(E) “Signs Prohibited”;
2. Electronic Changeable Copy Signs;
3. Freestanding Signs that cannot meet the setback criteria;
4. Billboards;
5. Manual Changeable Copy Signs, unless associated with a theater, assembly, or a church;
6. Drive-Thru Menu Boards;

(e) ***Promotional Banners and Seasonal Displays***

1. Small window posters advertising upcoming special events, sales events, or other such seasonal information are allowed on ground-floor storefront windows without requirement for a sign permit. A maximum of one 24 inches”x36 inches” poster, or two 18 inches”x24 inches” posters are allowed per storefront, and these posters must be relevant and current.

(f) ***Easels / Sandwich Boards / A-Frame Signs***

1. Easels / Sandwich Boards / A-Frames Signs shall be permitted provided that there is a minimum of five feet of sidewalk clearance.
2. Easels / Sandwich Boards / A-Frames Signs shall be a maximum of six square feet in area (per side).
3. Easels / Sandwich Boards / A-Frames Signs shall only be displayed during business hours, and may not be attached to anything else.
4. Easels / Sandwich Boards / A-Frames Signs shall be constructed of quality frame materials, such as decorative metal or wood; plastic shall not be allowed.

(g) ***Wall / Fascia Signs***

1. All tenants not on the ground floor and located within the same building with units accessed internally may only utilize a Tenant Identification Sign (§155.403(G)(9)).
2. A wall sign designed and functioning as a larger version of a tenant identification sign (advertising for some or all on-site tenants) may be permitted provided that it:
 - A. Adheres to the dimensional requirements of a wall sign, and

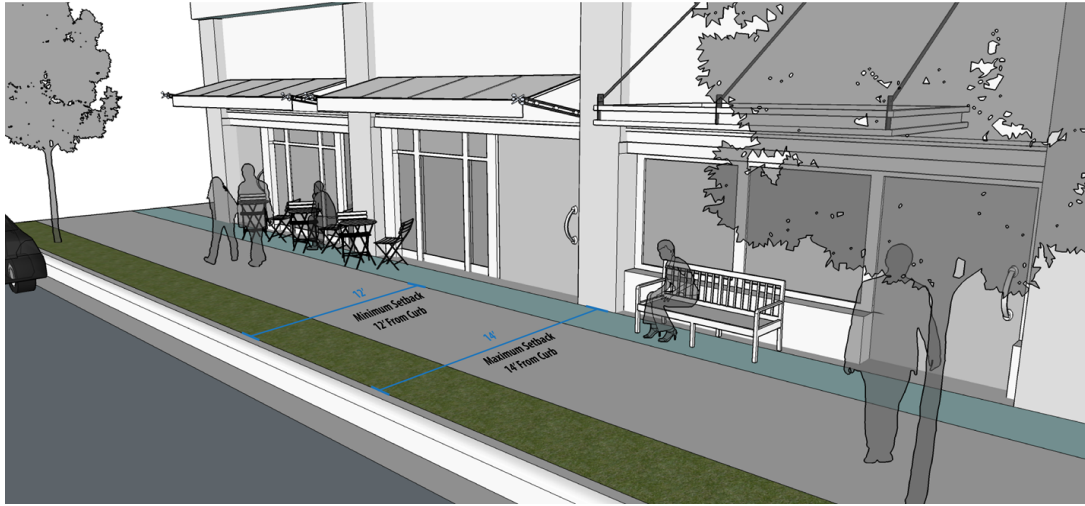
- B. Each tenant may not be advertised more than once per façade, if they are included on the modified wall sign.

(h) **Flags**

1. Angled- or horizontally-projecting flagpoles may encroach into the right-of-way with an approved sign permit, although they must remain three 3'feet from the back of curb. Permission from NCDOT may be required, depending on ownership of the right-of-way.
2. Only one flagpole per building or site is allowed, with a minimum required frontage as follows:
 - A. One angled- or horizontally-projecting flagpole allowed for buildings with 25 feet of building frontage.
 - B. ~~One vertically-projecting flagpole allowed for buildings with 150 feet of building frontage.~~
3. An exemption to the maximum number of flags and clearance requirements is that each ground floor entrance may have one small flag (two 2-sq.-ft.square feet per side) projecting from adjacent to the door.

(4) **Dimensional Requirements**

- (a) The purpose of modified setbacks on Main Street in the Downtown Overlay District is to provide adequate room for outdoor seating and dining, display of wares, an enhanced pedestrian realm, and create space for an active street life, while also continuing a unified visual building frontage along the street. This is in addition to the standard purpose for enforcing setbacks in the Town.
- (b) Setbacks and build-to lines for nonresidential and mixed use zoning districts:
 1. The dimensional requirements of this Overlay District are the same as the underlying zoning district, with the following modifications to setbacks and dimensional standards on that portion of Main Street that is within the Downtown Overlay District, ~~and properties on side streets that are within 50' of Main Street.~~
 - A. Minimum and maximum setbacks are established on properties that front on roads, sidewalks, or public rights-of-way:
 - i. A minimum setback line is established at 12 feet' from back of curb.
 - ii. A maximum setback line is established at 14 feet' from back of curb.



- iii. The Planning Director may allow an alternate building setback that pulls the building or a portion thereof closer to the street to provide consistency with adjacent properties and continue an established streetscape rhythm.
 - iv. The Planning Director may waive the maximum setback requirement in order to preserve the historic character or landmark status of an existing building, ~~or~~ to preserve the character of a park or public square, or to ensure the Americans with Disabilities Act (ADA) requirements are met.
 - iv-v. Architectural, landscaping, or other site elements may still be required as part of the site plan to continue the appearance of a unified frontage with neighboring buildings.
- B. ~~70% of the first and second floor The S~~street-facing façades of a building or storefronts for all new, retrofit, and infill development shall be located within are permitted to exceed the minimum and maximum setback lines established above, ~~with allowances provided to allow~~ for decorative, recessed or projected entries, balconies, or window treatments that are in accordance with other parts of this Section.
 - C. If a building is set back further than neighboring buildings, some design element ~~should~~shall be incorporated in front of the first floor façade, such as knee wall, first floor roof projection designating outdoor seating area, or other architectural element or design feature that continues the streetscape rhythm of neighboring buildings.

(5) **Development Standards**

The following criteria modifies, but does not replace, the text of §155.400 “Access”, §155.401 “Off-Street Parking and Loading”, §155.402 “Landscaping, Screening, and Buffering”.

- (a) Widths of access ways, as described in Table 4-1 “Dimensional Standards of Access Ways”, may be reduced to match the dimensions of existing streets in the Downtown Overlay District, with approval by the Planning Director, Engineering Director, and Fire Marshal as part of the standard review of individual development projects.

(b) Parking Requirements

1. General:

A. Cross access shall be provided between adjacent parking lots to minimize the number of access points along streets. The Planning Director may waive this requirement if cross access is not feasible due to natural features or site layout restrictions. Cross access shall be accompanied by a cross access easement or agreement, recorded with the Clerk of Court. Single family residential and duplexes are exempt from this requirement.

A.B. Any new construction in the Downtown Overlay District with frontage on a public right-of-way shall be required to formalize on-street, parallel parking, along the frontage(s) of the property, including landscaped bump-outs at intersections. Adjacent on-street parking spaces may count toward meeting the parking requirement for a site.

C. All parking spaces within the Downtown Overlay District shall be paved. Permeable paving may be allowed if approved by the Planning Director and ~~Town~~ Engineering Director. No grass, gravel, dirt, or other surfaces are allowed.

D. Multi-story parking structures/decks:

i. If visible from the street, multi-story parking structures/decks shall place the shortest dimension along the street, if possible.

ii. On and within 50' of Main Street, multi-story parking structures/decks shall incorporate usable spaces for nonresidential uses (i.e. – storefronts and/or tenant spaces) along the entirety of first floor facades that front on public rights-of-way, excepting entrances and exits.

iii. Multi-story parking structures/decks shall be architecturally consistent with surrounding buildings and shall meet all other criteria of this section.

2. Residential off-street parking

- A. Residential off-street parking requirements may be met satisfied with off-site parking, subject to Planning Director approval, provided the following are met:
 - i. The off-site parking area is in proximity to the parcel on which the residential dwellings are located;
 - ii. The off-site parking spaces are designated as reserved for the residential units which they serve;
 - iii. Required handicap parking spaces are located as close as possible to the residential dwellings;
 - iv. Required guest spaces may utilize adjacent on-street parking, to the extent that it is feasible and that those spaces remain publicly accessible.
 - v. All other relevant conditions of §155.401(C)(3)(c), “Off-Site Parking”, are met.
- 3. Nonresidential development and uses:
 - A. All nonresidential and mixed use developments shall utilize alley loaded and/or parking to the rear of the building.
 - A.B. The number of required vehicular parking spaces shall be reduced to 50% of that designated in Table 4-2 “Minimum Off-Street Parking Requirements”. In no case shall the requirements listed in Table 4-2 be exceeded by 125%. Standalone multi-story parking decks, parking structures, or similar that serve an area greater than their own development are exempt from this requirement. The Planning Director may allow a use to be established, or existing structure expansion even if off-street parking and loading requirements of Section 155.401 cannot be met for the use, provided that as much off-street parking and loading as can reasonably be provided is provided, and no foreseeable traffic congestion problems will be created.
 - B.C. New construction shall have the opportunity to provide bicycle rack(s) on site or pay fee-in-lieu. Minimum bicycle parking requirements for nonresidential uses may be paid as fee-in-lieu, as specified in the Comprehensive List of Fees and Charges. The fee-in-lieu shall be calculated using an average purchase price for the bicycle rack(s) plus installation cost, and will be used to provide appropriate bicycle infrastructure and parking facilities in the public right-of-way and/or on public property in downtown.
- (c) Landscaping, Screening, and Buffering Requirements

1. ~~In the district, the~~ Planning Director may allow a new use to be established or an existing use to be expanded, even if all landscaping, screening, and buffering requirements cannot be met, provided that as much landscaping, screening, and buffering as can be reasonably provided is provided.

~~In the district, site interior landscaping (per §155.402(D)(1) "Interior Landscaping") may be reduced as follows:~~

~~A. Reduced by 75% in the B-1 zoning district.~~

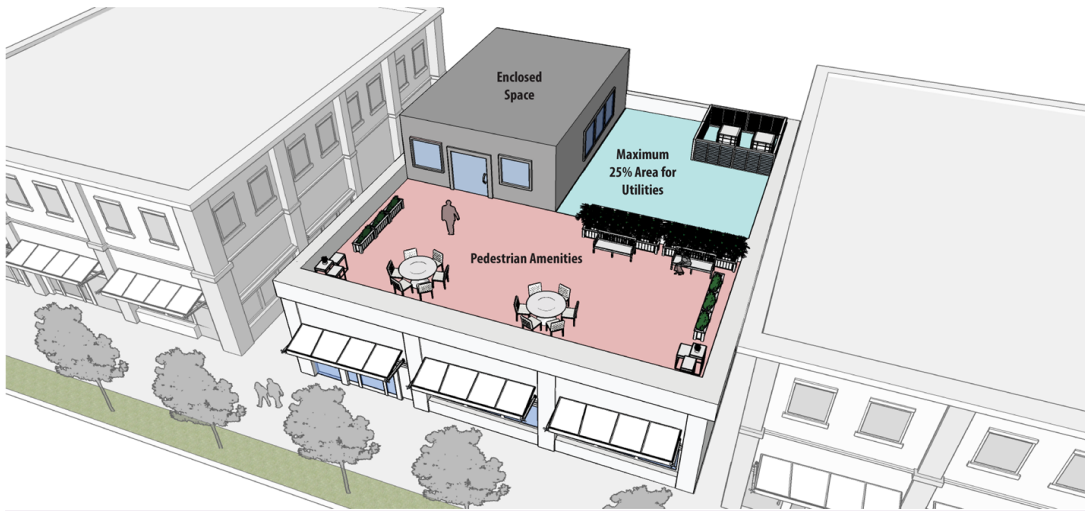
2. All landscaping shall be designed to reduce unsafe areas of limited visibility.
3. Berms may not be used for required screening.
4. Landscape buffers or opaque visual screening, except that used for screening parking areas to a maximum height of ~~three~~ 3 feet, shall not be required along any public right-of-way.
5. Fences or walls not used for required screening or for providing security for a parking area shall be limited to ~~four~~ 4 feet in height. This requirement does not apply to single family residential, duplexes, or townhomes. Chain link fencing is prohibited.
6. Plastic, vinyl, and similar low quality materials are prohibited for planters and window boxes.
7. Street trees:
 - A. At the discretion of the Planning Director, street trees ~~shall be required at appropriate, coordinated locations~~ along all public rights-of-way ~~at a rate of one per 40 linear feet or~~ at an interval that mimics the existing tree placement in that area.
 - ~~B. Street trees shall occur at appropriate, coordinated locations within public rights-of-way and may involve metal tree grates or other treatments to match the streetscape and design palette of downtown.~~
8. Subject to Planning Director approval, the following may be approved:
 - A. Modifications to the required amount of site interior landscaping materials, in zoning districts where the maximum allowed impervious area infringes on site area available for landscaping.
 - B. Understory tree species may be substituted for ~~up to half of the required~~ canopy trees. This includes trees required as part of overlay districts, site interior landscaping requirements, parking lot landscaping, street trees, and incompatibility buffers.

- C. High-quality, raised landscaping planters may be substituted for required plantings, at a rate to be determined by the Planning Director based on area of planters provided. Planters must match the existing streetscape materials and design palette if adjacent to a public right-of-way, or that of the primary structure. Plastic, vinyl, and similar low quality materials are prohibited.

(6) Neighborhood Character, Appearance, and Architectural Design

(a) General requirements applicable to all properties:

1. Right-of-way shall be dedicated (if necessary) to allow for two-way traffic and on-street parking (both sides) along public streets.
2. In new construction, a minimum of ~~8'~~ eight feet of mostly-unobstructed walking surface (from back of curb) shall be provided for pedestrian traffic on ~~public rights-of-way on and within 50' of~~ Main Street. Some of this area may be used for public display of wares or outdoor seating, pursuant to the relevant portions of this Chapter, so long as a minimum of five feet~~5'~~ of fully unobstructed clearance remains for pedestrian traffic.
3. Structures shall be oriented so that their primary façade faces and is parallel with the principal street on which they are located.
- ~~4. Street-facing facades of second and third stories (except for single family residential) shall be constructed within the minimum and maximum setback lines established in the Downtown Overlay District (per (4)(b), "Setbacks"), as applicable depending on structure location.~~
- 5.4. Nonresidential and mixed use infill development shall occupy the full width of the lot width to create a continuous streetscape. Allowances may be made for required vehicular and pedestrian ingress/egress points, courtyards, or other pedestrian friendly points of interest.
- 6.5. The following shall apply to properties on ~~and within 50' of~~ Main Street ~~that are in nonresidential or mixed use zoning districts:~~
 - A. New and infill development shall be a minimum of two stories, with the second uppermost story being enclosed space, space for pedestrian amenities, or a combination thereof. A maximum of 25 percent of the uppermost story may be set aside to allow room for mechanical equipment being at least 75% of the area of the first floor. If waiver from this requirement is approved by the Planning Board, then the building must still be engineered and constructed to support the addition of a second floor in the future.



A.B. Buildings shall not have a single tenant space which exceeds 10,000 ~~sq-~~
~~ftsquare feet-~~ in area on the first floor, unless at least one external,
storefront entrance is provided for every ~~56,000~~ square feet, and the
internal space is designed to be able to be partitioned.

7.6. Corner Lots on Main Street:

- A. Corner buildings shall match or exceed the height of adjacent buildings, with a minimum height of two stories. ~~This requirement shall not apply to single family residential buildings, provided they fit into the architectural style of their neighborhood.~~
- B. ~~On corner lots, both facades~~ Façades shall be oriented so that they face and are parallel with adjoining streets.
- C. ~~Corner lots shall locate their~~ Where practicable, vehicular access shall be located onto the least traveled ~~side~~ street, ~~where practicable,~~ and as far as possible from the intersection.

8.7. Materials:

- A. ~~Exterior materials should match the palette of the historically contributing buildings in the district. Wood is only allowed as an external material on existing buildings or on single family residential, duplexes, or townhomes.~~
- B.A. Quality building materials shall be used ~~The following materials are prohibited from being visible on the exterior facades of any new construction, replacement, or renovations, or to covering of an existing façade. The following materials are prohibited from use, unless the materials are identified on architectural elevations and specifically approved for use by the Planning Director: stucco; metal panels;~~

corrugated metal;~~;~~ fiberglass;~~;~~ metal screening;~~;~~ horizontal lap siding made of plastic, vinyl, or aluminum-siding;~~;~~ concrete block (flat or textured);~~;~~ concrete panels;~~;~~ or any other materials not consistent with or representative of the historical architectural vernacular of the district~~deemed substandard by the Planning Director.~~

- C. ~~On and within 50' of Main Street, all facades facing public streets or rights-of-way shall be comprised of red brick, masonry, cast stone, or similar quality material common to the historically representative buildings on Main Street. Projects with public or cultural significance may be designed to have a character that varies more from the standard development pattern, to distinguish them as a signature or landmark structure. The Planning Director may allow alternate materials on renovations or expansions of existing buildings if they keep in context with the existing materials and architecture.~~

~~9. Parking:~~

- A. ~~Cross access shall be provided between adjacent parking lots to minimize the number of access points along streets. The Planning Director may waive this requirement if cross access is not feasible due to natural features or site layout restrictions. Cross access shall be accompanied by a cross access easement or agreement, recorded with the Clerk of Court. Single family residential and duplexes are exempt from this requirement.~~
- B. ~~All nonresidential and mixed use developments shall utilize alley loaded and/or parking to the rear of a building.~~
- C. ~~Multi-story parking structures/decks:~~
- i. ~~If visible from the street, multi-story parking structures/decks shall place the shortest dimension along the street, if possible.~~
- ii. ~~On and within 50' of Main Street, multi-story parking structures/decks shall incorporate usable spaces for nonresidential uses (i.e. storefronts and/or tenant spaces) along the entirety of first floor facades that front on public rights-of-way, excepting entrances and exits.~~
- iii. ~~Multi-story parking structures/decks shall be architecturally consistent with surrounding buildings and shall meet all other criteria of this section.~~

~~10.8. Windows:~~

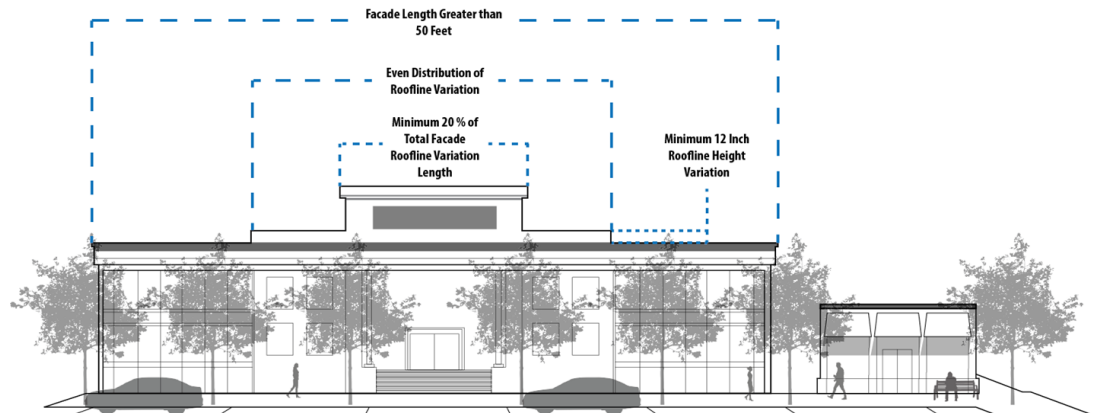
- A. ~~Windows shall be vertically oriented, and at least as tall as they are wide.~~

- ~~B.~~ Windows shall be no lower than two feet above finished grade, unless they can be opened to provide access to the outside, such as decorative glass garage doors, or French doors.
- ~~C.A.~~ No opaque windows glazing shall be limited to a maximum of 10 percent of the total window requirement permitted on the first three floors of a building. In this instance, "opaque" is defined as any window material or glazing (glass block, frosted or smoked windows, wraps, etc.) that inhibits view from the outside to the inside of the building.
- ~~D.B.~~ False windows or faux windows are not permitted on the first floor on any façade that is visible from a public right-of-way. ~~The Board of Adjustment may grant a variance to this requirement under conditions and locations in which it will not be detrimental to the intent of the district.~~
- ~~E.C.~~ Security bars or similar theft prevention devices of high visual impact shall not be allowed on any window that is visible to the public. Any security measures shall be of low visual impact or seamlessly integrated into the design of the window, building, or façade.
- ~~F.D.~~ Nonresidential and mixed use zoning districts, and conforming nonresidential buildings in residential zoning districts:
- i. For the purpose of calculating the window percentages required below, a building floor shall be measured from two feet above finished floor to a height of 10 feet. any floor above the first (ground) floor, large expanses of vertical windows that give the overall appearance of unified (undivided) horizontal massing is prohibited.
 - ii. The ground floor of a building shall At least provide a minimum window coverage of 670% percent on the of the surface area of the first (ground) floor, public-facing primary façade. of all buildings shall be storefront windows or other windows which create an enhanced sense of connection between the inside of buildings and the public realm. Corner buildings may reduce the ground floor window coverage to 305% percent on the side street façade facing the secondary street.
 - iii. Upper floors shall provide a minimum of 305% percent window coverage of the façade, and simple patterns shall be used to subdivide the windows to add character to the buildings. Horizontal massing of upper floor windows is prohibited unless they are identified on the architectural elevations and specifically approved for use by the Planning Board.
 - iv. ~~No~~ Buildings shall not be altered as to reduce the amount or area of first (ground) floor storefront windows to less than the amount specified in this Section.

- v. ~~No~~ Ground floor windows ~~or and~~ translucent doors ~~within 20 feet of the back of curb along a road frontage~~ shall ~~not~~ be covered or screened ~~with window coverings from within~~, so as to obstruct visibility over more than 25% ~~percent~~ of the surface area, for more than one half of business hours. ~~Any coverings in Existing violations of this shall be removed by August 1st, 2017, or no later than December 31, 2019 immediately upon adoption of this ordinance.~~
- vi. ~~First~~ Ground floor storefront windows shall incorporate at least one architectural design element ~~common to enhance the visual appeal of the district, or representative of the district~~. Elements ~~may~~ include ~~ing~~ but ~~are~~ not limited to soldier courses, brick patterns, columns, knee walls, recessed entrances, peaked or arched windows, or decorative window frames. Large, ~~opening~~ windows that ~~open and~~ provide a ~~direct~~ connection to the street, such as ~~garage door style roll-up, accordion, or~~ retracting windows, are permitted, so long as they blend into the character of the street and district.

11.9. Roofs:

- A. Parapet style roofs are required for all new development that is not single family residential or duplexes.
- B. Peaked roofs are prohibited on new or infill development on ~~or within 50'~~ of Main Street.
- C. ~~Rooflines shall vary from building to building, and within building that are wider than 100'. Façades with rooflines greater than 50 feet in length shall incorporate a change in height. This roofline variation shall be minimum 12 inches, for a minimum of 20 percent of the total length of the façade. Roofline variations shall be evenly distributed along the façade to balance the overall appearance of the building.~~



12.10. Utilities:

- A. ~~All New or replacement of existing~~ utilities shall be undergrounded. ~~Where this is where practicable, impractical, the utilities shall come from or run along the rear of the property or through a service alley.~~
- B. ~~All New~~ utilities shall be ~~locationally~~ consolidated with existing utilities, to reduce the proliferation of overhead wires and cables.
- C. All mechanical equipment shall be located on the roof, where practicable, and completely screened from view ~~regardless of location.~~ The Planning Director may allow ~~the an alternate~~ location of mechanical equipment ~~other than as described above~~, so long as it is ~~completely~~ screened ~~from view or otherwise hidden to the greatest extent possible from view. from view from the public realm.~~

13.11. Entrances

The following shall apply to entrances in nonresidential and mixed use zoning districts, and in conforming nonresidential buildings in residential zoning districts.

- A. Existing entrances with features such as recessed or angled entries shall not be removed, except to restore the storefront to a more historically accurate design.

~~Diagonal entrances at corner buildings are required;~~
- B. Entrance doors shall be a minimum of 2550% percent ~~transparent~~translucent.
- C. Shingled or plastic awnings are prohibited.

~~(b) Conforming residential uses and residential zoning districts:~~

- ~~1. The following criteria shall be applicable to all new construction, exterior renovation or additions to the front façade, or to renovations of 50% or more of the entire façade:~~
 - ~~A. Parking garages and vehicular use areas shall not occupy more than 25% of the front façade for any residential development or dwelling unit.~~
 - ~~B. Parking areas for multi-family residential and townhomes shall be in the rear of the property and shall be either side-loading or alley-loaded.~~
 - ~~C. Materials used for facades must be consistent with or representative of the historical architectural vernacular of the district.~~

(7) Incentives and disincentives:

- (a) The Town encourages the use, re-use, renovation, and other creative endeavors that preserve historic structures, create new structures, or otherwise enhance the private or public realm, and which add value and enhance or promote the character of downtown Clayton. To that purpose, the following incentives and disincentives are established in the Downtown Overlay District.
- (b) Incentives:
 - 1. Outdoor seating and dining areas and outdoor display areas, on private property and in public rights-of-way, shall be allowed with approval of a Zoning Compliance Permit and accompanying dimensioned site drawing complying with §155.311(B) "Outdoor Dining". In this instance and within this Overlay District, the Zoning Compliance Permit expressly replaces any other requirement for a Site Plan application, unless the Planning Director determines otherwise or elevates the decision to a higher level.
 - A. Outdoor seating and dining areas and site elements shall be constructed of high-quality materials. Plastic or unfinished wood are not allowed for tables, chairs, planters, window boxes, benches, or similar.
 - B. All outdoor seating and dining and site elements shall be kept in good working order and appearance and shall not fall into disrepair or they shall be removed immediately.
 - C. All accoutrements associated with outdoor seating and dining (tables, chairs, benches, planters, bollards, dividers, umbrellas, space heaters, lighting, entrance menus, etc.) shall be maintained to a high standard which demonstrates appreciation of the special character of the district.
 - 2. Properties in the Downtown Overlay District may be developed at densities and intensities that are consistent with the Town's adopted Future Land Use Map, subject to the approval of a Special Use Permit.
 - ~~3. Planned Developments in the Downtown Overlay District may be developed on a lot equal to 1/10th the minimum required lot size for a given type.~~
 - 4.3. Downtown properties that meet other eligibility requirements may apply for:
 - A. The Façade and Site Element Improvement Grant;
 - B. The Clayton Downtown Redevelopment Incentive Grant (CDRIG).
- (c) Disincentives:
 - 1. Any demolition of a historically-contributing building or structure in the Downtown Overlay District shall result in a one year waiting period between application for a demolition permit and the time that the demolition occurs, and a one year moratorium (following demolition) of development applications

DRAFT:
AUGUST 15, 2018

and buildings permits upon that lot. The Town Council can waive the waiting period and the moratorium by a ~~super~~-majority vote if the proposed new development is determined to be in the best interest of adjacent property owners and the Town.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2012-01-04, passed 1-3-12; Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2012-12-04, passed 12-3-12; Am. Ord. 2014-06-10, passed 6-16-14; Am. Ord. 2016-04-04, passed 04-04-2016)

ARTICLE 2: ZONING DISTRICTS

§ 155.204 OVERLAY DISTRICT STANDARDS

(C) DOWNTOWN OVERLAY DISTRICT

The Downtown Overlay District is established for the purpose of fostering the economic vitality of the area within the district's boundaries. It is recognized that an attractive and vibrant downtown promotes the economic development and stability of the entire community. The uses, character, and design of the public and private realm all contribute to the success of the downtown. The standards established herein shall be applied to all properties which are located within the district's boundaries.

(1) **Designation of Downtown Overlay District**

This district shall be an overlay district and shall include all properties located wholly or partially (20 percent or more) within the Downtown Overlay District of the Town Zoning Map.

(2) **Permitted Uses**

- (a) All permitted, special, and conditional uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each classification, subject to site plan approval and the additional requirements of this section.
- (b) All nonresidential tenants, businesses, uses, and activities on the ground (first) floor of a building which fronts on Main Street shall be responsive to and provide services, goods, or otherwise engage in business with pedestrians and the general public. More specifically, the following use types are prohibited on the first floor (street level) of Main Street, with the Planning Director responsible for ultimate interpretation:
 - 1. Businesses which exclusively engage in “by appointment only” clientele or do not have active reception areas which accept walk-in customers;
 - 2. Residential uses. This does not include ancillary facilities, such as lobbies which serve upper story residential uses;
 - 3. Drive-thru facilities;

(3) **Sign Regulations**

The following criteria modifies, but does not replace, the text of §155.403 “Signs”, and may be either more or less restrictive.

- (a) All signs allowed in the Downtown Overlay District, with the exception of Window / Door Signs, Awning / Marquee / Canopy Signs, and Flags, shall have at least one

distinguishing architectural or design feature, including but not limited to one of the following:

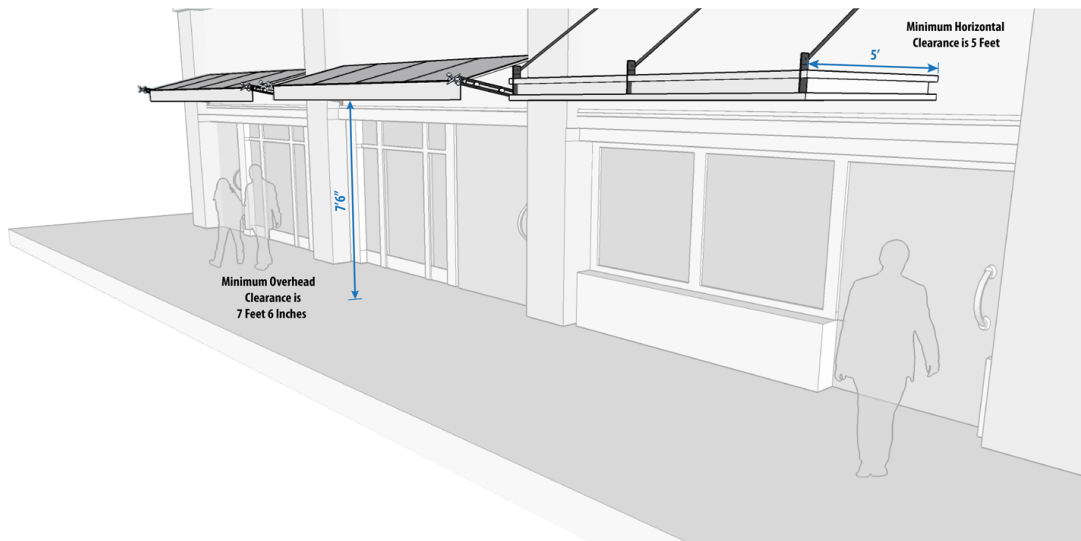
1. Exterior illumination with decorative lighting fixture;
2. Decorative or architectural mounting bracket;
3. Decorative border design that deviates from a standard rectangle;
4. Or some other design feature or embellishment that distinguishes the sign as high quality and enhancing of the downtown streetscape.

(b) Illumination

Illumination of sign shall not be restricted based on proximity to residential uses, but rather by the business hours of the use.

(c) Clearance

1. The minimum required clearance for any overhead sign, awning, or canopy is seven feet – six inches.
2. The minimum required horizontal clearance is five feet , to allow for adequate pedestrian movement on the sidewalk.



(d) Prohibited Signs

Except for “Historic Signs”, the following additional signs shall be prohibited in the Downtown Overlay District:

1. All signs designated in §155.403(E) “Signs Prohibited”;
2. Electronic Changeable Copy Signs;
3. Freestanding Signs that cannot meet the setback criteria;
4. Billboards;
5. Manual Changeable Copy Signs, unless associated with a theater, assembly, or a church;
6. Drive-Thru Menu Boards;

(e) ***Promotional Banners and Seasonal Displays***

1. Small window posters advertising upcoming special events, sales events, or other such seasonal information are allowed on ground-floor storefront windows without requirement for a sign permit. A maximum of one 24 inchesx36 inches poster, or two 18 inches x24 inches posters are allowed per storefront, and these posters must be relevant and current.

(f) ***Easels / Sandwich Boards / A-Frame Signs***

1. Easels / Sandwich Boards / A-Frames Signs shall be permitted provided that there is a minimum of five feet of sidewalk clearance.
2. Easels / Sandwich Boards / A-Frames Signs shall be a maximum of six square feet in area (per side).
3. Easels / Sandwich Boards / A-Frames Signs shall only be displayed during business hours, and may not be attached to anything else.
4. Easels / Sandwich Boards / A-Frames Signs shall be constructed of quality frame materials, such as decorative metal or wood; plastic shall not be allowed.

(g) ***Wall / Fascia Signs***

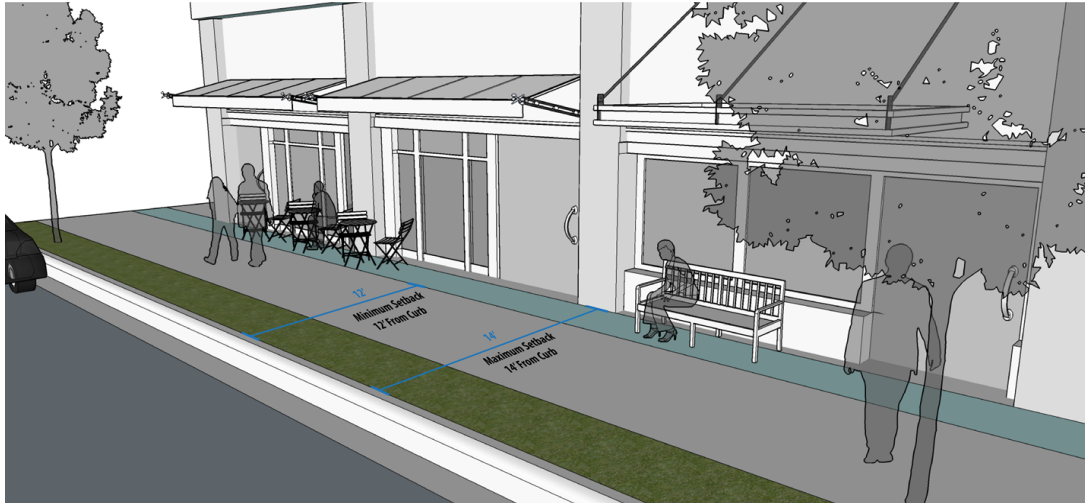
1. All tenants not on the ground floor and located within the same building with units accessed internally may only utilize a Tenant Identification Sign (§155.403(G)(9)).
2. A wall sign designed and functioning as a larger version of a tenant identification sign (advertising for some or all on-site tenants) may be permitted provided that it:
 - A. Adheres to the dimensional requirements of a wall sign, and
 - B. Each tenant may not be advertised more than once per façade, if they are included on the modified wall sign.

(h) **Flags**

1. Angled- or horizontally-projecting flagpoles may encroach into the right-of-way with an approved sign permit, although they must remain three feet from the back of curb. Permission from NCDOT may be required, depending on ownership of the right-of-way.
2. Only one flagpole per building or site is allowed, with a minimum required frontage as follows:
 - A. One angled- or horizontally-projecting flagpole allowed for buildings with 25 feet of building frontage.
3. An exemption to the maximum number of flags and clearance requirements is that each ground floor entrance may have one small flag (two square feet per side) projecting from adjacent to the door.

(4) **Dimensional Requirements**

- (a) The purpose of modified setbacks on Main Street in the Downtown Overlay District is to provide adequate room for outdoor seating and dining, display of wares, an enhanced pedestrian realm, and create space for an active street life, while also continuing a unified visual building frontage along the street. This is in addition to the standard purpose for enforcing setbacks in the Town.
- (b) Setbacks and build-to lines for nonresidential and mixed use zoning districts:
 1. The dimensional requirements of this Overlay District are the same as the underlying zoning district, with the following modifications to setbacks and dimensional standards on that portion of Main Street that is within the Downtown Overlay District.
 - A. Minimum and maximum setbacks are established on properties that front on roads, sidewalks, or public rights-of-way:
 - i. A minimum setback line is established at 12 feet from back of curb.
 - ii. A maximum setback line is established at 14 feet from back of curb.



- iii. The Planning Director may allow an alternate building setback that pulls the building or a portion thereof closer to the street to provide consistency with adjacent properties and continue an established streetscape rhythm.
 - iv. The Planning Director may waive the maximum setback requirement in order to preserve the historic character or landmark status of an existing building, to preserve the character of a park or public square, or to ensure the Americans with Disabilities Act (ADA) requirements are met.
 - v. Architectural, landscaping, or other site elements may still be required as part of the site plan to continue the appearance of a unified frontage with neighboring buildings.
- B. The Street-facing façades of a building are permitted to exceed the minimum and maximum setback lines established above to allow for decorative, recessed or projected entries, balconies, or window treatments that are in accordance with other parts of this Section.
- C. If a building is set back further than neighboring buildings, some design element shall be incorporated in front of the first floor façade, such as knee wall, first floor roof projection designating outdoor seating area, or other architectural element or design feature that continues the streetscape rhythm of neighboring buildings.

(5) Development Standards

The following criteria modifies, but does not replace, the text of §155.400 “Access”, §155.401 “Off-Street Parking and Loading”, §155.402 “Landscaping, Screening, and Buffering”.

- (a) Widths of access ways, as described in Table 4-1 “Dimensional Standards of Access Ways”, may be reduced to match the dimensions of existing streets in the Downtown Overlay District, with approval by the Planning Director, Engineering Director, and Fire Marshal as part of the standard review of individual development projects.

- (b) Parking Requirements

- 1. General:

- A. Cross access shall be provided between adjacent parking lots to minimize the number of access points along streets. The Planning Director may waive this requirement if cross access is not feasible due to natural features or site layout restrictions. Cross access shall be accompanied by a cross access easement or agreement, recorded with the Clerk of Court. Single family residential and duplexes are exempt from this requirement.
 - B. Any new construction in the Downtown Overlay District with frontage on a public right-of-way shall be required to formalize on-street, parallel parking, along the frontage(s) of the property, including landscaped bump-outs at intersections. Adjacent on-street parking spaces may count toward meeting the parking requirement for a site.
 - C. All parking spaces within the Downtown Overlay District shall be paved. Permeable paving may be allowed if approved by the Planning Director and Engineering Director. No grass, gravel, dirt, or other surfaces are allowed.
 - D. Multi-story parking structures/decks:
 - i. If visible from the street, multi-story parking structures/decks shall place the shortest dimension along the street, if possible.
 - ii. On Main Street, multi-story parking structures/decks shall incorporate usable spaces for nonresidential uses (i.e. – storefronts and/or tenant spaces) along the entirety of first floor facades that front on public rights-of-way, excepting entrances and exits.
 - iii. Multi-story parking structures/decks shall be architecturally consistent with surrounding buildings and shall meet all other criteria of this section.

- 2. Residential off-street parking

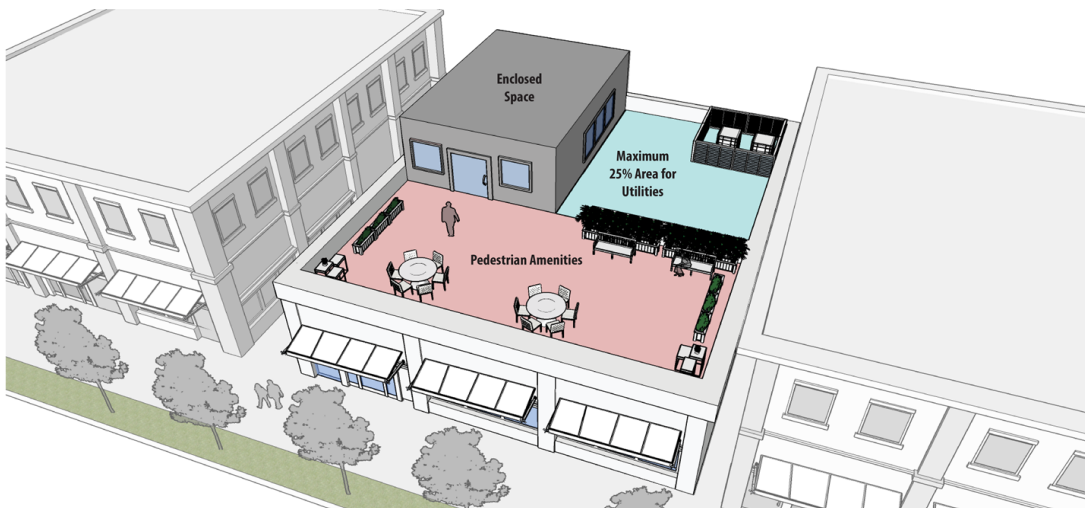
- A. Residential off-street parking requirements may be met satisfied with off-site parking, subject to Planning Director approval, provided the following are met:
 - i. The off-site parking area is in proximity to the parcel on which the residential dwellings are located;
 - ii. The off-site parking spaces are designated as reserved for the residential units which they serve;
 - iii. Required handicap parking spaces are located as close as possible to the residential dwellings;
 - iv. Required guest spaces may utilize adjacent on-street parking, to the extent that it is feasible and that those spaces remain publicly accessible.
 - v. All other relevant conditions of §155.401(C)(3)(c), "Off-Site Parking", are met.
- 3. Nonresidential development and uses:
 - A. All nonresidential and mixed use developments shall utilize alley loaded and/or parking to the rear of the building.
 - B. The Planning Director may allow a use to be established, or existing structure expansion even if off-street parking and loading requirements of Section 155.401 cannot be met for the use, provided that as much off-street parking and loading as can reasonably be provided is provided, and no foreseeable traffic congestion problems will be created.
 - C. New construction shall provide bicycle rack(s) on site or pay fee-in-lieu. The fee-in-lieu shall be calculated using an average purchase price for the bicycle rack(s) plus installation cost, and will be used to provide appropriate bicycle infrastructure and parking facilities in the public right-of-way or on public property in downtown.
- (c) Landscaping, Screening, and Buffering Requirements
 - 1. The Planning Director may allow a new use to be established or an existing use to be expanded, even if all landscaping, screening, and buffering requirements cannot be met, provided that as much landscaping, screening, and buffering as can be reasonably provided is provided.
 - 2. All landscaping shall be designed to reduce unsafe areas of limited visibility.
 - 3. Berms may not be used for required screening.

4. Landscape buffers or opaque visual screening, except that used for screening parking areas to a maximum height of three feet, shall not be required along any public right-of-way.
5. Fences or walls not used for required screening or for providing security for a parking area shall be limited to four feet in height. This requirement does not apply to single family residential, duplexes, or townhomes. Chain link fencing is prohibited.
6. Plastic, vinyl, and similar low quality materials are prohibited for planters and window boxes.
7. Street trees:
 - A. At the discretion of the Planning Director, street trees shall be required at appropriate, coordinated locations along all public rights-of-way at an interval that mimics the existing tree placement in that area.
8. Subject to Planning Director approval, the following may be approved:
 - A. Modifications to the required amount of site interior landscaping materials, in zoning districts where the maximum allowed impervious area infringes on site area available for landscaping.
 - B. Understory tree species may be substituted for canopy trees. This includes trees required as part of overlay districts, site interior landscaping requirements, parking lot landscaping, street trees, and incompatibility buffers.
 - C. High-quality, raised landscaping planters may be substituted for required plantings, at a rate to be determined by the Planning Director based on area of planters provided. Planters must match the existing streetscape materials and design palette if adjacent to a public right-of-way, or that of the primary structure. Plastic, vinyl, and similar low quality materials are prohibited.

(6) Neighborhood Character, Appearance, and Architectural Design

- (a) General requirements applicable to all properties:
 1. Right-of-way shall be dedicated (if necessary) to allow for two-way traffic and on-street parking (both sides) along public streets.
 2. In new construction, a minimum of eight feet of mostly-unobstructed walking surface (from back of curb) shall be provided for pedestrian traffic on Main Street. Some of this area may be used for public display of wares or outdoor seating, pursuant to the relevant portions of this Chapter, so long as a minimum of five feet of fully unobstructed clearance remains for pedestrian traffic.

3. Structures shall be oriented so that their primary façade faces and is parallel with the principal street on which they are located.
4. Nonresidential and mixed use infill development shall occupy the full width of the lot width to create a continuous streetscape. Allowances may be made for required vehicular and pedestrian ingress/egress points, courtyards, or other pedestrian friendly points of interest.
5. The following shall apply to properties on Main Street:
 - A. New and infill development shall be a minimum of two stories, with the uppermost story being enclosed space, space for pedestrian amenities, or a combination thereof. A maximum of 25 percent of the uppermost story may be set aside to allow room for mechanical equipment. .



- B. Buildings shall not have a single tenant space which exceeds 10,000 square feet in area on the first floor, unless at least one external, storefront entrance is provided for every 5,000 square feet, and the internal space is designed to be able to be partitioned.
6. Corner Lots on Main Street:
 - A. Corner buildings shall match or exceed the height of adjacent buildings, with a minimum height of two stories.
 - B. Façades shall be oriented so that they face and are parallel with adjoining streets.
 - C. Where practicable, vehicular access shall be located on the side street and as far as possible from the intersection.

7. Materials:

- A. Quality building materials shall be used on the exterior facades of new construction, replacement, renovation, or covering of an existing façade. The following materials are prohibited from use, unless the materials are identified on architectural elevations and specifically approved for use by the Planning Director: stucco; metal panels; corrugated metal; fiberglass; metal screening; horizontal lap siding made of plastic, vinyl, or aluminum; concrete block (flat or textured); concrete panels; or any other material deemed substandard by the Planning Director.

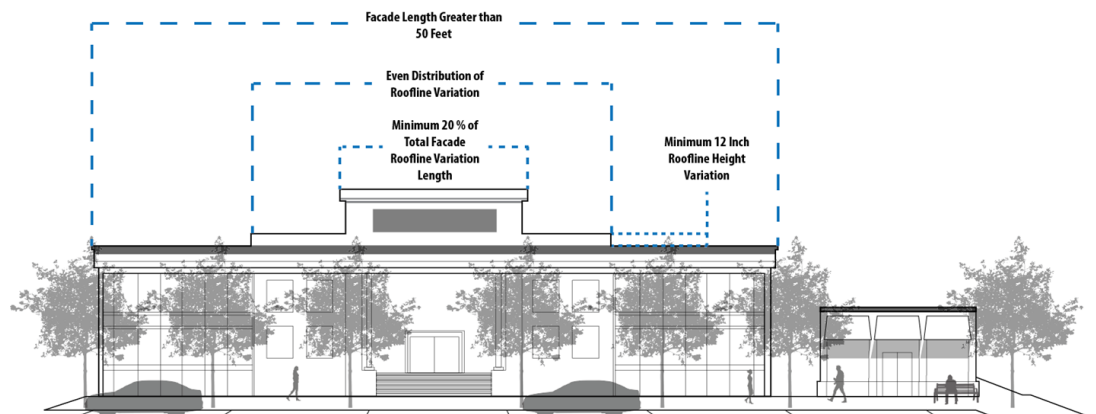
8. Windows:

- A. Opaque windows shall be limited to a maximum of 10 percent of the total window requirement of a building. In this instance, “opaque” is defined as any window material or glazing (glass block, frosted or smoked windows, wraps, etc.) that inhibits view from the outside to the inside of the building.
- B. False windows or faux windows are not permitted on the first floor on any façade that is visible from a public right-of-way.
- C. Security bars or similar theft prevention devices of high visual impact shall not be allowed on any window that is visible to the public. Any security measures shall be of low visual impact or seamlessly integrated into the design of the window, building, or façade.
- D. Nonresidential and mixed use zoning districts, and conforming nonresidential buildings in residential zoning districts:
 - i. For the purpose of calculating the window percentages required below, a building floor shall be measured from two feet above finished floor to a height of 10 feet.
 - ii. The ground floor of a building shall provide a minimum window coverage of 60 percent on the primary façade. Corner buildings may reduce the ground floor window coverage to 30 percent on the side street façade.
 - iii. Upper floors shall provide a minimum of 30 percent window coverage of the façade, and simple patterns shall be used to subdivide the windows to add character to the buildings. Horizontal massing of upper floor windows is prohibited unless they are identified on the architectural elevations and specifically approved for use by the Planning Board.

- iv. Buildings shall not be altered as to reduce the amount or area of first (ground) floor storefront windows to less than the amount specified in this Section.
- v. Ground floor windows and translucent doors within 20 feet of the back of curb along a road frontage shall not be covered or screened with window coverings, so as to obstruct visibility over more than 25 percent of the surface area, for more than one half of business hours. Existing violations shall be removed no later than December 31, 2019.
- vi. Ground floor storefront windows shall incorporate at least one architectural design element to enhance the visual appeal of the district. Elements may include but are not limited to soldier courses, brick patterns, columns, knee walls, recessed entrances, peaked or arched windows, or decorative window frames. Large windows that open and provide a direct connection to the street, such as roll-up, accordion, or retracting windows are permitted, so long as they blend into the character of the street and district.

9. Roofs:

- A. Parapet style roofs are required for all new development that is not single family residential or duplexes.
- B. Peaked roofs are prohibited on new or infill development on of Main Street.
- C. Façades with rooflines greater than 50 feet in length shall incorporate a change in height. This roofline variation shall be minimum 12 inches, for a minimum of 20 percent of the total length of the façade. Roofline variations shall be evenly distributed along the façade to balance the overall appearance of the building.



10. Utilities:

- A. New or replacement of existing utilities shall be undergrounded where practicable.
- B. New utilities shall be consolidated with existing utilities to reduce the proliferation of overhead wires and cables.
- C. All mechanical equipment shall be located on the roof, where practicable, and completely screened from view. The Planning Director may allow an alternate location of mechanical equipment, so long as it is screened or otherwise hidden to the greatest extent possible from view.

11. Entrances

The following shall apply to entrances in nonresidential and mixed use zoning districts, and in conforming nonresidential buildings in residential zoning districts.

- A. Existing entrances with features such as recessed or angled entries shall not be removed, except to restore the storefront to a more historically accurate design.
- B. Entrance doors shall be a minimum of 25 percent translucent.
- C. Shingled or plastic awnings are prohibited.

(7) **Incentives and disincentives:**

- (a) The Town encourages the use, re-use, renovation, and other creative endeavors that preserve historic structures, create new structures, or otherwise enhance the private or public realm, and which add value and enhance or promote the character of downtown Clayton. To that purpose, the following incentives and disincentives are established in the Downtown Overlay District.

(b) Incentives:

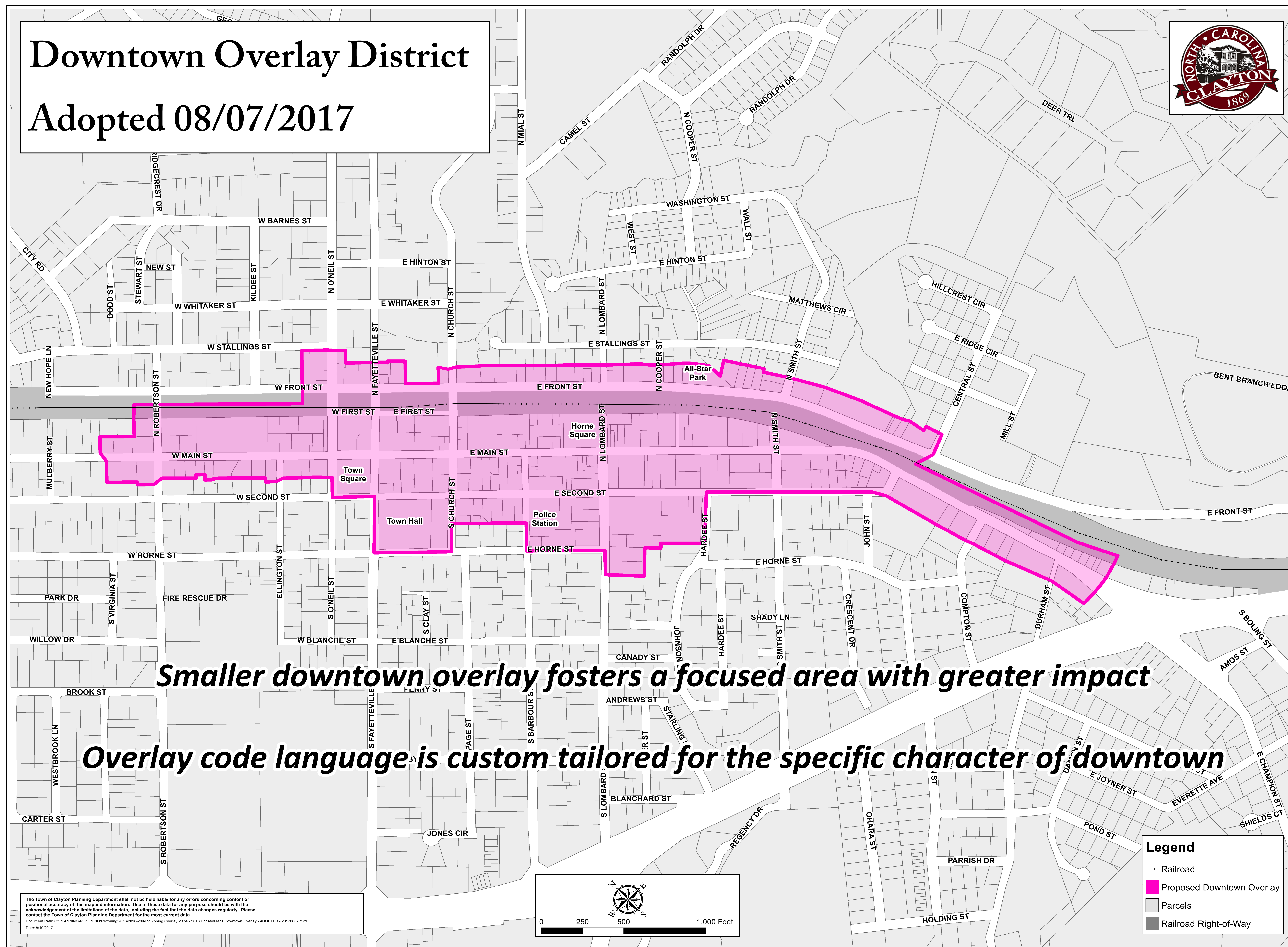
- 1. Outdoor seating and dining areas and outdoor display areas, on private property and in public rights-of-way, shall be allowed with approval of a Zoning Compliance Permit and accompanying dimensioned site drawing complying with §155.311(B) "Outdoor Dining". In this instance and within this Overlay District, the Zoning Compliance Permit expressly replaces any other requirement for a Site Plan application, unless the Planning Director determines otherwise or elevates the decision to a higher level.

- A. Outdoor seating and dining areas and site elements shall be constructed of high-quality materials. Plastic or unfinished wood are not allowed for tables, chairs, planters, window boxes, benches, or similar.
 - B. All outdoor seating and dining and site elements shall be kept in good working order and appearance and shall not fall into disrepair or they shall be removed immediately.
 - C. All accoutrements associated with outdoor seating and dining (tables, chairs, benches, planters, bollards, dividers, umbrellas, space heaters, lighting, entrance menus, etc.) shall be maintained to a high standard which demonstrates appreciation of the special character of the district.
- 2. Properties in the Downtown Overlay District may be developed at densities and intensities that are consistent with the Town's adopted Future Land Use Map, subject to the approval of a Special Use Permit.
 - 3. Downtown properties that meet other eligibility requirements may apply for:
 - A. The Façade and Site Element Improvement Grant;
 - B. The Clayton Downtown Redevelopment Incentive Grant (CDRIG).
- (c) Disincentives:
- 1. Any demolition of a historically-contributing building or structure in the Downtown Overlay District shall result in a one year waiting period between application for a demolition permit and the time that the demolition occurs, and a one year moratorium (following demolition) of development applications and buildings permits upon that lot. The Town Council can waive the waiting period and the moratorium by a majority vote if the proposed new development is determined to be in the best interest of adjacent property owners and the Town.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2012-01-04, passed 1-3-12; Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2012-12-04, passed 12-3-12; Am. Ord. 2014-06-10, passed 6-16-14; Am. Ord. 2016-04-04, passed 04-04-2016)

Downtown Overlay District

Adopted 08/07/2017

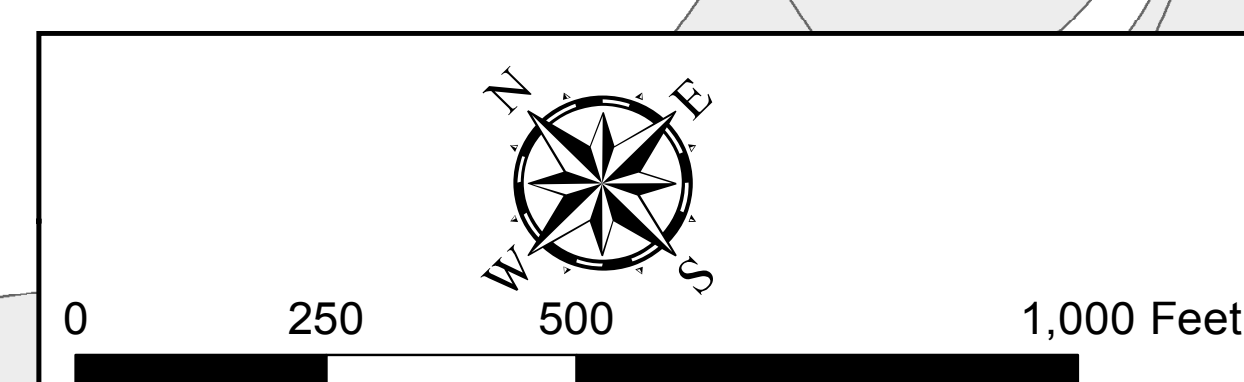


Smaller downtown overlay fosters a focused area with greater impact

Overlay code language is custom tailored for the specific character of downtown

The Town of Clayton Planning Department shall not be held liable for any errors concerning content or positional accuracy of this mapped information. Use of these data for any purpose should be with the acknowledgment of the limitations of the data, including the fact that the data changes regularly. Please contact the Town of Clayton Planning Department for the most current data.

Document Path: O:\PLANNING\REZONING\Rezon\2016-2019-RZ Zoning Overlay Maps - 2016 Update\Maps\Downtown Overlay - ADOPTED - 20170807.mxd
Date: 8/15/2017



Legend	
	Railroad
	Proposed Downtown Overlay
	Parcels
	Railroad Right-of-Way

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold a public hearing on Monday, February 18, 2019, 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: 2019-07-OA Downtown Overlay Ordinance Amendment. Copies of the proposed amendment are available in the Planning office and the Town Clerk's office for review by the public. The following section of Title XV, Chapter 155 are proposed for amendment:

- 204- Downtown Overlay District

The public is invited to attend.

Samantha Wullenwaber, Planning Director
919-553-5002

The Johnstonian Newspaper

Please advertise on the following dates:
February 6, 2019
February 13, 2019

Affidavit of publication required.

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

2019-07-OA Downtown Overlay Ordinance

On January 28, 2019 the Planning Board heard the above-referenced request and made the following vote:

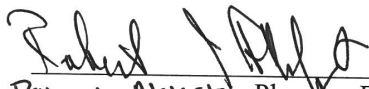
Recommendation to the Town Council to:

☒ approve the request.

☐ deny the request.

Recommendation(s) made this 28th day of January, 2019 while in regular session.

Signed:


Robert Ahlert, Planning Board Chair



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

*Planning Board
January 28, 2019*

STAFF REPORT

Application Number: 2019-7-OA
Project Name: Downtown Overlay District
Ordinance Amendment

Applicant: Town of Clayton

Public Noticing:

- Newspaper ad published February 6 & 13, 2019

REQUEST: Request to make amendments to the text of the Unified Development Code, Title XV, §155.204. This amendment seeks to amend the requirements in the Downtown Overlay District of the Unified Development Code. The proposed change is minor in scope.

SECTIONS PROPOSED FOR AMENDMENT:

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

- 204 –Overlay Districts Standards

STAFF ANALYSIS AND COMMENTARY:

Overview

This amendment seeks to amend the downtown overlay district requirements. The downtown overlay district was originally adopted in the fall of 2017. Upon implementation of the requirements, it became evident that the requirements were too stringent and prevented quality development in downtown. The planning department worked with a local architect, planning staff, and economic development staff to amend the existing ordinance and make it easier for developers to build in downtown. The ordinance amendment also includes the addition of graphics for clarification.

Approval Criteria:

- **Consistency with remainder of the Chapter**
The request is consistent with the remainder of Chapter 155.

Page 1 of 2

- **Novelty of the request**

The request does not represent novel changes to the Code.

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 changes to the downtown overlay district.

CONDITIONS:

Staff has no recommendation of Conditions.

ATTACHMENTS:

- 1) Application
- 2) Draft Ordinance Amendment, in strikethrough/underline
- 3) Draft Ordinance- Clean Copy
- 4) Existing Overlay Map

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Chapter 155 Section 204(C)

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA to amend Chapter 155, Section 204 (C) to read as follows:

§ 155.204 OVERLAY DISTRICT STANDARDS

(C) DOWNTOWN OVERLAY DISTRICT

The Downtown Overlay District is established for the purpose of fostering the economic vitality of the area within the district's boundaries. It is recognized that an attractive and vibrant downtown promotes the economic development and stability of the entire community. The uses, character, and design of the public and private realm all contribute to the success of the downtown. The standards established herein shall be applied to all properties which are located within the district's boundaries.

(1) Designation of Downtown Overlay District

This district shall be an overlay district and shall include all properties located wholly or partially (20 percent or more) within the Downtown Overlay District of the Town Zoning Map.

(2) Permitted Uses

- (a) All permitted, special, and conditional uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each classification, subject to site plan approval and the additional requirements of this section.
- (b) All nonresidential tenants, businesses, uses, and activities on the ground (first) floor of a building which fronts on Main Street shall be responsive to and provide services, goods, or otherwise engage in business with pedestrians and the general public. More specifically, the following use types are prohibited on the first floor (street level) of Main Street, with the Planning Director responsible for ultimate interpretation:
 - 1. Businesses which exclusively engage in "by appointment only" clientele or do not have active reception areas which accept walk-in customers;
 - 2. Residential uses. This does not include ancillary facilities, such as lobbies which serve upper story residential uses;
 - 3. Drive-thru facilities;

(3) **Sign Regulations**

The following criteria modifies, but does not replace, the text of §155.403 "Signs", and may be either more or less restrictive.

- (a) All signs allowed in the Downtown Overlay District, with the exception of Window / Door Signs, Awning / Marquee / Canopy Signs, and Flags, shall have at least one distinguishing architectural or design feature, including but not limited to one of the following:

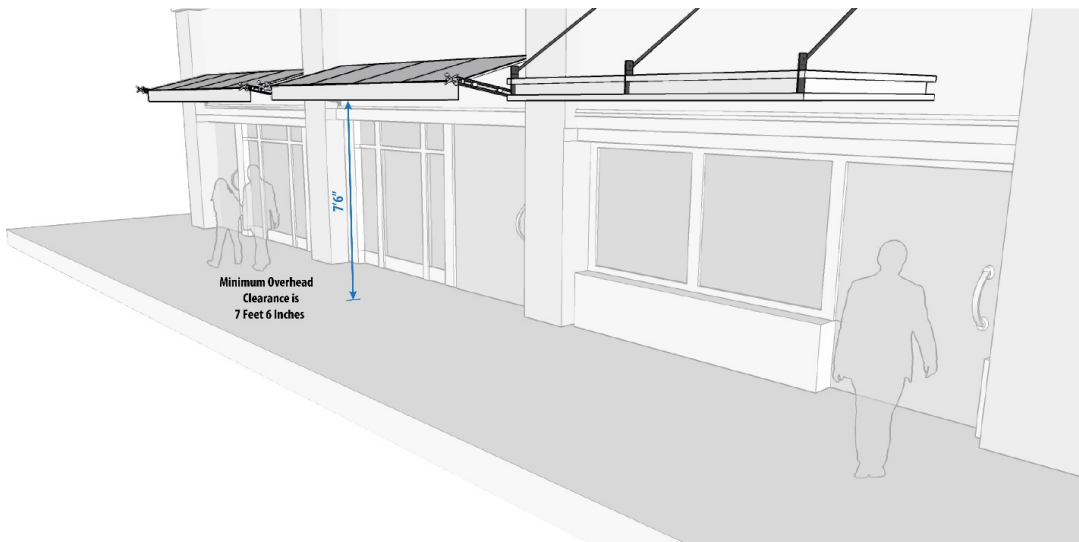
1. Exterior illumination with decorative lighting fixture;
2. Decorative or architectural mounting bracket;
3. Decorative border design that deviates from a standard rectangle;
4. Or some other design feature or embellishment that distinguishes the sign as high quality and enhancing of the downtown streetscape.

(b) **Illumination**

Illumination of sign shall not be restricted based on proximity to residential uses, but rather by the business hours of the use.

(c) **Clearance**

1. The minimum required clearance for any overhead sign, awning, or canopy is seven feet – six inches.
2. In order to ensure adequate pedestrian movement on the sidewalk (including the opening and closing of vehicular doors), no overhead sign, awning, or canopy shall be supported through the use of columns or other measure which requires it to be anchored to the ground



(d) **Prohibited Signs**

Except for “Historic Signs”, the following additional signs shall be prohibited in the Downtown Overlay District:

1. All signs designated in §155.403(E) “Signs Prohibited”;
2. Electronic Changeable Copy Signs;
3. Freestanding Signs that cannot meet the setback criteria;
4. Billboards;
5. Manual Changeable Copy Signs, unless associated with a theater, assembly, or a church;
6. Drive-Thru Menu Boards;

(e) **Promotional Banners and Seasonal Displays**

1. Small window posters advertising upcoming special events, sales events, or other such seasonal information are allowed on ground-floor storefront windows without requirement for a sign permit. A maximum of one 24 inchesx36 inches poster, or two 18 inches x24 inches posters are allowed per storefront, and these posters must be relevant and current.

(f) **Easels / Sandwich Boards / A-Frame Signs**

1. Easels / Sandwich Boards / A-Frames Signs shall be permitted provided that there is a minimum of five feet of sidewalk clearance.

2. Easels / Sandwich Boards / A-Frames Signs shall be a maximum of six square feet in area (per side).
3. Easels / Sandwich Boards / A-Frames Signs shall only be displayed during business hours, and may not be attached to anything else.
4. Easels / Sandwich Boards / A-Frames Signs shall be constructed of quality frame materials, such as decorative metal or wood; plastic shall not be allowed.

(g) **Wall / Fascia Signs**

1. All tenants not on the ground floor and located within the same building with units accessed internally may only utilize a Tenant Identification Sign (§155.403(G)(9)).
2. A wall sign designed and functioning as a larger version of a tenant identification sign (advertising for some or all on-site tenants) may be permitted provided that it:
 - A. Adheres to the dimensional requirements of a wall sign, and
 - B. Each tenant may not be advertised more than once per façade, if they are included on the modified wall sign.

(h) **Flags**

1. Angled- or horizontally-projecting flagpoles may encroach into the right-of-way with an approved sign permit, although they must remain three feet from the back of curb. Permission from NCDOT may be required, depending on ownership of the right-of-way.
2. Only one flagpole per building or site is allowed, with a minimum required frontage as follows:
 - A. One angled- or horizontally-projecting flagpole allowed for buildings with 25 feet of building frontage.
3. An exemption to the maximum number of flags and clearance requirements is that each ground floor entrance may have one small flag (two square feet per side) projecting from adjacent to the door.

(4) **Dimensional Requirements**

- (a) The purpose of modified setbacks on Main Street in the Downtown Overlay District is to provide adequate room for outdoor seating and dining, display of wares, an enhanced pedestrian realm, and create space for an active street life, while also continuing a unified visual building frontage along the street. This is in addition to the standard purpose for enforcing setbacks in the Town.

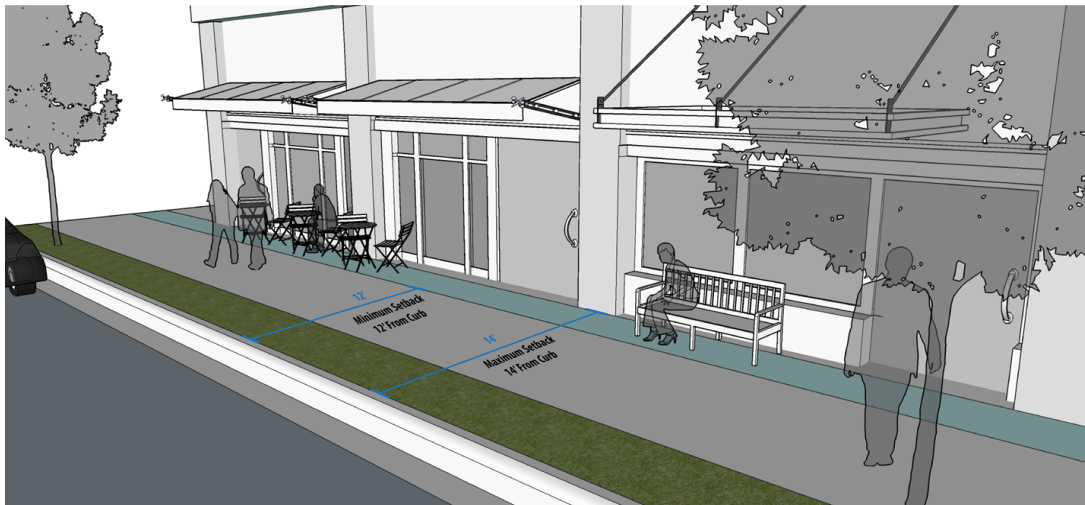
(b) Setbacks and build-to lines for nonresidential and mixed use zoning districts:

1. The dimensional requirements of this Overlay District are the same as the underlying zoning district, with the following modifications to setbacks and dimensional standards on that portion of Main Street that is within the Downtown Overlay District.

A. Minimum and maximum setbacks are established on properties that front on roads, sidewalks, or public rights-of-way:

i. A minimum setback line is established at 12 feet from back of curb.

ii. A maximum setback line is established at 14 feet from back of curb.



iii. The Planning Director may allow an alternate building setback that pulls the building or a portion thereof closer to the street to provide consistency with adjacent properties and continue an established streetscape rhythm.

iv. The Planning Director may waive the maximum setback requirement in order to preserve the historic character or landmark status of an existing building, to preserve the character of a park or public square, or to ensure the Americans with Disabilities Act (ADA) requirements are met.

v. Architectural, landscaping, or other site elements may still be required as part of the site plan to continue the appearance of a unified frontage with neighboring buildings.

B. The Street-facing façades of a building are permitted to exceed the minimum and maximum setback lines established above to allow for

decorative, recessed or projected entries, balconies, or window treatments that are in accordance with other parts of this Section.

- C. If a building is set back further than neighboring buildings, some design element shall be incorporated in front of the first floor façade, such as knee wall, first floor roof projection designating outdoor seating area, or other architectural element or design feature that continues the streetscape rhythm of neighboring buildings.

(5) Development Standards

The following criteria modifies, but does not replace, the text of §155.400 “Access”, §155.401 “Off-Street Parking and Loading”, §155.402 “Landscaping, Screening, and Buffering”.

- (a) Widths of access ways, as described in Table 4-1 “Dimensional Standards of Access Ways”, may be reduced to match the dimensions of existing streets in the Downtown Overlay District, with approval by the Planning Director, Engineering Director, and Fire Marshal as part of the standard review of individual development projects.

(b) Parking Requirements

1. General:

- A. Cross access shall be provided between adjacent parking lots to minimize the number of access points along streets. The Planning Director may waive this requirement if cross access is not feasible due to natural features or site layout restrictions. Cross access shall be accompanied by a cross access easement or agreement, recorded with the Clerk of Court. Single family residential and duplexes are exempt from this requirement.
- B. Any new construction in the Downtown Overlay District with frontage on a public right-of-way shall be required to formalize on-street, parallel parking, along the frontage(s) of the property, including landscaped bump-outs at intersections. Adjacent on-street parking spaces may count toward meeting the parking requirement for a site.
- C. All parking spaces within the Downtown Overlay District shall be paved. Permeable paving may be allowed if approved by the Planning Director and Engineering Director. No grass, gravel, dirt, or other surfaces are allowed.
- D. Multi-story parking structures/decks:
 - i. If visible from the street, multi-story parking structures/decks shall place the shortest dimension along the street, if possible.
 - ii. On Main Street, multi-story parking structures/decks shall incorporate usable spaces for nonresidential uses (i.e. – storefronts and/or tenant

spaces) along the entirety of first floor facades that front on public rights-of-way, excepting entrances and exits.

- iii. Multi-story parking structures/decks shall be architecturally consistent with surrounding buildings and shall meet all other criteria of this section.

2. Residential off-street parking

- A. Residential off-street parking requirements may be met satisfied with off-site parking, subject to Planning Director approval, provided the following are met:
 - i. The off-site parking area is in proximity to the parcel on which the residential dwellings are located;
 - ii. The off-site parking spaces are designated as reserved for the residential units which they serve;
 - iii. Required handicap parking spaces are located as close as possible to the residential dwellings;
 - iv. Required guest spaces may utilize adjacent on-street parking, to the extent that it is feasible and that those spaces remain publicly accessible.
 - v. All other relevant conditions of §155.401(C)(3)(c), "Off-Site Parking", are met.

3. Nonresidential development and uses:

- A. All nonresidential and mixed use developments shall utilize alley loaded and/or parking to the rear of the building.
- B. The Planning Director may allow a use to be established, or existing structure expansion even if off-street parking and loading requirements of Section 155.401 cannot be met for the use, provided that as much off-street parking and loading as can reasonably be provided is provided, and no foreseeable traffic congestion problems will be created.
- C. New construction shall provide bicycle rack(s) on site or pay fee-in-lieu. The fee-in-lieu shall be calculated using an average purchase price for the bicycle rack(s) plus installation cost, and will be used to provide appropriate bicycle infrastructure and parking facilities in the public right-of-way or on public property in downtown.

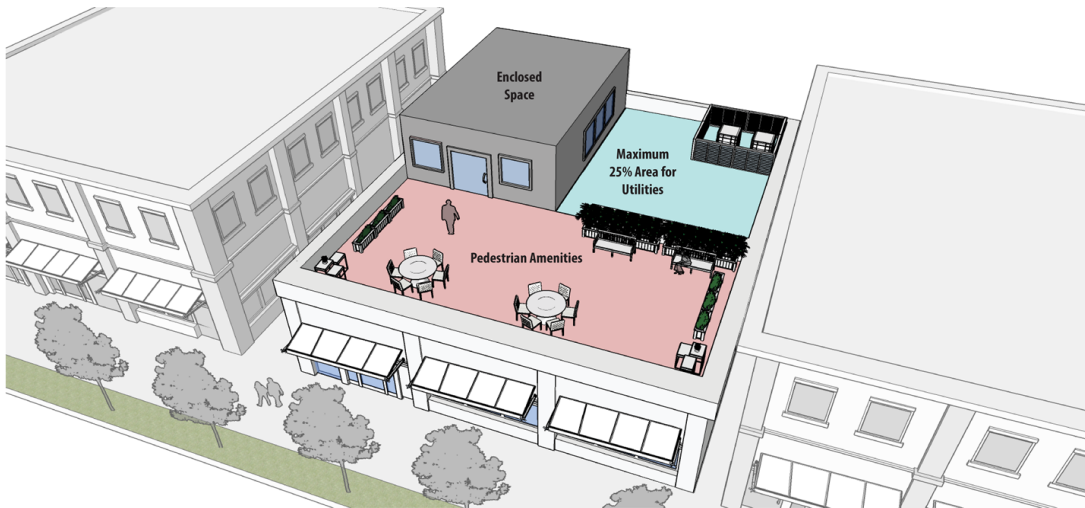
(c) Landscaping, Screening, and Buffering Requirements

1. The Planning Director may allow a new use to be established or an existing use to be expanded, even if all landscaping, screening, and buffering requirements cannot be met, provided that as much landscaping, screening, and buffering as can be reasonably provided is provided.
2. All landscaping shall be designed to reduce unsafe areas of limited visibility.
3. Berms may not be used for required screening.
4. Landscape buffers or opaque visual screening, except that used for screening parking areas to a maximum height of three feet, shall not be required along any public right-of-way.
5. Fences or walls not used for required screening or for providing security for a parking area shall be limited to four feet in height. This requirement does not apply to single family residential, duplexes, or townhomes. Chain link fencing is prohibited.
6. Plastic, vinyl, and similar low quality materials are prohibited for planters and window boxes.
7. Street trees:
 - A. At the discretion of the Planning Director, street trees shall be required at appropriate, coordinated locations along all public rights-of-way at an interval that mimics the existing tree placement in that area.
8. Subject to Planning Director approval, the following may be approved:
 - A. Modifications to the required amount of site interior landscaping materials, in zoning districts where the maximum allowed impervious area infringes on site area available for landscaping.
 - B. Understory tree species may be substituted for canopy trees. This includes trees required as part of overlay districts, site interior landscaping requirements, parking lot landscaping, street trees, and incompatibility buffers.
 - C. High-quality, raised landscaping planters may be substituted for required plantings, at a rate to be determined by the Planning Director based on area of planters provided. Planters must match the existing streetscape materials and design palette if adjacent to a public right-of-way, or that of the primary structure. Plastic, vinyl, and similar low quality materials are prohibited.

(6) Neighborhood Character, Appearance, and Architectural Design

(a) General requirements applicable to all properties:

1. Right-of-way shall be dedicated (if necessary) to allow for two-way traffic and on-street parking (both sides) along public streets.
2. In new construction, a minimum of eight feet of mostly-unobstructed walking surface (from back of curb) shall be provided for pedestrian traffic on Main Street. Some of this area may be used for public display of wares or outdoor seating, pursuant to the relevant portions of this Chapter, so long as a minimum of five feet of fully unobstructed clearance remains for pedestrian traffic.
3. Structures shall be oriented so that their primary façade faces and is parallel with the principal street on which they are located.
4. Nonresidential and mixed use infill development shall occupy the full width of the lot width to create a continuous streetscape. Allowances may be made for required vehicular and pedestrian ingress/egress points, courtyards, or other pedestrian friendly points of interest.
5. The following shall apply to properties on Main Street:
 - A. New and infill development shall be a minimum of two stories, with the uppermost story being enclosed space, space for pedestrian amenities, or a combination thereof. A maximum of 25 percent of the uppermost story may be set aside to allow room for mechanical equipment. .



- B. Buildings shall not have a single tenant space which exceeds 10,000 square feet in area on the first floor, unless at least one external, storefront entrance is provided for every 5,000 square feet, and the internal space is designed to be able to be partitioned.

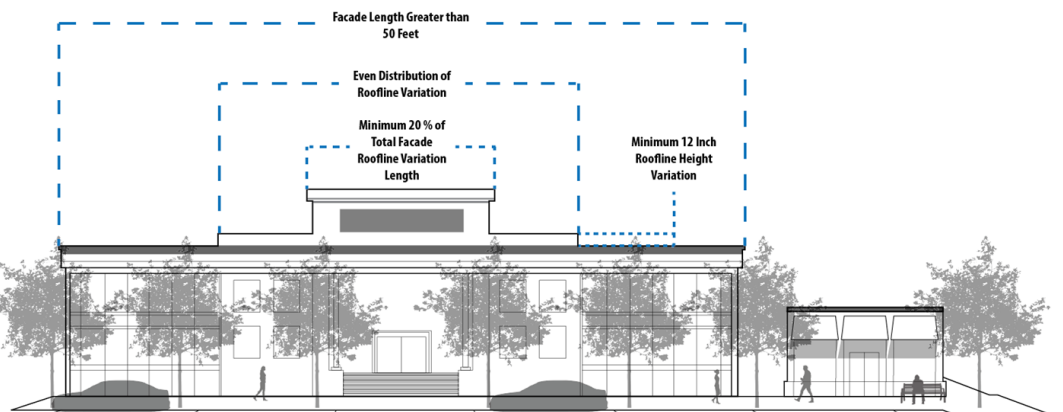
6. Corner Lots on Main Street:
 - A. Corner buildings shall match or exceed the height of adjacent buildings, with a minimum height of two stories.
 - B. Façades shall be oriented so that they face and are parallel with adjoining streets.
 - C. Where practicable, vehicular access shall be located on the side street and as far as possible from the intersection.
7. Materials:
 - A. Quality building materials shall be used on the exterior facades of new construction, replacement, renovation, or covering of an existing façade. The following materials are prohibited from use, unless the materials are identified on architectural elevations and specifically approved for use by the Planning Director: stucco; metal panels; corrugated metal; fiberglass; metal screening; horizontal lap siding made of plastic, vinyl, or aluminum; concrete block (flat or textured); concrete panels; or any other material deemed substandard by the Planning Director.
8. Windows:
 - A. Opaque windows shall be limited to a maximum of 10 percent of the total window requirement of a building. In this instance, “opaque” is defined as any window material or glazing (glass block, frosted or smoked windows, wraps, etc.) that inhibits view from the outside to the inside of the building.
 - B. False windows or faux windows are not permitted on the first floor on any façade that is visible from a public right-of-way.
 - C. Security bars or similar theft prevention devices of high visual impact shall not be allowed on any window that is visible to the public. Any security measures shall be of low visual impact or seamlessly integrated into the design of the window, building, or façade.
 - D. Nonresidential and mixed use zoning districts, and conforming nonresidential buildings in residential zoning districts:
 - i. For the purpose of calculating the window percentages required below, a building floor shall be measured from two feet above finished floor to a height of 10 feet.
 - ii. The ground floor of a building shall provide a minimum window coverage of 60 percent on the primary façade. Corner buildings may reduce the ground floor window coverage to 30 percent on the side street façade.

- iii. Upper floors shall provide a minimum of 30 percent window coverage of the façade, and simple patterns shall be used to subdivide the windows to add character to the buildings. Horizontal massing of upper floor windows is prohibited unless they are identified on the architectural elevations and specifically approved for use by the Planning Board.
- iv. Buildings shall not be altered as to reduce the amount or area of first (ground) floor storefront windows to less than the amount specified in this Section.
- v. Ground floor windows and translucent doors within 20 feet of the back of curb along a road frontage shall not be covered or screened with window coverings, so as to obstruct visibility over more than 25 percent of the surface area, for more than one half of business hours. Existing violations shall be removed no later than December 31, 2019.
- vi. Ground floor storefront windows shall incorporate at least one architectural design element to enhance the visual appeal of the district. Elements may include but are not limited to soldier courses, brick patterns, columns, knee walls, recessed entrances, peaked or arched windows, or decorative window frames. Large windows that open and provide a direct connection to the street, such as roll-up, accordion, or retracting windows are permitted, so long as they blend into the character of the street and district.

9. Roofs:

- A. Parapet style roofs are required for all new development that is not single family residential or duplexes.
- B. Peaked roofs are prohibited on new or infill development on of Main Street.
- C. Façades with rooflines greater than 50 feet in length shall incorporate a change in height. This roofline variation shall be minimum 12 inches, for a minimum of 20 percent of the total length of the façade. Roofline variations shall be evenly distributed along the façade to balance the overall appearance of the building.

Page 11 of 1
Ordinance



10. Utilities:

- A. New or replacement of existing utilities shall be undergrounded where practicable.
- B. New utilities shall be consolidated with existing utilities to reduce the proliferation of overhead wires and cables.
- C. All mechanical equipment shall be located on the roof, where practicable, and completely screened from view. The Planning Director may allow an alternate location of mechanical equipment, so long as it is screened or otherwise hidden to the greatest extent possible from view.

11. Entrances

The following shall apply to entrances in nonresidential and mixed use zoning districts, and in conforming nonresidential buildings in residential zoning districts.

- A. Existing entrances with features such as recessed or angled entries shall not be removed, except to restore the storefront to a more historically accurate design.
- B. Entrance doors shall be a minimum of 25 percent translucent.
- C. Shingled or plastic awnings are prohibited.

(7) Incentives and disincentives:

- (a) The Town encourages the use, re-use, renovation, and other creative endeavors that preserve historic structures, create new structures, or otherwise enhance the private or public realm, and which add value and enhance or promote the character of downtown Clayton. To that purpose, the following incentives and disincentives are established in the Downtown Overlay District.

(b) Incentives:

- 1. Outdoor seating and dining areas and outdoor display areas, on private property and in public rights-of-way, shall be allowed with approval of a Zoning Compliance Permit and accompanying dimensioned site drawing complying with §155.311(B) "Outdoor Dining". In this instance and within this Overlay District, the Zoning Compliance Permit expressly replaces any other requirement for a Site Plan application, unless the Planning Director determines otherwise or elevates the decision to a higher level.

- A. Outdoor seating and dining areas and site elements shall be constructed of high-quality materials. Plastic or unfinished wood are not allowed for tables, chairs, planters, window boxes, benches, or similar.
 - B. All outdoor seating and dining and site elements shall be kept in good working order and appearance and shall not fall into disrepair or they shall be removed immediately.
 - C. All accoutrements associated with outdoor seating and dining (tables, chairs, benches, planters, bollards, dividers, umbrellas, space heaters, lighting, entrance menus, etc.) shall be maintained to a high standard which demonstrates appreciation of the special character of the district.
- 2. Properties in the Downtown Overlay District may be developed at densities and intensities that are consistent with the Town's adopted Future Land Use Map, subject to the approval of a Special Use Permit.
 - 3. Downtown properties that meet other eligibility requirements may apply for:
 - A. The Façade and Site Element Improvement Grant;
 - B. The Clayton Downtown Redevelopment Incentive Grant (CDRIG).

(c) Disincentives:

- 1. Any demolition of a historically-contributing building or structure in the Downtown Overlay District shall result in a one year waiting period between application for a demolition permit and the time that the demolition occurs, and a one year moratorium (following demolition) of development applications and buildings permits upon that lot. The Town Council can waive the waiting period and the moratorium by a majority vote if the proposed new development is determined to be in the best interest of adjacent property owners and the Town.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2012-01-04, passed 1-3-12; Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2012-12-04, passed 12-3-12; Am. Ord. 2014-06-10, passed 6-16-14; Am. Ord. 2016-04-04, passed 04-04-2016)

Duly adopted this the 18th day of February, 2019 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

February 18 2019

Agenda Location

Public Hearings

Item Title

Continued Public Hearing – Water & Sewer Rates/Wastewater Capacity Study

Presenter

Interim Public Works Director Rich Cappola, Wooten Engineering Firm

Summary/Description

The Town owns and operates the Little Creek Water Reclamation Facility (LCWRF) to provide wastewater treatment and has partnerships with Johnston County and the City of Raleigh to meet the needs of our service area. The North Carolina Department of Environmental Quality (DEQ) mandates that prior to a treatment facility reaching 80% of the system's permitted capacity, it MUST have an engineer evaluate its future wastewater treatment, utilization and disposal needs. Over the last year, Town staff have been working with engineering consultants, The Wooten Company to evaluate the current and future wastewater capacity needs of the Town. Based on growth projections, the Town will need to expand our capacity and build a new plant within the next 5-years. The process for a municipality to design, permit and build a new plant takes about 4 years which is why process is underway now.

After an initial presentation in the Fall indicated the need for significant customer rate increases, Council asked the firm to research other options, to include 1) expanding the existing plant AND building a new plant, 2) expanding partnerships with the City of Raleigh and Johnston County and 3) exploring public-private partnerships. The engineering firm explored more than 20 different scenarios and in January narrowed the options down to the 5 most feasible for Council to consider. The Town Council agreed to move forward with additional vetting of the 5 options recommended, which allowed the consultants to finalize those options and plans to make a recommendation at the Feb. 18th Council meeting of the most viable option. Since the January meeting, the consultants and Town staff have been examining many factors including risk, growth projections, and not only short-term, but long-term rate impacts. The Town of Clayton has agreements in place to provide capacity from our current facility, but with the 54-year-old plant reaching capacity and treatment agreements with the City of Raleigh set to sunset in 2027, preparations to build a new plant must move forward.

Consultants and Town Staff will present the findings of their analysis to recommend the best option and staff is seeking Council consensus Monday night. The Town will then need to put out a Request for Qualifications (RFQ) to hire an engineering firm to design the plant, which must follow strict regulatory and design requirements set by the federal Environmental Protection Agency and the North Carolina Department of Environmental Quality. Once designed, the Town must then put the project out to Public bid and obtain bond financing to construct. Anticipated project schedule would have the new facility operational by the end of calendar year 2024.

Information gathered through this process will inform staff and the Council on how to best set water & sewer rates in the July 1, 2019 budget to be approved this spring.

Requested Action

Council Consensus

Funding Source (If Applicable):

Wastewater Enterprise Fund – with implications on customer rate increases to be discussed

Cost: N/A Yes ☒ No ☐

Additional Documents to be Included in Agenda Packet

PowerPoint Presentation

Meeting Timeline

- Original Consultant Study Presentations: [Water & Sewer Rate Study – Black & Veatch](#), [Wastewater Capacity Study – Wooten Company](#)
- [Nov. 5th Town Council meeting](#) – Town Manager Adam Lindsay reviews progress and Council sets 1st Public Hearing for Nov. 19th
- [Nov. 19th Town Council meeting](#) – Wooten Company reviews [additional wastewater capacity study information](#) and Council opens public hearing and continued
- [Dec. 3rd Town Council meeting](#) – Update from Town Manager, public hearing with several public comments
- [Dec. 17th Town Council meeting](#) – Update from Town Manager, no one commented, hearing continued to Jan. 7th Town Council meeting
- [Jan. 7th Town Council meeting](#) – Review of information from Town Public Works Director, [Wooten Engineering and Black & Veatch on rates and capacity](#), public hearing with resident comment

Wastewater Capacity Update

February 18, 2019



Project History

- Steps that brought us to today
 - Capacity study completed in mid-2000s
 - Why it was done
 - What were the results
 - Why implementation was delayed
- Why it is a high priority now
 - Economic recovery has been at a greater pace and appears to be sustainable for our region
 - ± 50 houses/month (600 Homes/connections per year)
 - Short-term strategies are approaching sunset
 - Financial Health and system viability dependent on long-term planning



2018 Analysis

- Updated Capacity Analysis
 - Flows & loads projections
 - Economic recovery impacts
- Treatment Options
 - Evaluation of Current & Future Facility
 - Partnerships/Flow-routing opportunities
- Option Cost Analysis
- Rate Analysis
 - Reviewed 20+ options in rate model
- Detailed Option Analysis



Options Considered for Rate Study

- These 5 options were reviewed in detail:
 - 1B – One Plant; ~20% of Flow Treated in JoCo; 80% Treated in Clayton
 - 2B – Same as 1B but running Two Plants (Not Feasible)
 - 1C – One Plant; ~45% of Flow Treated in JoCo; 55% Treated in Clayton
 - 2C – Same as 1C but running Two Plants
 - 1DAI – One Plant, Clayton treats all flows (no flow sent to Raleigh or JoCo by 2037)



Decision Factors

- Total Cost
- Impact on User Rates
- Growth trends / Timing
- Future Flexibility
- Administrative & Operational complexity
- Level of Control
- Development Approval simplification
- Risk Management



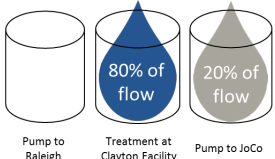
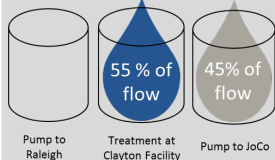
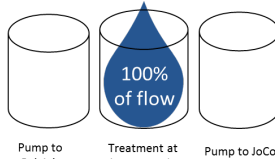
Recommend Option 1-D All

- Total Cost
 - Lowest projected investment cost over 20-years
- Impact on User Rates
 - Longer Term Rate Stability over time





Town of Clayton
Wastewater Treatment Capacity
Option Cost Breakdown
(cost in millions of dollars)

Option	Ultimate Flow Routing	Raleigh Contract Expiration	Other Transmission Cost	Plant Transmission	Little Creek Upgrades	Treatment Plant Cost	JoCo Capacity Purchase	Clayton Plant Nitrogen Credit Cost (\$21.86/lb TN)	Capital Cost	Raleigh per Gallon Charge (2027-2031)	JoCo Per Gallon Charge (over 20 years)	20 Year O&M Cost	Total Investment
1B	 Pump to Raleigh Treatment at Clayton Facility Pump to JoCo	2027	\$6.56	\$7.43	\$0.0	\$79.0	\$11.25	\$48.0	\$152.22	\$0.00	\$101.02	\$60.9	\$314.19
2B		2027	\$9.06	\$12.68	\$15.64	\$67.01	\$11.25	\$48.00	\$163.64	\$0.00	\$101.02	\$73.1	\$337.76
1C	 Pump to Raleigh Treatment at Clayton Facility Pump to JoCo	2032	\$0.00	\$7.29	\$3.73	\$59.96	\$68.70	\$18.00	\$157.68	\$5.57	\$206.54	\$43.1	\$412.84
2C		2032	\$0.00	\$11.94	\$15.64	\$45.11	\$68.70	\$18.00	\$159.39	\$5.57	\$206.54	\$60.0	\$431.52
1DAII	 Pump to Raleigh Treatment at Clayton Facility Pump to JoCo	2032	\$7.86	\$7.55	\$0.00	\$99.15	\$11.25	\$72.00	\$197.81	\$5.57	\$0.00	\$75.5	\$278.91



1D All Rate Expectation

Option 1DAII – Not Phased – Financial Plan

		Fiscal Years:			
Line	Description	2020	2021	2022	2023
FINANCIAL PLAN - COMBINED SYSTEM					
Revenues					
1	Existing Service Revenues	\$ 13,123,756	\$ 13,930,831	\$ 14,790,084	\$ 15,477,894
2	Cumulative Revenue Increase (Percent)	8.7%	11.5%	12.7%	15.1%
3	Cumulative Revenue Increase (Amount)	1,140,405	2,943,964	5,396,955	8,816,143
4	Wholesale Water Revenues	-	-	-	-
5	Other Sources	9,875,623	11,010,478	7,998,738	6,020,231
6	Total System Revenues	\$ 24,139,783	\$ 27,885,274	\$ 28,185,777	\$ 30,314,268
Expenses					
7	Operating & Maintenance Expense	\$ 6,619,010	\$ 6,822,103	\$ 7,031,534	\$ 10,275,005
8	Existing Debt Service	832,327	932,555	769,958	503,144
9	Proposed Debt Service	1,142,500	2,285,000	6,130,553	8,873,053
10	Other Expenditures	4,119,171	4,170,451	3,944,890	3,925,537
11	Risk Mitigating Funds	1,767,012	1,767,012	1,767,012	1,767,012
12	Total System Expenses	\$ 14,480,020	\$ 15,977,121	\$ 19,643,946	\$ 25,343,750
13	Operating Balance	\$ 9,659,764	\$ 11,908,153	\$ 8,541,831	\$ 4,970,519
14	Debt Service Coverage	13.74	8.87	6.55	3.07
15	Days Cash on Hand	637	766	735	374



Option Comparison - User Rates

Option	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23
Jan. 7 Base	\$ 74	\$ 84	\$ 95	\$ 110	\$ 128
1DAll	\$ 74	\$ 85	\$ 95	\$ 107	\$ 123
1C	\$ 74	\$ 86	\$ 98	\$ 112	\$ 130
2C	\$ 74	\$ 86	\$ 97	\$ 111	\$ 130
1B1	\$ 74	\$ 89	\$ 103	\$ 122	\$ 148
2B - Not Feasible	N/A	N/A	N/A	N/A	N/A

NOTE: Option 2B was deemed not feasible from a financial standpoint due to timing of funding needs



User Rate Comparison

Combined Rates					Inside Jurisdiction				Outside Jurisdiction			
Utility	Customers				Estimated Bills				Estimated Bills			
	Residential	Commercial	Industrial	Institutional	5,000 Gals	50,000 Gals	100,000 Gals	1,000,000 Gals	5,000 Gals	50,000 Gals	100,000 Gals	1,000,000 Gals
Town of Cary	65,668	3,150	65	300	59	836	1,992	18,842	116	985	2,133	17,827
Town of Morrisville	12,387	2,163	-	97	70	925	2,169	20,614	149	1,251	2,665	23,146
City of Durham	86,834	5,811	120	1,332	37	491	1,306	10,301	N/A	N/A	N/A	N/A
County of Durham	19,238	883	-	550	40	368	913	6,719	N/A	N/A	N/A	N/A
City of Raleigh	171,033	14,923	183	831	46	417	1,152	7,834	93	1,390	2,753	20,436
Town of Angier	2,660	342	1	34	75	491	954	9,279	90	612	1,192	11,692
Town of Fuquay Varina	11,465	904	10	42	79	577	1,130	11,084	88	630	1,232	12,139
Town of Holly Springs	13,934	874	12	74	75	755	1,512	15,695	82	767	1,415	15,453
Town of Wendell	Part of Raleigh				56	463	1,069	8,879	111	1,484	2,587	22,527
Town of Zebulon	Part of Raleigh				67	478	1,088	8,965	135	1,514	2,624	22,699
Johnston County	31,574	914	16	30	81	723	1,666	13,215	N/A	N/A	N/A	N/A
Town of Smithfield	4,609	992	19	83	87	717	1,422	14,112	118	865	1,708	16,943
Town of Selma	2,081	168	-	-	77	790	1,980	19,882	119	1,086	2,973	29,748
Harnett County - Residential	38,439				101	568	1,093	10,543	N/A	N/A	N/A	N/A
Harnett County - Commercial		698	11	28	104	571	1,096	10,546	N/A	N/A	N/A	N/A
Aqua	N/A	N/A	N/A	N/A	103	1,012	2,023	20,221	103	1,012	2,023	20,221
Clayton - Today	7,710	661	21	104	74	544	1,061	8,705	124	788	1,501	12,545
Clayton Proposed - 2020	7,710	661	21	104	85	561	1,089	10,584	106	699	1,359	13,239
Clayton Proposed - 2021					95	626	1,214	11,801	118	780	1,516	14,762
Clayton Proposed - 2022					107	705	1,368	13,300	133	879	1,708	16,637
Clayton Proposed - 2023					123	812	1,575	15,308	153	1,011	1,966	19,149



Recommend Option 1-D All

- Growth trends / Timing
 - Meets 20-year needs
 - No extension of Raleigh contract beyond 2027
 - Reduced Johnston County purchases
- Future Flexibility
 - Regional player
 - Potential revenue generator (bulk treatment provider in interim)
 - Privatization potential
- Administrative & Operational complexity
 - Consolidated Operation (1 Plant)
 - Asset Management



Recommend Option 1-D All

- Level of Control
 - Limited external influences
- Development Approval simplification
 - Flow/Allocation Management
- Risk Management
 - Best defined costs
 - Reduced external influences (rate increases, permitting, etc.)



What's next?

- Is there Town Council consensus to move forward with Option 1D All?
 - Solicit responses to RFQ for Design Services
 - Negotiate contract with Consultant
 - Final Approval of Contract by Town Council
 - Project Kick-off anticipated early summer 2019
- Continued Analysis
 - Wastewater Allocation tracking & policy amendments
 - Continued evaluation of design and partnership options
 - Rate approval through the FY20 Budget process



DISCUSSION





Town of Clayton
Wastewater Treatment Capacity
Option Cost Breakdown
 (cost in millions of dollars)

Option	Ultimate Flow Routing	Raleigh Contract Expiration	Other Transmission Cost	Plant Transmission	Little Creek Upgrades	Treatment Plant Cost	JoCo Capacity Purchase	Clayton Plant Nitrogen Credit Cost (\$21.86/lb TN)	Capital Cost	Raleigh per Gallon Charge (2027-2031)	JoCo Per Gallon Charge (over 20 years)	20 Year O&M Cost	Total Investment
1B		2027	\$6.56	\$7.43	\$0.0	\$79.0	\$11.25	\$48.0	\$152.22	\$0.00	\$101.02	\$60.9	\$314.19
2B		2027	\$9.06	\$12.68	\$15.64	\$67.01	\$11.25	\$48.00	\$163.64	\$0.00	\$101.02	\$73.1	\$337.76
1C		2032	\$0.00	\$7.29	\$3.73	\$59.96	\$68.70	\$18.00	\$157.68	\$5.57	\$206.54	\$43.1	\$412.84
2C		2032	\$0.00	\$11.94	\$15.64	\$45.11	\$68.70	\$18.00	\$159.39	\$5.57	\$206.54	\$60.0	\$431.52
1DAII		2032	\$7.86	\$7.55	\$0.00	\$99.15	\$11.25	\$72.00	\$197.81	\$5.57	\$0.00	\$75.5	\$278.91





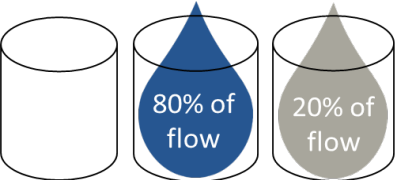
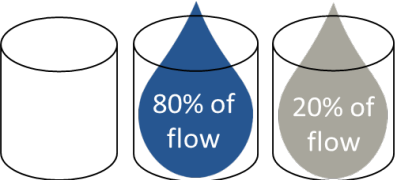
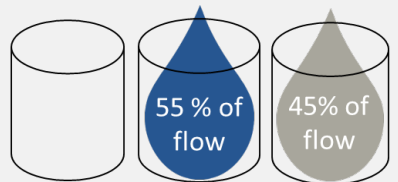
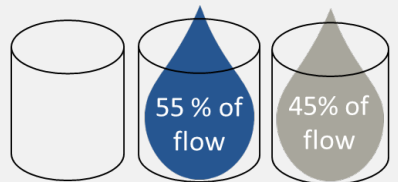
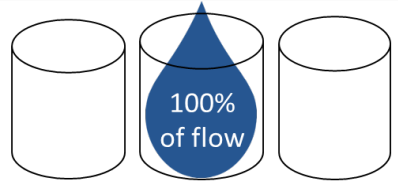
Town of Clayton
Wastewater Treatment Capacity
Option Cost Breakdown Description

Option	Descriptor	Flow to Clayton Facility by 2037 (MGD)	Capacity in Clayton Facilities	Flow to JoCo (MGD)	Raleigh Flow Utilized (MGD)	Raleigh Contract Expiration	Other Transmission Cost	Plant Transmission	Upgrades at Little Creek	Treatment Plant Cost	JoCo Capacity Purchase	Clayton Plant Nitrogen Credit Cost (\$21.86 /lb TN)	Capital Cost	Raleigh per Gallon Charge (2027-2032)	JoCo Per Gallon Charge (over 20 years) ^a	20 Year O&M Cost	Total Investment
1B	Clayton treats 80% at new facility 20% to JoCo	7.32	New 7.5 MGD Facility (Little Creek WRF Decommissioned)	1.9	1	2027	1. Force main and pumps from WWPTF to Neuse River site	1. Little Creek WRF converted to raw water pump station, outfall line replaced to meet capacity for raw water 2. New Outfall line from New Plant to Neuse River	--	New 7.5 MGD Facility	Reserve fee for additional capacity (0.57 MGD) to be sent to JoCo in near term. Flows come online too quickly to build capacity in Clayton and must be purchased in JoCo until additional capacity can be built	Equivalent of 4 MGD of Nitrogen required for plant to discharge	(Total of preceding 6 columns)	--	Cost to treat 20% of Clayton flow in JoCo for 20 years	1. Chemical, electrical, labor for 1 plant operation 2. Raleigh (to 2027) per gallon charge	(Total of Capital Cost, Raleigh per Gallon Charge, JoCo per Gallon Charge and 20 Year O&M)
2B	Clayton treats 80% of flow at new facility and Little Creek WRF 20% to JoCo	7.32	New 5.5 MGD Facility + Little Creek WRF (2 MGD)	1.9	2	2027	1. Force main and pumps from WWPTF to Neuse River site	1. Little Creek WRF outfall line replaced to meet capacity for finished water 2. New Outfall line from New Plant to Neuse River 3. New pump station and force main to redirect raw flow in excess of Little Creek WRF capacity to New Plant	<u>Near Term:</u> Add denite filters, new influent pumps, replace/add effluent pumps for finished water <u>10 year upgrades:</u> replace anoxic/post-anoxic mixers, diffusers and membranes, aerobic tank blowers, clarifier equipment, digester blowers, decant valves, drum thickener	New 5.5 MGD Facility	Reserve fee for additional capacity (0.57 MGD) to be sent to JoCo in near term. Flows come online too quickly to build capacity in Clayton and must be purchased in JoCo until additional capacity can be built	Equivalent of 4 MGD of Nitrogen required for plant to discharge	(Total of preceding 6 columns)	--	Cost to treat 20% of Clayton flow in JoCo for 20 years	1. Chemical, electrical, labor for 2 plant operation 2. Raleigh (to 2027) per gallon charge	(Total of Capital Cost, Raleigh per Gallon Charge, JoCo per Gallon Charge and 20 Year O&M)
1C	Clayton 55% of flow; 45% sent to JoCo	4.97	New 5 MGD Facility (Little Creek WRF Decommissioned)	4.25	1	2032	--	1. Little Creek WRF converted to raw water pump station, outfall line replaced to meet capacity 2. New Outfall Line from New Plant to Neuse River	--	New 5 MGD Facility	Reserve fee and nitrogen credit cost for additional 2.35 MGD sent to JoCo for treatment (\$16.04 per gallon)	Equivalent of 1.5 MGD of Nitrogen required for plant to discharge	(Total of preceding 6 columns)	Cost for treating 1 MGD for an additional 5 years	Cost to treat 45% of Clayton flow in JoCo for 20 years	1. Chemical, electrical, labor for 1 plant operation 2. Raleigh (to 2027) per gallon charge	(Total of Capital Cost, Raleigh per Gallon Charge, JoCo per Gallon Charge and 20 Year O&M)
2C	Clayton 55% of flow; 45% sent to JoCo	4.97	New 3 MGD Facility + Little Creek WRF (2 MGD)	4.25	1	2032	--	1. New Outfall line from New Plant to Neuse River 2. New pump station and force main to redirect raw flow from Little Creek WRF to new site (in excess of 2.5 mgd)	<u>Near Term:</u> Add denite filters, new influent pumps, replace/add effluent pumps <u>10 year upgrades:</u> replace anoxic/post-anoxic mixers, diffusers and membranes, aerobic tank blowers, clarifier equipment, digester blowers, decant valves, drum thickener	New 3 MGD Facility	Reserve fee and nitrogen credit cost for additional 2.35 MGD sent to JoCo for treatment (\$16.04 per gallon)	Equivalent of 1.5 MGD of Nitrogen required for plant to discharge	(Total of preceding 6 columns)	Cost for treating 1 MGD for an additional 5 years	Cost to treat 45% of Clayton flow in JoCo for 20 years	1. Chemical, electrical, labor for 2 plant operation 2. Raleigh (to 2027) per gallon charge	(Total of Capital Cost, Raleigh per Gallon Charge, JoCo per Gallon Charge and 20 Year O&M)
1DAII	Clayton treats all flows, no flows sent to JoCo	9.22	New 9.5 MGD Facility (Little Creek WRF Decommissioned)	0	1	2032	1. Force main and pumps from WWPTF to Neuse River site	1. Little Creek WRF converted to raw water pump station, outfall line replaced to meet capacity for raw water 2. New Outfall line from New Plant to Neuse River	--	New 9.5 MGD Facility	Reserve fee for additional capacity (0.57 MGD) to be sent to JoCo in near term. Flows come online too quickly to build capacity in Clayton and must be purchased in JoCo until additional capacity can be built	Additional 6 MGD of Nitrogen	(Total of preceding 6 columns)	Cost for treating 1 MGD for an additional 5 years	--	1. Chemical, electrical, labor for 1 plant operation 2. Raleigh (to 2027) per gallon charge	(Total of Capital Cost, Raleigh per Gallon Charge, JoCo per Gallon Charge and 20 Year O&M)

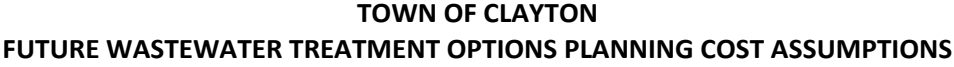
^aassumes 20% increase in JoCo rate the first 4 years and the 5% in subsequent years



Town of Clayton Wastewater Treatment Capacity Option Pros and Cons

Option	Ultimate Flow Routing	Pros	Cons
1B	 Pump to Raleigh Treatment at Clayton Facility Pump to JoCo	- JoCo WWTP can accept 20% flow without WWTP expansion - Town controls domestic and future industrial user rates	- Mid-range Total Investment - JoCo sets 20% of user costs
2B	 Pump to Raleigh Treatment at Clayton Facility Pump to JoCo	- JoCo WWTP can accept 20% flow without WWTP expansion - Town controls domestic and future industrial user rates - Still use parts of Little Creek WWTP	- Mid-range Total Investment - JoCo sets 20% of user costs - More difficult to operate 2 plants - Need immediate Little Creek upgrade (to be able to use nitrogen credits) - Little Creek additional upgrade in ~ 7 to 10 years (old equipment)
1C	 Pump to Raleigh Treatment at Clayton Facility Pump to JoCo	- Lowest initial Capital Cost - Town purchases fewest nitrogen credits	- Large Total Investment - Least autonomy and cost control (JoCo sets 45% of costs) - Requires expansion of JoCo WWTP plant capacity - Town growth limited to timing for JoCo WWTP expansion
2C	 Pump to Raleigh Treatment at Clayton Facility Pump to JoCo	- Lower initial Capital Cost - Town purchases fewest nitrogen credits	- Largest Total Investment - More difficult to operate 2 plants - Need immediate Little Creek upgrade (to be able to use nitrogen credits) - Little Creek additional upgrade in ~ 7 to 10 years (old equipment) - Requires expansion of JoCo WWTP plant capacity - Town growth limited to timing for JoCo WWTP expansion
1D All	 Pump to Raleigh Treatment at Clayton Facility Pump to JoCo	- Lowest Total Investment - Town sets its own rates and cost control - Best defined costs - More flexibility in accepting flows (inside or outside Town) - Easiest and clearest future flow allocation to developers/industry - Greater future bargaining power for regional solutions - Easier to operate one versus two WWTPs - No need for purchase and per gallon charges with other sources - Can stop Raleigh flow diversion after WWTP construction	- Highest Capital Cost - Largest WWTP footprint



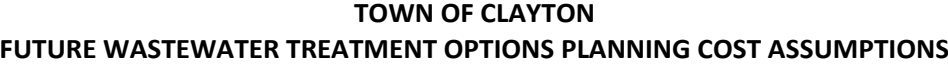


Option 1B

Note: Individual year costs estimated based on % of total activity anticipated to be completed that year

Note: Individual year costs estimated based on % of total activity anticipated to be completed that year

Note: Individual year costs estimated based on % of total activity anticipated to be completed that year



Option 2C																				
	Total	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
Upgrade Little Creek WRF	\$12.47 M	\$3.12 M	\$6.24 M	\$3.12 M																
Plant Transmission Capital	\$11.94 M		\$0.60 M	\$11.34 M																
Plant Capital Cost	\$45.11 M		\$2.26 M	\$11.28 M	\$18.04 M	\$13.53 M														
Equipment Upgrades to Little Creek WRF	\$3.17 M							\$3.17 M												
Nitrogen	\$18.0 M													\$18.0 M						
Raleigh Capacity	\$5.55 M									\$1.11 M	\$1.11 M	\$1.11 M	\$1.11 M	\$1.11 M						
O&M	\$60.04 M					\$2.50 M	\$4.99 M	\$4.99 M	\$4.99 M	\$3.87 M	\$3.87 M	\$3.87 M	\$3.87 M	\$3.87 M	\$3.87 M	\$3.87 M	\$3.87 M	\$3.87 M	\$3.87 M	\$3.87 M
JoCo per Gallon	\$206.55 M		\$2.09 M	\$2.66 M	\$3.49 M	\$4.37 M	\$7.92 M	\$8.88 M	\$9.62 M	\$11.62 M	\$12.33 M	\$12.96 M	\$13.63 M	\$14.32 M	\$15.05 M	\$15.82 M	\$16.63 M	\$17.48 M	\$18.37 M	\$19.31 M
Total	\$156.28 M	\$3.12 M	\$11.19 M	\$28.40 M	\$21.53 M	\$20.40 M	\$12.91 M	\$17.04 M	\$14.61 M	\$16.60 M	\$17.31 M	\$17.94 M	\$18.61 M	\$37.30 M	\$18.92 M	\$19.69 M	\$20.50 M	\$21.35 M	\$22.24 M	\$23.18 M

Option 1DAII																				
	Total	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
JoCo Capacity Purchase	\$11.25 M	\$4.79 M	\$6.46 M																	
WWPTF Transmission to Neuse Site	\$7.86 M	\$0.39 M	\$7.47 M																	
Plant Transmission Capital	\$7.55 M		\$0.38 M	\$7.17 M																
Plant Capital Cost	\$99.15 M		\$4.96 M	\$24.79 M	\$39.66 M	\$29.75 M														
Nitrogen	\$72.0 M					\$54.0 M								\$18.0 M						
Raleigh Capacity	\$5.55 M									\$1.11 M	\$1.11 M	\$1.11 M	\$1.11 M	\$1.11 M						
O&M	\$75.55 M					\$3.03 M	\$6.06 M	\$6.06 M	\$6.06 M	\$4.94 M	\$4.94 M	\$4.94 M	\$4.94 M	\$4.94 M	\$4.94 M	\$4.94 M	\$4.94 M	\$4.94 M	\$4.94 M	\$4.94 M
Total	\$259.80 M	\$5.18 M	\$19.27 M	\$31.96 M	\$39.66 M	\$86.78 M	\$6.06 M	\$6.06 M	\$6.06 M	\$6.05 M	\$6.05 M	\$6.05 M	\$6.05 M	\$24.05 M	\$4.94 M	\$4.94 M	\$4.94 M	\$4.94 M	\$4.94 M	\$4.94 M

A:\Engineering\Water & Wastewater\Projects\New WWTP\from Master\2019-02-12\Fin\N10 TP Option Costs by Year.xlsx

2 OF 2

Option	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23
Jan. 7 Base	\$ 74	\$ 84	\$ 95	\$ 110	\$ 128
1DAll	\$ 74	\$ 85	\$ 95	\$ 107	\$ 123
1C	\$ 74	\$ 86	\$ 98	\$ 112	\$ 130
2C	\$ 74	\$ 86	\$ 97	\$ 111	\$ 130
1B1	\$ 74	\$ 89	\$ 103	\$ 122	\$ 148
2B - Not Feasible	N/A	N/A	N/A	N/A	N/A

Combined Rates

Utility	Customers				Inside Jurisdiction				Outside Jurisdiction			
	Residential	Commercial	Industrial	Institutional	Estimated Bills				Estimated Bills			
					5,000 Gals	50,000 Gals	100,000 Gals	1,000,000 Gals	5,000 Gals	50,000 Gals	100,000 Gals	1,000,000 Gals
Town of Cary	65,668	3,150	65	300	59	836	1,992	18,842	116	985	2,133	17,827
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Harnett County - Commercial		698	11	28	104	571	1,096	10,546	N/A	N/A	N/A	N/A
Aqua	N/A	N/A	N/A	N/A	103	1,012	2,023	20,221	103	1,012	2,023	20,221
Clayton - Today	7,710	661	21	104	74	544	1,061	8,705	124	788	1,501	12,545
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Clayton Proposed - 2022					107	705	1,368	13,300	133	879	1,708	16,637
Clayton Proposed - 2023					123	812	1,575	15,308	153	1,011	1,966	19,149

Town of Clayton WWTP Scenarios 02-13-2019



Base Case

Base Case – Financial Plan

Base Case

Revenue Increase - Water
 Revenue Increase - Wastewater
 Revenue Bond Proceeds
 ECA Lift Station
 Transfer to Construction Fund

0.00%	0.00%	0.00%	0.00%	0.00%
0.00%	17.00%	24.00%	26.00%	26.00%
\$ -	\$ 28,400,000	\$ -	\$ 45,000,000	\$ -
\$ -	\$ 2,700,000	\$ -	\$ -	\$ -
\$ (3,649,000)	\$ (5,031,475)	\$ (5,601,025)	\$ (5,407,614)	\$ (5,457,760)



Base Case – Financial Plan

Line	Description	Fiscal Years:			
		2020	2021	2022	2023
FINANCIAL PLAN - COMBINED SYSTEM					
Revenues					
1	Existing Service Revenues	\$ 13,123,756	\$ 13,930,831	\$ 14,790,084	\$ 15,477,894
2	Cumulative Revenue Increase (Percent)	7.4%	11.3%	13.6%	15.1%
3	Cumulative Revenue Increase (Amount)	969,344	2,719,547	5,287,677	8,672,666
4	Wholesale Water Revenues	-	-	-	-
5	Other Sources	8,877,273	10,011,656	7,994,446	6,012,606
6	Total System Revenues	\$ 22,970,373	\$ 26,662,035	\$ 28,072,208	\$ 30,163,166
Expenses					
7	Operating & Maintenance Expense	\$ 8,207,006	\$ 9,679,222	\$ 11,384,522	\$ 12,840,542
8	Existing Debt Service	832,327	932,555	769,958	503,144
9	Proposed Debt Service	710,000	1,420,000	3,230,486	4,355,486
10	Other Expenditures	5,759,171	5,851,451	5,667,915	5,691,637
11	Risk Mitigating Funds	1,756,408	1,756,408	1,756,408	1,756,408
12	Total System Expenses	\$ 17,264,912	\$ 19,639,637	\$ 22,809,289	\$ 25,147,217
13	Operating Balance	\$ 5,705,461	\$ 7,022,398	\$ 5,262,919	\$ 5,015,949
14	Debt Service Coverage	11.03	9.57	7.22	4.17
15	Days Cash on Hand	505	482	405	347



Base Case – Water System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 15.91	\$ 19.89
2	0.75	\$ 23.86	\$ 29.83
3	1	\$ 39.77	\$ 49.72
4	1.5	\$ 79.55	\$ 99.44
5	2	\$ 127.28	\$ 159.10
6	3	\$ 238.65	\$ 298.31
7	4	\$ 397.74	\$ 497.18
8	6	\$ 795.49	\$ 994.36
9	8	\$ 1,272.78	\$ 1,590.98
10	10	\$ 1,829.62	\$ 2,287.03

Line	Description	Units	Usage Blocks	In Town	Out Town
		Kgals.	\$	\$	\$
Consumption Based Rates					
Residential:					
1	Block 1	per Kgals.	0 - 2,000 Gallons	\$ 3.96	\$ 4.95
2	Block 2	per Kgals.	2,001 to 4,000 Gallons	\$ 4.15	\$ 5.20
3	Block 3	per Kgals.	4,001 to 6,000 Gallons	\$ 4.35	\$ 5.44
4	Block 4	per Kgals.	All Above	\$ 4.75	\$ 5.94
Commercial:					
5	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.75	\$ 5.96
6	Block 2	per Kgals.	All Above	\$ 5.46	\$ 6.85
Industrial:					
7	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.82	\$ 6.04
8	Block 2	per Kgals.	All Above	\$ 5.54	\$ 6.95
Irrigation Residential (All Usage):					
9	Block 1	per Kgals.	0 - 8,000 Gallons	\$ 6.32	
10	Block 2	per Kgals.	8,001 to 16,000 Gallons	\$ 7.89	
11	Block 3	per Kgals.	All Above	\$ 9.70	
Irrigation Non-Residential (All Usage):					
12	Block 1	per Kgals.	0 - 50,000 Gallons	\$ 5.08	
13	Block 2	per Kgals.	50,001 to 100,000 Gallons	\$ 7.01	
14	Block 3	per Kgals.	All Above	\$ 8.25	

Base Case – Sewer System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 17.03	\$ 21.29
2	0.75	\$ 25.55	\$ 31.93
3	1	\$ 42.58	\$ 53.22
4	1.5	\$ 85.15	\$ 106.44
5	2	\$ 136.25	\$ 170.31
6	3	\$ 255.46	\$ 319.33
7	4	\$ 425.77	\$ 532.22
8	6	\$ 851.55	\$ 1,064.43
9	8	\$ 1,362.47	\$ 1,703.09
10	10	\$ 1,958.55	\$ 2,448.19
Consumption Based Rates			
General System:			
11	All Usage (per 1,000 Gallons)	\$ 5.65	\$ 7.08

Base Case – Bill Impact

Usage	Existing Structure			Proposed Structure			Bill Increase	Bill Increase
	Fixed Charges	Volume Charge	Total	Fixed Charges	Volume Charge	Total		
Gallons	\$	\$	\$	\$	\$	\$	%	\$
0	22.20	0.00	\$22.20	34.94	0.00	\$34.94	57.39%	\$12.74
500	22.20	5.17	\$27.37	34.94	4.81	\$39.75	45.24%	\$12.38
1,000	22.20	10.33	\$32.53	34.94	9.61	\$44.55	36.95%	\$12.02
1,500	22.20	15.50	\$37.70	34.94	14.41	\$49.35	30.90%	\$11.65
2,000	22.20	20.66	\$42.86	34.94	19.22	\$54.16	26.37%	\$11.30
2,500	22.20	25.83	\$48.03	34.94	24.13	\$59.07	22.99%	\$11.04
3,000	22.20	30.99	\$53.19	34.94	29.02	\$63.96	20.25%	\$10.77
3,500	22.20	36.16	\$58.36	34.94	33.93	\$68.87	18.01%	\$10.51
4,000	22.20	41.32	\$63.52	34.94	38.84	\$73.78	16.15%	\$10.26
4,500	22.20	46.49	\$68.69	34.94	43.84	\$78.78	14.69%	\$10.09
5,000	22.20	51.65	\$73.85	34.94	48.84	\$83.78	13.45%	\$9.93
6,000	22.20	61.98	\$84.18	34.94	58.85	\$93.79	11.42%	\$9.61
7,000	22.20	72.31	\$94.51	34.94	69.25	\$104.19	10.24%	\$9.68
8,000	22.20	82.64	\$104.84	34.94	79.64	\$114.58	9.29%	\$9.74
9,000	22.20	92.97	\$115.17	34.94	90.05	\$124.99	8.53%	\$9.82
10,000	22.20	103.30	\$125.50	34.94	100.45	\$135.39	7.88%	\$9.89
11,000	22.20	113.63	\$135.83	34.94	110.85	\$145.79	7.33%	\$9.96
12,000	22.20	123.96	\$146.16	34.94	121.25	\$156.19	6.86%	\$10.03
13,000	22.20	134.29	\$156.49	34.94	131.64	\$166.58	6.45%	\$10.09
14,000	22.20	144.62	\$166.82	34.94	142.05	\$176.99	6.10%	\$10.17
15,000	22.20	154.95	\$177.15	34.94	152.45	\$187.39	5.78%	\$10.24
16,000	27.83	165.28	\$193.11	34.94	162.85	\$197.79	2.42%	\$4.68
17,000	27.83	175.61	\$203.44	34.94	173.25	\$208.19	2.34%	\$4.75
18,000	27.83	185.94	\$213.77	34.94	183.66	\$218.60	2.26%	\$4.83
19,000	27.83	196.27	\$224.10	34.94	194.05	\$228.99	2.18%	\$4.89
20,000	27.83	206.60	\$234.43	34.94	204.45	\$239.39	2.12%	\$4.96
21,000	27.83	216.93	\$244.76	34.94	214.86	\$249.80	2.06%	\$5.04
22,000	27.83	227.26	\$255.09	34.94	225.25	\$260.19	2.00%	\$5.10
23,000	27.83	237.59	\$265.42	34.94	235.66	\$270.60	1.95%	\$5.18
24,000	27.83	247.92	\$275.75	34.94	246.06	\$281.00	1.90%	\$5.25
25,000	27.83	258.25	\$286.08	34.94	256.46	\$291.40	1.86%	\$5.32



Option 1B1 – Not Phased



Option 1B1 – Not Phased – Financial Plan

Option 1B 1 - Not Phased

Revenue Increase - Water
 Revenue Increase - Wastewater
 Revenue Bond Proceeds
 ECA Lift Station
 Transfer to Construction Fund

0.00%	0.00%	0.00%	0.00%	0.00%
0.00%	30.00%	32.00%	32.00%	34.00%
\$ -	\$ 44,700,000	\$ -	\$ 77,500,000	\$ -
\$ -	\$ 2,700,000	\$ -	\$ -	\$ -
\$ (8,269,000)	\$ (5,031,475)	\$ (5,838,525)	\$ (5,694,114)	\$ (5,362,760)



Option 1B1 – Not Phased – Financial Plan

Line	Description	Fiscal Years:			
		2020	2021	2022	2023
FINANCIAL PLAN - COMBINED SYSTEM					
Revenues					
1	Existing Service Revenues	\$ 13,123,756	\$ 13,930,831	\$ 14,790,084	\$ 15,477,894
2	Cumulative Revenue Increase (Percent)	13.0%	15.9%	18.1%	21.4%
3	Cumulative Revenue Increase (Amount)	1,710,607	4,319,423	8,079,084	13,543,521
4	Wholesale Water Revenues	-	-	-	-
5	Other Sources	8,872,590	9,995,022	7,979,125	6,004,022
6	Total System Revenues	\$ 23,706,953	\$ 28,245,276	\$ 30,848,293	\$ 35,025,437
Expenses					
7	Operating & Maintenance Expense	\$ 8,713,181	\$ 9,485,191	\$ 9,860,770	\$ 13,543,738
8	Existing Debt Service	832,327	932,555	769,958	503,144
9	Proposed Debt Service	1,117,500	2,235,000	5,251,416	7,188,916
10	Other Expenditures	5,759,171	5,851,451	5,667,915	5,691,637
11	Risk Mitigating Funds	1,767,569	1,767,569	1,767,569	1,767,569
12	Total System Expenses	\$ 18,189,748	\$ 20,271,766	\$ 23,317,628	\$ 28,695,004
13	Operating Balance	\$ 5,517,205	\$ 7,973,510	\$ 7,530,666	\$ 6,330,433
14	Debt Service Coverage	11.06	7.69	5.92	3.49
15	Days Cash on Hand	333	388	441	347

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Option 1B1 – Not Phased – Water System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 15.91	\$ 19.89
2	0.75	\$ 23.86	\$ 29.83
3	1	\$ 39.77	\$ 49.72
4	1.5	\$ 79.55	\$ 99.44
5	2	\$ 127.28	\$ 159.10
6	3	\$ 238.65	\$ 298.31
7	4	\$ 397.74	\$ 497.18
8	6	\$ 795.49	\$ 994.36
9	8	\$ 1,272.78	\$ 1,590.98
10	10	\$ 1,829.62	\$ 2,287.03

Line	Description	Units	Usage Blocks	In Town	Out Town
		Kgals.	\$	\$	\$
Consumption Based Rates					
Residential:					
1	Block 1	per Kgals.	0 - 2,000 Gallons	\$ 3.96	\$ 4.95
2	Block 2	per Kgals.	2,001 to 4,000 Gallons	\$ 4.15	\$ 5.20
3	Block 3	per Kgals.	4,001 to 6,000 Gallons	\$ 4.35	\$ 5.44
4	Block 4	per Kgals.	All Above	\$ 4.75	\$ 5.94
Commercial:					
5	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.75	\$ 5.96
6	Block 2	per Kgals.	All Above	\$ 5.46	\$ 6.85
Industrial:					
7	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.82	\$ 6.04
8	Block 2	per Kgals.	All Above	\$ 5.54	\$ 6.95
Irrigation Residential (All Usage):					
9	Block 1	per Kgals.	0 - 8,000 Gallons	\$ 6.32	
10	Block 2	per Kgals.	8,001 to 16,000 Gallons	\$ 7.89	
11	Block 3	per Kgals.	All Above	\$ 9.70	
Irrigation Non-Residential (All Usage):					
12	Block 1	per Kgals.	0 - 50,000 Gallons	\$ 5.08	
13	Block 2	per Kgals.	50,001 to 100,000 Gallons	\$ 7.01	
14	Block 3	per Kgals.	All Above	\$ 8.25	

Option 1B1 – Not Phased – Sewer System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 18.92	\$ 23.65
2	0.75	\$ 28.38	\$ 35.48
3	1	\$ 47.31	\$ 59.13
4	1.5	\$ 94.61	\$ 118.27
5	2	\$ 151.38	\$ 189.23
6	3	\$ 283.84	\$ 354.80
7	4	\$ 473.07	\$ 591.33
8	6	\$ 946.13	\$ 1,182.67
9	8	\$ 1,513.81	\$ 1,892.26
10	10	\$ 2,176.10	\$ 2,720.13
Consumption Based Rates			
General System:			
11	All Usage (per 1,000 Gallons)	\$ 6.28	\$ 7.87

Option 1B1 – Not Phased – Bill Impact

Usage	Existing Structure			Proposed Structure			Bill Increase	Bill Increase
	Fixed Charges	Volume Charge	Total	Fixed Charges	Volume Charge	Total		
Gallons	\$	\$	\$	\$	\$	\$	%	\$
0	22.20	0.00	\$22.20	36.83	0.00	\$36.83	65.91%	\$14.63
500	22.20	5.17	\$27.37	36.83	5.12	\$41.95	53.28%	\$14.58
1,000	22.20	10.33	\$32.53	36.83	10.24	\$47.07	44.71%	\$14.54
1,500	22.20	15.50	\$37.70	36.83	15.35	\$52.18	38.42%	\$14.48
2,000	22.20	20.66	\$42.86	36.83	20.47	\$57.30	33.70%	\$14.44
2,500	22.20	25.83	\$48.03	36.83	25.70	\$62.53	30.19%	\$14.50
3,000	22.20	30.99	\$53.19	36.83	30.91	\$67.74	27.36%	\$14.55
3,500	22.20	36.16	\$58.36	36.83	36.13	\$72.96	25.02%	\$14.60
4,000	22.20	41.32	\$63.52	36.83	41.35	\$78.18	23.08%	\$14.66
4,500	22.20	46.49	\$68.69	36.83	46.67	\$83.50	21.56%	\$14.81
5,000	22.20	51.65	\$73.85	36.83	51.98	\$88.81	20.26%	\$14.96
6,000	22.20	61.98	\$84.18	36.83	62.61	\$99.44	18.13%	\$15.26
7,000	22.20	72.31	\$94.51	36.83	73.65	\$110.48	16.90%	\$15.97
8,000	22.20	82.64	\$104.84	36.83	84.67	\$121.50	15.89%	\$16.66
9,000	22.20	92.97	\$115.17	36.83	95.70	\$132.53	15.08%	\$17.36
10,000	22.20	103.30	\$125.50	36.83	106.73	\$143.56	14.39%	\$18.06
11,000	22.20	113.63	\$135.83	36.83	117.75	\$154.58	13.81%	\$18.75
12,000	22.20	123.96	\$146.16	36.83	128.79	\$165.62	13.32%	\$19.46
13,000	22.20	134.29	\$156.49	36.83	139.81	\$176.64	12.88%	\$20.15
14,000	22.20	144.62	\$166.82	36.83	150.84	\$187.67	12.50%	\$20.85
15,000	22.20	154.95	\$177.15	36.83	161.87	\$198.70	12.17%	\$21.55
16,000	27.83	165.28	\$193.11	36.83	172.90	\$209.73	8.61%	\$16.62
17,000	27.83	175.61	\$203.44	36.83	183.93	\$220.76	8.51%	\$17.32
18,000	27.83	185.94	\$213.77	36.83	194.96	\$231.79	8.43%	\$18.02
19,000	27.83	196.27	\$224.10	36.83	205.98	\$242.81	8.35%	\$18.71
20,000	27.83	206.60	\$234.43	36.83	217.02	\$253.85	8.29%	\$19.42
21,000	27.83	216.93	\$244.76	36.83	228.05	\$264.88	8.22%	\$20.12
22,000	27.83	227.26	\$255.09	36.83	239.07	\$275.90	8.16%	\$20.81
23,000	27.83	237.59	\$265.42	36.83	250.10	\$286.93	8.11%	\$21.51
24,000	27.83	247.92	\$275.75	36.83	261.13	\$297.96	8.06%	\$22.21
25,000	27.83	258.25	\$286.08	36.83	272.16	\$308.99	8.01%	\$22.91



Option 1B2 – Not Phased

Option 1B2 – Not Phased – Financial Plan

Option 1B 2 - Not Phased

Revenue Increase - Water
 Revenue Increase - Wastewater
 Revenue Bond Proceeds
 ECA Lift Station
 Transfer to Construction Fund

0.00%	0.00%	0.00%	0.00%	0.00%
0.00%	24.00%	26.00%	26.00%	27.00%
\$ -	\$ 20,300,000	\$ -	\$ 51,800,000	\$ -
\$ -	\$ 2,700,000	\$ -	\$ -	\$ -
\$ (8,269,000)	\$ (4,468,600)	\$ (6,364,800)	\$ (6,200,000)	\$ (4,867,474)

Option 1B2 – Not Phased – Financial Plan

Line	Description	Fiscal Years:			
		2020	2021	2022	2023
FINANCIAL PLAN - COMBINED SYSTEM					
Revenues					
1	Existing Service Revenues	\$ 13,123,756	\$ 13,930,831	\$ 14,790,084	\$ 15,477,894
2	Cumulative Revenue Increase (Percent)	10.4%	12.6%	14.1%	16.1%
3	Cumulative Revenue Increase (Amount)	1,368,486	3,392,798	6,185,654	9,982,675
4	Wholesale Water Revenues	-	-	-	-
5	Other Sources	8,865,784	9,990,273	7,975,855	6,000,293
6	Total System Revenues	\$ 23,358,025	\$ 27,313,903	\$ 28,951,594	\$ 31,460,862
Expenses					
7	Operating & Maintenance Expense	\$ 8,713,181	\$ 9,485,191	\$ 9,860,770	\$ 13,543,738
8	Existing Debt Service	832,327	932,555	769,958	503,144
9	Proposed Debt Service	507,500	1,015,000	2,799,977	4,094,977
10	Other Expenditures	5,759,171	5,851,451	5,667,915	5,691,637
11	Risk Mitigating Funds	1,764,981	1,764,981	1,764,981	1,764,981
12	Total System Expenses	\$ 17,577,159	\$ 19,049,178	\$ 20,863,601	\$ 25,598,477
13	Operating Balance	\$ 5,780,866	\$ 8,264,725	\$ 8,087,993	\$ 5,862,385
14	Debt Service Coverage	11.05	10.93	9.15	5.35
15	Days Cash on Hand	310	358	414	329

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Option 1B2 – Not Phased – Water System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 15.91	\$ 19.89
2	0.75	\$ 23.86	\$ 29.83
3	1	\$ 39.77	\$ 49.72
4	1.5	\$ 79.55	\$ 99.44
5	2	\$ 127.28	\$ 159.10
6	3	\$ 238.65	\$ 298.31
7	4	\$ 397.74	\$ 497.18
8	6	\$ 795.49	\$ 994.36
9	8	\$ 1,272.78	\$ 1,590.98
10	10	\$ 1,829.62	\$ 2,287.03

Line	Description	Units	Usage Blocks	In Town	Out Town
		Kgals.	\$	\$	\$
Consumption Based Rates					
Residential:					
1	Block 1	per Kgals.	0 - 2,000 Gallons	\$ 3.96	\$ 4.95
2	Block 2	per Kgals.	2,001 to 4,000 Gallons	\$ 4.15	\$ 5.20
3	Block 3	per Kgals.	4,001 to 6,000 Gallons	\$ 4.35	\$ 5.44
4	Block 4	per Kgals.	All Above	\$ 4.75	\$ 5.94
Commercial:					
5	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.75	\$ 5.96
6	Block 2	per Kgals.	All Above	\$ 5.46	\$ 6.85
Industrial:					
7	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.82	\$ 6.04
8	Block 2	per Kgals.	All Above	\$ 5.54	\$ 6.95
Irrigation Residential (All Usage):					
9	Block 1	per Kgals.	0 - 8,000 Gallons	\$ 6.32	
10	Block 2	per Kgals.	8,001 to 16,000 Gallons	\$ 7.89	
11	Block 3	per Kgals.	All Above	\$ 9.70	
Irrigation Non-Residential (All Usage):					
12	Block 1	per Kgals.	0 - 50,000 Gallons	\$ 5.08	
13	Block 2	per Kgals.	50,001 to 100,000 Gallons	\$ 7.01	
14	Block 3	per Kgals.	All Above	\$ 8.25	



Option 1B2 – Not Phased – Sewer System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 18.05	\$ 22.56
2	0.75	\$ 27.07	\$ 33.84
3	1	\$ 45.12	\$ 56.41
4	1.5	\$ 90.25	\$ 112.81
5	2	\$ 144.40	\$ 180.50
6	3	\$ 270.75	\$ 338.44
7	4	\$ 451.25	\$ 564.06
8	6	\$ 902.49	\$ 1,128.12
9	8	\$ 1,443.99	\$ 1,804.99
10	10	\$ 2,075.74	\$ 2,594.67
Consumption Based Rates			
General System:			
11	All Usage (per 1,000 Gallons)	\$ 5.99	\$ 7.50

Option 1B2 – Not Phased – Bill Impact

Usage	Existing Structure			Proposed Structure			Bill Increase	Bill Increase
	Fixed Charges	Volume Charge	Total	Fixed Charges	Volume Charge	Total		
Gallons	\$	\$	\$	\$	\$	\$	%	\$
0	22.20	0.00	\$22.20	35.96	0.00	\$35.96	61.98%	\$13.76
500	22.20	5.17	\$27.37	35.96	4.98	\$40.94	49.58%	\$13.57
1,000	22.20	10.33	\$32.53	35.96	9.95	\$45.91	41.13%	\$13.38
1,500	22.20	15.50	\$37.70	35.96	14.92	\$50.88	34.96%	\$13.18
2,000	22.20	20.66	\$42.86	35.96	19.90	\$55.86	30.33%	\$13.00
2,500	22.20	25.83	\$48.03	35.96	24.97	\$60.93	26.86%	\$12.90
3,000	22.20	30.99	\$53.19	35.96	30.04	\$66.00	24.08%	\$12.81
3,500	22.20	36.16	\$58.36	35.96	35.11	\$71.07	21.78%	\$12.71
4,000	22.20	41.32	\$63.52	35.96	40.19	\$76.15	19.88%	\$12.63
4,500	22.20	46.49	\$68.69	35.96	45.37	\$81.33	18.40%	\$12.64
5,000	22.20	51.65	\$73.85	35.96	50.53	\$86.49	17.12%	\$12.64
6,000	22.20	61.98	\$84.18	35.96	60.88	\$96.84	15.04%	\$12.66
7,000	22.20	72.31	\$94.51	35.96	71.62	\$107.58	13.83%	\$13.07
8,000	22.20	82.64	\$104.84	35.96	82.35	\$118.31	12.85%	\$13.47
9,000	22.20	92.97	\$115.17	35.96	93.09	\$129.05	12.05%	\$13.88
10,000	22.20	103.30	\$125.50	35.96	103.84	\$139.80	11.39%	\$14.30
11,000	22.20	113.63	\$135.83	35.96	114.57	\$150.53	10.82%	\$14.70
12,000	22.20	123.96	\$146.16	35.96	125.31	\$161.27	10.34%	\$15.11
13,000	22.20	134.29	\$156.49	35.96	136.04	\$172.00	9.91%	\$15.51
14,000	22.20	144.62	\$166.82	35.96	146.79	\$182.75	9.55%	\$15.93
15,000	22.20	154.95	\$177.15	35.96	157.53	\$193.49	9.22%	\$16.34
16,000	27.83	165.28	\$193.11	35.96	168.26	\$204.22	5.75%	\$11.11
17,000	27.83	175.61	\$203.44	35.96	179.00	\$214.96	5.66%	\$11.52
18,000	27.83	185.94	\$213.77	35.96	189.75	\$225.71	5.59%	\$11.94
19,000	27.83	196.27	\$224.10	35.96	200.48	\$236.44	5.51%	\$12.34
20,000	27.83	206.60	\$234.43	35.96	211.22	\$247.18	5.44%	\$12.75
21,000	27.83	216.93	\$244.76	35.96	221.96	\$257.92	5.38%	\$13.16
22,000	27.83	227.26	\$255.09	35.96	232.70	\$268.66	5.32%	\$13.57
23,000	27.83	237.59	\$265.42	35.96	243.44	\$279.40	5.27%	\$13.98
24,000	27.83	247.92	\$275.75	35.96	254.18	\$290.14	5.22%	\$14.39
25,000	27.83	258.25	\$286.08	35.96	264.91	\$300.87	5.17%	\$14.79



Option 1B – Phased

Option 1B – Phased – Financial Plan

Option 1B - Phased

Revenue Increase - Water
 Revenue Increase - Wastewater
 Revenue Bond Proceeds
 ECA Lift Station
 Transfer to Construction Fund

0.00%	0.00%	0.00%	0.00%	0.00%
0.00%	28.00%	30.00%	32.00%	34.00%
\$ -	\$ 43,500,000	\$ -	\$ 68,500,000	\$ -
\$ -	\$ 2,700,000	\$ -	\$ -	\$ -
\$ (8,269,000)	\$ (4,097,600)	\$ (4,411,800)	\$ (5,980,000)	\$ (5,706,574)

Option 1B – Phased – Financial Plan

Line	Description	Fiscal Years:			
		2020	2021	2022	2023
FINANCIAL PLAN - COMBINED SYSTEM					
Revenues					
1	Existing Service Revenues	\$ 13,123,756	\$ 13,930,831	\$ 14,790,084	\$ 15,477,894
2	Cumulative Revenue Increase (Percent)	12.2%	14.8%	17.9%	21.2%
3	Cumulative Revenue Increase (Amount)	1,596,567	4,005,722	7,640,747	12,931,461
4	Wholesale Water Revenues	-	-	-	-
5	Other Sources	8,865,784	9,990,315	7,979,449	6,006,243
6	Total System Revenues	\$ 23,586,106	\$ 27,926,869	\$ 30,410,280	\$ 34,415,599
Expenses					
7	Operating & Maintenance Expense	\$ 8,713,181	\$ 9,485,191	\$ 9,860,770	\$ 13,543,738
8	Existing Debt Service	832,327	932,555	769,958	503,144
9	Proposed Debt Service	1,087,500	2,175,000	4,937,452	6,649,952
10	Other Expenditures	5,759,171	5,851,451	5,667,915	5,691,637
11	Risk Mitigating Funds	1,767,215	1,767,215	1,767,215	1,767,215
12	Total System Expenses	\$ 18,159,394	\$ 20,211,412	\$ 23,003,309	\$ 28,155,685
13	Operating Balance	\$ 5,426,713	\$ 7,715,456	\$ 7,406,971	\$ 6,259,914
14	Debt Service Coverage	11.05	7.75	5.93	3.60
15	Days Cash on Hand	311	413	450	342

Option 1B – Not Phased – Water System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 15.91	\$ 19.89
2	0.75	\$ 23.86	\$ 29.83
3	1	\$ 39.77	\$ 49.72
4	1.5	\$ 79.55	\$ 99.44
5	2	\$ 127.28	\$ 159.10
6	3	\$ 238.65	\$ 298.31
7	4	\$ 397.74	\$ 497.18
8	6	\$ 795.49	\$ 994.36
9	8	\$ 1,272.78	\$ 1,590.98
10	10	\$ 1,829.62	\$ 2,287.03

Line	Description	Units	Usage Blocks	In Town	Out Town
		Kgals.	\$	\$	\$
Consumption Based Rates					
Residential:					
1	Block 1	per Kgals.	0 - 2,000 Gallons	\$ 3.96	\$ 4.95
2	Block 2	per Kgals.	2,001 to 4,000 Gallons	\$ 4.15	\$ 5.20
3	Block 3	per Kgals.	4,001 to 6,000 Gallons	\$ 4.35	\$ 5.44
4	Block 4	per Kgals.	All Above	\$ 4.75	\$ 5.94
Commercial:					
5	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.75	\$ 5.96
6	Block 2	per Kgals.	All Above	\$ 5.46	\$ 6.85
Industrial:					
7	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.82	\$ 6.04
8	Block 2	per Kgals.	All Above	\$ 5.54	\$ 6.95
Irrigation Residential (All Usage):					
9	Block 1	per Kgals.	0 - 8,000 Gallons	\$ 6.32	
10	Block 2	per Kgals.	8,001 to 16,000 Gallons	\$ 7.89	
11	Block 3	per Kgals.	All Above	\$ 9.70	
Irrigation Non-Residential (All Usage):					
12	Block 1	per Kgals.	0 - 50,000 Gallons	\$ 5.08	
13	Block 2	per Kgals.	50,001 to 100,000 Gallons	\$ 7.01	
14	Block 3	per Kgals.	All Above	\$ 8.25	

Option 1B – Not Phased – Sewer System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 18.05	\$ 22.56
2	0.75	\$ 27.07	\$ 33.84
3	1	\$ 45.12	\$ 56.41
4	1.5	\$ 90.25	\$ 112.81
5	2	\$ 144.40	\$ 180.50
6	3	\$ 270.75	\$ 338.44
7	4	\$ 451.25	\$ 564.06
8	6	\$ 902.49	\$ 1,128.12
9	8	\$ 1,443.99	\$ 1,804.99
10	10	\$ 2,075.74	\$ 2,594.67
Consumption Based Rates			
General System:			
11	All Usage (per 1,000 Gallons)	\$ 5.99	\$ 7.50

Option 1B – Not Phased – Bill Impact

Usage	Existing Structure			Proposed Structure			Bill Increase	Bill Increase
	Fixed Charges	Volume Charge	Total	Fixed Charges	Volume Charge	Total		
Gallons	\$	\$	\$	\$	\$	\$	%	\$
0	22.20	0.00	\$22.20	35.96	0.00	\$35.96	61.98%	\$13.76
500	22.20	5.17	\$27.37	35.96	4.98	\$40.94	49.58%	\$13.57
1,000	22.20	10.33	\$32.53	35.96	9.95	\$45.91	41.13%	\$13.38
1,500	22.20	15.50	\$37.70	35.96	14.92	\$50.88	34.96%	\$13.18
2,000	22.20	20.66	\$42.86	35.96	19.90	\$55.86	30.33%	\$13.00
2,500	22.20	25.83	\$48.03	35.96	24.97	\$60.93	26.86%	\$12.90
3,000	22.20	30.99	\$53.19	35.96	30.04	\$66.00	24.08%	\$12.81
3,500	22.20	36.16	\$58.36	35.96	35.11	\$71.07	21.78%	\$12.71
4,000	22.20	41.32	\$63.52	35.96	40.19	\$76.15	19.88%	\$12.63
4,500	22.20	46.49	\$68.69	35.96	45.37	\$81.33	18.40%	\$12.64
5,000	22.20	51.65	\$73.85	35.96	50.53	\$86.49	17.12%	\$12.64
6,000	22.20	61.98	\$84.18	35.96	60.88	\$96.84	15.04%	\$12.66
7,000	22.20	72.31	\$94.51	35.96	71.62	\$107.58	13.83%	\$13.07
8,000	22.20	82.64	\$104.84	35.96	82.35	\$118.31	12.85%	\$13.47
9,000	22.20	92.97	\$115.17	35.96	93.09	\$129.05	12.05%	\$13.88
10,000	22.20	103.30	\$125.50	35.96	103.84	\$139.80	11.39%	\$14.30
11,000	22.20	113.63	\$135.83	35.96	114.57	\$150.53	10.82%	\$14.70
12,000	22.20	123.96	\$146.16	35.96	125.31	\$161.27	10.34%	\$15.11
13,000	22.20	134.29	\$156.49	35.96	136.04	\$172.00	9.91%	\$15.51
14,000	22.20	144.62	\$166.82	35.96	146.79	\$182.75	9.55%	\$15.93
15,000	22.20	154.95	\$177.15	35.96	157.53	\$193.49	9.22%	\$16.34
16,000	27.83	165.28	\$193.11	35.96	168.26	\$204.22	5.75%	\$11.11
17,000	27.83	175.61	\$203.44	35.96	179.00	\$214.96	5.66%	\$11.52
18,000	27.83	185.94	\$213.77	35.96	189.75	\$225.71	5.59%	\$11.94
19,000	27.83	196.27	\$224.10	35.96	200.48	\$236.44	5.51%	\$12.34
20,000	27.83	206.60	\$234.43	35.96	211.22	\$247.18	5.44%	\$12.75
21,000	27.83	216.93	\$244.76	35.96	221.96	\$257.92	5.38%	\$13.16
22,000	27.83	227.26	\$255.09	35.96	232.70	\$268.66	5.32%	\$13.57
23,000	27.83	237.59	\$265.42	35.96	243.44	\$279.40	5.27%	\$13.98
24,000	27.83	247.92	\$275.75	35.96	254.18	\$290.14	5.22%	\$14.39
25,000	27.83	258.25	\$286.08	35.96	264.91	\$300.87	5.17%	\$14.79

Option 2B – Not Phased

Option 2B – Not Phased – Financial Plan

Option 2B - Not Phased

Revenue Increase - Water
 Revenue Increase - Wastewater
 Revenue Bond Proceeds
 ECA Lift Station

0.00%	0.00%	0.00%	0.00%	0.00%
42.00%	14.00%	14.00%	14.00%	14.00%
\$ -	\$ 24,000,000	\$ -	\$ 23,800,000	\$ -
\$ -	\$ 2,700,000	\$ -	\$ -	\$ -

Option 2B – Not Phased – Financial Plan

Line	Description	Fiscal Years:			
		2020	2021	2022	2023
FINANCIAL PLAN - COMBINED SYSTEM					
Revenues					
1	Existing Service Revenues	\$ 13,123,756	\$ 13,930,831	\$ 14,790,084	\$ 15,477,894
2	Cumulative Revenue Increase (Percent)	7.3%	7.7%	8.2%	8.6%
3	Cumulative Revenue Increase (Amount)	3,528,413	5,100,249	7,048,843	9,305,059
4	Wholesale Water Revenues	-	-	-	-
5	Other Sources	8,860,787	9,982,204	7,974,789	6,007,566
6	Total System Revenues	\$ 25,512,955	\$ 29,013,284	\$ 29,813,716	\$ 30,790,519
Expenses					
7	Operating & Maintenance Expense	\$ 8,713,181	\$ 9,485,191	\$ 9,860,770	\$ 13,962,738
8	Existing Debt Service	832,327	932,555	769,958	503,144
9	Proposed Debt Service	600,000	1,200,000	2,374,284	2,969,284
10	Other Expenditures	5,759,171	5,851,451	5,667,915	5,691,637
11	Risk Mitigating Funds	1,770,586	1,770,586	1,770,586	1,770,586
12	Total System Expenses	\$ 17,675,265	\$ 19,239,783	\$ 20,443,512	\$ 24,897,388
13	Operating Balance	\$ 7,837,690	\$ 9,773,501	\$ 9,370,204	\$ 5,893,131
14	Debt Service Coverage	12.31	11.73	9.16	6.35
15	Days Cash on Hand	259	389	492	344



Option 2B – Not Phased – Water System Rates

**No Rate Design:
This Scenario is not Feasible**

Option 2B – Not Phased – Sewer System Rates

**No Rate Design:
This Scenario is not Feasible**

Option 2B – Not Phased – Bill Impact

**No Bill Impact:
This Scenario is not Feasible**

Option 1C – Not Phased

Option 1C – Not Phased – Financial Plan

Option 1C - Not Phased

Revenue Increase - Water

Revenue Increase - Wastewater

Revenue Bond Proceeds

ECA Lift Station

Transfer to Construction Fund

0.00%	0.00%	0.00%	0.00%	0.00%
0.00%	24.00%	28.00%	26.00%	26.00%
\$ -	\$ 27,000,000	\$ -	\$ 32,000,000	\$ -
\$ -	\$ 2,700,000	\$ -	\$ -	\$ -
\$ (3,335,600)	\$ (6,628,600)	\$ (6,781,200)	\$ (6,498,000)	\$ (6,290,574)

Option 1C – Not Phased – Financial Plan

Line	Description	Fiscal Years:			
		2020	2021	2022	2023
FINANCIAL PLAN - COMBINED SYSTEM					
Revenues					
1	Existing Service Revenues	\$ 13,123,756	\$ 13,930,831	\$ 14,790,084	\$ 15,477,894
2	Cumulative Revenue Increase (Percent)	10.4%	13.6%	14.2%	15.6%
3	Cumulative Revenue Increase (Amount)	1,368,486	3,542,410	6,385,204	10,113,675
4	Wholesale Water Revenues	-	-	-	-
5	Other Sources	8,878,117	10,009,168	7,987,537	6,008,680
6	Total System Revenues	\$ 23,370,359	\$ 27,482,409	\$ 29,162,826	\$ 31,600,250
Expenses					
7	Operating & Maintenance Expense	\$ 8,713,181	\$ 9,485,191	\$ 10,520,093	\$ 13,522,996
8	Existing Debt Service	832,327	932,555	769,958	503,144
9	Proposed Debt Service	675,000	1,350,000	2,801,694	3,601,694
10	Other Expenditures	5,759,171	5,851,451	5,667,915	5,691,637
11	Risk Mitigating Funds	1,758,561	1,758,561	1,758,561	1,758,561
12	Total System Expenses	\$ 17,738,240	\$ 19,377,759	\$ 21,518,221	\$ 25,078,032
13	Operating Balance	\$ 5,632,119	\$ 8,104,650	\$ 7,644,605	\$ 6,522,218
14	Debt Service Coverage	11.05	9.72	7.88	5.22
15	Days Cash on Hand	420	437	434	344

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Option 1C – Not Phased – Water System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 15.91	\$ 19.89
2	0.75	\$ 23.86	\$ 29.83
3	1	\$ 39.77	\$ 49.72
4	1.5	\$ 79.55	\$ 99.44
5	2	\$ 127.28	\$ 159.10
6	3	\$ 238.65	\$ 298.31
7	4	\$ 397.74	\$ 497.18
8	6	\$ 795.49	\$ 994.36
9	8	\$ 1,272.78	\$ 1,590.98
10	10	\$ 1,829.62	\$ 2,287.03

Line	Description	Units	Usage Blocks	In Town	Out Town
		Kgals.	\$	\$	\$
Consumption Based Rates					
Residential:					
1	Block 1	per Kgals.	0 - 2,000 Gallons	\$ 3.96	\$ 4.95
2	Block 2	per Kgals.	2,001 to 4,000 Gallons	\$ 4.15	\$ 5.20
3	Block 3	per Kgals.	4,001 to 6,000 Gallons	\$ 4.35	\$ 5.44
4	Block 4	per Kgals.	All Above	\$ 4.75	\$ 5.94
Commercial:					
5	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.75	\$ 5.96
6	Block 2	per Kgals.	All Above	\$ 5.46	\$ 6.85
Industrial:					
7	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.82	\$ 6.04
8	Block 2	per Kgals.	All Above	\$ 5.54	\$ 6.95
Irrigation Residential (All Usage):					
9	Block 1	per Kgals.	0 - 8,000 Gallons	\$ 6.32	
10	Block 2	per Kgals.	8,001 to 16,000 Gallons	\$ 7.89	
11	Block 3	per Kgals.	All Above	\$ 9.70	
Irrigation Non-Residential (All Usage):					
12	Block 1	per Kgals.	0 - 50,000 Gallons	\$ 5.08	
13	Block 2	per Kgals.	50,001 to 100,000 Gallons	\$ 7.01	
14	Block 3	per Kgals.	All Above	\$ 8.25	



Option 1C – Not Phased – Sewer System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 18.05	\$ 22.56
2	0.75	\$ 27.07	\$ 33.84
3	1	\$ 45.12	\$ 56.40
4	1.5	\$ 90.25	\$ 112.81
5	2	\$ 144.39	\$ 180.49
6	3	\$ 270.74	\$ 338.42
7	4	\$ 451.23	\$ 564.04
8	6	\$ 902.46	\$ 1,128.08
9	8	\$ 1,443.94	\$ 1,804.93
10	10	\$ 2,075.67	\$ 2,594.59
Consumption Based Rates			
General System:			
11	All Usage (per 1,000 Gallons)	\$ 5.99	\$ 7.50

Option 1C – Not Phased – Bill Impact

Usage	Existing Structure			Proposed Structure			Bill Increase	Bill Increase
	Fixed Charges	Volume Charge	Total	Fixed Charges	Volume Charge	Total		
Gallons	\$	\$	\$	\$	\$	\$	%	\$
0	22.20	0.00	\$22.20	35.96	0.00	\$35.96	61.98%	\$13.76
500	22.20	5.17	\$27.37	35.96	4.98	\$40.94	49.58%	\$13.57
1,000	22.20	10.33	\$32.53	35.96	9.95	\$45.91	41.13%	\$13.38
1,500	22.20	15.50	\$37.70	35.96	14.92	\$50.88	34.96%	\$13.18
2,000	22.20	20.66	\$42.86	35.96	19.89	\$55.85	30.31%	\$12.99
2,500	22.20	25.83	\$48.03	35.96	24.97	\$60.93	26.86%	\$12.90
3,000	22.20	30.99	\$53.19	35.96	30.04	\$66.00	24.08%	\$12.81
3,500	22.20	36.16	\$58.36	35.96	35.11	\$71.07	21.78%	\$12.71
4,000	22.20	41.32	\$63.52	35.96	40.19	\$76.15	19.88%	\$12.63
4,500	22.20	46.49	\$68.69	35.96	45.37	\$81.33	18.40%	\$12.64
5,000	22.20	51.65	\$73.85	35.96	50.53	\$86.49	17.11%	\$12.64
6,000	22.20	61.98	\$84.18	35.96	60.87	\$96.83	15.03%	\$12.65
7,000	22.20	72.31	\$94.51	35.96	71.62	\$107.58	13.83%	\$13.07
8,000	22.20	82.64	\$104.84	35.96	82.35	\$118.31	12.85%	\$13.47
9,000	22.20	92.97	\$115.17	35.96	93.09	\$129.05	12.05%	\$13.88
10,000	22.20	103.30	\$125.50	35.96	103.83	\$139.79	11.39%	\$14.29
11,000	22.20	113.63	\$135.83	35.96	114.57	\$150.53	10.82%	\$14.70
12,000	22.20	123.96	\$146.16	35.96	125.31	\$161.27	10.34%	\$15.11
13,000	22.20	134.29	\$156.49	35.96	136.04	\$172.00	9.91%	\$15.51
14,000	22.20	144.62	\$166.82	35.96	146.78	\$182.74	9.54%	\$15.92
15,000	22.20	154.95	\$177.15	35.96	157.52	\$193.48	9.22%	\$16.33
16,000	27.83	165.28	\$193.11	35.96	168.26	\$204.22	5.75%	\$11.11
17,000	27.83	175.61	\$203.44	35.96	179.00	\$214.96	5.66%	\$11.52
18,000	27.83	185.94	\$213.77	35.96	189.74	\$225.70	5.58%	\$11.93
19,000	27.83	196.27	\$224.10	35.96	200.47	\$236.43	5.50%	\$12.33
20,000	27.83	206.60	\$234.43	35.96	211.22	\$247.18	5.44%	\$12.75
21,000	27.83	216.93	\$244.76	35.96	221.96	\$257.92	5.38%	\$13.16
22,000	27.83	227.26	\$255.09	35.96	232.69	\$268.65	5.32%	\$13.56
23,000	27.83	237.59	\$265.42	35.96	243.43	\$279.39	5.26%	\$13.97
24,000	27.83	247.92	\$275.75	35.96	254.18	\$290.14	5.22%	\$14.39
25,000	27.83	258.25	\$286.08	35.96	264.91	\$300.87	5.17%	\$14.79



Option 1C – Phased

Option 1C – Phased – Financial Plan

Option 1C - Phased

Revenue Increase - Water

Revenue Increase - Wastewater

Revenue Bond Proceeds

ECA Lift Station

Transfer to Construction Fund

0.00%	0.00%	0.00%	0.00%	0.00%
0.00%	22.00%	26.00%	28.00%	28.00%
\$ -	\$ 22,500,000	\$ -	\$ 20,300,000	\$ -
\$ -	\$ 2,700,000	\$ -	\$ -	\$ -
\$ (3,335,600)	\$ (6,628,600)	\$ (6,783,000)	\$ (7,198,000)	\$ (6,782,774)

Option 1C – Phased – Financial Plan

Line	Description	Fiscal Years:			
		2020	2021	2022	2023
FINANCIAL PLAN - COMBINED SYSTEM					
Revenues					
1	Existing Service Revenues	\$ 13,123,756	\$ 13,930,831	\$ 14,790,084	\$ 15,477,894
2	Cumulative Revenue Increase (Percent)	9.6%	12.5%	15.1%	16.7%
3	Cumulative Revenue Increase (Amount)	1,254,445	3,240,774	6,179,217	10,105,090
4	Wholesale Water Revenues	-	-	-	-
5	Other Sources	8,878,117	10,009,165	7,987,337	6,007,586
6	Total System Revenues	\$ 23,256,318	\$ 27,180,771	\$ 28,956,638	\$ 31,590,570
Expenses					
7	Operating & Maintenance Expense	\$ 8,713,181	\$ 9,485,191	\$ 10,520,093	\$ 13,522,996
8	Existing Debt Service	832,327	932,555	769,958	503,144
9	Proposed Debt Service	562,500	1,125,000	2,175,578	2,683,078
10	Other Expenditures	5,759,171	5,851,451	5,667,915	5,691,637
11	Risk Mitigating Funds	1,758,117	1,758,117	1,758,117	1,758,117
12	Total System Expenses	\$ 17,625,296	\$ 19,152,314	\$ 20,891,661	\$ 24,158,972
13	Operating Balance	\$ 5,631,023	\$ 8,028,457	\$ 8,064,977	\$ 7,431,598
14	Debt Service Coverage	11.05	10.43	8.60	6.26
15	Days Cash on Hand	420	434	421	345



Option 1C – Phased – Water System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 15.91	\$ 19.89
2	0.75	\$ 23.86	\$ 29.83
3	1	\$ 39.77	\$ 49.72
4	1.5	\$ 79.55	\$ 99.44
5	2	\$ 127.28	\$ 159.10
6	3	\$ 238.65	\$ 298.31
7	4	\$ 397.74	\$ 497.18
8	6	\$ 795.49	\$ 994.36
9	8	\$ 1,272.78	\$ 1,590.98
10	10	\$ 1,829.62	\$ 2,287.03

Line	Description	Units	Usage Blocks	In Town	Out Town
		Kgals.	\$	\$	\$
Consumption Based Rates					
Residential:					
1	Block 1	per Kgals.	0 - 2,000 Gallons	\$ 3.96	\$ 4.95
2	Block 2	per Kgals.	2,001 to 4,000 Gallons	\$ 4.15	\$ 5.20
3	Block 3	per Kgals.	4,001 to 6,000 Gallons	\$ 4.35	\$ 5.44
4	Block 4	per Kgals.	All Above	\$ 4.75	\$ 5.94
Commercial:					
5	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.75	\$ 5.96
6	Block 2	per Kgals.	All Above	\$ 5.46	\$ 6.85
Industrial:					
7	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.82	\$ 6.04
8	Block 2	per Kgals.	All Above	\$ 5.54	\$ 6.95
Irrigation Residential (All Usage):					
9	Block 1	per Kgals.	0 - 8,000 Gallons	\$ 6.32	
10	Block 2	per Kgals.	8,001 to 16,000 Gallons	\$ 7.89	
11	Block 3	per Kgals.	All Above	\$ 9.70	
Irrigation Non-Residential (All Usage):					
12	Block 1	per Kgals.	0 - 50,000 Gallons	\$ 5.08	
13	Block 2	per Kgals.	50,001 to 100,000 Gallons	\$ 7.01	
14	Block 3	per Kgals.	All Above	\$ 8.25	

Option 1C – Phased – Sewer System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 17.76	\$ 22.20
2	0.75	\$ 26.64	\$ 33.30
3	1	\$ 44.39	\$ 55.49
4	1.5	\$ 88.79	\$ 110.98
5	2	\$ 142.06	\$ 177.58
6	3	\$ 266.36	\$ 332.95
7	4	\$ 443.94	\$ 554.92
8	6	\$ 887.88	\$ 1,109.85
9	8	\$ 1,420.61	\$ 1,775.76
10	10	\$ 2,042.12	\$ 2,552.65
Consumption Based Rates			
General System:			
11	All Usage (per 1,000 Gallons)	\$ 5.90	\$ 7.38

Option 1C – Phased – Bill Impact

Usage	Existing Structure			Proposed Structure			Bill Increase	Bill Increase
	Fixed Charges	Volume Charge	Total	Fixed Charges	Volume Charge	Total		
Gallons	\$	\$	\$	\$	\$	\$	%	\$
0	22.20	0.00	\$22.20	35.67	0.00	\$35.67	60.66%	\$13.47
500	22.20	5.17	\$27.37	35.67	4.93	\$40.60	48.33%	\$13.23
1,000	22.20	10.33	\$32.53	35.67	9.86	\$45.53	39.96%	\$13.00
1,500	22.20	15.50	\$37.70	35.67	14.77	\$50.44	33.79%	\$12.74
2,000	22.20	20.66	\$42.86	35.67	19.70	\$55.37	29.18%	\$12.51
2,500	22.20	25.83	\$48.03	35.67	24.73	\$60.40	25.75%	\$12.37
3,000	22.20	30.99	\$53.19	35.67	29.75	\$65.42	22.99%	\$12.23
3,500	22.20	36.16	\$58.36	35.67	34.77	\$70.44	20.69%	\$12.08
4,000	22.20	41.32	\$63.52	35.67	39.80	\$75.47	18.81%	\$11.95
4,500	22.20	46.49	\$68.69	35.67	44.93	\$80.60	17.34%	\$11.91
5,000	22.20	51.65	\$73.85	35.67	50.05	\$85.72	16.07%	\$11.87
6,000	22.20	61.98	\$84.18	35.67	60.29	\$95.96	13.99%	\$11.78
7,000	22.20	72.31	\$94.51	35.67	70.94	\$106.61	12.80%	\$12.10
8,000	22.20	82.64	\$104.84	35.67	81.57	\$117.24	11.83%	\$12.40
9,000	22.20	92.97	\$115.17	35.67	92.22	\$127.89	11.04%	\$12.72
10,000	22.20	103.30	\$125.50	35.67	102.86	\$138.53	10.38%	\$13.03
11,000	22.20	113.63	\$135.83	35.67	113.50	\$149.17	9.82%	\$13.34
12,000	22.20	123.96	\$146.16	35.67	124.15	\$159.82	9.34%	\$13.66
13,000	22.20	134.29	\$156.49	35.67	134.78	\$170.45	8.92%	\$13.96
14,000	22.20	144.62	\$166.82	35.67	145.43	\$181.10	8.56%	\$14.28
15,000	22.20	154.95	\$177.15	35.67	156.07	\$191.74	8.23%	\$14.59
16,000	27.83	165.28	\$193.11	35.67	166.71	\$202.38	4.80%	\$9.27
17,000	27.83	175.61	\$203.44	35.67	177.35	\$213.02	4.71%	\$9.58
18,000	27.83	185.94	\$213.77	35.67	188.00	\$223.67	4.63%	\$9.90
19,000	27.83	196.27	\$224.10	35.67	198.63	\$234.30	4.55%	\$10.20
20,000	27.83	206.60	\$234.43	35.67	209.28	\$244.95	4.49%	\$10.52
21,000	27.83	216.93	\$244.76	35.67	219.92	\$255.59	4.42%	\$10.83
22,000	27.83	227.26	\$255.09	35.67	230.56	\$266.23	4.37%	\$11.14
23,000	27.83	237.59	\$265.42	35.67	241.21	\$276.88	4.32%	\$11.46
24,000	27.83	247.92	\$275.75	35.67	251.85	\$287.52	4.27%	\$11.77
25,000	27.83	258.25	\$286.08	35.67	262.49	\$298.16	4.22%	\$12.08



Option 2C – Not Phased

Option 2C – Not Phased – Financial Plan

Option 2C - Not Phased

Revenue Increase - Water
 Revenue Increase - Wastewater
 Revenue Bond Proceeds
 ECA Lift Station
 Transfer to Construction Fund

0.00%	0.00%	0.00%	0.00%	0.00%
0.00%	24.00%	26.00%	26.00%	28.00%
\$ -	\$ 35,000,000	\$ -	\$ 23,600,000	\$ -
\$ -	\$ 2,700,000	\$ -	\$ -	\$ -
\$ (6,267,500)	\$ (5,628,600)	\$ (5,861,000)	\$ (5,604,000)	\$ (5,109,774)

Option 2C – Not Phased – Financial Plan

Line	Description	Fiscal Years:			
		2020	2021	2022	2023
FINANCIAL PLAN - COMBINED SYSTEM					
Revenues					
1	Existing Service Revenues	\$ 13,123,756	\$ 13,930,831	\$ 14,790,084	\$ 15,477,894
2	Cumulative Revenue Increase (Percent)	10.4%	12.6%	14.1%	16.7%
3	Cumulative Revenue Increase (Amount)	1,368,486	3,392,798	6,185,654	10,113,675
4	Wholesale Water Revenues	-	-	-	-
5	Other Sources	8,877,594	10,003,315	7,984,579	6,007,390
6	Total System Revenues	\$ 23,369,836	\$ 27,326,944	\$ 28,960,317	\$ 31,598,959
Expenses					
7	Operating & Maintenance Expense	\$ 8,713,181	\$ 9,485,191	\$ 10,520,093	\$ 14,107,996
8	Existing Debt Service	832,327	932,555	769,958	503,144
9	Proposed Debt Service	875,000	1,750,000	3,184,789	3,774,789
10	Other Expenditures	5,759,171	5,851,451	5,667,915	5,691,637
11	Risk Mitigating Funds	1,761,626	1,761,626	1,761,626	1,761,626
12	Total System Expenses	\$ 17,941,305	\$ 19,780,823	\$ 21,904,380	\$ 25,839,191
13	Operating Balance	\$ 5,428,531	\$ 7,546,121	\$ 7,055,937	\$ 5,759,768
14	Debt Service Coverage	11.06	8.58	6.65	4.66
15	Days Cash on Hand	388	421	430	338

Option 2C – Not Phased – Water System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 15.91	\$ 19.89
2	0.75	\$ 23.86	\$ 29.83
3	1	\$ 39.77	\$ 49.72
4	1.5	\$ 79.55	\$ 99.44
5	2	\$ 127.28	\$ 159.10
6	3	\$ 238.65	\$ 298.31
7	4	\$ 397.74	\$ 497.18
8	6	\$ 795.49	\$ 994.36
9	8	\$ 1,272.78	\$ 1,590.98
10	10	\$ 1,829.62	\$ 2,287.03

Line	Description	Units	Usage Blocks	In Town	Out Town
		Kgals.	\$	\$	\$
Consumption Based Rates					
Residential:					
1	Block 1	per Kgals.	0 - 2,000 Gallons	\$ 3.96	\$ 4.95
2	Block 2	per Kgals.	2,001 to 4,000 Gallons	\$ 4.15	\$ 5.20
3	Block 3	per Kgals.	4,001 to 6,000 Gallons	\$ 4.35	\$ 5.44
4	Block 4	per Kgals.	All Above	\$ 4.75	\$ 5.94
Commercial:					
5	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.75	\$ 5.96
6	Block 2	per Kgals.	All Above	\$ 5.46	\$ 6.85
Industrial:					
7	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.82	\$ 6.04
8	Block 2	per Kgals.	All Above	\$ 5.54	\$ 6.95
Irrigation Residential (All Usage):					
9	Block 1	per Kgals.	0 - 8,000 Gallons	\$ 6.32	
10	Block 2	per Kgals.	8,001 to 16,000 Gallons	\$ 7.89	
11	Block 3	per Kgals.	All Above	\$ 9.70	
Irrigation Non-Residential (All Usage):					
12	Block 1	per Kgals.	0 - 50,000 Gallons	\$ 5.08	
13	Block 2	per Kgals.	50,001 to 100,000 Gallons	\$ 7.01	
14	Block 3	per Kgals.	All Above	\$ 8.25	

Option 2C – Not Phased – Sewer System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 18.05	\$ 22.56
2	0.75	\$ 27.07	\$ 33.84
3	1	\$ 45.12	\$ 56.41
4	1.5	\$ 90.25	\$ 112.81
5	2	\$ 144.40	\$ 180.50
6	3	\$ 270.75	\$ 338.44
7	4	\$ 451.25	\$ 564.06
8	6	\$ 902.49	\$ 1,128.12
9	8	\$ 1,443.99	\$ 1,804.99
10	10	\$ 2,075.74	\$ 2,594.67
Consumption Based Rates			
General System:			
11	All Usage (per 1,000 Gallons)	\$ 5.99	\$ 7.50

Option 2C – Not Phased – Bill Impact

Usage	Existing Structure			Proposed Structure			Bill Increase	Bill Increase
	Fixed Charges	Volume Charge	Total	Fixed Charges	Volume Charge	Total		
Gallons	\$	\$	\$	\$	\$	\$	%	\$
0	22.20	0.00	\$22.20	35.96	0.00	\$35.96	61.98%	\$13.76
500	22.20	5.17	\$27.37	35.96	4.98	\$40.94	49.58%	\$13.57
1,000	22.20	10.33	\$32.53	35.96	9.95	\$45.91	41.13%	\$13.38
1,500	22.20	15.50	\$37.70	35.96	14.92	\$50.88	34.96%	\$13.18
2,000	22.20	20.66	\$42.86	35.96	19.90	\$55.86	30.33%	\$13.00
2,500	22.20	25.83	\$48.03	35.96	24.97	\$60.93	26.86%	\$12.90
3,000	22.20	30.99	\$53.19	35.96	30.04	\$66.00	24.08%	\$12.81
3,500	22.20	36.16	\$58.36	35.96	35.11	\$71.07	21.78%	\$12.71
4,000	22.20	41.32	\$63.52	35.96	40.19	\$76.15	19.88%	\$12.63
4,500	22.20	46.49	\$68.69	35.96	45.37	\$81.33	18.40%	\$12.64
5,000	22.20	51.65	\$73.85	35.96	50.53	\$86.49	17.12%	\$12.64
6,000	22.20	61.98	\$84.18	35.96	60.88	\$96.84	15.04%	\$12.66
7,000	22.20	72.31	\$94.51	35.96	71.62	\$107.58	13.83%	\$13.07
8,000	22.20	82.64	\$104.84	35.96	82.35	\$118.31	12.85%	\$13.47
9,000	22.20	92.97	\$115.17	35.96	93.09	\$129.05	12.05%	\$13.88
10,000	22.20	103.30	\$125.50	35.96	103.84	\$139.80	11.39%	\$14.30
11,000	22.20	113.63	\$135.83	35.96	114.57	\$150.53	10.82%	\$14.70
12,000	22.20	123.96	\$146.16	35.96	125.31	\$161.27	10.34%	\$15.11
13,000	22.20	134.29	\$156.49	35.96	136.04	\$172.00	9.91%	\$15.51
14,000	22.20	144.62	\$166.82	35.96	146.79	\$182.75	9.55%	\$15.93
15,000	22.20	154.95	\$177.15	35.96	157.53	\$193.49	9.22%	\$16.34
16,000	27.83	165.28	\$193.11	35.96	168.26	\$204.22	5.75%	\$11.11
17,000	27.83	175.61	\$203.44	35.96	179.00	\$214.96	5.66%	\$11.52
18,000	27.83	185.94	\$213.77	35.96	189.75	\$225.71	5.59%	\$11.94
19,000	27.83	196.27	\$224.10	35.96	200.48	\$236.44	5.51%	\$12.34
20,000	27.83	206.60	\$234.43	35.96	211.22	\$247.18	5.44%	\$12.75
21,000	27.83	216.93	\$244.76	35.96	221.96	\$257.92	5.38%	\$13.16
22,000	27.83	227.26	\$255.09	35.96	232.70	\$268.66	5.32%	\$13.57
23,000	27.83	237.59	\$265.42	35.96	243.44	\$279.40	5.27%	\$13.98
24,000	27.83	247.92	\$275.75	35.96	254.18	\$290.14	5.22%	\$14.39
25,000	27.83	258.25	\$286.08	35.96	264.91	\$300.87	5.17%	\$14.79

Option 2C – Phased

Option 2C – Phased – Financial Plan

Option 2C - Phased

Revenue Increase - Water
 Revenue Increase - Wastewater
 Revenue Bond Proceeds
 ECA Lift Station
 Transfer to Construction Fund

0.00%	0.00%	0.00%	0.00%	0.00%
0.00%	24.00%	26.00%	28.00%	28.00%
\$ -	\$ 26,600,000	\$ -	\$ -	\$ -
\$ -	\$ 2,700,000	\$ -	\$ -	\$ -
\$ (6,267,500)	\$ (5,628,600)	\$ (6,316,400)	\$ (6,443,675)	\$ (6,465,799)

Option 2C – Phased – Financial Plan

Line	Description	Fiscal Years:			
		2020	2021	2022	2023
FINANCIAL PLAN - COMBINED SYSTEM					
Revenues					
1	Existing Service Revenues	\$ 13,123,756	\$ 13,930,831	\$ 14,790,084	\$ 15,477,894
2	Cumulative Revenue Increase (Percent)	10.4%	12.6%	15.2%	16.8%
3	Cumulative Revenue Increase (Amount)	1,368,486	3,392,798	6,385,204	10,379,836
4	Wholesale Water Revenues	-	-	-	-
5	Other Sources	8,870,787	9,997,010	7,978,682	6,002,810
6	Total System Revenues	\$ 23,363,029	\$ 27,320,640	\$ 29,153,971	\$ 31,860,540
Expenses					
7	Operating & Maintenance Expense	\$ 8,713,181	\$ 9,485,191	\$ 10,520,093	\$ 14,107,996
8	Existing Debt Service	832,327	932,555	769,958	503,144
9	Proposed Debt Service	665,000	1,330,000	1,972,039	1,972,039
10	Other Expenditures	5,759,171	5,851,451	5,667,915	5,691,637
11	Risk Mitigating Funds	1,760,754	1,760,754	1,760,754	1,760,754
12	Total System Expenses	\$ 17,730,433	\$ 19,359,951	\$ 20,690,759	\$ 24,035,570
13	Operating Balance	\$ 5,632,597	\$ 7,960,688	\$ 8,463,212	\$ 7,824,970
14	Debt Service Coverage	11.05	9.78	7.88	6.80
15	Days Cash on Hand	339	375	408	340



Option 2C – Phased – Water System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 15.91	\$ 19.89
2	0.75	\$ 23.86	\$ 29.83
3	1	\$ 39.77	\$ 49.72
4	1.5	\$ 79.55	\$ 99.44
5	2	\$ 127.28	\$ 159.10
6	3	\$ 238.65	\$ 298.31
7	4	\$ 397.74	\$ 497.18
8	6	\$ 795.49	\$ 994.36
9	8	\$ 1,272.78	\$ 1,590.98
10	10	\$ 1,829.62	\$ 2,287.03

Line	Description	Units	Usage Blocks	In Town	Out Town
		Kgals.	\$	\$	\$
Consumption Based Rates					
Residential:					
1	Block 1	per Kgals.	0 - 2,000 Gallons	\$ 3.96	\$ 4.95
2	Block 2	per Kgals.	2,001 to 4,000 Gallons	\$ 4.15	\$ 5.20
3	Block 3	per Kgals.	4,001 to 6,000 Gallons	\$ 4.35	\$ 5.44
4	Block 4	per Kgals.	All Above	\$ 4.75	\$ 5.94
Commercial:					
5	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.75	\$ 5.96
6	Block 2	per Kgals.	All Above	\$ 5.46	\$ 6.85
Industrial:					
7	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.82	\$ 6.04
8	Block 2	per Kgals.	All Above	\$ 5.54	\$ 6.95
Irrigation Residential (All Usage):					
9	Block 1	per Kgals.	0 - 8,000 Gallons	\$ 6.32	
10	Block 2	per Kgals.	8,001 to 16,000 Gallons	\$ 7.89	
11	Block 3	per Kgals.	All Above	\$ 9.70	
Irrigation Non-Residential (All Usage):					
12	Block 1	per Kgals.	0 - 50,000 Gallons	\$ 5.08	
13	Block 2	per Kgals.	50,001 to 100,000 Gallons	\$ 7.01	
14	Block 3	per Kgals.	All Above	\$ 8.25	



Option 2C – Phased – Sewer System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 18.05	\$ 22.56
2	0.75	\$ 27.07	\$ 33.84
3	1	\$ 45.12	\$ 56.40
4	1.5	\$ 90.24	\$ 112.80
5	2	\$ 144.39	\$ 180.49
6	3	\$ 270.73	\$ 338.41
7	4	\$ 451.22	\$ 564.02
8	6	\$ 902.43	\$ 1,128.04
9	8	\$ 1,443.90	\$ 1,804.87
10	10	\$ 2,075.60	\$ 2,594.50
Consumption Based Rates			
General System:			
11	All Usage (per 1,000 Gallons)	\$ 5.99	\$ 7.50

Option 2C – Phased – Bill Impact

Usage	Existing Structure			Proposed Structure			Bill Increase	Bill Increase
	Fixed Charges	Volume Charge	Total	Fixed Charges	Volume Charge	Total		
Gallons	\$	\$	\$	\$	\$	\$	%	\$
0	22.20	0.00	\$22.20	35.96	0.00	\$35.96	61.98%	\$13.76
500	22.20	5.17	\$27.37	35.96	4.98	\$40.94	49.58%	\$13.57
1,000	22.20	10.33	\$32.53	35.96	9.95	\$45.91	41.13%	\$13.38
1,500	22.20	15.50	\$37.70	35.96	14.92	\$50.88	34.96%	\$13.18
2,000	22.20	20.66	\$42.86	35.96	19.89	\$55.85	30.30%	\$12.99
2,500	22.20	25.83	\$48.03	35.96	24.97	\$60.93	26.86%	\$12.90
3,000	22.20	30.99	\$53.19	35.96	30.04	\$66.00	24.08%	\$12.81
3,500	22.20	36.16	\$58.36	35.96	35.11	\$71.07	21.78%	\$12.71
4,000	22.20	41.32	\$63.52	35.96	40.19	\$76.15	19.88%	\$12.63
4,500	22.20	46.49	\$68.69	35.96	45.36	\$81.32	18.39%	\$12.63
5,000	22.20	51.65	\$73.85	35.96	50.53	\$86.49	17.11%	\$12.64
6,000	22.20	61.98	\$84.18	35.96	60.87	\$96.83	15.03%	\$12.65
7,000	22.20	72.31	\$94.51	35.96	71.61	\$107.57	13.82%	\$13.06
8,000	22.20	82.64	\$104.84	35.96	82.35	\$118.31	12.85%	\$13.47
9,000	22.20	92.97	\$115.17	35.96	93.09	\$129.05	12.05%	\$13.88
10,000	22.20	103.30	\$125.50	35.96	103.83	\$139.79	11.39%	\$14.29
11,000	22.20	113.63	\$135.83	35.96	114.56	\$150.52	10.81%	\$14.69
12,000	22.20	123.96	\$146.16	35.96	125.31	\$161.27	10.34%	\$15.11
13,000	22.20	134.29	\$156.49	35.96	136.04	\$172.00	9.91%	\$15.51
14,000	22.20	144.62	\$166.82	35.96	146.78	\$182.74	9.54%	\$15.92
15,000	22.20	154.95	\$177.15	35.96	157.52	\$193.48	9.22%	\$16.33
16,000	27.83	165.28	\$193.11	35.96	168.25	\$204.21	5.75%	\$11.10
17,000	27.83	175.61	\$203.44	35.96	179.00	\$214.96	5.66%	\$11.52
18,000	27.83	185.94	\$213.77	35.96	189.74	\$225.70	5.58%	\$11.93
19,000	27.83	196.27	\$224.10	35.96	200.47	\$236.43	5.50%	\$12.33
20,000	27.83	206.60	\$234.43	35.96	211.21	\$247.17	5.43%	\$12.74
21,000	27.83	216.93	\$244.76	35.96	221.95	\$257.91	5.37%	\$13.15
22,000	27.83	227.26	\$255.09	35.96	232.69	\$268.65	5.32%	\$13.56
23,000	27.83	237.59	\$265.42	35.96	243.43	\$279.39	5.26%	\$13.97
24,000	27.83	247.92	\$275.75	35.96	254.17	\$290.13	5.21%	\$14.38
25,000	27.83	258.25	\$286.08	35.96	264.90	\$300.86	5.17%	\$14.78



Option 1DAll – Not Phased

Option 1DAII – Not Phased – Financial Plan

Option 1DAII - Not Phased

Revenue Increase - Water	0.00%	0.00%	0.00%	0.00%	0.00%
Revenue Increase - Wastewater	0.00%	20.00%	24.00%	24.00%	26.00%
Revenue Bond Proceeds	\$ -	\$ 45,700,000	\$ -	\$ 109,700,000	\$ -
ECA Lift Station	\$ -	\$ 2,700,000	\$ -	\$ -	\$ -
Transfer to Construction Fund	\$ (8,333,800)	\$ (8,136,600)	\$ (9,148,100)	\$ (8,691,675)	\$ (8,611,825)

Option 1DAI – Not Phased – Financial Plan

Line	Description	Fiscal Years:			
		2020	2021	2022	2023
FINANCIAL PLAN - COMBINED SYSTEM					
Revenues					
1	Existing Service Revenues	\$ 13,123,756	\$ 13,930,831	\$ 14,790,084	\$ 15,477,894
2	Cumulative Revenue Increase (Percent)	8.7%	11.5%	12.7%	15.1%
3	Cumulative Revenue Increase (Amount)	1,140,405	2,943,964	5,396,955	8,816,143
4	Wholesale Water Revenues	-	-	-	-
5	Other Sources	9,875,623	11,010,478	7,998,738	6,020,231
6	Total System Revenues	\$ 24,139,783	\$ 27,885,274	\$ 28,185,777	\$ 30,314,268
Expenses					
7	Operating & Maintenance Expense	\$ 6,619,010	\$ 6,822,103	\$ 7,031,534	\$ 10,275,005
8	Existing Debt Service	832,327	932,555	769,958	503,144
9	Proposed Debt Service	1,142,500	2,285,000	6,130,553	8,873,053
10	Other Expenditures	4,119,171	4,170,451	3,944,890	3,925,537
11	Risk Mitigating Funds	1,767,012	1,767,012	1,767,012	1,767,012
12	Total System Expenses	\$ 14,480,020	\$ 15,977,121	\$ 19,643,946	\$ 25,343,750
13	Operating Balance	\$ 9,659,764	\$ 11,908,153	\$ 8,541,831	\$ 4,970,519
14	Debt Service Coverage	13.74	8.87	6.55	3.07
15	Days Cash on Hand	637	766	735	374

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Option 1DAI – Not Phased – Water System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 15.91	\$ 19.89
2	0.75	\$ 23.86	\$ 29.83
3	1	\$ 39.77	\$ 49.72
4	1.5	\$ 79.55	\$ 99.44
5	2	\$ 127.28	\$ 159.10
6	3	\$ 238.65	\$ 298.31
7	4	\$ 397.74	\$ 497.18
8	6	\$ 795.49	\$ 994.36
9	8	\$ 1,272.78	\$ 1,590.98
10	10	\$ 1,829.62	\$ 2,287.03

Line	Description	Units	Usage Blocks	In Town	Out Town
		Kgals.	\$	\$	\$
Consumption Based Rates					
Residential:					
1	Block 1	per Kgals.	0 - 2,000 Gallons	\$ 3.96	\$ 4.95
2	Block 2	per Kgals.	2,001 to 4,000 Gallons	\$ 4.15	\$ 5.20
3	Block 3	per Kgals.	4,001 to 6,000 Gallons	\$ 4.35	\$ 5.44
4	Block 4	per Kgals.	All Above	\$ 4.75	\$ 5.94
Commercial:					
5	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.75	\$ 5.96
6	Block 2	per Kgals.	All Above	\$ 5.46	\$ 6.85
Industrial:					
7	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.82	\$ 6.04
8	Block 2	per Kgals.	All Above	\$ 5.54	\$ 6.95
Irrigation Residential (All Usage):					
9	Block 1	per Kgals.	0 - 8,000 Gallons	\$ 6.32	
10	Block 2	per Kgals.	8,001 to 16,000 Gallons	\$ 7.89	
11	Block 3	per Kgals.	All Above	\$ 9.70	
Irrigation Non-Residential (All Usage):					
12	Block 1	per Kgals.	0 - 50,000 Gallons	\$ 5.08	
13	Block 2	per Kgals.	50,001 to 100,000 Gallons	\$ 7.01	
14	Block 3	per Kgals.	All Above	\$ 8.25	



Option 1DAII – Not Phased – Sewer System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 17.47	\$ 21.83
2	0.75	\$ 26.20	\$ 32.75
3	1	\$ 43.67	\$ 54.58
4	1.5	\$ 87.33	\$ 109.17
5	2	\$ 139.73	\$ 174.67
6	3	\$ 262.00	\$ 327.50
7	4	\$ 436.67	\$ 545.84
8	6	\$ 873.34	\$ 1,091.67
9	8	\$ 1,397.34	\$ 1,746.68
10	10	\$ 2,008.68	\$ 2,510.85
Consumption Based Rates			
General System:			
11	All Usage (per 1,000 Gallons)	\$ 5.80	\$ 7.26

Option 1DAI – Not Phased – Bill Impact

Usage	Existing Structure			Proposed Structure			Bill Increase	Bill Increase
	Fixed Charges	Volume Charge	Total	Fixed Charges	Volume Charge	Total		
Gallons	\$	\$	\$	\$	\$	\$	%	\$
0	22.20	0.00	\$22.20	35.38	0.00	\$35.38	59.35%	\$13.18
500	22.20	5.17	\$27.37	35.38	4.88	\$40.26	47.08%	\$12.89
1,000	22.20	10.33	\$32.53	35.38	9.76	\$45.14	38.75%	\$12.61
1,500	22.20	15.50	\$37.70	35.38	14.63	\$50.01	32.64%	\$12.31
2,000	22.20	20.66	\$42.86	35.38	19.51	\$54.89	28.06%	\$12.03
2,500	22.20	25.83	\$48.03	35.38	24.49	\$59.87	24.64%	\$11.84
3,000	22.20	30.99	\$53.19	35.38	29.46	\$64.84	21.90%	\$11.65
3,500	22.20	36.16	\$58.36	35.38	34.44	\$69.82	19.63%	\$11.46
4,000	22.20	41.32	\$63.52	35.38	39.42	\$74.80	17.75%	\$11.28
4,500	22.20	46.49	\$68.69	35.38	44.50	\$79.88	16.29%	\$11.19
5,000	22.20	51.65	\$73.85	35.38	49.56	\$84.94	15.01%	\$11.09
6,000	22.20	61.98	\$84.18	35.38	59.71	\$95.09	12.96%	\$10.91
7,000	22.20	72.31	\$94.51	35.38	70.26	\$105.64	11.77%	\$11.13
8,000	22.20	82.64	\$104.84	35.38	80.80	\$116.18	10.81%	\$11.34
9,000	22.20	92.97	\$115.17	35.38	91.35	\$126.73	10.03%	\$11.56
10,000	22.20	103.30	\$125.50	35.38	101.90	\$137.28	9.38%	\$11.78
11,000	22.20	113.63	\$135.83	35.38	112.44	\$147.82	8.82%	\$11.99
12,000	22.20	123.96	\$146.16	35.38	122.99	\$158.37	8.35%	\$12.21
13,000	22.20	134.29	\$156.49	35.38	133.53	\$168.91	7.93%	\$12.42
14,000	22.20	144.62	\$166.82	35.38	144.07	\$179.45	7.57%	\$12.63
15,000	22.20	154.95	\$177.15	35.38	154.62	\$190.00	7.25%	\$12.85
16,000	27.83	165.28	\$193.11	35.38	165.16	\$200.54	3.85%	\$7.43
17,000	27.83	175.61	\$203.44	35.38	175.71	\$211.09	3.76%	\$7.65
18,000	27.83	185.94	\$213.77	35.38	186.26	\$221.64	3.68%	\$7.87
19,000	27.83	196.27	\$224.10	35.38	196.80	\$232.18	3.60%	\$8.08
20,000	27.83	206.60	\$234.43	35.38	207.35	\$242.73	3.54%	\$8.30
21,000	27.83	216.93	\$244.76	35.38	217.90	\$253.28	3.48%	\$8.52
22,000	27.83	227.26	\$255.09	35.38	228.44	\$263.82	3.42%	\$8.73
23,000	27.83	237.59	\$265.42	35.38	238.99	\$274.37	3.37%	\$8.95
24,000	27.83	247.92	\$275.75	35.38	249.53	\$284.91	3.32%	\$9.16
25,000	27.83	258.25	\$286.08	35.38	260.07	\$295.45	3.27%	\$9.37

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Option 1DAI – Phased

Option 1DAII – Phased – Financial Plan

Option 1DAII - Phased

Revenue Increase - Water
 Revenue Increase - Wastewater
 Revenue Bond Proceeds
 ECA Lift Station
 Transfer to Construction Fund

0.00%	0.00%	0.00%	0.00%	0.00%
0.00%	16.00%	20.00%	22.00%	24.00%
\$ -	\$ 39,700,000	\$ -	\$ 89,400,000	\$ -
\$ -	\$ 2,700,000	\$ -	\$ -	\$ -
\$ (8,333,800)	\$ (8,136,600)	\$ (9,034,700)	\$ (8,691,675)	\$ (8,584,225)

Option 1DAI – Phased – Financial Plan

Line	Description	Fiscal Years:			
		2020	2021	2022	2023
FINANCIAL PLAN - COMBINED SYSTEM					
Revenues					
1	Existing Service Revenues	\$ 13,123,756	\$ 13,930,831	\$ 14,790,084	\$ 15,477,894
2	Cumulative Revenue Increase (Percent)	7.0%	9.4%	11.3%	13.5%
3	Cumulative Revenue Increase (Amount)	912,324	2,364,824	4,458,976	7,358,597
4	Wholesale Water Revenues	-	-	-	-
5	Other Sources	9,875,623	11,010,285	7,997,937	6,019,053
6	Total System Revenues	\$ 23,911,702	\$ 27,305,940	\$ 27,246,997	\$ 28,855,544
Expenses					
7	Operating & Maintenance Expense	\$ 6,619,010	\$ 6,822,103	\$ 7,031,534	\$ 10,275,005
8	Existing Debt Service	832,327	932,555	769,958	503,144
9	Proposed Debt Service	992,500	1,985,000	5,178,232	7,413,232
10	Other Expenditures	4,119,171	4,170,451	3,944,890	3,925,537
11	Risk Mitigating Funds	1,766,407	1,766,407	1,766,407	1,766,407
12	Total System Expenses	\$ 14,329,415	\$ 15,676,517	\$ 18,691,021	\$ 23,883,324
13	Operating Balance	\$ 9,582,287	\$ 11,629,423	\$ 8,555,977	\$ 4,972,220
14	Debt Service Coverage	13.74	9.48	7.02	3.40
15	Days Cash on Hand	633	753	723	367



Option 1DAI – Not Phased – Water System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 15.91	\$ 19.89
2	0.75	\$ 23.86	\$ 29.83
3	1	\$ 39.77	\$ 49.72
4	1.5	\$ 79.55	\$ 99.44
5	2	\$ 127.28	\$ 159.10
6	3	\$ 238.65	\$ 298.31
7	4	\$ 397.74	\$ 497.18
8	6	\$ 795.49	\$ 994.36
9	8	\$ 1,272.78	\$ 1,590.98
10	10	\$ 1,829.62	\$ 2,287.03

Line	Description	Units	Usage Blocks	In Town	Out Town
		Kgals.	\$	\$	\$
Consumption Based Rates					
Residential:					
1	Block 1	per Kgals.	0 - 2,000 Gallons	\$ 3.96	\$ 4.95
2	Block 2	per Kgals.	2,001 to 4,000 Gallons	\$ 4.15	\$ 5.20
3	Block 3	per Kgals.	4,001 to 6,000 Gallons	\$ 4.35	\$ 5.44
4	Block 4	per Kgals.	All Above	\$ 4.75	\$ 5.94
Commercial:					
5	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.75	\$ 5.96
6	Block 2	per Kgals.	All Above	\$ 5.46	\$ 6.85
Industrial:					
7	Block 1	per Kgals.	0 - 100,000 Gallons	\$ 4.82	\$ 6.04
8	Block 2	per Kgals.	All Above	\$ 5.54	\$ 6.95
Irrigation Residential (All Usage):					
9	Block 1	per Kgals.	0 - 8,000 Gallons	\$ 6.32	
10	Block 2	per Kgals.	8,001 to 16,000 Gallons	\$ 7.89	
11	Block 3	per Kgals.	All Above	\$ 9.70	
Irrigation Non-Residential (All Usage):					
12	Block 1	per Kgals.	0 - 50,000 Gallons	\$ 5.08	
13	Block 2	per Kgals.	50,001 to 100,000 Gallons	\$ 7.01	
14	Block 3	per Kgals.	All Above	\$ 8.25	



Option 1DAII – Phased – Sewer System Rates

Line	Description	In Town	Out Town
		\$	\$
Meter Size:			
Base Charges			
General System:			
1	0.625	\$ 16.89	\$ 21.11
2	0.75	\$ 25.33	\$ 31.66
3	1	\$ 42.21	\$ 52.77
4	1.5	\$ 84.43	\$ 105.53
5	2	\$ 135.08	\$ 168.85
6	3	\$ 253.28	\$ 316.60
7	4	\$ 422.13	\$ 527.66
8	6	\$ 844.26	\$ 1,055.32
9	8	\$ 1,350.81	\$ 1,688.51
10	10	\$ 1,941.79	\$ 2,427.23
Consumption Based Rates			
General System:			
11	All Usage (per 1,000 Gallons)	\$ 5.61	\$ 7.02

Option 1DAI – Phased – Bill Impact

Usage	Existing Structure			Proposed Structure			Bill Increase	Bill Increase
	Fixed Charges	Volume Charge	Total	Fixed Charges	Volume Charge	Total		
Gallons	\$	\$	\$	\$	\$	\$	%	\$
0	22.20	0.00	\$22.20	34.80	0.00	\$34.80	56.73%	\$12.60
500	22.20	5.17	\$27.37	34.80	4.78	\$39.58	44.59%	\$12.21
1,000	22.20	10.33	\$32.53	34.80	9.57	\$44.37	36.38%	\$11.84
1,500	22.20	15.50	\$37.70	34.80	14.34	\$49.14	30.33%	\$11.44
2,000	22.20	20.66	\$42.86	34.80	19.12	\$53.92	25.79%	\$11.06
2,500	22.20	25.83	\$48.03	34.80	24.00	\$58.80	22.41%	\$10.77
3,000	22.20	30.99	\$53.19	34.80	28.88	\$63.68	19.71%	\$10.49
3,500	22.20	36.16	\$58.36	34.80	33.76	\$68.56	17.47%	\$10.20
4,000	22.20	41.32	\$63.52	34.80	38.64	\$73.44	15.61%	\$9.92
4,500	22.20	46.49	\$68.69	34.80	43.63	\$78.43	14.17%	\$9.74
5,000	22.20	51.65	\$73.85	34.80	48.60	\$83.40	12.92%	\$9.55
6,000	22.20	61.98	\$84.18	34.80	58.55	\$93.35	10.89%	\$9.17
7,000	22.20	72.31	\$94.51	34.80	68.91	\$103.71	9.73%	\$9.20
8,000	22.20	82.64	\$104.84	34.80	79.26	\$114.06	8.79%	\$9.22
9,000	22.20	92.97	\$115.17	34.80	89.61	\$124.41	8.02%	\$9.24
10,000	22.20	103.30	\$125.50	34.80	99.97	\$134.77	7.38%	\$9.27
11,000	22.20	113.63	\$135.83	34.80	110.31	\$145.11	6.83%	\$9.28
12,000	22.20	123.96	\$146.16	34.80	120.67	\$155.47	6.37%	\$9.31
13,000	22.20	134.29	\$156.49	34.80	131.02	\$165.82	5.96%	\$9.33
14,000	22.20	144.62	\$166.82	34.80	141.37	\$176.17	5.60%	\$9.35
15,000	22.20	154.95	\$177.15	34.80	151.73	\$186.53	5.29%	\$9.38
16,000	27.83	165.28	\$193.11	34.80	162.07	\$196.87	1.94%	\$3.76
17,000	27.83	175.61	\$203.44	34.80	172.43	\$207.23	1.86%	\$3.79
18,000	27.83	185.94	\$213.77	34.80	182.78	\$217.58	1.78%	\$3.81
19,000	27.83	196.27	\$224.10	34.80	193.13	\$227.93	1.71%	\$3.83
20,000	27.83	206.60	\$234.43	34.80	203.49	\$238.29	1.64%	\$3.86
21,000	27.83	216.93	\$244.76	34.80	213.84	\$248.64	1.58%	\$3.88
22,000	27.83	227.26	\$255.09	34.80	224.19	\$258.99	1.53%	\$3.90
23,000	27.83	237.59	\$265.42	34.80	234.54	\$269.34	1.48%	\$3.92
24,000	27.83	247.92	\$275.75	34.80	244.90	\$279.70	1.43%	\$3.95
25,000	27.83	258.25	\$286.08	34.80	255.25	\$290.05	1.39%	\$3.97





Town Council Agenda Cover Sheet

Meeting Date

February 18 2019

Agenda Location

New Business

Item Title

2019-12-ANX-East Clayton Elementary

Presenter

Planning Staff

Summary/Description

East Clayton Elementary located off NC 42 Hwy E and Castleberry Road located in Johnston County's Planning Jurisdiction is requesting annexation to receive Police Services from the Town of Clayton. The existing zoning is PUD (Planned Unit Development) and AR (Agricultural and Residential) both Johnston County Zoning Districts. The proposed Town of Clayton Zoning is O-I (Office Institutional) which is consistent for a school site.



Requested Action

Set Public Hearing

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application, Maps and Deed Descriptions,

Meeting Timeline

February 4, 2019 Consent Agenda, February 18, 2019 Set date for Public Hearing and March 4, 2019 Public Hearing

2019-12-Anx



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

PETITION FOR VOLUNTARY ANNEXATION

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

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

REQUEST INFORMATION

☐ Contiguous Annexation

☐ Non-Contiguous Annexation

The following items must accompany an annexation petition:

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

PROCESS:

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

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

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

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

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

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

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

Submittal Date: 12/13/2018

Petition No.: 2019-12-Any

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

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

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

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

Total acreage to be annexed: 31.84 Acres - TAG #16J05002H & 16K05012F

Existing housing units: N/A

Population of acreage to be annexed: N/A

Existing Zoning District*: PUD & AR (County Zoning)

Proposed Town Zoning District*: O-I (Office Institutional)

Reason for petitioner to annex: Receive Town Services
XXX Other (please specify): Police Services

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

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this 8th day of January, 20 19.

Corporate Name: Johnston County Board of Education

SEAL

By:

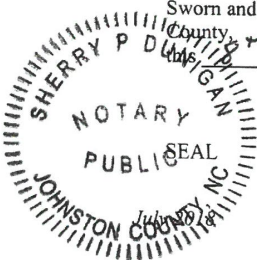
[Signature]
(Signature)

Attest:

[Signature]
Secretary (Signature)

STATE OF NORTH CAROLINA, COUNTY OF JOHNSTON

Sworn and subscribed before me, Sherry P. Dunigan, a Notary Public for the above State and County, this 8th day of January, 20 19.



Sherry P. Dunigan
Notary Public

My Commission Expires: 3/9/19

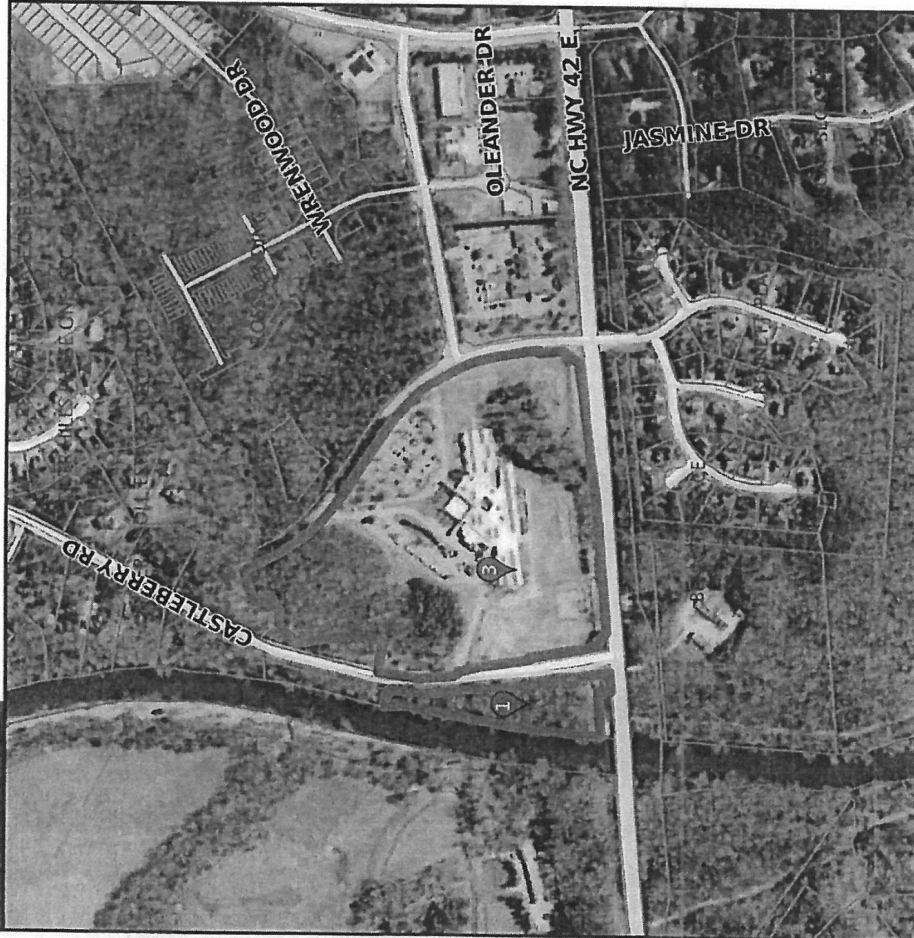
VOLUNTARY ANNEXATION PLAT CHECKLIST

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



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.



Result 1

Id: 16K05012F
Tag: 16K05012F
NCPin: 167900-61-7483
Mapsheet No: 1679
Owner Name 1: JOHNSTON COUNTY BOARD
OF
Owner Name 2: EDUCATION
Mail Address 1:
Mail Address 2: PO BOX 1336
Mail Address 3: SMITHFIELD, NC 27577-0000
Site Address 1:
Site Address 2:
Book: 05186
Page: 0240
Market Value: 47940
Assessed Acreage: 2.84
Calc. Acreage: 2.84
Sales Price: 1000
Sale Date: 2018-07-20

Scale: 1:6976 - 1 in. = 581.37 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
November 19, 2018



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.

Result 2

id: 16J05002H
Tag: 16J05002H
NCPin: 167900-71-4698
Mapsheet No: 1679
Owner Name 1: JOHNSTON COUNTY BOARD
OF EDUCATION A
GOVERNMENTAL ENTITY
Owner Name 2:
Mail Address 1: 2320 US HIGHWAY 70 BUS E
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577-7790
Site Address 1: 2075 NC HWY 42
Site Address 2: CLAYTON, NC 27527-
Book: 05186
Page: 0246
Market Value: 12094360
Assessed Acreage: 29
Calc. Acreage: 29
Sales Price: 123500
Sale Date: 2018-07-20

Result 3

id: 16J05002H
Tag: 16J05002H
NCPin: 167900-71-4698
Mapsheet No: 1679
Owner Name 1: JOHNSTON COUNTY BOARD
OF EDUCATION A
GOVERNMENTAL ENTITY
Owner Name 2:
Mail Address 1: 2320 US HIGHWAY 70 BUS E
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577-7790
Site Address 1: 11 CASTLEBERRY RD
Site Address 2: CLAYTON, NC 27527-
Book: 05186
Page: 0246
Market Value: 12094360
Assessed Acreage: 29
Calc. Acreage: 29
Sales Price: 123500
Sale Date: 2018-07-20

Repeat of
Result 3

ANNEXATION PETITION 2019-12-ANX
East Clayton Elementary
Parcels: 16J05002H and 16K05012F
Owners: Johnston County Board of Education
Non-Contiguous; 29.00 acres and 2.84 acres

TOWN OF CLAYTON
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S.160A-58.2

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

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

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

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

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at Town Hall at 6:00 PM on Monday, March 4, 2019.

Section 2. The area proposed for annexation is described as the following 2 parcels off NC Hwy 42 E. and Castleberry Road:

Tag #	Owner Name	Acreage (Assessed)	Deed Book	Page Number
16J05002H	Johnston County Board of Education	29.00	5186 1391	246 727
16K05012F	Johnston County Board of Education	2.84	5186 1391	246 727

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

Duly adopted this 18th day of February 2019 while in regular session.

Jody L. McLeod,
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

February 18 2019

Agenda Location

New Business

Item Title

Sam's Branch Greenway Phase II (U-5530 LA & LB) - Bid Award

Presenter

Rich Cappola, PE – Dir. of Engineering & inspections/Interim Public Works & Utilities Dir.

Summary/Description

Sam's Branch Greenway is a beautiful 1.25 mile, 10-foot-wide paved pedestrian and biking trail that leads to the winding Neuse River where it connects with the Clayton River Walk on the Neuse Greenway, which is part of the North Carolina Mountains-to-Sea Trail. These connected trails continue into Wake County, allowing residents and visitors to enjoy 30+ miles of biking or hiking all the way from Clayton to Falls Lake Dam in Raleigh.

Sam's Branch Greenway Phase II will extend the existing greenway through the construction of a pedestrian tunnel underneath North O'Neil Street allowing walkers, runners, and bikers continuous access to the greenway without a conflict with vehicular traffic. Once through the tunnel, a new 10-wide paved trail will continue along Sam's Branch for approximately $\frac{3}{4}$ of a mile, cross Sam's Branch into Legend Park and terminate at its entrance on City Road. At completion, an additional 1.25 miles of greenway will be added to the Town's trail system.

Following Construction Authorization from NCDOT, the Town formally bid the construction project and received only one bid. In accordance with State law, the project was re-bid in an attempt to attract additional bidders. At the second bid opening, we had received one bid from the Fred Smith Company with a total construction cost of \$2,689,345.00. Once Construction Engineering and Inspection (CEI) and NCDOT oversight is added into the project, we anticipate the total project cost to be \$3,100,000.00. While the total cost is higher than original estimate of \$2,136,000.00 prepared in 2014, it is consistent with current 2019 construction costs.

Requested Action

- **Approve/Award the Construction Contract to Fred Smith Company in the amount of \$2,689,345.00;**
- **Authorize Town Manager to negotiate and execute CEI Contract; and**
- **Increase the Capital Project Fund for Sam's Branch Phase II (U-5530 LA & LB) to \$3,100,000.00**

Funding Source (If Applicable):

The breakdown in funding for the \$3,100,000.00 is as follows:

Federal LAPP Funds (80%):	\$1,708,800.00
Town Match (20% Using Recreation Fee in Lieu):	\$427,200.00
CAMPO Overage Match (50%):	\$482,000.00
Town Overage Match (50%):	<u>\$482,000.00</u>
TOTAL:	\$3,100,000.00

Cost: N/A Yes ☒ No ☐

Additional Documents to be Included in Agenda Packet

- Bid Award Recommendation



TOWN OF CLAYTON
CONTRACT PROPOSAL

TIP NUMBER: U-5530 LA, U-5530 LB
WBS NUMBER: 44111.1.F6 & 44111.1.F5
FA: STPDA-0406(8) & STPDA-0406(7)
COUNTY: Johnston

DESCRIPTION: SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING - The project generally includes 1.41 total miles of trail construction, consisting of 1.34 miles of new 10-foot-wide asphalt trail construction, 270 linear feet of new 10 foot wide wooden boardwalk construction, 60 linear feet of new steel bridge construction, pedestrian culvert, roadwork, associated clearing, drainage, erosion control, and signage.

DATE OF ADVERTISEMENT: September 30, 2018

PRE-BID MEETING: Thursday, October 11, 2018 11:00 AM(Local Time), TOWN OF CLAYTON COUNCIL CHAMBERS, 111 E SECOND STREET CLAYTON, NC 27520

BID OPENING: Thursday, ~~November 1~~, 2018, 2:00 PM (Local time), TOWN OF CLAYTON COUNCIL CHAMBERS 111 E SECOND STREET CLAYTON, NC 27520

***** NOTICE *****

ALL BIDDERS SHALL COMPLY WITH ALL APPLICABLE LAWS REGULATING THE PRACTICE OF GENERAL CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA. FOR CONTRACTS \$30,000 OR MORE, EXCEPT FOR CERTAIN SPECIALTY WORK AS DETERMINED BY THE LICENSING BOARD, BIDDERS ARE REQUIRED TO BECOME LICENSED BY THE NC LICENSING BOARD. NON-LICENSED BIDDERS ARE PERMITTED 60 DAYS AFTER BID OPENING TO OBTAIN PROPER LICENSING FOR THE TYPE OF PROJECT BEING LET. BIDDERS SHALL ALSO COMPLY WITH ALL OTHER APPLICABLE LAWS REGULATING THE PRACTICES OF ELECTRICAL, PLUMBING, HEATING AND AIR CONDITIONING AND REFRIGERATION CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA.

FSC II, LLC dba FRED SMITH COMPANY

NAME OF BIDDER

701 CORPORATE CENTER DRIVE, SUITE 101, RALEIGH NC 27607

ADDRESS OF BIDDER

RETURN BIDS TO: Town of Clayton

Attention: Rich Capolla, P.E.

Person's Title: Town Engineer

Physical Address: TOWN OF CLAYTON COUNCIL CHAMBERS 111 E SECOND STREET
CLAYTON, NC 27520

ALL BIDS MUST BE RECEIVED PRIOR TO THE DATE AND TIME LISTED ABOVE.

Project Name: SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING
Project No.: U-5530 LA, U-5530 LB

CERTIFICATION

I HEREBY CERTIFY THAT THE SPECIFICATIONS CONTAINED HEREIN AND THE
ACCOMPANYING PLANS AND SPECIFICATIONS WERE PREPARED BY ME OR
UNDER MY DIRECT SUPERVISION.



BY: Greenway Engineer for U-5530 LA
Jeffrey W. Moore, PE

Kimley-Horn and Associates, Inc.
421 Fayetteville Street
Suite 600
Raleigh, NC 27601
License F-0102



BY: Greenway Engineer for U-5530 LB
Graham Bruns, PE

Stewart, Inc.
421 Fayetteville Street
Suite 400
Raleigh, NC 27601
License C-1051

SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING
U-5530 LA, U-5530 LB

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*** All page numbers are to print pages**

NCDOT STANDARD NOTES (Federal Aid)

01/02/18

- A. NCDOT Standard Specifications – The 2018 North Carolina Department of Transportation Standard Specifications for Roads and Structures, herein referred to as the ‘Standard Specifications’, and the 2018 Roadway Standard Drawings, shall apply to all portions of this project except as may be modified by this document.
- B. Bidder Prequalification - Bidders are required to be prequalified with NCDOT for their specific discipline. Contractors wishing to become prequalified may obtain information through the NCDOT website at:
<https://connect.ncdot.gov/business/Pages/default.aspx>
- C. Disadvantaged Business Enterprise References - Since this is a Federal-aid project with DBE participation, only those requirements and goals set forth by NCDOT Goal Setting Committee are applicable. References to any other requirements or to N.C. General Statute 143-128.2 shall not apply to this project. Refer to Special Provision SP1 G63.
- D. Award of Contract - The contract will be awarded to the lowest responsible, responsive bidder. Alternate items will not be considered in determining the low bidder and will only be evaluated after the award of the contract is made.
- E. Contractor Licensing – On all Federal-aid contracts, non-licensed contractors are permitted to submit bids, however they must be licensed prior to performing any work. Bidders are permitted 60 days, after bid opening, to become licensed by the North Carolina Licensing Board. If they fail to do so within 60 days, their bid will be considered non-responsive and will be rejected. If the successful bidder does not hold the proper license to perform any plumbing, heating, air conditioning, or electrical work in this contract, he will be required to sublet such work to a contractor properly licensed in accordance with *Article 2 of Chapter 87 of the General Statutes* (licensing of heating, plumbing, and air conditioning contractors) and *Article 4 of Chapter 87 of the General Statutes* (licensing of electrical contractors).
- F. Bonds - Please note that all Bid Bonds, Payment Bonds, and Performance Bonds required for this project, shall be those found on the NCDOT website. The bonds are located at:
- Bid Bonds (M-5):
<https://connect.ncdot.gov/municipalities/Bid%20Proposals%20for%20LGA%20Content/04%20Bid%20Bonds.doc>
- Payment Bonds (M-6):
<https://connect.ncdot.gov/municipalities/Bid%20Proposals%20for%20LGA%20Content/05%20Payment%20Bonds.doc>
- Performance Bonds (M-7):
<https://connect.ncdot.gov/municipalities/Bid%20Proposals%20for%20LGA%20Content/06%20Performance%20Bonds.doc>

- G. Liability Insurance – In addition to any insurance requirements as may be required by the LGA, the Contractor is obligated to comply with Article 107-15 of the *Standard Specifications* including the dollar limits set forth.
- H. Buy America – This project shall be governed by the Buy America requirements, for the use of domestic steel and iron products, as outlined in the *Standard Specifications*.
- I. Proprietary Items - When a proprietary (brand name) product, whether material, equipment or procedure, are specified in the plans or specifications, they are used only to denote the style, type, character, and quality desired of the product. They do not restrict the bidder from proposing other brands, makes, or manufacturers, which are determined to be of equal quality. The approval, or disapproval of those products, will be made by the Engineer prior to allowing those product(s) or material(s) to be incorporated into the work.
- J. Retainage by LGAs – The LGA for this contract will not retain any amount or percentage from progress payments or final estimates due the contractor.
- Retainage by Contractors – Contractors are NOT permitted to retain any amount or percentage from monies due their subcontractors or material suppliers on federally funded projects except as permitted by Subarticle 109-4(B) of the *Standard Specifications*.
- K. Traffic Control – The requirements of the *Manual on Uniform Traffic Control Devices (MUTCD)* – FHWA, as amended by the *NCDOT Supplement to MUTCD*, shall apply. Traffic Control, both vehicular and pedestrian, shall be maintained throughout the project as required by these specifications as modified by the project plans or special provisions.

INSTRUCTIONS TO BIDDERS

PLEASE READ ALL INSTRUCTIONS CAREFULLY BEFORE PREPARING AND SUBMITTING YOUR BID.

All bids shall be prepared and submitted in accordance with the following requirements. Failure to comply with any requirement shall cause the bid to be considered irregular and shall be grounds for rejection of the bid.

- 1.** The bid form furnished by Town of Clayton with the proposal shall be used and shall not be altered in any manner. **DO NOT SEPARATE THE BID FORM FROM THE PROPOSAL!**
- 2.** All entries on the bid form, including signatures, shall be written in ink.
- 3.** The Bidder shall submit a unit price for every item on the bid form. The unit prices for the various contract items shall be written in figures. *****Unit prices must be limited to TWO decimal places.*****
- 4.** An amount bid shall be entered on the bid form for every item. The amount bid for each item shall be determined by multiplying each unit bid by the quantity for that item, and shall be written in figures in the "Amount Bid" column of the form.
- 5.** The total amount bid shall be written in figures in the proper place on the bid form. The total amount shall be determined by adding the amounts bid for each item.
- 6.** Changes in any entry shall be made by marking through the entry in ink and making the correct entry adjacent thereto in ink. A representative of the Bidder shall initial the change in ink. Do not use "White Out" or similar product to make corrections.
- 7.** The bid shall be properly executed. All bids shall show the following information:
 - a. Name of individual, firm, corporation, partnership, or joint venture submitting bid.
 - b. Name of individual or representative submitting bid and position or title.
 - c. Name, signature, and position or title of witness.
 - d. Federal Identification Number
 - e. Contractor's License Number (If available)
- 8.** Bids submitted by corporations shall bear the seal of the corporation.
- 9.** The bid shall not contain any unauthorized additions, deletions, or conditional bids.
- 10.** The bidder shall not add any provision reserving the right to accept or reject an award, or to enter into a contract pursuant to an award.

11. THE PROPOSAL WITH THE BID FORM STILL ATTACHED SHALL BE PLACED IN A SEALED ENVELOPE AND SHALL HAVE BEEN DELIVERED TO AND RECEIVED AT Town of Clayton ATTENTION: Rich Capolla, P.E. at TOWN OF CLAYTON COUNCIL CHAMBERS 111 E SECOND STREET CLAYTON, NC 27520, BY 2:00 PM ON, **Thursday, November 1, 2018.**

12. The sealed bid must display the following statement on the front of the sealed envelope:

“QUOTATION FOR – SAM’S BRANCH PHASE II GREENWAY/ NORTH O’NEIL CROSSING TO BE OPENED AT 2:00 PM ON **Thursday November 1, 2018**

13. If delivered by mail, the sealed envelope shall be placed in another sealed envelope and the outer envelope shall be addressed as follows:

Town of Clayton
Attn: Rich Capolla, P.E.
111 E Second Street
Clayton, NC 27520

ALLOWABLE CHANGES TO THE NCDOT 2018 STANDARD SPECIFICATIONS

01/02/18

1. *Article 102-1 Invitation to Bid, page 1-9*, delete this section in its entirety.
2. *Subarticle 102-8(B) Electronic Bids, page 1-15*, delete this section in its entirety.
3. *Article 102-10 Bid Bond or Bid Deposit, page 1-17*, line 38, “60” days shall be modified to “ ” days.
4. *Subarticle 102-12(A) Paper Bid, page 1-18*, line 37, the reference to “Contract Officer” shall be changed to “ ”.
5. *Subarticle 102-12(B) Electronic Bid, page 1-18*, delete this section in its entirety.
6. *Subarticle 103-2(B) Electronic Bids, page 1-22*, delete this section in its entirety.
7. *Subarticle 103-3(A) Criteria for Withdrawal of Bid, page 1-22*, modify the reference “G.S.136-28.1” to “G.S.143-129.1”. On page 1-23, in that same subarticle under (5), line 11, modify “State Contract Officer” to “ ”.
8. *Article 103-7 Contract Bonds, page 1-30*, line 5, modify “14” calendar days to “10” calendar days per G.S.143-129.
9. *Article 103-9, Failure to Furnish Contract Bonds, page 1-30*, line 15, modify “14” calendar days to “10” calendar days per G.S.143-129.
10. *Article 105-9 Construction Stakes, Lines and Grades, page 1-48*, delete this section in its entirety and substitute the following: “The Municipality will not set the stakes, lines or grades for this project.”
11. *Article 107-5 Encroachment on Right of Way, page 1-58*, in line 11, change the word “entity” to “municipality”.
12. *Article 108-2, Progress Schedule, page 1-68*, add the following requirement as subarticle (D) on page 1-69: “The municipality may add additional requirements as noted in the bid proposal”.
13. *Article 108-3, Preconstruction Conference, page 1-69*, line 20, change “Division Engineer” to “ ”.
14. *Article 108-4, Construction Conferences, page 1-69*, line 28, change “Resident Engineer” to “ ”.
15. *Article 109-8, Fuel Price Adjustments, page 1-87*, delete this article in its entirety and substitute the following: “Fuel Price Adjustments will not apply to this project.”
16. *Article-620-4, Measurement and Payment, page 6-33*, delete lines 38 through line 20 on page 6-34 and substitute the following: “Asphalt Price Adjustments will not apply to this project.”

NOTICE TO BIDDERS

Sealed Bids will be received by the Town of Clayton, at TOWN OF CLAYTON COUNCIL CHAMBERS 111 E SECOND STREET CLAYTON, NC 27520 until 2:00 PM, local prevailing time of November 1, 2018, and then at said place be publicly opened and read aloud for the following:

SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING
NCDOT TIP: U-5530 LA, U-5530 LB

The project generally includes 1.41 total miles of trail construction, consisting of 1.34 miles of new 10-foot-wide asphalt trail construction, 270 linear feet of new 10 foot wide wooden boardwalk construction, 60 linear feet of new steel bridge construction, pedestrian culvert, roadwork, associated clearing, drainage, erosion control, and signage.

No bid shall be considered or accepted by Town of Clayton unless at the time of its filing the same shall be accompanied by a deposit with Town of Clayton of cash, or a cashier's check or a certified check drawn on a bank or trust company insured by the Federal Deposit Insurance Corporation, in an amount equal to not less than five percent of the Proposal. In lieu of making the deposit as above provided, such Bidder may file a Bid Bond executed by a corporate surety licensed under the laws of the state of North Carolina to execute such bonds; conditioned that the surety will upon demand forthwith Contract in accordance with the Bid Bond. If upon acceptance of his Bid, a Bidder fails to enter into a Contract with Town of Clayton, the Bid deposit shall be forfeited to and become the property of Town of Clayton.

A separate performance bond and payment bond each in an amount equal to one hundred percent of the Contract price will be required. Carriers must be authorized to do business in the state of North Carolina.

Any contractor doing work on the project shall be prequalified by NCDOT for the specific type of work they are providing.

THE FOLLOWING FORMS AND DOCUMENTATION SHALL BE COMPLETELY FILLED OUT AND SUBMITTED WITH THE BIDS.

1. Proposal
2. Certified List of Material Manufacturers
3. Certification Affidavit
4. Contractor's Certificates Affidavit of Organization and Authority and Sworn Statement
5. Non-Discrimination Clause
6. E-Verify Affidavit
7. Acknowledgement
8. Notice To Contractor Regarding Intrusions Beyond Project Limits
9. Execution of Bid-Non-Collusion Affidavit, Debarment Certification and Gift Ban Certification
10. Listing of DBE Subcontractors

11. Documentation of NCDOT prequalification shall be provided with the bid as a separate attachment.

Bidders must conform with the provisions of the North Carolina Contractor's Licensing Act of 1925, as amended.

The Owner reserves the right to reject any Proposal for failure to comply with all the requirements of this Notice or of any of the Contract Documents; however, it may waive any minor defects of informalities at its discretion. The Owner further reserves the right to reject any and all Proposals or to Award the contract, which in its judgment is in the best interest of the Owner.

The Contract is to be awarded to the lowest responsible, responsive bidder, provided the Bid has been submitted in accordance with the requirements of the Bidding Documents, is judged to be reasonable, and does not exceed the funds available. The low bidder shall be determined based upon the lowest bid amount for those items that comprise the base amount. Bid Alternate Items may be included in the bid sheet but shall not be considered as part of the base bid. Only after the low bidder is determined shall bid alternate items be considered. The owner reserves the right to select any Alternate or combination of Alternate items.

All prospective bidders are strongly urged to attend the Pre-Bid Conference. The pre-bid conference will be held at the TOWN OF CLAYTON COUNCIL CHAMBERS, 111 E SECOND STREET CLAYTON, NC 27520 on **Thursday, October 11, 2018 11:00 AM.**, local prevailing time, to discuss the project and answer pertinent questions from prospective bidders.

Contract Documents may be examined at the following locations:

Town of Clayton 111 E Second Street, Clayton, NC 27520

Accent Imaging, Raleigh, 919-782-3332

Copies of the Contract Documents may be obtained at Accent Imaging or using their online plan room. The Non Refundable Purchase of entire bid set includes all plans and specifications, including addenda released at time of order. Future addenda will be issued by plan room to plan holders. Payment should be made directly to Accent Imaging.

Accent Imaging will maintain an official plan holders list. Please contact Accent Imaging at 919-782-3332 to be added to this list if plans are received from any other source.

Questions may be directed to: Ed Lynch at Stewart, Inc., elynch@stewartinc.com or 919-866-4774 for U-5530 LB and Jeff Moore, at Kimley-Horn and Associates, Inc., jeff.moore@kimley-horn.com or 919-677-2000 for U-5530 LA.

Neither the Owner nor the Engineer will be responsible for full or partial sets of Contract Documents, including any Addendum obtained from any other source.

Bidders must certify that they do not and will not maintain or provide for their employees any facilities that are segregated on a basis of race, color, creed or any national origin and so certify with the form included in the Proposal..

Contract No. U-5530 LA, U-5530 LB
County Johnston

Rev. 7-25-17

STATE OF NORTH CAROLINA
Town of Clayton
Clayton, NC 27520

BID BOND

Principal: FSC II, LLC dba Fred Smith Company
Name of Principal Contractor
Surety: Western Surety Company
Name of Surety
Contract Number: U-5530 LA, U-5530 LB County: Johnston
Date of Bid: November 14, 2018

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, PRINCIPAL) and SURETY above named, are held and firmly bound unto the Town of Clayton in the full and just sum of five (5) percent of the total amount bid by the Principal for the project stated above, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

NOW, THEREFORE, the condition of this obligation is: the Principal shall not withdraw its bid within sixty (60) days after the opening of the bids, or within such other time period as may be provided in the proposal, and if the Town of Clayton shall award a contract to the Principal, the Principal shall, within ten (10) calendar days after written notice of award is received by him, provide bonds with good and sufficient surety, as required for the faithful performance of the contract and for the protection of all persons supplying labor, material, and equipment for the prosecution of the work. In the event the Principal requests permission to withdraw his bid due to mistake in accordance with the provisions of Article 103-3 of the *Standard Specifications for Roads and Structures*, the conditions and obligations of this Bid Bond shall remain in full force and effect until the Town of Clayton makes a final determination to either allow the bid to be withdrawn or to proceed with award of the contract. In the event a determination is made to award the contract, the Principal shall have ten (10) calendar days to comply with the requirements set forth above. In the event the Principal withdraws its bid after bids are opened except as provided in Article 103-3, or after award of the contract has been made fails to execute such additional documents as may be required and to provide the required bonds within the time period specified above, then the amount of the bid bond shall be immediately paid to the Town of Clayton as liquidated damages.

IN TESTIMONY WHEREOF, the Principal and Surety have caused these presents to be duly signed and sealed.

This the 14th day of November, 20 18

Western Surety Company

Surety

By



General Agent or Attorney-in-Fact Signature

Seal of Surety

Renee Ellis, Attorney in Fact

Print or type Signer's Name

Contract No.
County

U-5530 LA, U-5530 LB

Johnston

Rev. 7-25-17

BID BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Full name of Corporation

Address as prequalified

By

Signature of President, Vice President, Assistant Vice President
Select appropriate title

Print or type Signer's name

Affix Corporate Seal

Attest

Signature of Secretary, Assistant Secretary
Select appropriate title

Print or type Signer's name

Contract No. U-5530 LA, U-5530 LB

Rev. 7-25-17

County Johnston

BID BOND

LIMITED LIABILITY COMPANY

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor FSC II, LLC dba Fred Smith Company

Full name of Firm

701 Corporate Center Drive, Suite 101, Raleigh, NC 27607

Address as prequalified

Signature of ~~Member~~
Manager/Authorized Agent

Thomas J Johnson Jr
Individually

THOMAS T. JOHNSON, JR.
Print or type Signer's name

Contract No. U-5530 LA, U-5530 LB
County Johnston

Rev. 7-25-17

BID BOND

INDIVIDUAL DOING BUSINESS UNDER A FIRM NAME

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor

Individual Name

Trading and doing business as

Full name of Firm

Address as prequalified

Signature of Contractor

Individually

Print or type Signer's name

Signature of Witness

Print or type Signer's name

Contract No. U-5530 LA, U-5530 LB

Rev. 7-25-17

County Johnston

BID BOND

INDIVIDUAL DOING BUSINESS IN HIS OWN NAME

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor _____

Print or type Individual Name

Address as prequalified

Signature of Contractor _____

Individually

Print or type Signer's name

Signature of Witness

Print or type Signer's name

U-5530 LA, U-5530 LB SAM'S BRANCH PHASE II GREENWAY/NORTH O'NEIL CROSSING

18

Contract No. U-5530 LA, U-5530 LB

Rev. 7-25-17

County Johnston

BID BOND

PARTNERSHIP

SIGNATURE OF CONTRACTOR (Principal)

Full name of Partnership

Address as prequalified

By _____
Signature of Partner

Print or type Signer's name

Signature of Witness

Print or type Signer's name

U-5530 LA, U-5530 LB SAM'S BRANCH PHASE II GREENWAY/NORTH O'NEIL CROSSING

19

Contract No. U-5530 LA, U-5530 LB
County Johnston

Rev. 7-25-17

BID BOND
JOINT VENTURE (2 or 3)
SIGNATURE OF CONTRACTORS (Principal)

Instructions to Bidders: **2 Joint Ventures**, Fill in lines (1), (2) and (3) and execute. **3 Joint Venturers** Fill in lines (1), (2), (3), (4) and execute. Line (1), print or type the name of Joint Venture. On line (2), print or type the name of one of the joint venturers and execute below in the appropriate manner required by Article 102-8 of the *Specifications*. On Line (3), print or type the name of second joint venturer and execute below in the appropriate manner required by said article of the *Specifications*. On Line (4), print or type the name of the third joint venturer, if applicable and execute below in the appropriate manner required by said article of the *Specifications*. This form of execution must be strictly followed.

(1) _____
Name of Joint Venture

(2) _____
Name of Contractor

Address as prequalified

Signature of Witness or Attest By _____
Signature of Contractor

Print or type Signer's name _____
Print or type Signer's name

If Corporation, affix Corporate Seal

and

(3) _____
Name of Contractor

Address as prequalified

Signature of Witness or Attest By _____
Signature of Contractor

Print or type Signer's name _____
Print or type Signer's name

If Corporation, affix Corporate Seal

and

(4) _____
Name of Contractor (for 3 Joint Venture only)

Address as prequalified

Signature of Witness or Attest By _____
Signature of Contractor

Print or type Signer's name _____
Print or type Signer's name

If Corporation, affix Corporate Seal

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Thomas J Gentile, Billie Jo Sanders, Renee Ellis, Paul B Scott Jr, David J Durden, Milton A Kopf III, Individually

of Montgomery, AL, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 19th day of June, 2015.



WESTERN SURETY COMPANY

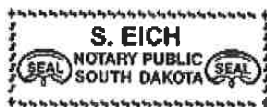
Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 19th day of June, 2015, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

February 12, 2021



S. Eich, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 14th day of November, 2018.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Contract No. _____
County _____

Rev. 11-1-12

Town of Clayton

CONTRACT PAYMENT BOND

Date of Payment Bond
Execution _____

Name of Principal Contractor _____

Name of Surety: _____

Name of Contracting Body: _____

Amount of Bond: _____

Contract ID No.: _____

County Name: _____

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, PRINCIPAL) and SURETY above named, are held and firmly bound unto the above named Contracting Body, hereinafter called the Contracting Body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the principal entered into a certain contract with the Contracting Body, numbered as shown above and hereto attached:

NOW THEREFORE, if the principal shall promptly make payment to all persons supplying labor and material in the prosecution of the work provided for in said contract, and any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bound parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

Contract No. _____
County _____

Rev. 11-1-12

CONTRACT PAYMENT BOND

Affix Seal of Surety Company

Print or type Surety Company Name

By _____

Print, stamp or type name of Attorney-in-Fact

Signature of Attorney-in-Fact

Signature of Witness

Print or type Signer's name

Address of Attorney-in-Fact

Contract No. _____
County _____

Rev. 11-1-12

CONTRACT PAYMENT BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Full name of Corporation

Address as prequalified

By _____
Signature of **President, Vice President, Assistant Vice President**
Select appropriate title

Print or type Signer's name

Affix Corporate Seal

Attest _____
Signature of **Secretary, Assistant Secretary**
Select appropriate title

Print or type Signer's name

Contract No. _____
County _____

Rev. 4-19-11

CONTRACT PAYMENT BOND

LIMITED LIABILITY COMPANY

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor

Full name of Firm

Address as prequalified

By: _____

Signature of Member, Manager, Authorized Agent
Select appropriate title

Print or type Signer's name

Contract No. _____
County _____

Rev. 4-19-11

CONTRACT PAYMENT BOND

INDIVIDUAL DOING BUSINESS UNDER A FIRM NAME

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor

Individual Name

Trading and doing business as

Full name of Firm

Address as prequalified

Signature of Contractor

Individually

Print or type Signer's name

Signature of Witness

Print or type Signer's name

Contract No. _____
County _____

Rev. 4-19-11

CONTRACT PAYMENT BOND

INDIVIDUAL DOING BUSINESS IN HIS OWN NAME

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor _____

Print or type Individual name

Address as prequalified

Signature of Contractor _____

Individually

Print or type Signer's name

Signature of Witness

Print or type Signer's name

Contract No. _____
County _____

Rev. 4-19-11

CONTRACT PAYMENT BOND

PARTNERSHIP

SIGNATURE OF CONTRACTOR (Principal)

Full name of Partnership

Address as prequalified

By _____

Signature of Partner

Print or type Signer's name

Signature of Witness

Print or type Signer's name

Contract No. _____
County _____

Rev. 4-19-11

CONTRACT PAYMENT BOND
JOINT VENTURE (2) or (3)
SIGNATURE OF CONTRACTORS (Principal)

Instructions to Bidders: **2 Joint Ventures**, Fill in lines (1), (2) and (3) and execute. **3 Joint Venturers** Fill in lines (1), (2), (3), (4) and execute. On Line (1), print or type the name of Joint Venture. On line (2), print or type the name of one of the joint venturers and execute below in the appropriate manner required by Article 102-8 of the *NCDOT Standard Specifications*. On Line (3), print or type the name of second joint venturer and execute below in the appropriate manner required by said article of the Specifications. On Line (4), print or type the name of the third joint venturer, if applicable and execute below in the appropriate manner required by said article of the Specifications. This form of execution must be strictly followed.

(1) _____
Name of Joint Venture

(2) _____
Name of Contractor

Address as prequalified

Signature of Witness or Attest By _____
Signature of Contractor

Print or type Signer's name _____
Print or type Signer's name

If Corporation, affix Corporate Seal

and

(3) _____
Name of Contractor

Address as prequalified

Signature of Witness or Attest By _____
Signature of Contractor

Print or type Signer's name _____
Print or type Signer's name

If Corporation, affix Corporate Seal

and

(4) _____
Name of Contractor (for 3 Joint Venture only)

Address as prequalified

Signature of Witness or Attest By _____
Signature of Contractor

Print or type Signer's name _____
Print or type Signer's name

If Corporation, affix Corporate Seal

Contract No. _____
County _____

Rev. 4-19-11

CONTRACT PAYMENT BOND

Attach certified copy of Power of Attorney to this sheet

Contract No. _____
County _____

Rev. 11-1-12

Town of Clayton

CONTRACT PERFORMANCE BOND

Date of Performance Bond

Execution: _____

Name of Principal Contractor: _____

Name of Surety: _____

Name of Contracting Body: _____

Amount of Bond: _____

Contract ID No.: _____

County Name: _____

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL CONTRACTOR (hereafter, PRINCIPAL) and SURETY above named, are held and firmly bound unto the above named Contracting Body, hereinafter called the Contracting Body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the principal entered into a certain contract with the Contracting Body, numbered as shown above and hereto attached:

NOW THEREFORE, if the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the Contracting Body, with or without notice to the Surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bound parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being

Contract No. _____
County _____

Rev. 11-1-12

hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

Contract No. _____
County _____

Rev. 11-1-12

CONTRACT PERFORMANCE BOND

Affix Seal of Surety Company

Print or type Surety Company Name

By _____

Print, stamp or type name of Attorney-in-Fact

Signature of Attorney-in-Fact

Signature of Witness

Print or type Signer's name

Address of Attorney-in-Fact

Contract No. _____
County _____

Rev. 11-1-12

CONTRACT PERFORMANCE BOND

CORPORATION

SIGNATURE OF CONTRACTOR (Principal)

Full name of Corporation

Address as prequalified

By _____
Signature of **President, Vice President, Assistant Vice President**
Select appropriate title

Print or type Signer's name

Affix Corporate Seal

Attest _____
Signature of **Secretary, Assistant Secretary**
Select appropriate title

Print or type Signer's name

Contract No. _____
County _____

Rev. 4-19-11

CONTRACT PERFORMANCE BOND

LIMITED LIABILITY COMPANY

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor _____

Full name of Firm

Address as prequalified

By: _____

Signature of Member, Manager, Authorized Agent

Select appropriate title

Print or type Signer's name

Contract No. _____
County _____

Rev. 4-19-11

CONTRACT PERFORMANCE BOND

INDIVIDUAL DOING BUSINESS UNDER A FIRM NAME

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor

Individual Name

Trading and doing business as

Full name of Firm

Address as prequalified

Signature of Contractor

Individually

Print or type Signer's name

Signature of Witness

Print or type Signer's name

Contract No. _____
County _____

Rev. 4-19-11

CONTRACT PERFORMANCE BOND

INDIVIDUAL DOING BUSINESS IN HIS OWN NAME

SIGNATURE OF CONTRACTOR (Principal)

Name of Contractor _____

Print or type Individual name

Address as prequalified

Signature of Contractor _____

Individually

Print or type Signer's name

Signature of Witness

Print or type Signer's name

Contract No. _____
County _____

Rev. 4-19-11

CONTRACT PERFORMANCE BOND

PARTNERSHIP

SIGNATURE OF CONTRACTOR (Principal)

Full name of Partnership

Address as prequalified

By _____
Signature of Partner

Print or type Signer's name

Signature of Witness

Print or type Signer's name

Contract No. _____
County _____

Rev. 4-19-11

CONTRACT PERFORMANCE BOND
JOINT VENTURE (2) OR (3)
SIGNATURE OF CONTRACTORS (Principal)

Instructions to Bidders: **2 Joint Ventures**, Fill in lines (1), (2) and (3) and execute. **3 Joint Venturers** Fill in lines (1), (2), (3), (4) and execute. On Line (1), print or type the name of Joint Venture. On line (2), print or type the name of one of the joint venturers and execute below in the appropriate manner required by Article 102-8 of the *NCDOT Standard Specifications*. On Line (3), print or type the name of second joint venturer and execute below in the appropriate manner required by said article of the Specifications. On Line (4), print or type the name of the third joint venturer, if applicable and execute below in the appropriate manner required by said article of the Specifications. This form of execution must be strictly followed.

(1) _____
Name of Joint Venture

(2) _____
Name of Contractor

Address as prequalified

_____ Signature of Witness or Attest	By	_____ Signature of Contractor
_____ Print or type Signer's name		_____ Print or type Signer's name

If Corporation, affix Corporate Seal

and

(3) _____
Name of Contractor

Address as prequalified

_____ Signature of Witness or Attest	By	_____ Signature of Contractor
_____ Print or type Signer's name		_____ Print or type Signer's name

If Corporation, affix Corporate Seal

and

(4) _____
Name of Contractor (for 3 Joint Venture only)

Address as prequalified

_____ Signature of Witness or Attest	By	_____ Signature of Contractor
_____ Print or type Signer's name		_____ Print or type Signer's name

If Corporation, affix Corporate Seal

Contract No. _____
County _____

Rev. 4-19-11

CONTRACT PERFORMANCE BOND

Attach certified copy of Power of Attorney to this sheet

LISTING OF DBE SUBCONTRACTORS

Sheet <u>1</u> of <u>2</u>				
Firm Name and Address	Item No.	Item Description	* Agreed upon Unit Price	** Dollar Volume of Item
Name <u>SEEDSLINGERS</u> Address <u>PO BOX 665</u> <u>AYNOR, SC 29511</u>	<u>71</u>	<u>SILT FENCE</u>	<u>2.50</u>	<u>20,350.00</u>
	<u>78</u>	<u>SAFETY FENCE</u>	<u>2.50</u>	<u>500.00</u>
	<u>76</u>	<u>TEMPORARY MULCH</u>	<u>1,900.00</u>	<u>9,500.00</u>
	<u>77</u>	<u>FERTILIZER</u>	<u>850.00</u>	<u>2,125.00</u>
Name Address	<u>79</u>	<u>MATTING</u>	<u>2.50</u>	<u>7,600.00</u>
	<u>80</u>	<u>COIR FIBER MAT</u>	<u>4.50</u>	<u>450.00</u>
	<u>81</u>	<u>PERM SOIL REPAIR</u>	<u>4.50</u>	<u>2,160.00</u>
	<u>87</u>	<u>SEEDING & MULCH</u>	<u>3000.00</u>	<u>20,400.00</u>
Name Address	<u>88</u>	<u>MOWING</u>	<u>500.00</u>	<u>3,250.00</u>
	<u>89</u>	<u>SEED FOR REPAIR</u>	<u>2.00</u>	<u>300.00</u>
	<u>90</u>	<u>FERTILIZER FOR REPAIR</u>	<u>850.00</u>	<u>425.00</u>
	<u>91</u>	<u>SEED FOR SUPPLEMENTAL</u>	<u>2.00</u>	<u>500.00</u>
Name Address	<u>92</u>	<u>FERTILIZER TOPDRESS</u>	<u>850.00</u>	<u>3,782.50</u>
	<u>94</u>	<u>TEMPORARY SEEDING</u>	<u>6,000.00</u>	<u>5,000.00</u>
Name <u>BULLINGTON</u> Address <u>164 AMERICAN DR.</u> <u>OAKBROOK, NC 28129</u>	<u>41</u>	<u>GUARDRAIL</u>	<u>46.50</u>	<u>11,625.00</u>
	<u>42</u>	<u>GUARDRAIL END UNITS</u>	<u>3,600.00</u>	<u>3,600.00</u>
	<u>43</u>	<u>REMOVE GUARDRAIL</u>	<u>4.00</u>	<u>820.00</u>
	<u>44</u>	<u>ADDITIONAL POSTS</u>	<u>55.00</u>	<u>275.00</u>
Name <u>AUSTIN TRUCKING, LLC</u> Address <u>355 ATHLETIC CLUB BLVD.</u> <u>CLAYTON NC 27527</u>	<u>23</u>	<u>AGGREGATE BASE</u>	<u>70.00</u>	<u>34,590.00</u>
	<u>26</u>	<u>HAULING ONLY \$75 PER YARD</u> <u>ASPHALT SURFACE</u> <u>HAULING ONLY \$75 PER YARD</u>	<u>75.00</u>	<u>12,750.00</u>
Name Address				

* The Dollar Volume shown in this column shall be the Actual Price Agreed Upon by the Prime Contractor and the DBE subcontractor, and these prices will be used to determine the percentage of the DBE participation in the contract.

** Dollar Volume of DBE Subcontractor Percentage of Total Contract Bid Price:

If firm is a Material Supplier Only, show Dollar Volume as 60% of Agreed Upon Amount from Letter of Intent.

If firm is a Manufacturer, show Dollar Volume as 100% of Agreed Upon Amount from Letter of Intent.

U-5530 LA, U-5530 LB - SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING

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LISTING OF DBE SUBCONTRACTORS			Sheet _____	of _____
Firm Name and Address	Item No.	Item Description	* Agreed upon Unit Price	** Dollar Volume of Item
Name Address				
Name Address				
Name Address				
Name Address				
Name Address				
Name Address				

* The Dollar Volume shown in this column shall be the Actual Price Agreed Upon by the Prime Contractor and the DBE subcontractor, and these prices will be used to determine the percentage of the DBE participation in the contract.

**** Dollar Volume of DBE Subcontractor**
\$ 140,002.50

Percentage of Total Contract Bid Price
5.2 %

** Dollar Volume of DBE Subcontractor Percentage of Total Contract Bid Price:

If firm is a Material Supplier Only, show Dollar Volume as 60% of Agreed Upon Amount from Letter of Intent.

U-5530 LA, U-5530 LB - SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING

If firm is a Manufacturer, show Dollar Volume as 100% of Agreed Upon Amount from Letter of Intent

U-5530 LA, U-5530 LB - SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING

Contract No. _____
County _____

M-4

Rev. 11-1-12

EXECUTION OF BID

NON-COLLUSION AFFIDAVIT, DEBARMENT CERTIFICATION AND GIFT BAN CERTIFICATION

CORPORATION

The person executing the bid, on behalf of the Bidder, being duly sworn, solemnly swears (or affirms) that neither he, nor any official, agent or employee of the bidder has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with any bid or contract, that the bidder has not been convicted of violating *N.C.G.S. § 133-24* within the last three years, and that the Bidder intends to do the work with its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor.

In addition, execution of this bid in the proper manner also constitutes the Bidder's certification of status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

SIGNATURE OF CONTRACTOR

Full name of Corporation

Address as Prequalified

Attest _____ By _____
Secretary/Assistant Secretary President/Vice President/Assistant Vice President
Select appropriate title Select appropriate title

Print or type Signer's name

Print or type Signer's name

CORPORATE SEAL

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the

_____ day of _____ 20__.

NOTARY SEAL

Signature of Notary Public

of _____ County

State of _____

My Commission Expires: _____

U-5530 LA, U-5530 LB - SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING

Contract No. _____

M-4

Rev. 11-1-12

County _____

**EXECUTION OF BID
NON-COLLUSION AFFIDAVIT, DEBARMENT CERTIFICATION AND GIFT BAN CERTIFICATION**

PARTNERSHIP

The person executing the bid, on behalf of the Bidder, being duly sworn, solemnly swears (or affirms) that neither he, nor any official, agent or employee of the bidder has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with any bid or contract, that the bidder has not been convicted of violating *N.C.G.S. § 133-24* within the last three years, and that the Bidder intends to do the work with its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor.

In addition, execution of this bid in the proper manner also constitutes the Bidder's certification of status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

SIGNATURE OF CONTRACTOR

Full Name of Partnership

Address as Prequalified

Signature of Witness

By

Signature of Partner

Print or type Signer's name

Print or type Signer's name

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the

NOTARY SEAL

____ day of _____ 20__.

Signature of Notary Public

of _____ County

State of _____

U-5530 LA, U-5530 LB - SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING

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Contract No. _____

County _____

M-4

Rev. 11-1-12

My Commission Expires: _____

U-5530 LA, U-5530 LB - SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING

45 | Page

Contract No. U5530LA - U5530LB
County JOHNSTON

M-4

Rev. 11-1-12

**EXECUTION OF BID
NON-COLLUSION AFFIDAVIT, DEBARMENT CERTIFICATION AND GIFT BAN CERTIFICATION
LIMITED LIABILITY COMPANY**

The person executing the bid, on behalf of the Bidder, being duly sworn, solemnly swears (or affirms) that neither he, nor any official, agent or employee of the bidder has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with any bid or contract, that the bidder has not been convicted of violating N.C.G.S. § 133-24 within the last three years, and that the Bidder intends to do the work with its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor.

In addition, execution of this bid in the proper manner also constitutes the Bidder's certification of status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

SIGNATURE OF CONTRACTOR

FSC II, LLC dba FRED SMITH COMPANY
Full Name of Firm

701 CORPORATE CENTRE DRIVE, SUITE 101, RALEIGH NC 27607
Address as Prequalified

Carl P. Collier
Signature of Witness

Thomas T. Johnson, Jr.
Signature of ~~Member/Manager~~ Authorized Agent
Select appropriate title

CARL E. COLLIER
Print or type Signer's name

THOMAS T. JOHNSON, JR.
Print or type Signer's Name

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the

14th day of November 2018

Judy Beard
Signature of Notary Public

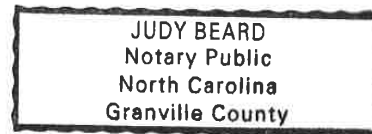
of Wake County

State of North Carolina

My Commission Expires: October 7, 2023

U-5530 LA, U-5530 LB - SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING

NOTARY SEAL



Contract No. _____
County _____

M-4

Rev. 11-1-12

**EXECUTION OF BID
NON-COLLUSION AFFIDAVIT, DEBARMENT CERTIFICATION AND GIFT BAN
CERTIFICATION**

JOINT VENTURE (2) or (3)

The person executing the bid, on behalf of the Bidder, being duly sworn, solemnly swears (or affirms) that neither he, nor any official, agent or employee of the bidder has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with any bid or contract, that the bidder has not been convicted of violating *N.C.G.S. § 133-24* within the last three years, and that the Bidder intends to do the work with its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor.

In addition, execution of this bid in the proper manner also constitutes the Bidder's certification of status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

SIGNATURE OF CONTRACTOR

Instructions: **2 Joint Venturers** Fill in lines (1), (2) and (3) and execute. **3 Joint Venturers** Fill in lines (1), (2), (3) and (4) and execute. On Line (1), fill in the name of the Joint Venture Company. On Line (2), fill in the name of one of the joint venturers and execute below in the appropriate manner. On Line (3), print or type the name of the other joint venturer and execute below in the appropriate manner. On Line (4), fill in the name of the third joint venturer, if applicable and execute below in the appropriate manner.

(1) _____
Name of Joint Venture

(2) _____
Name of Contractor

Address as Prequalified

Signature of Witness or Attest _____ By _____ Signature of Contractor

Print or type Signer's name _____ Print or type Signer's name

If Corporation, affix Corporate Seal and

(3) _____
Name of Contractor

Address as Prequalified

Signature of Witness or Attest _____ By _____ Signature of Contractor

Print or type Signer's name _____ Print or type Signer's name

If Corporation, affix Corporate Seal and

(4) _____
Name of Contractor (for 3 Joint Venture only)

Address as Prequalified

Signature of Witness or Attest _____ By _____ Signature of Contractor

Print or type Signer's name _____ Print or type Signer's name

If Corporation, affix Corporate Seal

NOTARY SEAL

Affidavit must be notarized for Line (2)

Subscribed and sworn to before me this

____ day of _____ 20____

Signature of Notary Public _____

of _____ County

State of _____

NOTARY SEAL

Affidavit must be notarized for Line (3)

Subscribed and sworn to before me this

____ day of _____ 20____

Signature of Notary Public _____

of _____ County

State of _____

NOTARY SEAL

Affidavit must be notarized for Line (4)

Subscribed and sworn to before me this

____ day of _____ 20____

Signature of Notary Public _____

of _____ County

State of _____

U-5530 LA, U-5530 LB - SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING

Contract No. _____

County _____

M-4

Rev. 11-1-12

My Commission Expires: _____

My Commission Expires: _____

My Commission Expires: _____

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Contract No. _____
County _____

M-4

Rev. 11-1-12

EXECUTION OF BID
NON-COLLUSION AFFIDAVIT, DEBARMENT CERTIFICATION AND GIFT BAN CERTIFICATION

INDIVIDUAL DOING BUSINESS UNDER A FIRM NAME

The person executing the bid, on behalf of the Bidder, being duly sworn, solemnly swears (or affirms) that neither he, nor any official, agent or employee of the bidder has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with any bid or contract, that the bidder has not been convicted of violating *N.C.G.S. § 133-24* within the last three years, and that the Bidder intends to do the work with its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor.

In addition, execution of this bid in the proper manner also constitutes the Bidder's certification of status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

SIGNATURE OF CONTRACTOR

Name of Contractor _____

Individual name

Trading and doing business as _____

Full name of Firm

Address as Prequalified

Signature of Witness

Signature of Contractor, Individually

Print or type Signer's name

Print or type Signer's name

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the

NOTARY SEAL

_____ day of _____ 20__.

Signature of Notary Public

of _____ County

State of _____

My Commission Expires: _____

U-5530 LA, U-5530 LB - SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING

Contract No. _____

Rev. 11-1-12

County _____

M-4

**EXECUTION OF BID
NON-COLLUSION AFFIDAVIT, DEBARMENT CERTIFICATION AND GIFT BAN CERTIFICATION**

INDIVIDUAL DOING BUSINESS IN HIS OWN NAME

The person executing the bid, on behalf of the Bidder, being duly sworn, solemnly swears (or affirms) that neither he, nor any official, agent or employee of the bidder has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with any bid or contract, that the bidder has not been convicted of violating *N.C.G.S. § 133-24* within the last three years, and that the Bidder intends to do the work with its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor.

In addition, execution of this bid in the proper manner also constitutes the Bidder's certification of status under penalty of perjury under the laws of the United States in accordance with the Debarment Certification attached, provided that the Debarment Certification also includes any required statements concerning exceptions that are applicable.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

SIGNATURE OF CONTRACTOR

Name of Contractor _____
Print or type Individual name

Address as Prequalified

Signature of Contractor, Individually

Print or type Signer's Name

Signature of Witness

Print or type Signer's name

AFFIDAVIT MUST BE NOTARIZED

Subscribed and sworn to before me this the

NOTARY SEAL

____ day of _____ 20__.

Signature of Notary Public

of _____ County

State of _____

U-5530 LA, U-5530 LB - SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING

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Contract No. _____

Rev. 11-1-12

County _____

M-4

My Commission Expires: _____

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DEBARMENT CERTIFICATION

Conditions for certification:

1. The prequalified bidder shall provide immediate written notice to the Municipality if at any time the bidder learns that his certification was erroneous when he submitted his debarment certification or explanation filed with the Municipality, or has become erroneous because of changed circumstances.
2. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this provision, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. A copy of the Federal Rules requiring this certification and detailing the definitions and coverages may be obtained from the Municipality project representative.
3. The prequalified bidder agrees by submitting this form, that he will not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in Municipal contracts, unless authorized by the Municipality.
4. For Federal Aid projects, the prequalified bidder further agrees that by submitting this form he will include the Federal-Aid Provision titled *Required Contract Provisions Federal-Aid Construction Contract (Form FHWA PR 1273)* provided by the Municipality, without subsequent modification, in all lower tier covered transactions.
5. The prequalified bidder may rely upon a certification of a participant in a lower tier covered transaction that he is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless he knows that the certification is erroneous. The bidder may decide the method and frequency by which he will determine the eligibility of his subcontractors.
6. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this provision. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
7. Except as authorized in paragraph 6 herein, the Municipality may terminate any contract if the bidder knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available by the Federal Government.

DEBARMENT CERTIFICATION

The prequalified bidder certifies to the best of his knowledge and belief, that he and his principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records; making false statements; or receiving stolen property;
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph b. of this certification; and
- d. Have not within a three-year period preceding this proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- e. Will submit a revised Debarment Certification immediately if his status changes and will show in his bid proposal an explanation for the change in status.

If the prequalified bidder cannot certify that he is not debarred, he shall provide an explanation with this submittal. An explanation will not necessarily result in denial of participation in a contract.

Failure to submit a non-collusion affidavit and debarment certification will result in the prequalified bidder's bid being considered non-responsive.

☐

Check here if an explanation is attached to this certification.

LETTER OF INTENT TO PERFORM AS A SUBCONTRACTOR

CONTRACT:	NAME OF BIDDER:
------------------	------------------------

The undersigned intends to perform work in connection with the above contract upon execution of the bid and subsequent award of contract by the Local Public Agency as:

Name of MBE/WBE/DBE Subcontractor _____
Address _____
City _____ State _____ Zip _____

Please check all that apply:
Minority Business Enterprise (MBE) _____
Women Business Enterprise (WBE) _____
Disadvantaged Business Enterprise (DBE) _____

The MBE /WBE /DBE status of the above named subcontractor is certified by the North Carolina Department of Transportation. The above named subcontractor is prepared to perform the described work listed on the attached MBE/WBE/DBE Commitment Items sheet, in connection with the above contract upon execution of the bid and subsequent award of contract by the Local Public Agency. The above named subcontractor is prepared to perform the described work at the estimated Commitment Total for Subcontractor Price identified on the MBE/WBE/DBE Commitment Items sheet and amount indicated below.

Commitment Total based on estimated Unit Prices and Quantities on the "attached" MBE/WBE/DBE Commitment Items sheet:

Amount \$ _____

The above named bidder and subcontractor mutually accepts the Commitment Total estimated for the Unit Prices and Quantities. This commitment total is based on estimated quantities only and most likely will vary up or down as the project is completed. Final compensation will be based on actual quantities of work performed and accepted during the pursuance of work. The above listed amount represents the entire dollar amount quoted based on these estimated quantities. No conversations, verbal agreements, and/or other forms of non-written representations shall serve to add, delete, or modify the terms as stated.

This document shall not serve in any manner as an actual subcontract between the two parties. A separate subcontractor agreement will describe in detail the contractual obligations of the bidder and the MBE/WBE/DBE subcontractor.

Affirmation

The above named MBE/ WBE/ DBE subcontractor affirms that it will perform the portion(s) of the contract for the estimated dollar value as stated above.

Name of MBE/ WBE/ DBE Subcontractor

Name of Bidder

Signature / Title

Signature / Title

Date

Date

PROPOSAL

TO: CityCouncil
of Town of Clayton, NORTH CAROLINA

FROM: BIDDER FSC 11, LLC dba FRED SMITH COMPANY

ADDRESS 701 CORPORATE CENTER DRIVE, SUITE 101
RALEIGH NC 27607

DATE OF BID: NOVEMBER 14TH, 2018

The undersigned hereby signifies that it is _____ (his/~~their~~) intention and purpose to enter into a formal Contract with Town of Clayton to furnish all labor, materials, tools, equipment, apparatus, supplies, etc., required and to do all the work necessary for and because of the construction, erection, and/or installation of the proposed

SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING
NCDOT TIP: U-5530 LA, U-5530 LB

for Town of Clayton in accordance with the Consulting Engineers' Specifications; the terms of the **Notice to Bidders** (copy of which is bound herein); the foregoing Instructions to Bidders, General Conditions and Specifications; this Proposal; the following forms of Contract and Bonds; and the Plans and/or Drawings, including Addenda Nos. * 1, 2; and pursuant with the requirements of the Notice and Instructions to Bidders. There is deposited, herewith, cash, a certified check in the amount of: BID BOND

Dollars (\$ _____),

or a ~~Bid Bond~~ in the amount of five percent of the total aggregate amount of this Bid made payable to the CityCouncil of Town of Clayton, the same to be refunded to the undersigned under the conditions of and in accordance with the terms of this Proposal which are as follows:

* Fill in appropriate Addenda number.

THAT: The undersigned has carefully examined the Plans and Specifications and all other Contract Documents and fully understands them.

THAT: The undersigned has carefully examined the site of the Project and is familiar with the conditions under which the work, or any part thereof, is to be performed and the conditions which must be fulfilled in furnishing and/or installing, erecting or constructing any or all items of the Project.

THAT: The undersigned will provide all necessary tools, machinery, equipment, apparatus, and all other means necessary to do all the work and will furnish all labor, materials and all else required to complete such Contract as may be entered into, in the manner prescribed in and in accordance with the terms of the Specifications and Contract and in accordance with the true intent and meaning thereof, and in accordance with the Plans and/or Drawings and the requirements of the Engineer under them, in a first class manner.

THAT: The rights of the Owner and the recommendations of the Engineer are not to be questioned in the Award of Contracts.

U-5530 LA, U-5530 LB - SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING 55 |

THAT: It is the intention of the CityCouncil to let Contracts on a basis of the Bids received in accordance with GS 143-129 and in such manner as they may deem to be for the best interests of the Owner.

THAT: The Owner reserves the right to reject any or all Proposals.

THAT: The Contract is to be awarded to the lowest responsible, responsive bidder, provided the Bid has been submitted in accordance with the requirements of the Bidding Documents, is judged to be reasonable, and does not exceed the funds available. The project includes three alternatives. Bids will be evaluated on the Base Bid. The Owner may decide to implement any or all Alternatives if it is determined to be in the Owner's best interest.

THAT: On being awarded the Contract, the undersigned will execute a Performance Bond and a Payment Bond, on the forms included herein, each equal to one hundred percent of the Contract price, as security for the faithful performance of the Contract.

THAT: The undersigned shall submit, in the blank spaces provided, all data efficiencies, guarantees, and other information called for.

THAT: The undersigned shall submit, herewith, Drawings or Cuts and Specifications showing and describing in detail the equipment, material, and/or apparatus which the undersigned proposes to furnish.

THAT: This Proposal shall be signed and submitted in the manner prescribed in the Instructions to Bidders.

THAT: Should this Proposal not be accepted by the CityCouncil of Town of Clayton, the certified check, in the amount of BID BOND Dollars (\$ _____) or the five percent Bid Bond, deposited herewith will be returned to the undersigned.

THAT: Should the Owner accept this Proposal and the undersigned fail or neglect to execute the Contract and furnish the required Bonds within fifteen days after receiving notifications of the acceptance of the Proposal and/or receipt of the formal Contract and Bond forms, the cash or certified check, in the amount of BID BOND Dollars (\$ _____) or the Bid Bond deposited herewith shall be retained by the Owner as liquidated damages, it being understood that the Owner reserves the right to extend the time allowed for executing the Contract and/or furnishing the Bond.

THAT: The undersigned will complete such Contract as may be entered into within the number of consecutive calendar days specified in the Contract from the date specified in the Notice to Proceed.

THAT: The undersigned proposes to enter into a Contract in accordance with this Proposal and the Contract Documents included herein, for the price, or prices, shown on the following pages. Bidder acknowledges that the following quantities are approximate only and are given as the basis for comparison of Bids. The Owner may increase or decrease the quantity of any item or portion of the work as may be deemed necessary or expedient. An increase or decrease in the quantity of any item will not be regarded as sufficient grounds for an increase or decrease in the unit prices, nor in the time allowed for the completion of the work, except as provided for in the General and Supplemental Conditions.

THE FOLLOWING FORMS AND DOCUMENTATION SHALL BE COMPLETELY FILLED OUT AND SUBMITTED WITH THE BIDS.

1. Proposal
2. Certified List of Material Manufacturers
3. Certification Affidavit
4. Contractor's Certificates Affidavit of Organization and Authority and Sworn Statement
5. Non-Discrimination Clause
6. E-Verify Affidavit
7. Acknowledgement
8. Notice To Contractor Regarding Intrusions Beyond Project Limits
9. Execution of Bid-Non-Collusion Affidavit, Debarment Certification and Gift Ban Certification
10. Listing of DBE Subcontractors
11. Execution of Bid (Non-collusion affidavit, debarment certification, and gift ban certification)
12. Documentation of NCDOT prequalification shall be provided with the bid as a separate attachment.

BASE PROPOSAL

SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING

NCDOT TIP: U-5530 LA & LB - Greenway

BID FORM

BID FOR UNIT PRICE CONTRACT

Bidder agrees to perform all work described in the specifications and shown on the Contract Drawings for the unit prices listed below.

SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING

Base Bid

Line #	Item #	Sec #	Description	Quantity	Units	Unit Cost	Amount
1	0000100000-N	800	MOBILIZATION	1	LS	\$ 134,000. ⁰⁰	\$ 134,000. ⁰⁰
2	0000400000-N	801	CONSTRUCTION SURVEYING	1	LS	\$ 28,000. ⁰⁰	\$ 28,000. ⁰⁰
3	0000900000-N	SP	AS-CONSTRUCTED SURVEY	1	LS	\$ 4,000. ⁰⁰	\$ 4,000. ⁰⁰
4	0000915000-N	SP	COLLAPSIBLE BOLLARD	4	EA	\$ 1,250. ⁰⁰	\$ 5,000. ⁰⁰
5	0000915000-N	SP	PERMANENT BOLLARD	6	EA	\$ 825. ⁰⁰	\$ 4,950. ⁰⁰
6	0043000000-N	226	GRADING	1	LS	\$ 760,000. ⁰⁰	\$ 760,000. ⁰⁰
7	0057000000-E	226	UNDERCUT EXCAVATION	1770	CY	\$ 60. ⁰⁰	\$ 106,200. ⁰⁰
8	0134000000-E	240	DRAINAGE DITCH EXCAVATION	2	CY	\$ 100. ⁰⁰	\$ 200. ⁰⁰
9	0318000000-E	300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCTURES	20	TON	\$ 65. ⁰⁰	\$ 1,300. ⁰⁰
10	0320000000-E	300	FOUNDATION CONDITIONING GEOTEXTILE	50	SY	\$ 5. ⁰⁰	\$ 250. ⁰⁰
11	0335300000-E	305	18" DRAINAGE PIPE	124	LF	\$ 68. ⁰⁰	\$ 8,432. ⁰⁰
12	0194000000-E	265	SELECT GRANULAR MATERIAL, CLASS III	25	CY	\$ 70. ⁰⁰	\$ 1,750. ⁰⁰
13	0196000000-E	270	GEOTEXTILE FOR SOIL STABILIZATION	2940	SY	\$ 2. ⁷⁵	\$ 8,085. ⁰⁰
14	0241000000-E	SP	GEOTEXTILE SEPARATOR FABRIC	9102	SY	\$ 2. ⁷⁵	\$ 25,030. ⁷⁰

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15	0366000000-E	310	15" RC PIPE CULVERTS, CLASS III	52	LF	\$ 70. ⁰⁰	\$ 3,640. ⁰⁰
16	0372000000-E	310	18" RC PIPE CULVERTS, CLASS III	92	LF	\$ 72. ⁰⁰	\$ 6,624. ⁰⁰
17	0448300000-E	310	18" RC PIPE CULVERTS, CLASS IV	20	LF	\$ 110. ⁰⁰	\$ 2,200. ⁰⁰
18	0536000000-E	310	18" HDPE PIPE CULVERTS	88	LF	\$ 80. ⁰⁰	\$ 7,040. ⁰⁰
19	0536000000-E	310	24" HDPE PIPE CULVERTS	30	LF	\$ 107. ⁰⁰	\$ 3,210. ⁰⁰
20	1077000000-E	SP	#57 STONE	75	TON	\$ 50. ⁰⁰	\$ 3,750. ⁰⁰
21	1099500000-E	505	SHALLOW UNDERCUT	115	CY	\$ 50. ⁰⁰	\$ 5,750. ⁰⁰
22	1099700000-E	505	CLASS IV SUBGRADE STABILIZATION	155	TON	\$ 47. ⁰⁰	\$ 7,285. ⁰⁰
23	1121000000-E	520	AGGREGATE BASE COURSE	3459	TON	\$ 47. ⁰⁰	\$ 162,573. ⁰⁰
24	1220000000-E	545	INCIDENTAL STONE BASE	50	TON	\$ 50. ⁰⁰	\$ 2,500. ⁰⁰
25	1330000000-E	607	INCIDENTAL MILLING	350	SY	\$ 22. ⁰⁰	\$ 7,700. ⁰⁰
26	1519000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5B	850	TON	\$ 80. ⁰⁰	\$ 68,000. ⁰⁰
27	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	85	TON	\$ 80. ⁰⁰	\$ 6,800. ⁰⁰
28	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	100	TON	\$ 80. ⁰⁰	\$ 8,000. ⁰⁰
29	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	140	TON	\$ 90. ⁰⁰	\$ 12,600. ⁰⁰
30	1575000000-E	620	ASPHALT BINDER FOR PLANT MIX	80	TON	\$ 550. ⁰⁰	\$ 44,000. ⁰⁰
31	2275000000-E	SP	FLOWABLE FILL	10	CY	\$ 550. ⁰⁰	\$ 5,500. ⁰⁰
32	2286000000-N	840	MASONRY DRAINAGE STRUCTURES	3	EA	\$ 3,000. ⁰⁰	\$ 9,000. ⁰⁰
33	2308000000-E	840	MASONRY DRAINAGE STRUCTURES	9	LF	\$ 500. ⁰⁰	\$ 4,500. ⁰⁰
34	2253000000-E	840	PIPE COLLARS	0.5	CY	\$ 2,400. ⁰⁰	\$ 1,200. ⁰⁰
35	2367000000-N	840	FRAME WITH TWO GRATES, STD 840.29	2	EA	\$ 900. ⁰⁰	\$ 1,800. ⁰⁰
36	2352000000-N	840	FRAME WITH GRATE, STD 840.18 OR 840.27 (G.D.I TYPE B)	1	EA	\$ 780. ⁰⁰	\$ 780. ⁰⁰
37	2354200000-N	840	FRAME WITH GRATE, STD 840.24	1	EA	\$ 1,400. ⁰⁰	\$ 1,400. ⁰⁰
38	2556000000-E	846	SHOULDER BERM GUTTER	117	LF	\$ 22. ⁰⁰	\$ 2,574. ⁰⁰
39	2591000000-E	848	4" CONCRETE SIDEWALK	105	SY	\$ 35. ⁰⁰	\$ 3,675. ⁰⁰
40	2738000000-E	SP	6" REINFORCED CONCRETE SLAB	35	SY	\$ 65. ⁰⁰	\$ 2,275. ⁰⁰

U-5530 LA, U-5530 LB - SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING 59 |

41	3030000000-E	862	STEEL BEAM GUARDRAIL	250	LF	\$ 46. ⁵⁰	\$ 11,625. ⁰⁰
42	3287000000-n	SP	GUARDRAIL END UNITS, TYPE TL-3	1	EA	\$ 3,600. ⁰⁰	\$ 3,600. ⁰⁰
43	3360000000-E	863	REMOVE EXISTING GUARDRAIL	205	LF	\$ 4. ⁰⁰	\$ 820. ⁰⁰
44	3389500000-N	865	ADDITIONAL GUIDERAIL POSTS	5	EA	\$ 55. ⁰⁰	\$ 275. ⁰⁰
45	3536000000-E	866	CHAIN LINK FENCE, 48" FABRIC	205	LF	\$ 15. ⁰⁰	\$ 3,075. ⁰⁰
46	3542000000-E	866	METAL LINE POSTS FOR 48" CHAINLINK FENCE	18	EA	\$ 20. ⁰⁰	\$ 360. ⁰⁰
47	3548000000-E	866	METAL TERMINAL POSTS FOR 48" CHAIN LINK FENCE	4	EA	\$ 100. ⁰⁰	\$ 400. ⁰⁰
48	2605000000-N	848	CONCRETE CURB RAMPS	2	EA	\$ 1,800. ⁰⁰	\$ 3,600. ⁰⁰
49	3575000000-E	SP	WOOD SPLIT RAIL FENCE	1354	LF	\$ 10. ⁰⁰	\$ 13,540. ⁰⁰
50	3578000000-N	SP	APPROACH RAILS (BOARDWALK)	14	EA	\$ 3,000. ⁰⁰	\$ 42,000. ⁰⁰
51	3578000000-N	SP	APPROACH RAILS (BRIDGE)	2	EA	\$ 3,000. ⁰⁰	\$ 6,000. ⁰⁰
52	3628000000-E	876	RIP RAP, CLASS I	20	TON	\$ 120. ⁰⁰	\$ 2,400. ⁰⁰
53	3649000000-E	876	RIP RAP, CLASS B	1618	TON	\$ 80. ⁰⁰	\$ 129,440. ⁰⁰
54	3656000000-E	876	GEOTEXTILE FOR DRAINAGE	4350	SY	\$ 2. ⁰⁰	\$ 8,700. ⁰⁰
55	4025000000-E	901	CONTRACTOR FURNISHED, TYPE E SIGN	11	SF	\$ 20. ⁰⁰	\$ 220. ⁰⁰
56	4072000000-E	903	SUPPORTS, 3-LB STEEL U-CHANNEL	49	LF	\$ 8. ⁰⁰	\$ 392. ⁰⁰
57	4102000000-N	904	SIGN ERECTION, TYPE E	6	EA	\$ 90. ⁰⁰	\$ 540. ⁰⁰
58	4155000000-N	907	DISPOSAL OF SIGN SYSTEM, U-CHANNEL	1	EA	\$ 10. ⁰⁰	\$ 10. ⁰⁰
59	4457000000-N	SP	TEMPORARY TRAFFIC CONTROL	2	LS	\$ 20,000. ⁰⁰	\$ 40,000. ⁰⁰
60	4710000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (24", 120 MILS)	100	LF	\$ 9. ⁰⁰	\$ 900. ⁰⁰
61	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	908	LF	\$ 1. ⁵⁰	\$ 1,362. ⁰⁰
62	4725000000-E	1205	THERMOPLASTIC PAVEMENT MARKING SYMBOL (90 MILS)	2	EA	\$ 125. ⁰⁰	\$ 250. ⁰⁰
63	4900000000-N	1251	PERMANENT RAISED PAVEMENT MARKERS	11	EA	\$ 6. ⁰⁰	\$ 66. ⁰⁰
64	5319000000-E	1505	CLASS B CONCRETE FOR ENCASING UTILITY LINES	15	CY	\$ 500. ⁰⁰	\$ 7,500. ⁰⁰
65	5326200000-E	1510	12" WATER LINE	100	LF	\$ 260. ⁰⁰	\$ 26,000. ⁰⁰
66	5329000000-E	1510	DUCTILE IRON WATER PIPE FITTINGS	1290	LB	\$ 9. ⁰⁰	\$ 11,610. ⁰⁰

U-5530 LA, U-5530 LB - SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING 60 |

67	5558000000-E	1515	12" VALVE	2	EA	\$ 3,000. ⁰⁰	\$ 6,000. ⁰⁰
68	5804000000-E	1530	ABANDON 12" UTILITY PIPE	91	LF	\$ 44. ⁰⁰	\$ 4,004. ⁰⁰
69	5836000000-E	1540	24" ENCASEMENT PIPE	40	LF	\$ 225. ⁰⁰	\$ 9,000. ⁰⁰
70	5882000000-N	SP	12" INSERTION GATE VALVE ASSEMBLY	2	EA	\$ 15,500. ⁰⁰	\$ 31,000. ⁰⁰
71	6000000000-E	1605	TEMPORARY SILT FENCE	8140	LF	\$ 2. ⁵⁰	\$ 20,350. ⁰⁰
72	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	140	TON	\$ 75. ⁰⁰	\$ 10,500. ⁰⁰
73	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	300	TON	\$ 50. ⁰⁰	\$ 15,000. ⁰⁰
74	6012000000-E	1610	SEDIMENT CONTROL STONE	555	TON	\$ 40. ⁰⁰	\$ 22,200. ⁰⁰
75	6030000000-E	1630	SILT EXCAVATION	40	CY	\$ 75. ⁰⁰	\$ 3,000. ⁰⁰
76	6015000000-E	1615	TEMPORARY MULCHING	5	ACR	\$ 190. ⁰⁰	\$ 9,500. ⁰⁰
77	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEEDING	2.5	TON	\$ 850. ⁰⁰	\$ 2,125. ⁰⁰
78	6029000000-E	SP	SAFETY FENCE	200	LF	\$ 5. ⁰⁰	\$ 1,000. ⁰⁰
79	6036000000-E	1631	MATting FOR EROSION CONTROL	3040	SY	\$ 2. ⁵⁰	\$ 7,600. ⁰⁰
80	6037000000-E	SP	COIR FIBER MAT	100	SY	\$ 6. ⁰⁰	\$ 600. ⁰⁰
81	6038000000-E	SP	PERMANENT SOIL REINFORCEMENT MAT	480	SY	\$ 4. ⁵⁰	\$ 2,160. ⁰⁰
82	6042000000-E	1632	1/4" HARDWARE CLOTH	2020	LF	\$ 3. ⁰⁰	\$ 6,060. ⁰⁰
83	6045000000-E	SP	15" TEMPORARY PIPE	16	LF	\$ 100. ⁰⁰	\$ 1,600. ⁰⁰
84	6045100000-E	SP	18" TEMPORARY PIPE	16	LF	\$ 105. ⁰⁰	\$ 1,680. ⁰⁰
85	6070000000-N	1639	SPECIAL STILLING BASINS	3	EA	\$ 500. ⁰⁰	\$ 1,500. ⁰⁰
86	6071012000-E	SP	COIR FIBER WATTLE	595	LF	\$ 12. ⁰⁰	\$ 7,140. ⁰⁰
87	6084000000-E	1660	SEEDING & MULCHING	6.8	ACR	\$ 3,000. ⁰⁰	\$ 20,400. ⁰⁰
88	6087000000-E	1660	MOWING	6.5	ACR	\$ 500. ⁰⁰	\$ 3,250. ⁰⁰
89	6090000000-E	1661	SEED FOR REPAIR SEEDING	150	LB	\$ 2. ⁰⁰	\$ 300. ⁰⁰
90	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.5	TON	\$ 850. ⁰⁰	\$ 425. ⁰⁰
91	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	250	LB	\$ 2. ⁰⁰	\$ 500. ⁰⁰
92	6108000000-E	1665	FERTILIZER TOPDRESSING	4.45	TON	\$ 850. ⁰⁰	\$ 3,782. ⁵⁰

U-5530 LA, U-5530 LB - SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING 61 |

93	6111000000-E	SP	IMPERVIOUS DIKE	30	LF	\$ 85. ⁰⁰	\$ 2,550. ⁰⁰
94	6135000000-E	SP	TEMPORARY SEEDING	5	ACR	\$ 1000. ⁰⁰	\$ 5,000. ⁰⁰
95	8112730000-N	450	PDA TESTING	8	EA	\$ 2,000. ⁰⁰	\$ 16,000. ⁰⁰
96	8322000000-E	SP	TREATED TIMBER PILES 9" MIN. TIP DIAMETER	1716	LF	\$ 11. ⁵⁰	\$ 19,734. ⁰⁰
97	8364000000-E	450	HP12X53 STEEL PILES	270	LF	\$ 50. ⁰⁰	\$ 13,500. ⁰⁰
98	8608000000-E	876	RIP RAP CLASS II (2'-0" THICK)	45	TON	\$ 120. ⁰⁰	\$ 5,400. ⁰⁰
99	8867000000-E	SP	BOARDWALK 10 FOOT SPANS	390	LF	\$ 420. ⁰⁰	\$ 163,800. ⁰⁰
100	8867000000-E	SP	BOARDWALK 20 FOOT SPANS	40	LF	\$ 510. ⁰⁰	\$ 20,400. ⁰⁰
101	8867000000-E	450	PILE EXCAVATION	75	LF	\$ 280. ⁰⁰	\$ 21,000. ⁰⁰
102	8867000000-E	SP	BRIDGE SPLIT RAIL FENCE	66	LF	\$ 11. ⁰⁰	\$ 726. ⁰⁰
103	8897000000-N	SP	CONCRETE APPROACH SLAB	16	EA	\$ 3,500. ⁰⁰	\$ 56,000. ⁰⁰
104	8063000000-N	SP	PRECAST REINFORCED CONC BOX CULVERT AT STA 13+19.12	1	LS	\$ 175,000. ⁰⁰	\$ 175,000. ⁰⁰
105	8126000000-N	414	CULVERT EXCAVATION,	1	LS	\$ 38,000. ⁰⁰	\$ 38,000. ⁰⁰
106	8133000000-E	414	FOUNDATION CONDITIONING MATERIAL, BOX CULVERT	105	TON	\$ 60. ⁰⁰	\$ 6,300. ⁰⁰
107	8897000000-N	SP	PREFABRICATED BRIDGE, 60'	1	EA	\$ 45,000. ⁰⁰	\$ 45,000. ⁰⁰
108	8897000000-N	SP	60' BRIDGE SUBSTRUCTURE	1	EA	\$ 75,000. ⁰⁰	\$ 75,000. ⁰⁰
109	8897000000-N	SP	60' BRIDGE ERECTION	1	EA	\$ 24,000. ⁰⁰	\$ 24,000. ⁰⁰
110	8897000000-N	SP	60' BRIDGE CONCRETE DECK	1	EA	\$ 25,000. ⁰⁰	\$ 25,000. ⁰⁰

ESTIMATED PROJECT TOTAL (BASE U-5530LA & LB)

\$2,689,345.⁰⁰

Contractor FSC II, LLC dba Fern Smith
(Print) Company

Note: Proposal signature required on Page
Thomas Johnson

U-5530 LA, U-5530 LB - SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING 62 |

CERTIFIED LIST OF MATERIAL MANUFACTURERS

The Bidder, FSL II, LLC dba Fred Smith Company, as part of the procedure for the submission of Bids on this project known as SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING, submits the following list of Material Manufacturers to be used in the performance of work to be done on said Project. The list of Manufacturers and all materials furnished shall be based on requirements of the Contract Documents. Changes to this list after the Bid opening shall only be as approved by the Owner upon request by the Contractor or as required by the Owner based upon review of Contractor's submittals:

MATERIALS	MANUFACTURER/SUPPLIER
Treated Timber	STORY LUMBER
Asphalt	FRED SMITH COMPANY
Prefabricated Bridge	CONTECH

It is understood and agreed that, if awarded a Contract, the Contractor will not make any additions, deletions or substitutions to this Certified list without the consent of the Owner.

CERTIFIED LIST OF SUBCONTRACTORS

The Bidder, _____, as part of the procedure for the submission of Bids on this project known as SAM'S BRANCH PHASE II GREENWAY/ NORTH O'NEIL CROSSING, submits the following list of Subcontractors to be used in the performance of work to be done on said Project. The list of Subcontractors shall be based on requirements of the Contract Documents. Changes to this list after the Bid opening shall only be as approved by the Owner upon request by the Contractor or as required by the Owner based upon review of Contractor's submittals:

ITEM	SUBCONTRACTOR
Boardwalk	BACKWOODS
Asphalt Paving	FRED SMITH COMPANY
Prefabricated Bridge	FRED SMITH COMPANY

It is understood and agreed that, if awarded a Contract, the Contractor will not make any additions, deletions or substitutions to this Certified list without the consent of the Owner.

CERTIFICATION AFFIDAVIT

THE PRIOR INFORMATION IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER UNDERSTAND AND AGREE THAT, IF AWARDED A CONTRACT, THIS CERTIFICATION SHALL BE ATTACHED THERETO AND BECOME A PART THEREOF.

NAME OF SIGNER: THOMAS T. JOHNSON, JR.
(Please Print or Type)

TITLE OF SIGNER: VICE PRESIDENT
(Please Print or Type)

SIGNATURE: Thomas T. Johnson Jr.

DATE: NOVEMBER 14TH, 2018

BID SECURITY:

Accompanying this Proposal is a (a) BID BOND in the amount
of (b) \$ 5% OF THE TOTAL BASE BID.

NOTE: (a) Insert the words "bank draft", "certified check", "bid bond" as the case may be.

(b) Amount must be equal to at least five percent of the Total Base Bid.

CONTRACTOR'S LICENSE:

The undersigned certifies that (he they) THEY (is are) ARE licensed as a Contractor under the specific State law regulating THEIR (his their) particular trade and that the number of (his their) license, under which THEY (he they) ARE (is are) now operating is 43848.

LIQUIDATED DAMAGES:

The undersigned agrees, further, that the Owner may retain those amounts indicated below from the amount of Compensation due the undersigned, under the terms of the Contract, for each and every day that the work remains incomplete beyond the completion date specified in the Notice to Proceed. This amount is agreed upon as the proper measure of liquidated damages the Owner will sustain, per day, by the failure of the undersigned to complete the work, within the stipulated time, and it is not to be construed, in any sense, as a penalty.

Total Liquidated
Damages

Six Hundred Dollars
(\$600.00)

No Contractor shall have a claim against the Owner as a result of other construction Contractor's lack of progress or project completion.

PROPOSAL SIGNATURE: (Signature required on Page 68)

CORPORATION:

The Bidder is a corporation organized and existing under the laws of the State of _____,
which operates under the legal name of:

and the full names of its officers are as follows:

President _____

Secretary/Treasurer _____

Manager _____

and it does have a corporate seal. The President is authorized to sign construction proposals and contracts for the company by action of its Board of Directors taken _____,
a certified copy of which is hereto attached. (Strike out this last sentence if not applicable.)

PARTNERSHIP:

The Bidder is a partnership consisting of individual partners whose full names are as follows:

The partnership does business under the legal name of:

INDIVIDUAL:

The Bidder is an individual whose full name is: _____

and if operating under a trade name, said trade name is as follows: _____

LIMITED LIABILITY CORPORATION:

The Bidder is a Limited Liability Corporation (LLC) organized and existing under the laws of the State of , NC
which operates under the legal name of:

FSC II, LLC dba FRED SMITH COMPANY

and the full names of its managers, directors, or executives are as follows:

Manager

SEE ATTACHED CERTIFICATE OF MANAGERS

Manager

Manager

Manager

Registered Office address:

701 CORPORATE CENTER DRIVE, SUITE 101, RALEIGH NC 27607

Registered Agent's name:

BRENT E. WOOD

~~The manager, director, or executive is authorized to sign the construction proposal and contract for the company as outlined in its Operating Agreement dated , _____ a certified copy of which is hereto attached. (Strike out this last sentence if not applicable.)~~

SEE ATTACHED CERTIFICATE OF MANAGERS DATED APRIL 30, 2018

SIGNATURE PAGE

(Sign Below)

Dated NOVEMBER 14TH, 2018.

FSL II, LLC dba FRED SMITH COMPANY
Legal Entity

(Sign Here) By:

Thomas T. Johnson, Jr.

THOMAS T. JOHNSON, JR.
(Printed Name)



Telephone No. (919) 783-5700

Subscribed and sworn to before me this 14th day of November, 2018.

Judy Beard
Notary Public

My Commission Expires:

October 7, 2023

JUDY BEARD
Notary Public
North Carolina
Granville County

**CONTRACTOR'S CERTIFICATES AFFIDAVIT OF ORGANIZATION AND
AUTHORITY AND SWORN STATEMENT**

STATE OF NORTH CAROLINA

COUNTY OF WAKE

THOMAS T. JOHNSON, JR. being the first duly sworn on oath deposes and says that the bidder on the attached bid proposal is organized as indicated below and that all statements herein made are made on behalf of such Bidder and that this deponent is authorized to make them.

(Fill Out Applicable Paragraph)

1. CORPORATION:

The Bidder is a Corporation organized and existing under the laws of the State of NC and its President is THOMAS T. JOHNSON, JR.; its Secretary is BRENT E. WOOD, and it does have a corporate seal. The President is authorized to sign construction contracts and bids for the company by action of its Board of Directors taken CERTIFICATE OF MANAGERS IS ATTACHED
~~a certified copy of which is hereto attached. (Strike out last sentence if not applicable.)~~

2. PARTNERSHIP:

The Bidder is a partnership consisting of _____ and _____, partners doing business under the name of: _____

3. SOLE TRADER:

The Bidder is an individual and if operating under a trade name, such trade name is as follows: _____

4. ADDRESS:

The business address of the Bidder is as follows:

701 CORPORATE CENTER DRIVE, SUITE 101, RALEIGH NC 27607

Its phone number is 919-582-3526

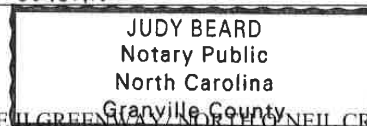
Bidder FSC II, LLC dba FRED SMITH COMPANY

By: Thomas T. Johnson Jr.

Subscribed and sworn to before me this 14th day of NOVEMBER, 2015.

Judy Beard Co. Wake - North Carolina
Notary Public

My Commission Expires: October 7, 2023



U-5530 LA, U-5530 LB - SAM'S BRANCH PHASE II GREENICKY NORTH NEIL CROSSING 69 |

NON-DISCRIMINATION CLAUSE

It is specifically agreed as part of the consideration of the signing of the Contract that the parties hereto, their agents, officials, employees or servants will not discriminate in any manner on the basis of age, handicap, race, color, creed, sexual orientation or national origin with reference to the subject matter of the Contract, no matter how remote. The parties hereto further agree in all respects to conform with the provisions and intent of Town of Clayton, North Carolina Ordinance No. 1969-889 as amended.

This provision being incorporated for the benefit of Town of Clayton and its residents may be enforced as set out in said ordinances, enforcement of this provision shall be by action for specific performance, injunctive relief, or other remedy as by law provided.

This provision shall be binding on the successors and assigns of the parties hereto with reference to the subject matter of this Contract.

(Use the following form for signatures by a CORPORATION): LLC

FSC II, LLC dba FRED SMITH COMPANY
Corporate Name

ATTEST:

Thomas T. Johnson, Jr.
(Assistant) Secretary

BY: Jason Williams
(Vice) President

THOMAS T. JOHNSON, Jr.
(Printed Name)

JASON WILLIAMS
(Printed Name)



(Use the following form for signatures by an INDIVIDUAL):

BY: _____ (SEAL)

(Printed Name)

WITNESS:

(Printed Name)

STATE OF NORTH CAROLINA

E-VERIFY AFFIDAVIT

Town of Clayton

NOW COMES Affiant, first being sworn, deposes and says as follows:

1. I have submitted a bid for contract or desire to enter into a contract with the Town of Clayton;
2. As part of my duties and responsibilities pursuant to said bid and/or contract, I attest that I am aware of and in compliance with the requirements of E-Verify, Article 2 of Chapter 64 of the North Carolina General Statutes, to include (mark which applies):

☒ After hiring an employee to work in the United States I verify the work authorization of said employee through E-Verify and retain the record of the verification of work authorization while the employee is employed and for one year thereafter; or

☐ I employ less than twenty-five (25) employees in the State of North Carolina.

3. As part of my duties and responsibilities pursuant to said bid and/or contract, I attest that to the best of my knowledge any subcontractors employed as a part of this bid and/or contract are in compliance with the requirements of E-Verify, Article 2 of Chapter 64 of the North Carolina General Statutes, to include (mark which applies):

☒ After hiring an employee to work in the United States the subcontractor verifies the work authorization of said employee through E-Verify and retain the record of the verification of work authorization while the employee is employed and for one year thereafter; or

☐ Employ less than twenty-five (25) employees in the State of North Carolina.

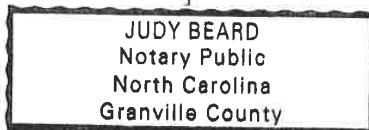
Specify subcontractor: FSC 11, LLC dba FRED SMITH COMPANY

This the 14th day of Nov, 2018.

Thomas J Johnson
Affiant

Sworn to and subscribed before me, this the 14th day of November, 2018.

[OFFICIAL SEAL]



Judy Beard, Notary Public
My Commission Expires: October 7, 2023

ACKNOWLEDGMENT

See Instructions Below

Use the following form for acknowledgment signature by a Corporation:

NORTH CAROLINA

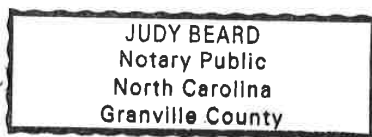
Johnston County

I, Judy Beard, a Notary Public in and for the aforesaid State and County, certify that THOMAS T. JOHNSON, JR. personally appeared before me this day and acknowledged that he is (Asst.) Secretary of FSC II, LLC dba FRED SMITH COMPANY a Corporation, and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its (Vice) President, sealed with its Corporate Seal, and attested by himself as its (Asst.) Secretary.

WITNESS my hand and notarial seal this 14th day of November, 2018.

Judy Beard
Notary Public

(SEAL)



My commission expires: October 7, 2023

Use the following form for acknowledgment signature by an individual:

NORTH CAROLINA

Johnston County

I, the undersigned Notary Public, do hereby certify that _____, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this _____ day of _____, 20____.

Notary Public

(SEAL)

My commission expires: _____

**NOTICE TO CONTRACTOR REGARDING INTRUSIONS BEYOND PROJECT
LIMITS**

The Contractor and Owner hereby acknowledge that the Owner has acquired permanent and temporary easements on private property for the construction of the Project, and that such easements, together with public street rights-of-way (and previously acquired easements) comprise the sole areas where the Contractor is allowed to work on the Project, or to use for mobilization, access, staging, storage, and other purposes associated with the Project.

ANY OCCUPANCY OF OR INTRUSIONS ONTO PRIVATE PROPERTY OUTSIDE SUCH EASEMENTS OR RIGHTS-OF-WAY OWNED OR CONTROLLED BY THE CITY WILL CONSTITUTE A TRESPASS UPON PRIVATE PROPERTY, AND WILL LIKELY INVOLVE SERIOUS LEGAL CONSEQUENCES for Town of Clayton. Accordingly, the Contractor will be solely responsible for such actions and hereby agrees to hold harmless and indemnify Town of Clayton from all actions, claims, liabilities, including the payment of attorney's fees, arising from such actions.

The only exception to the above stated limitations on the Contractor's work area will be in those instances where the Contractor has independently negotiated and secured agreements for temporary work and/or access privileges from Property Owners. Such agreements must be in writing, and a copy of any such agreement shall be provided to Town of Clayton in advance of any use or occupancy of private property pursuant to the agreement. The terms of these agreements should clearly express to the Property Owner that the Contractor is seeking such use, occupancy, or access independently from Town of Clayton and its Contract with Town of Clayton, and that the Contractor will be solely responsible for activities carried out on such areas.

I have read and understand Town of Clayton 's policy as stated above.


Signature

THOMAS T. JOHNSON, JR.
Printed Name

VICE PRESIDENT
Title

NOVEMBER 14TH, 2018
Date

OWNER'S CERTIFICATES

EXTRACT FROM MINUTES OF CONTRACT AWARD MEETING

The CityCouncil of Town of Clayton, N.C. met in _____,
meeting at _____ m., local time, _____, 2018, with the following members present:

Absent: _____

Stewart, Inc., submitted to the Owner a tabulation of Proposals received for: _____

and reported to the Owner that in their opinion the best Bid received for furnishing all labor, materials,
equipment, etc., for: _____

was that of _____

Thereupon, _____ moved that the proposal of:

be accepted as the best Bid received, from the standpoint of the Owner's interests, and that the Manager and Town
Clerk be authorized to execute, on behalf of the Owner, a formal agreement embodying the provisions of said
proposal. The motion was seconded by _____

and adopted on the following call vote.

AYES: _____

NAYS: _____



CERTIFICATE OF CLERK

I _____, do hereby certify the foregoing and above to be an accurate copy of so much of
the minutes of a meeting of the City Council _____
held on _____, 2018, as relate in any way to the awarding of a Contract for the:

in and/or for Town of Clayton, N.C., said minutes being entered in volume _____ at page ____.

Witness my hand and seal of Town of Clayton, N.C., on this _____ day of _____, 2018.

_____, Clerk

NOTICE OF AWARD

TO:CONTRACTOR _____

ADDRESS _____

FROM:

OWNER: _____

PROJECT: _____

You are hereby notified that the Owner has considered the Proposal submitted by you for the above-described project in response to its Notice to Bidders dated _____, 2018.

It appears that it is to the best interest of said Owner to accept your Proposal in the amount of:

_____ Dollars (\$ _____),
and you are hereby notified that your Proposal has been accepted for:

You are required by the Notice to Bidders and Instructions to Bidders to execute the formal Contract with the undersigned Owner and to furnish the required Contractor's Performance Bond, Payment Bond, and Certificate of Insurance within fifteen days from the date of the delivery of this Notice to you.

If you fail to execute said Contract and to furnish said Bonds and Certificate within fifteen days from the date of delivery of this Notice, said Owner will be entitled to consider all your rights arising out of the Owner's acceptance of your Proposal as abandoned and to award the work covered by your Proposal to another, or to readvertise the work or otherwise dispose thereof as the Owner may see fit.

Dated this _____ day of _____, 2018.

Stewart, Inc.

By: _____

Title: _____

ACCEPTANCE OF NOTICE

Receipt of the above Notice of Award is hereby acknowledged this ____ day of _____, 2018.

By: _____
Title: _____



**ADDENDUM #1
Sam's Branch Greenway
October 30, 2018**

This addendum provides the following information:

1. **This addendum applies to the modification of the Intermediate Contract Time Number 2 and Liquidated damages to clarify the time related to lane closure of SR 1708 (North O'Neil Street) as it related to the installation of the culvert during school days and time period of work.**

Language on Page 80 of the Bid documents are modified to state the following

INTERMEDIATE CONTRACT TIME NUMBER 2 AND LIQUIDATED DAMAGES:

(Rev. 6-18-13)

108

SP1 G14 H

The Contractor shall complete the required work of installing, maintaining, and removing the traffic control devices for lane closures and restoring traffic to the existing traffic pattern. The Contractor shall not close or narrow a lane of traffic on **City Road** and **O'Neil Street** during the following time restrictions:

DAY AND TIME RESTRICTIONS

Monday thru Friday from 6:00 AM to 9:00 AM

And

Monday thru Friday from 4:00 PM to 6:00 PM

In addition, the Contractor shall not close or narrow a lane of traffic on **City Road** and **O'Neil Street**, detain and/or alter the traffic flow on or during holidays, holiday weekends, special events, OR any other time when traffic is unusually heavy, including the following schedules:

SCHOOL YEAR RESTRICTIONS

~~In addition, the Contractor shall only perform construction of the culvert tunnel during summer months to avoid conflict with Johnson County Schools. Current school schedule is estimated to be on summer break from June 1, 2019 to August 15, 2019.~~

HOLIDAY AND HOLIDAY WEEKEND LANE CLOSURE RESTRICTIONS

1. For **unexpected occurrence** that creates unusually high traffic volumes, as directed by the Engineer.
2. For **New Year's Day**, between the hours of **6:00 AM** December 31st and **8:00 PM** January 2nd. If New Year's Day is on a Friday, Saturday, Sunday or Monday, then until **8:00 PM** the following Tuesday.



ADDENDUM #2
Sam's Branch Greenway
November 1, 1018

This addendum provides the following information:

1. Re-Advertisement for bid

The Town did not receive the required minimum of three bids proposals. Therefore, the project is being re-advertised for a new bid opening date of Wednesday, November 14th at 2:00 at Town Hall Council Chambers 111 East Second Street Clayton, NC

UPDATED BID OPENING DATE
November 14th at 2:00 p.m.
Town Hall
111 E Second Street
Clayton, NC 27520

FSC II, LLC

CERTIFICATE OF MANAGER

The undersigned hereby certifies that he is the duly named Manager of FSC II, LLC, a North Carolina limited liability company which conducts business as both "Fred Smith Company" and "River Works" (the "**Company**"), and further certifies as follows:

1. Section 6.9 of the Amended and Restated Operating Agreement of Company, dated July 17, 2004, as amended (the "**Operating Agreement**"), provides as follows:

"SECTION 6.9 Officers. The Managers, by resolution, may appoint from time to time a Chief Executive Officer, an Administrative Officer, a Secretary, and one or more other Officers of Company with such titles, powers, duties, compensation and other terms as the Managers may determine to be necessary or appropriate, subject to any applicable restrictions specifically provided in this Agreement or contained in the Act. Among other things, Officers may be authorized by the Managers to execute contracts and other instruments on behalf of the Company, and such authority may be general or limited to specific instances. Officers need not (but may) be residents of the State of North Carolina, Members or Managers of the Company. Any such Officers shall serve, subject to the provisions of this Agreement, until their respective successors are duly appointed and qualified. Any Officer may be removed by the Managers at any time with or without cause; but such removal shall not itself affect the contractual rights, if any, of the officer so removed. The compensation of all Officers shall be fixed by the Managers or as prescribed by this Agreement. The current Officers of the Company, and their authority, is set forth on Schedule B attached hereto and incorporated herein."

2. Schedule B to the Operating Agreement provides as follows:

"Officers and Authority"

Name	Title
Charles E. Owens	Chief Executive Officer
Fred J. Smith, III	President
Glenn Gardon	Chief Financial Officer
R. Alan Palmer	Vice President
Brent E. Wood	Vice President and Secretary
Thomas T. Johnson, Jr.	Vice President and Assistant Secretary
Todd K. Andrews	Assistant Secretary
Jason Williams	Vice President

Any officer of the Company is authorized to execute on behalf of the Company all contracts, purchase orders, payment applications, bids, bid bonds, lien waivers, and bond waivers."

3. Pursuant to Section 6.9 of the Operating Agreement, by his execution hereof, until further notice, the Manager does hereby authorize the individuals named below to execute contracts, purchase orders, bids and bid bonds on behalf of the Company, pursuant to which the commitment or liability of the Company: (a) does not exceed \$10,000,000 as to any individual contract, purchase order bid or bid bond, and (b) does not require a commitment by the Company to make payments more than one (1) year after the execution of the contract, purchase order, bid or bid bond, as follows:

Walter U. Viele

Reade Dawson

4. Pursuant to Section 6.9 of the Operating Agreement, by his execution hereof, until further notice, the Manager does hereby authorize the individuals named below to execute contracts and purchase orders on behalf of the Company, pursuant to which the commitment or liability of the Company: (a) does not exceed \$1,000,000 as to any individual contract or purchase order, and (b) does not require a commitment by the Company to make payments more than one (1) year after the execution of the contract or purchase order, as follows:

Jeff Allen
Charles Phelps
Jordan Bailey Watkins
Phillip Bunn

Jon Wallace
David Yates
Creed Jackie Williams

5. Pursuant to Section 6.9 of the Operating Agreement, by his execution hereof, until further notice, the Manager does hereby authorize the individuals named below to execute contracts and purchase orders on behalf of the Company, pursuant to which the commitment or liability of the Company: (a) does not exceed \$100,000 as to any individual contract or purchase order, and (b) does not require a commitment by the Company to make payments more than one (1) year after the execution of the contract or purchase order, as follows:

John R. McGlamery, Jr.
Steve Allison
Caleb Ellis
Matthew Jones
Nick Wilkinson
Jonathan Lewis
Ryan VanLerberghe
Chris Stratton
Elliott Morton
Deyna Ackerman
Anthony "Joe" Staynings

Matthew Hines
Jeremy Helms
Cassie Dixon
Jeff Storms
Eben Miller
Robert Baugnon
DaVaughn Dixon
Justin Stewart
Kevin Ott
Jess Adams

6. Pursuant to Section 6.9 of the Operating Agreement, by his execution hereof, until further notice, the Manager does hereby authorize the individuals named below to execute

contracts and purchase orders on behalf of the Company, pursuant to which the commitment or liability of the Company: (a) does not exceed \$25,000 as to any individual contract or purchase order, and (b) does not require a commitment by the Company to make payments more than one (1) year after the execution of the contract or purchase order, as follows:

Brooks Pierce
Ricky Holloman
Ricky Pendergrass
John Thompson
Ken Gavitt
Augustus N. James
Jimmie Berry
Richard Andy Brown
Craig Davis
Danny Cosby
Cameron Knell
Jay Spencer
Joseph Newcomb
Chad McCaskey

Brad MacLachlan
Mitch Helmink
Polly Stephens
Mike Sedlock
Ron Riggins
Guy Thompson
Hannable McGarity
Joe Polansky
Michael Catledge
John LaCerde
Gray Smith
Jason Tarkington
Mike Wehrle

7. Pursuant to Section 6.9 of the Operating Agreement, by his execution hereof, until further notice, the Manager does hereby authorize the individuals named below to execute any payment application, lien waiver, or bond waiver, or a document substantially similar to any such document, on behalf of the Company:

Walter Viele
Jeff Allen
Charles Phelps
Jordan Bailey Watkins
Phillip Bunn

Reade Dawson
Jon Wallace
David Yates
Creed Jackie Williams

This Certificate of Manager shall supersede and replace any and all previously adopted Schedule B of the Operating Agreement.

30, 2018. IN WITNESS WHEREOF, the undersigned has executed this certificate effective on April



Fred J. Smith, III
Manager



The Town of Clayton
2019 Town Council Retreat
Tuesday – February 26, 2019
And
Wednesday - February 27, 2019
Clayton Police Department

Tuesday – February 26, 2019

- | | |
|------------------------|--|
| 8:30 – 9:00 a.m. | <i>Breakfast/Coffee Will Be Available</i> |
| 9:00 - 11:00 a.m. | Council-Manager Form of Government Refresher Session <ul style="list-style-type: none">▪ Roles / Responsibilities/Relationships▪ Board-Manager Expectations <i>Presenters: Carl Stenberg & Peg Carlson - UNC School of Govt.</i> |
| 11:00 – 11:15 a.m. | BREAK |
| 11:15 a.m. – 1:00 p.m. | Council-Manager Form of Government Refresher – Continued |
| 1:00 – 1:30 p.m. | <i>Lunch</i> |
| 1:30 – 3:00 p.m. | Refining Manager Evaluation Form & Process
<i>Presenters: Peg Carlson & Carl Stenberg – UNC School of Govt.</i> |
| 3:00 – 3:15 p.m. | BREAK |
| 3:15 – 5:00 p.m. | A Common Vision / Strategic Plan <ul style="list-style-type: none">▪ Police Dept. (Personnel & Response Times)▪ Novo Project Update▪ Fire Dept. (Personnel & Response Times)▪ Parking Ordinance Enforcement▪ Development Community Meetings Created By Staff▪ UDO Rewrite▪ Dumpsters▪ Video of Council Meetings▪ Downtown Camera▪ PIO/Economic Development Offices▪ DDA <i>Presenter: Adam Lindsay, Town Manager</i> |

Wednesday – February 27, 2019

8:00 – 8:30 a.m.	<i>Breakfast/Coffee Will Be Available</i>
8:30 – 9:45 a.m.	A Common Vision /Strategic Plan - CONTINUED
9:45 – 10:00 a.m.	Pay & Classification Study <i>Presenter:</i> Catherine Whitley, HR Director
10:00 – 10:15 a.m.	BREAK
10:15 – 11:30 a.m.	Debt Capacity Report <i>Presenter:</i> Davenport & Associates
11:30 a.m. – 1:30 p.m.	Capital Improvement Projects (General Fund) <i>Presenters:</i> Adam Lindsay, Town Manager & Scott Barnard, P&R Director ▪ Projects ▪ Bond Referendum • Next Steps • Narrow Down Projects / Spread Among Community • Revenue Neutral Information
1:30 – 2:00 p.m.	<i>Lunch</i>
2:00 – 3:00 p.m.	Capital Improvement Projects - CONTINUED
3:00 – 3:30 p.m.	Public Information Office ABC's <i>Presenter:</i> Stacy Beard, Public Information Officer ▪ Responding to Emails ▪ Social Media Posts
3:30 – 3:45 p.m.	BREAK
3:45 – 5:15 p.m.	Capital Improvement Projects (Enterprise Fund) <i>Presenters:</i> Adam Lindsay, Town Manager & Rich Cappola, Interim Public Works Director
5:15 – 5:45 p.m.	Final Wrap Up / Next Steps <i>Presenter:</i> Adam Lindsay

Note: All above scheduled times are approximations.