



Town of Clayton
Regular Town Council Meeting Agenda
Monday, December 16, 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

- Lionsgate Subdivision - Phase 6A-6B
- Highgate Subdivision - Phase II
- Ashcroft Subdivision - Phases 1 & 3 - FINAL ACCEPTANCE
- Boling Townhomes, Buildings 47-51 - FINAL ACCEPTANCE
- Parkview Subdivision, Phase 2B, 3, 5 & 7 - FINAL ACCEPTANCE

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

[Highgate Subdivision - Phase II](#)

[Ashcroft Subdivision, Phases 1 & 3 - FINAL](#)

[Boling Townhomes, Buildings 47-51 - FINAL](#)

[Parkview Subdivision, Phase 2B, 3, 5 & 7 - FINAL](#)

b. Draft Minutes

- November 18, 2019 - Regular Session
- December 2, 2019 - Regular Session

[November 18 2019 DRAFT Minutes](#)

[December 2 2019 DRAFT Minutes](#)

c. Proclamation - Honoring Robert "Bob" Ahlert

[Bob Ahlert Proclamation](#)

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. New Employee Introductions

Presenter: Steve Blasko, Public Works Operations Manager

- Julian Holt, Streets Maintenance Worker
- Russell Yolland, Streets Maintenance Worker
- Norman, Nelson, Property Maintenance Worker

Presenter: James Blalock, Utility Maintenance Supervisor

- Jairo Sanchez, Utility Maintenance Mechanic
- Donnie Baker, Utility Maintenance Mechanic

Presenter: Adam Lindsay, Town Manager

- Delicia Barnes, Human Resources Director

- b. Special Recognition of Long-time Library Advisory Board Member Belle Allen

Presenter: Joy Garretson, Library Director

[Cover](#)

- c. Presentation of Proclamation for Robert "Bob" Ahlert

Presenter: Mayor McLeod

[Bob Ahlert Proclamation](#)

- d. Citizen Recognition - Hope Box Blankets

- Andrew and Avery Hile

Presenter: Blair Myhand, Police Chief

[Cover](#)

6. PUBLIC HEARINGS

- a. 2019-229-RZ - JAK Holding Rezoning

Presenter: Haley Hogg, Planner II

[Cover](#)

[Application](#)

[Owner's Consent Form](#)

[Staff Report](#)

[Staff Report Maps](#)

[Neighborhood Meeting Materials](#)

[Newspaper Ad](#)

[Adj Property Letter](#)

[Survey](#)

[PB Recommendation](#)

[Consistency And Reasonable Statement](#)

[Motion Form](#)

[Ordinance](#)

POTENTIAL ACTION:

Adoption of Ordinance #2019-12-01

- b. 2019-230-RZ - Grand Plaza Rezoning

Presenter: Samantha Wullenwaber, Planning Director

[Cover](#)

[Application](#)

[Consistency & Reasonableness Statement](#)

[Neighborhood Meeting Materials](#)

[Newspaper Ad](#)

[Owner's Consent](#)

[PB Recommendation](#)

[Staff Report](#)

[Staff Report Map](#)

[Adj Property Owner Letter](#)

[Motion Form](#)

[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2019-12-02

- c. 2019-183-SUP - Clayton Storage - Special Use Permit (Quasi-Judicial)
Presenter: Haley Hogg, Planner II
[Cover](#)
[Application](#)
[Owner's Consent](#)
[Newspaper Ad](#)
[Adjacent Property Letter](#)

POTENTIAL ACTION: Continue to January 6, 2020

7. OLD BUSINESS

8. NEW BUSINESS

- a. 2020 Clayton Chamber of Commerce Harvest Festival and Shindig Dates
Presenter: Dana Wooten, Clayton Chamber of Commerce President/CEO
[Cover](#)

POTENTIAL ACTION: Approval of 2020 Dates for Harvest Festival and Shindig

- b. Budget Amendment
Presenter: Robert McKie, Finance Director
[Cover](#)
[SDF Capital Reserve Fund Budget Amendment](#)
[Fund 641 Budget Amendment](#)

POTENTIAL ACTION: Adoption of Ordinances #2019-12-04 & #2019-12-05

- c. Updated Wastewater Allocation Policy
Presenter: Rich Cappola, Public Services Director
[Cover](#)
[Wastewater Allocation Score Sheet](#)
[Wastewater Allocation Policy 2019 \(DRAFT to TC\)](#)

POTENTIAL ACTION: Place on January 6, 2020 Consent Agenda

- d. Downtown Mural Program Guidelines & Application
Presenter: Stacy Beard, Public Information Officer
[Cover](#)
[Downtown Mural Program Guidelines & Application](#)

POTENTIAL ACTION: Approval of Downtown Mural Program Guidelines & Application

- e. Amendment to By-Laws - Library Advisory Board
Presenter: Heidi Holland, Deputy Town Clerk
[Cover](#)
[Resolution](#)

POTENTIAL ACTION: Adoption of Resolution #2019-49

- f. Code of Ordinance Amendments - Chapter 32
Presenter: Heidi Holland, Deputy Town Clerk
[Cover](#)
[Red Line - Library Advisory Board By-Laws](#)
[Red Line - Recreation Advisory By-Laws](#)
[DRAFT - Library Advisory Board By-Laws](#)
[DRAFT - Recreation Advisory By-Laws](#)
[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2019-12-03

9. STAFF REPORTS

- a. Town Manager
- b. Town Attorney
- c. Town Clerk
- d. Other Staff
 - AMI Update*Presenter:* Ann Game, Customer Service Director
[Cover](#)

10. OTHER BUSINESS

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

11. ADJOURNMENT

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



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Andy Simerman, Construction Project Administrator

Copy: Donnie Adams, Adams and Hodge
Lori Bryant, Development Services Coordinator

Date: November 26, 2019

Subject: Lionsgate Subdivision – Phase 6A-6B

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



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MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Andy Simerman, Construction Project Administrator

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

Date: November 26, 2019

Subject: Highgate Subdivision – Phase II

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.



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MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator CR

Copy: Donnie Adams, Adams & Hodge Engineering
Mark Turner, Providence Construction
Karen Durham, Engineering & Inspections Coordinator

Date: December 3, 2019

Subject: Ashcroft Subdivision, Phases 1 & 3

Please place a final acceptance request for the subject public water, sewer, storm drain utilities, pertinent 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.



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MEMORANDUM

To: Kimberly Moffat, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Siraj Chohan, Boling Property, LLC.

Date: December 4, 2019

Subject: Boling Townhomes, Buildings 47-51

Please place a final acceptance request for the subject public utilities and any pertinent public easements on the next available agenda. A final inspection was performed and all identified punch list items have been completed. Upon final acceptance, the Town will assume all operational and maintenance duties.



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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: December 5, 2019

Subject: Parkview Subdivision, Phase 2B, 3, 5, & 7

Please place a final acceptance request for the subject public water, sewer, storm drain utilities, pertinent 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
Regular Town Council Meeting Minutes
Monday, November 18, 2019 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:

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

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, D/Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Samantha Wullenwaber, Planning Director
David DeYoung, Economic Development Director
Rich Cappola, Public Services Director
Stacy Beard, Communications Director

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Pledge of Allegiance
Clayton Civitan Boy Scout Pack #24

Mayor McLeod called the meeting to order at 6:01 p.m. Boy Scout Pack #24 led everyone in the Pledge of Allegiance and Mayor McLeod offered the Invocation.

- b) Invocation
Mayor McLeod

2 ADJUSTMENT OF THE AGENDA

- a) Request to remove November 4, 2019 Closed Session Minutes from Consent 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) November 4, 2019 DRAFT Minutes
 - November 4, 2019 - Regular Session
- b) School Choice Week Proclamation

ACTION: Adoption of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) New Employee Introduction(s)
Presenter: Samantha Wullenwaber, Planning Director
- Jeff Caines, Planner

Ms. Wullenwaber introduced Mr. Caines as the new Planner. He is from Portland Oregon with 20 years of experience in Planning. He is AICP certified. Mr. Caines stated he was very happy to be in Clayton and looked forward to working with everyone. Council welcomed him.

- b) Techno Tigresses Robotic Team
Presenter: Samantha Wullenwaber, Planning Director

Ms. Wullenwaber introduced the Techno Tigresses, the first Lego League Robotics team. They are the first and currently only all-girl team in Johnston County and they are based in Clayton. Members of the team, ages 11-13, were present and shared details about their project, City Shaper. The team choose to focus on the Children's Room at the Library. Their project will enhance the learning environment. Mayor McLeod offered his appreciation and thanked them for the outstanding job the team has done. Council stated this was an awesome presentation.

6 PUBLIC HEARINGS

- a) 2019-35-SUP - Durham Street Townhomes (Quasi-Judicial)
Presenter: Planning Department

Attorney Ross provided details regarding Quasi-Judicial proceedings and the type of evidence that could be considered. An Oath of Affirmation was administered to all those wishing to offer testimony.

Ms. Hogg presented both 2019-35-SUP and 2015-36 SD together. The SUP is to develop 21 townhomes located at Durham & Holding Street. Access will be via Durham Street and Holding Street. Zoning is R-8. Density of 8.71 units per acre. Architectural elevations were provided. The project is consistent with Comprehensive Plan 2040, Surrounding Land Uses and the applicant addressed Findings of Facts for both SUP and SD. Staff is recommending conditions be placed on both SUP and SD as outlined in staff report.

Mr. Kurt Lane, applicant, was present and stated they are in agreement with conditions as proposed by staff.

Mayor Pro Tem Grannis asked if questions raised at neighborhood meeting had been addressed. Mr. Lane stated they were and it was explained to neighbors that the storm water plan would need to be approved by Johnston County.

With no one further wishing to speak, the items were turned over to council for deliberation. Mayor Pro Tem Grannis made note for the record the Findings of Fact as submitted by applicant as well as staff commentary.

ACTION: Approval of 2019-35-SUP with Conditions as Listed in Staff Report

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

- b) 2019-36-SD - Durham Street Townhomes (Quasi-Judicial)
Presenter: Planning Department

ACTION: Approval of 2019-36-SD with Conditions as Listed in Staff Report

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

- c) Edward's Electronic Developer's Agreement
Presenter: Planning Department

Ms. Wullenwaber presented this item as a request for a Developer's Agreement of Edward's Electronic. Additionally voluntary annexation will be forthcoming.

ACTION: Authorize Execution of Agreement

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

7 OLD BUSINESS

- a) New Neuse River Water Reclamation Facility Business Case Evaluation
Presenter: JD Solomon, Jacobs Engineering

Mr. Solomon was present and provided recommendation for new wastewater treatment plant. He stated there were three major decision to be made; what and how large of facility, what do we do with current plant and what funding sources will be utilized.

Mr. Solomon provided Business Case Evaluations for both the proposed Neuse River Water Reclamation Facility and Little Creek Water Reclamation Facility. These evaluations include recommendation and background information. Both evaluations are attached to these minutes and made part of the record.

There was lengthy discussion that included funding. Both revenue bonds and state revolving funding will be utilized. It was stated that a short term bond could be used to initiate the planning and design, mitigation of shooting range and purchase of nutrient credit.

Council Member Bunn questioned what the possible timeframe would look like should be plan for a 6mgd with initial building of a 4mgd. Mr. Solomon stated the building of 2mgd would have to happen very quickly, following the construction of the 4mgd. It was stated that easements have not yet been obtained.

Question was raised regarding possibility of partnering with other municipalities and accepting their flow. Mr. Solomon stated that had been considered, however, that would be need to in addition to the 6mgd and further that if we went with a 4mgd that would not be a possibility. Additionally upfront money would need to be provided.

It was asked if there was an update regarding rate information and it was stated that is the next step in the process.

Question raised regarding Pine Hollow and reclaimed water and whether we would continue sending water to them and if so how. Mr. Solomon stated that this process probably costs us money and with new plant it would basically impossible to resend reclaimed water to them. He further stated consideration would need to be given regarding affordability.

Council Member Holder questioned possibility of building only one pipe. Mr. Solomon stated that was studied however, this was the least expensive way to complete. Council Member Holder shared his concerns about cost and how senior citizens who live on a fixed income are going to be able to afford. Mayor McLeod reminded that regardless of what we do the cost is going to be high and there is no way to get around that unless we put a stop to everything. Rate study will be completed shortly. Mr. Solomon reminded that currently our rates are below state median. Mayor McLeod further stated that Clayton rates for water and sewer had been extremely inexpensive for a long time. He stated we will not ask for more from any citizen than what is required to pay off the debt for the investment.

ACTION: Direct Staff to Move Forward with Business Case Evaluation Recommendations

Motion: Mayor Pro Tem Grannis

Second: Council Member Holder

Vote: Unanimous

8 NEW BUSINESS

- a) Horne Memorial United Methodist Dedication/Easement Agreement
Presenter: David DeYoung, Economic Development Director

Mr. DeYoung stated that agreement is mutually beneficial to both the town and the church and provides for shared use of parking lot and dedication of two homes across the street to complete the parking lot.

Mr. Blake, representative from Horne Memorial Church offered thanks for support and agreement.

ACTION: Authorize Execution of Dedication/Easement

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

- b) Advisory Board Recommendations
Presenter: Kimberly Moffett, Town Clerk
Parks & Recreation Advisory Board

- Travis Crowder - Term Expiration 12/31/2022
- Gina Garera - Term Expiration 12/31/2020
- Emily Beddingfield - Term Expiration 12/31/2022
- Bennett Jones - Term Expiration 12/31/2021
- Theodore Willer - Term Expiration 12/31/2022

ACTION: Appointment to Parks & Recreation Advisory Board

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

- c) 2019-233-SNA - Smithfield's Chicken N Bar-B-Q
Presenter: Planning Department

Ms. Wullenwaber presented request for an alternate sign plan which would include installation of a "juke box" sign that would exceed the maximum size requirements per the Unified Development Code. The proposed size face area is 75 square foot with a LED ID sign with a proposed height of 20 foot. Unified Development Code permits total of 64 square foot for face and a height of 8 foot.

Staff recommended five options to include the following:

1. Approve the sign as proposed. If that occurred staff recommended a condition of approval be place upon the application required the LED board to be dimmed at night for safety purposes.
2. Approve the sign height proposed, with either the removal of the LED board or lowering of the LED board.
3. Approve the sign face designs (including LED board) but require the overall sign to be built as a ground monument sign with a maximum height of 8 feet as permitted by the UDC.
4. Approve as alternative design as desired by Council.
5. Deny the alternative design plan request and require the sign to be developed to UDC standards.

Council Member Satterfield confirmed that Option 5 would be to require to stay in compliance with the UDC.

Ms. Wullenwaber stated the request was due to rebuilding and new branding.

Council Member Bunn asked how many alternative sign plans were recently approved. It was stated that both Vinson and Culvers had received approval, however, it was further stated that each request is very different.

Council Member Satterfield stated he felt a sign this large on a 1 acre lot was unacceptable.

Mayor Pro Tem Grannis asked if staff had a preferred option. Staff stated they were okay with LED sign being removed.

Council Member Thompson stated he felt that Option 5 was the best choice.

Council Member Holder asked how long since sign requirements were changed. Mr. DeYoung stated code was updated approximately 2.5 years ago. Mr. DeYoung stated he felt we had worked hard to ensure that signs meet code.

Applicant was present and shared his thoughts about request. He stated it was a very nice sign that has been installed in other locations. A photograph of the sign was provided to council.

Council Member Holder shared his concern about curtailing businesses and their signs. He stated we needed to be careful that we weren't too restrictive.

Applicant stated pole cover could be reduced.

Mayor McLeod stated a two story sign seems excessive for a one story building. Ms. Wullenwaber reminded a LED sign is allowed by code.

Mayor Pro Tem Grannis shared his concerns regarding setting a precedent, especially with signs located on Highway 70.

Attorney Ross reminded council that applicant could come back with other options if they requested them to do so.

Council continued discussion.

ACTION: Motion to Proceed with Option 5

Motion: Council Member Satterfield

Second: Council Member Thompson

Vote: Motion Passes 3-2 (Satterfield, Thompson & Grannis) (Opposed: Bunn & Holder)

9 STAFF REPORTS

a) Town Manager

Mr. Lindsay provided update on bond and stated we will now begin with design process. He offered his thanks to the community for support of bond referendum.

b) Town Attorney

c) Town Clerk

d) Other Staff

10 OTHER BUSINESS

a) Informal Discussion & Public Comment

Mr. Tew was present and shared his concern/opinion regarding his perception of disconnect between the town and the leaders and administration. He voiced his concerns about negative experience with some town departments. He again shared his concerns about safety issues with the new parking lot, traffic study, zoning and having requested information about sewer capacity.

Mr. Tew requested information regarding current sewer capacity for town. Mr. Cappola stated currently there was 375,000 gallons of available unallocated capacity.

Mr. Tew questioned if there were any existing plans for acquisition in the recreation bond. Mr. Lindsay stated current plans were for improvement of existing infrastructure at this time not for acquisition of any new property at this time. Mr. Tew asked for an update regarding the current status of the old town hall. Mr. Lindsay stated developer had run into delays and is attempting to get back in alignment, with the hope of project continuance. Mr. Tew questioned what the town would do to force that. It was stated that we were in conversations with the owners, however, the building is privately owned with no current violations and we were limited as to be able to do anything further. Mr. Tew requested a copy of the developer's agreement.

Mayor McLeod addressed concern of Mr. Tew and any violations with regard to old town hall. He stated there are no violations he is aware of, other than vehicles parked there, as well as high grass at one time that was mowed and taken care of. The Mayor requested that Mr. Tew document any violations and submit that documentation. Mr. Tew stated this is a residential zoning and there are two business trucks parked there and is concerned about zoning that allows business vehicles to be parked there.

Mayor McLeod addressed Mr. Tew's statement regarding lack of traffic study being done on Horne Street until later in the process. Mayor McLeod reminded that this study cost the town \$8000, after being told by a 25 year experience consultant such a study was not good practice we still spent the money to be good neighbors.

Discussion regarding election results. Mayor stated he is hearing very good feedback about having a new person on the council.

b) Council Comments

Mayor Pro Tem Grannis about percentage of wastewater capacity. Mr. Cappola stated percentage was approximately 8-10% Mayor Pro Tem Grannis stated he believed during last report received percentage reported was 30%. He shared his concerns about the variance. He asked for regular updates and stated he does not feel comfortable with approving projects without having accurate updated information.

AMI Report Update. Mayor Pro Tem Grannis stated he would like a thorough report provided. Council Member Bunn would like money piece (monthly fee being added to each bill) added to that report as well. Mr. Lindsay stated a report would be provided

11 ADJOURNMENT

- a) With there being nothing further, the meeting was adjourned at 7:57 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Thompson

Second: Council Member Holder

Vote: Unanimous

Duly adopted this the 16th day of December, 2019 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi Holland
Deputy Town Clerk

November 18, 2019
Minutes



**Town of Clayton
Regular Town Council Meeting Minutes
Monday, December 2, 2019 @ 6:00 PM
Council Chambers**

COUNCIL PRESENT:

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

** Outgoing Council Member*

*** Newly Elected Council Member*

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, D/Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Stacy Beard, Communications Director
Rich Cappola, Public Services Director
Samantha Wullenwaber, Planning Director
Blair Myhand, Police Chief
Lee Barbee, Fire Chief
Ann Game, Customer Service Director
Joy Garretson Library Director

COUNCIL ABSENT:

1 CALL TO ORDER

- a) Mayor McLeod called the meeting to order at 6:00 p.m. Clayton Fire Department provided the Honor Guard and led everyone in the Pledge of Allegiance. Mayor McLeod offered the Invocation.

2 ADJUSTMENT OF THE AGENDA

3 CONSENT AGENDA

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

- a) Warranty Acceptance
 - Badger Pass, Phase 7A
- b) November 4, 2019 DRAFT Minutes - Closed Session

ACTION: Adoption of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

- a) Amendment to Ordinance #2019-07-04
Presenter: Kimberly Moffett, Town Clerk

Ms. Moffett stated this was a housekeeping item. When Ordinance #2019-07-04 was adopted in July, 2019, deletion of Chapter 155, Section 311 was

omitted. This ordinance amendment will correct that and delete section 311, which is now replaced by section 308.

ACTION: Adoption of Ordinance #2019-07-04-A

Motion: Council Member Grannis

Second: Council Member Holder

Vote: Unanimous

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) Clayton Fire Department CPR Save

Presenter: Lee Barbee, Fire Chief

Chief Barbee provided details about events that occurred in October of 2019. During that time there were two life saves. One of those CPR patients, a 31 year old mother, was present this evening to offer her appreciation to those members of the Fire Department, EMS, and 911 members for saving her life. Certificates of Appreciation were presented to all first responders. Council offered their sincere thanks and appreciation to everyone.

b) New Employee Introductions

Presenter: Blair Myhand, Police Chief

- Randy Baity, Police Officer
- Carlos Lerma-Lara, Police Officer

Chief Myhand was present and introduced the two newest Police Officers; Carlos Lerma-Lara and Randy Baity. Both stated they were happy and honored to be of the Clayton Police Department. Council welcomed both to the town.

c) Award of Clayton Police Department CALEA Certification

Presenter: Chief Jeff Smythe, Burlington Police Department

Chief Jeff Smythe, CALEA Commissioner, was present. He provided a brief background about CALEA. He was honored to award the Clayton Police Department with their accreditation. This is the fourth time that Clayton PD has earned this accreditation. Chief Smythe stated there are a total of 18,000 police departments across the nation with only 1,000 applying for accreditation and less than that 1,000 receive their accreditation, so this is a huge accomplishment. Council offered their appreciation to the Clayton Police Department for their dedication to protecting the citizens of Clayton.

d) Recognition of Long-Term Elected Official

Presenter: Jody McLeod, Mayor

- Robert "Bob" Satterfield, Council Member 1997 - 2019

Mayor McLeod presented outgoing Council Member Satterfield with a gift acknowledging his many years of service to the Town of Clayton. Bob offered his love and appreciation to everyone. He extended his wishes for success to incoming Council Member Everett.

6 ORGANIZATIONAL MEETING

- a) Administration of Oath of Office to Newly Elected Clayton Town Council Members

Oath Administered by Craig Olive, Johnston County Register of Deeds

- Jody McLeod, Mayor

Oath Administered by Craig Olive, Johnston County Register of Deeds

- Jason Thompson, Council Member

Oath Administered by Jody McLeod, Town of Clayton Mayor

- Avery Everett, Council Member

- b) Comments from Newly Sworn-In Elected Officials

- Mayor Jody McLeod
- Council Member Jason Thompson
- Council Member Avery Everett

Council Member Thompson offered his thanks to his family, friends and Craig Olive. He offered his thanks to the citizens and asked they continue to let the council know what they want. He also thanked his fellow elected officials and stated he was proud to be a member of this council. He also offered his thanks to the town clerk, town manager and deputy town manager.

Council Member Everett offered his thanks and appreciation to his family and those who voted for him. He promised to always have an open ear to listening to citizens and wanted to do all he could to serve the town.

Mayor McLeod offered his thanks to Town of Clayton for entrusting him with the role of Mayor. He stated he was so proud of this town and our community. He offered his thanks to the lord for his blessings. He thanked his wife for all the love and support. He offered his appreciation to all council and their leadership. He stated this council is a great team. He offered his thanks to the staff, he stated the staff of the town of clayton are outstanding. He stated he was humbled by being able to serve for the last 16 years.

7 RECESS FOR RECEPTION

Everyone was invited to a reception in the lobby at 6:44 p.m. and returned to the meeting at 7:11 p.m.

8 MAYOR PRO TEM SELECTION AND COUNCIL LIAISON APPOINTMENTS

- a) Nomination and Selection of Mayor Pro Tem

Floor was opened for nominations of Mayor Pro Tem. Council Member Holder nominated Jason Thompson and Council Member Bunn nominated Michael Grannis. Votes are noted below and Jason Thompson was selected to serve as Mayor Pro Tem.

ACTION: Nomination and Approval of Jason Thompson as Mayor Pro Tem

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

ACTION: Nomination and Approval of Michael Grannis as Mayor Pro Tem

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

- b) Council Liaison and Board/Committee Assignments
Presenter: Jody McLeod, Mayor

Mayor McLeod presented liaison and board assignments. Changes noted were Council Member Grannis will serve as liaison to the Planning Board and Council Member Everett will serve as liaison to the Parks & Recreation Board. Additionally, Michael Grannis will serve as delegate to Electricities and Mayor McLeod will serve as the alternate.

ACTION: Approval of Liaison and Board/Committee Assignments

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

9 PUBLIC HEARINGS

10 OLD BUSINESS

- a) Resolution Certifying Results of Bond Referendum
Presenter: Robert McKie, Finance Director

Mr. McKie presented the resolution that certified the results of the bond referendum. Additionally the results will be advertised by the town clerk.

ACTION: Adoption of Resolution #2019-48

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

11 NEW BUSINESS

- a) Public Art Advisory Board (PAAB) Recommendations
Presenter: Kimberly Moffett, Town Clerk
- Will Lawson - Term Expiration 12/31/2022
 - Howard Manning - Term Expiration 12/31/2022
 - Kathleen Nobles - Term Expiration 12/31/2022

ACTION: Appointments to Public Art Advisory Board

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

12 STAFF REPORTS

- a) Town Manager
- b) Town Attorney
- c) Town Clerk

Advisory Board & Christmas Parade

- d) Other Staff

13 OTHER BUSINESS

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

Council Member Grannis requested that sewer allotment guidelines be presented to council at the first meeting in January of 2020.

14 ADJOURNMENT

- a) With there being nothing further, the meeting was adjourned at 7:19 p.m.

ACTION: Motion to Adjourn

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

Duly adopted this the 16th day of December, 2019 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi Holland
Deputy Town Clerk

December 2, 2019
Minutes

*P*ROCLAMATION

Honoring Robert “Bob” Ahlert

WHEREAS, our life is like a book; each completed milestone representing a chapter of our life; and

WHEREAS, Robert “Bob” Ahlert has served this community for over 20 years in numerous capacities such as serving on the Town Council and the Planning Board, including 12 years as Clayton’s Mayor Pro Tem; and,

WHEREAS, untiringly devoted over 20 years to our community during a period of time that numerous projects were initiated through his leadership which will continue to have a revitalizing and growing impact on our community far beyond his terms of office; and,

WHEREAS, the Town of Clayton has benefited greatly because of Robert “Bob” Ahlert’s particular interest and work in the area of the town’s financial position; and,

WHEREAS, Robert “Bob” Ahlert was a motivator for the vision and the development that recommended turning two old downtown schools into what is now the town’s Clayton Center; and,

WHEREAS, Robert “Bob” Ahlert has demonstrated in many effective ways his deep and genuine love for our community and has earned the admiration and high regard of those with whom he has come into contact and of his fellow public servants; and,

NOW, THEREFORE, the Clayton Town Council does express our sincere appreciation and thanks to Robert “Bob” Ahlert for his distinguished service to the community, and highly commend him for the manner in which he has carried out his duties and responsibilities.

Duly proclaimed this 16th day of December, 2019.

Jody L. McLeod

Mayor



Town Council Agenda Cover Sheet

Meeting Date

December 16 2019

Agenda Location

Introductions & Special Presentations

Item Title

Special Recognition of Long-time Library Advisory Board Member Belle Allen

Presenter

Joy Garretson, Hocutt-Ellington Memorial Library Director

Summary/Description

Long-time Library Advisory Board member Belle Allen has been awarded the Library Trustee of the Year award from the North Carolina Public Library Directors Association! Libraries across the entire state nominate candidates to compete for this prestigious recognition.

Belle Allen has been a faithful library board member for over half a century, since 1966. She is a lifetime Clayton resident, mother, grandmother, and great-grandmother, a retired school administrative assistant, and a tireless volunteer for many causes. In her incredible 53 years serving on the Library Advisory Board, Mrs. Allen has made the expansion of the library and the betterment of its services one of her main missions. She helped guide the library as it moved from a one-room facility in the old town hall to its current site on the Hocutt-Ellington property in 1981. Since then, she was present for three expansions to the current facility and was a key participant in the library's most recent space and services needs assessment in 2019. She has served as chair of the library and now serves as the vice-chair.

Mrs. Allen is an avid library user and regularly attends events. She is the first to volunteer when asked, and she is also the first to tell library staff how much they are needed and appreciated. She remembers each staff member's birthday and models the warm, welcoming spirit that makes so many people proud to live and work in Clayton.

Belle is not only the longest-serving member of our board, she is also one of the most forward-thinking. She supports new technology programs as avidly as she supports the upkeep of our print materials collection. Her goal for future library building plans is simple: give the library what it needs to foster learning and connection in Clayton. Belle has the unanimous respect of our Mayor, Town Council, library staff, board members and the Friends of the Library organization. She wholeheartedly deserves this honor!

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

*P*ROCLAMATION

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Duly proclaimed this 16th day of December, 2019.

Jody L. McLeod

Mayor



Town Council Agenda Cover Sheet

Meeting Date

December 16 2019

Agenda Location

Introductions & Special Presentations

Item Title

Commend Andrew and Avery Hile for collecting blankets in support of Hope Box Blankets for Babies blanket drive.

Presenter

Blair Myhand, Chief of Police

Summary/Description

Chief Myhand will present Andrew and Avery Hile Police Department certificates of appreciation for their efforts in collecting over 500 blankets for the annual Hope Box Blankets for Babies blanket drive.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

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

Click or tap here to enter text.



Town Council Agenda Cover Sheet

Meeting Date

December 16 2019

Agenda Location

Public Hearings

Item Title

2019-229-RZ JAK Holding Rezoning

Presenter

Haley Hogg, Planner II

Summary/Description

Request for a rezoning of the subject property from Residential-Estate (R-E) to Highway-Business (B-3). The property is located in the northwest corner of the intersection of Shotwell Road and Old US HWY 70.

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application
Owner's Consent Form
Staff Report
Staff Report Maps
Neighborhood Meeting Materials
Newspaper Ad
Adj. Property Letter
Survey
PB Recommendation
Consistency & Reasonableness Statement

Meeting Timeline

November 25, 2019- Planning Board
December 16, 2019- Town Council 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

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

SITE INFORMATION

Name of Project: JAK Holdings
Acreage of Property: 1.48 Zoning District: _____
County Tag #: 05G01015A NC Pin #: 165907-58-2949
Address/Location: 1600 OLD US HWY 70 CLAYTON, NC 27520
Existing Zoning District: R-E Proposed Zoning District: B-3

APPLICANT INFORMATION

Applicant: Andrew Phillips
Mailing Address: 1685 OLD US HWY 70 CLAYTON, NC 27520
Phone Number: 910-591-9945 Fax: _____
Contact Person: Andrew Phillips
Email Address: andy@readyroofing.com

PROPERTY OWNER INFORMATION

Name: TRUESDALE, RICK G and TRUESDALE, JO LYNN
Mailing Address: 1600 OLD GARNER RD CLAYTON, NC 27520
Phone Number: 919-553-5980 Fax: _____
Email Address: _____

OFFICE USE ONLY

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

NOV 01 2019

TOWN OF CLAYTON
PLANNING DEPARTMENT

2 of 10

EXPLANATION OF PROJECT

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

We would like to rezone the existing property currently zoned R-E to B-3 for the expansion of our local business and also add additional rental office space for future growth of the Clayton.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
The area around the property is employment center
2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
Currently it is residential. We propose to rezone from R-E to B-3 for future office retail.
3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
We are an existing business in Clayton and wish to build a new facility for our growing needs and add extra tenant space for future growth of other businesses.
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.
This is for commercial use so there is no need for school and public recreation services.
Water is available on the property and sewer is accross the street but I do not know the cost to access.
5. It has been determined that the legal purposes for which zoning exists are not violated.
This is not considered spot zoning because it abuts existing commercially zoned propterties
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.
Rezoning would have no adverse effect because there is similar use of land in the abutting properties with like kind use of the space.

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

The rezoning is not to the detriment of the general public because there is similar use in the adjoining property.

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.

Andrew Phillips
Print Name

[Signature]
Signature of Applicant

11/1/19
Date



RECEIVED

NOV 01 2019

TOWN OF CLAYTON

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: JAK Holdings Address or PIN #: 165907-58-2949

AGENT/APPLICANT INFORMATION:

Andrew Phillips 109 Meadowbrook Ct. Benson, NC 27504
(Name - type, print clearly) (Address)
Benson, NC 27504
(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 of 1600 Old US Hwy 70 Clayton, NC 27520 from R-E to B-3

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.

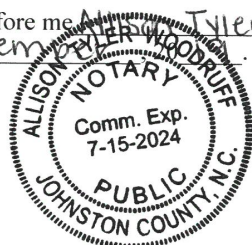
OWNER AUTHORIZATION:

Rick G Truesdale 1600 Old US Hwy 70
(Name - type, print clearly) (Address)
Clayton, NC 27520
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me, Allison Tyler Woodruff, a Notary Public for the above State and County, this the 1 day of November

SEAL



Allison Tyler Woodruff
Notary Public

My Commission Expires: 07/15/2024

April 2019

10 of 10



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

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(City, State, Zip)

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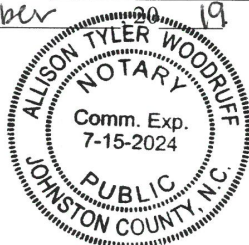
OWNER AUTHORIZATION:

Jo Lynn Truesdale 1600 Old US Hwy 70
(Name - type, print clearly) (Address)
Clayton, NC 27520
(Owner's Signature) (City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Allison Tyler Woodruff, a Notary Public for the above State and County, this the 1 day of November 2019

SEAL



Allison Tyler Woodruff
Notary Public

My Commission Expires: 07/15/2024

April 2019

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, November 25, 2019
Town Council, December 16, 2019*

STAFF REPORT

Application Number: 2019-229-RZ
Project Name: JAK Holdings Rezoning

TAG #(s): 05G01015A

Town Limits/ETJ: ETJ

Applicant: Andrew Phillips

Owner: Jo Lynn and Rick Truesdale

Location: Northwestern corner of Shotwell Rd/Old US HWY 70 intersection

Project Planner: Haley Hogg, Planner II

Public Noticing Dates:

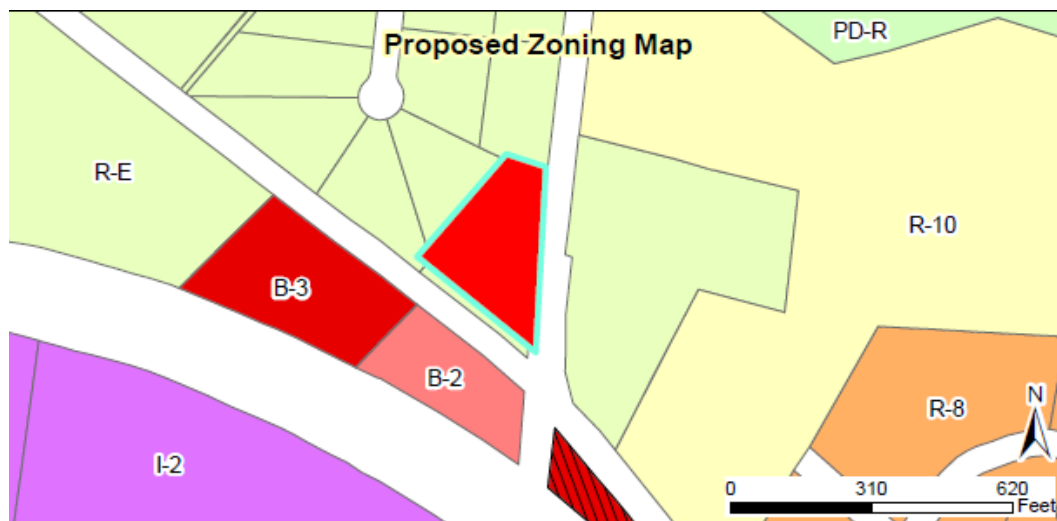
- **Neighborhood Meeting:** November 20, 2019
- **Sign posted:** November 15, 2019
- **Adjacent Property Letters Mailed:** November 15, 2019 (PB), December 5, 2019 (TC)
- **Newspaper Ad published:** December 4, 2019 and December 11, 2019

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



SITE DATA:**Acreage:** 1.48 acres**Existing Use:** Single-family residence**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	Residential-Estate (R-E)	Vacant & Single-Family Residential
South	Neighborhood Business (B-2)	Vacant
East	Residential-Estate (R-E)	Vacant
West	Residential-Estate (R-E)	Single-family residential

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

The applicant is requesting to rezone the subject property from Residential-Estate (R-E) to Highway-Business (B-3). The property is currently used for a single-family residence and is located at the northwestern corner of the intersection of Shotwell Road and Old US HWY 70. Due to the location of the property on the corner of the intersection, staff is in support of the requested rezoning. The southern and southeastern corner parcels at the intersection are both already zoned commercial districts (B-2 and B-3) as well. This intersection has the potential to serve non-residential uses to the surrounding residential developments.

Consistency with the Comprehensive Plan 2040

The property is designated as Low Density Residential. The proposed rezoning is not consistent with this designation, but due to the current development pattern of this area staff is supportive of a rezoning of this parcel to B-3. Staff envisions this intersection serving as a commercial node for the surrounding residential developments

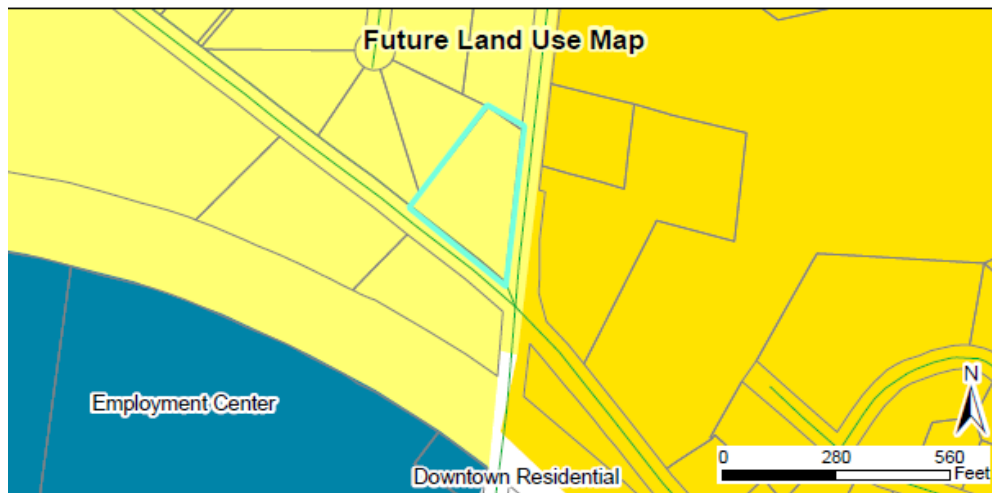
in the future. The parcels to the south at this intersection are already zoned commercially, and those parcels are also designated as low density residential in our future land use map. The Town Council may approve rezoning requests that are not consistent with the Future Land Use Map so long as the map is updated accordingly following an approval. If the rezoning is approved, the future land use map would be automatically updated.

Comprehensive Plan Goals supporting the rezoning request include:

- Goal LU3: Provide a sense of place and enhance aesthetics along major corridors.
- Objective LU3.1: Identify and develop gateways into Clayton.

Comprehensive Plan Goals not supporting the rezoning request include:

- None.



CONSIDERATIONS:

- Rezoning is 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.

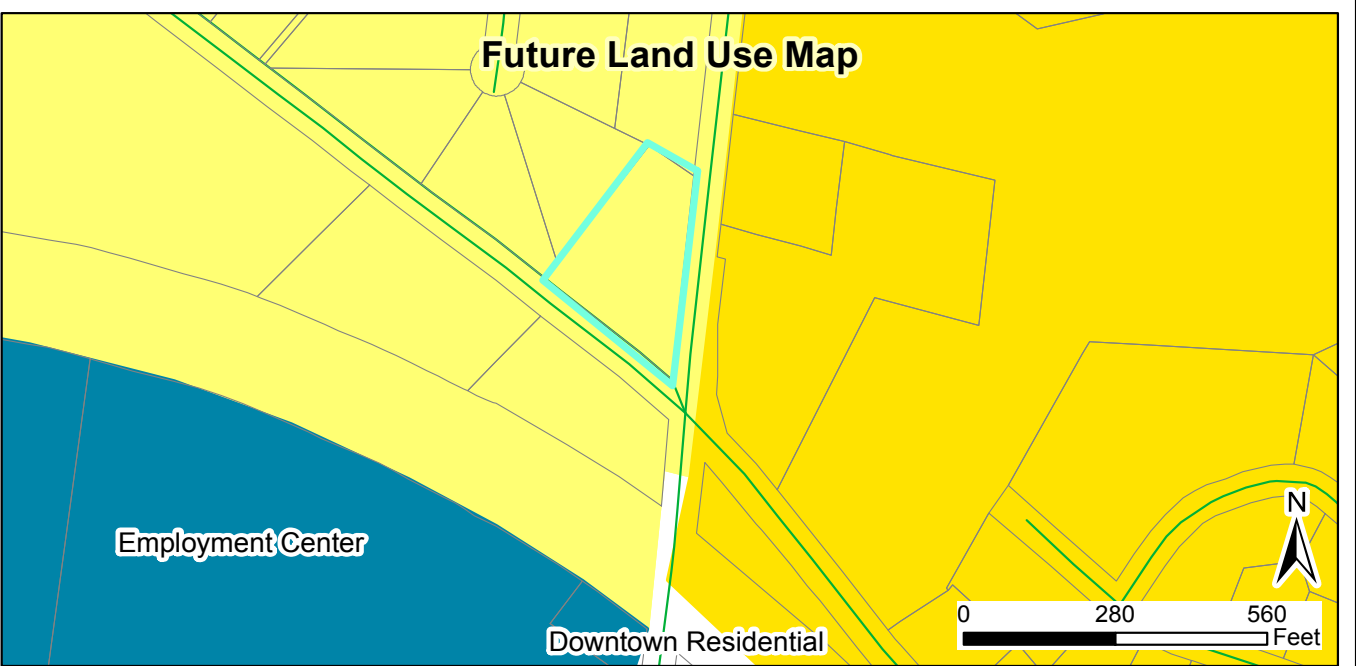
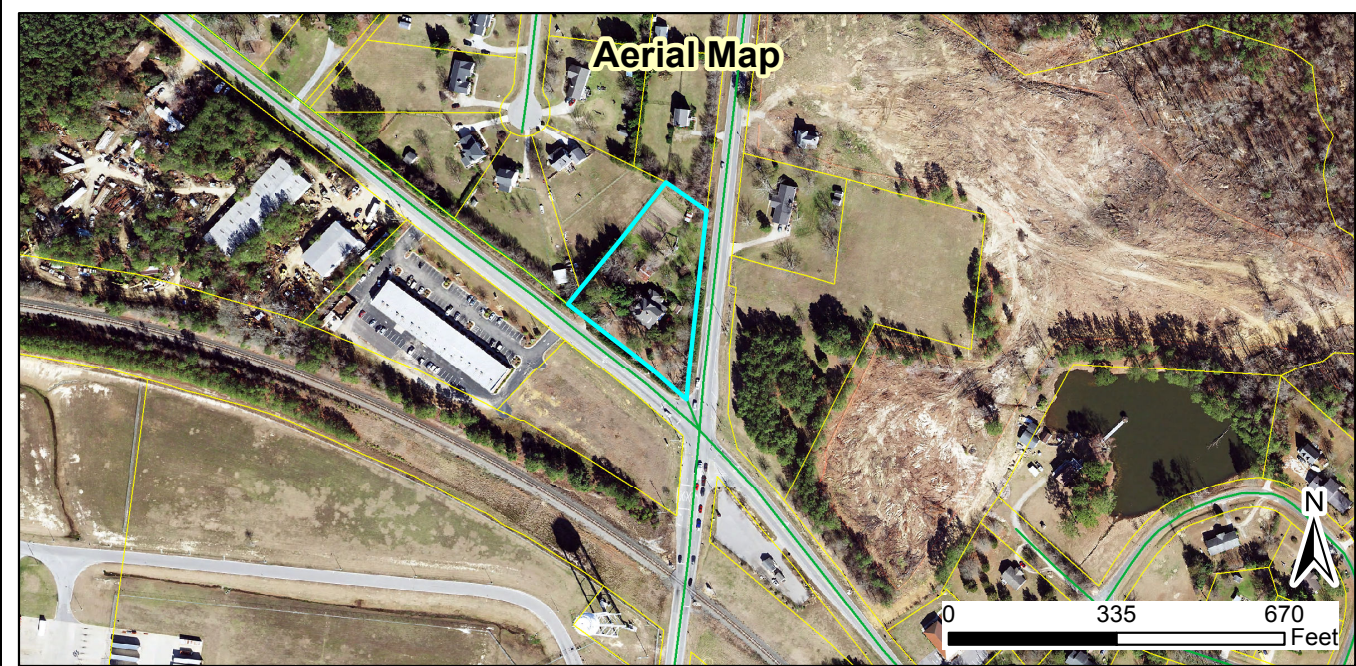
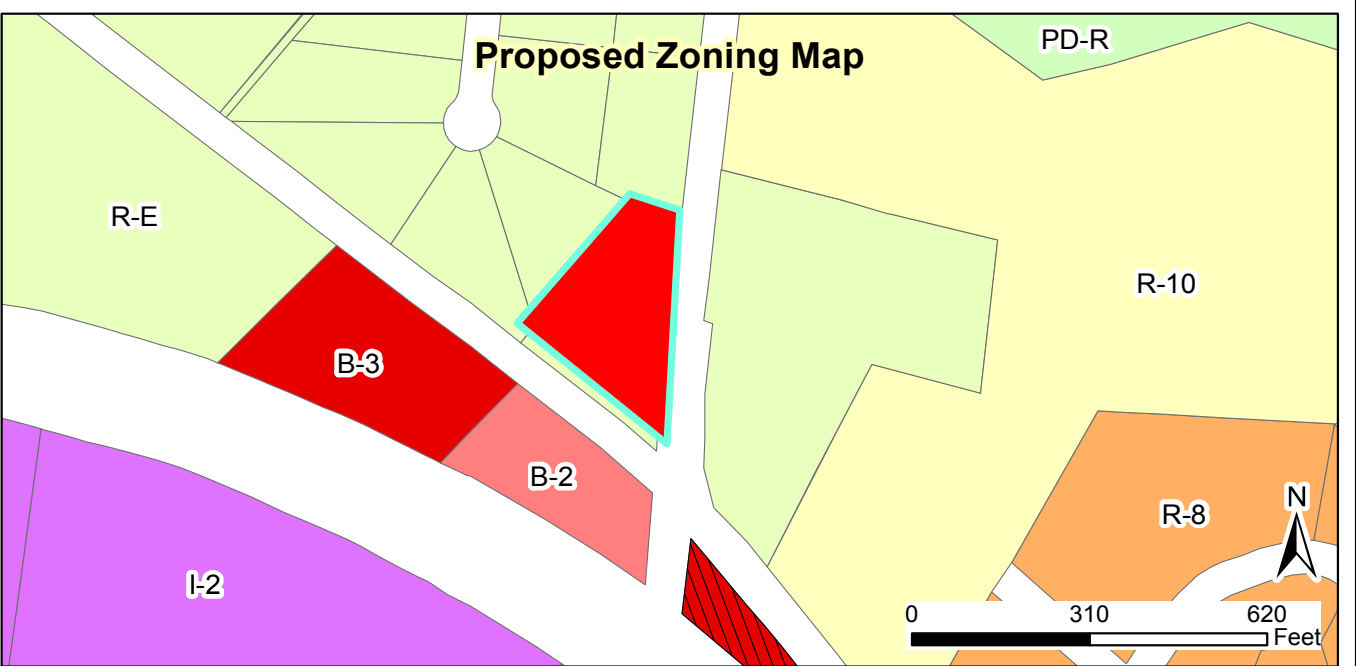
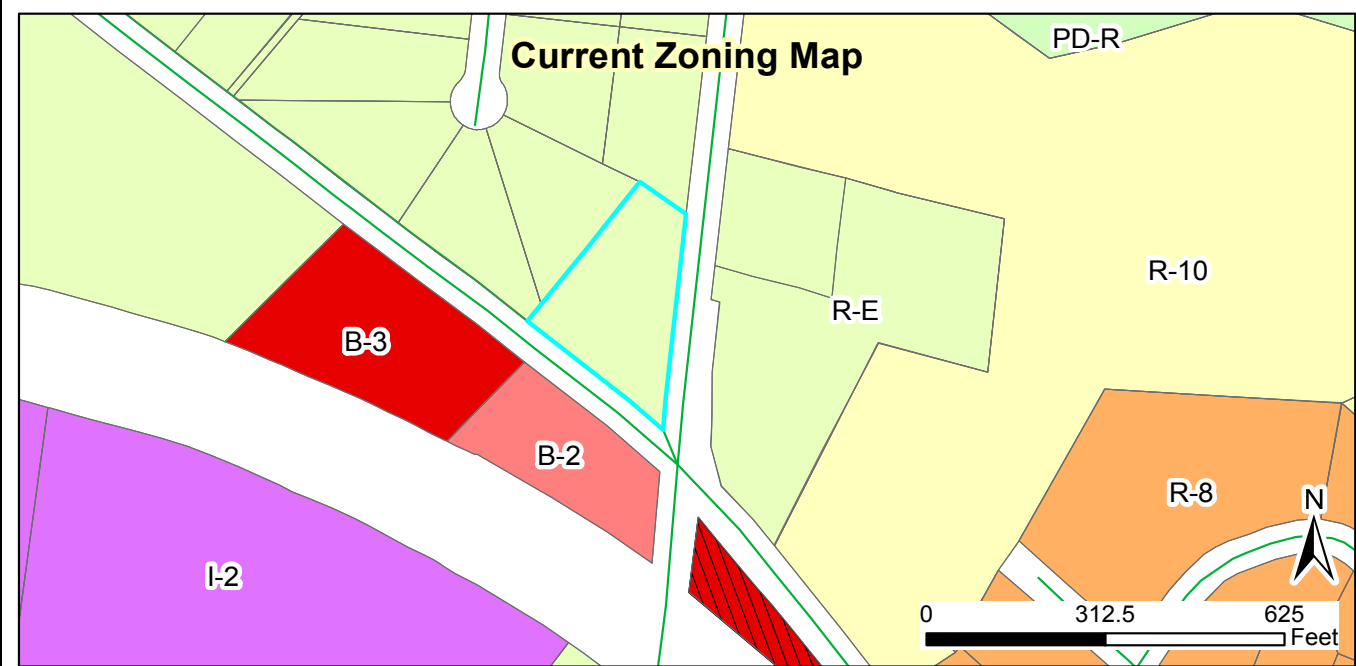
STAFF RECOMMENDATION:

Staff recommends approval of the proposed rezoning request.

ATTACHMENTS:

- 1) Application

- 2) Staff Report Maps
- 3) Neighborhood Meeting Materials
- 4) Survey
- 5) PB Adjacent Property Letter
- 6) TC Adjacent Property Letter
- 7) Newspaper Ad
- 8) Consistency & Reasonableness Statement



2019-229-RZ JAK Holding Rezoning
Request: rezone from R-E to B-3

Applicant: Andrew Phillips
 Property Owners: Jo Lynn & Rick Truesdale
 Tag #: 05G01015A

Staff Report Map



Document Path: O:\PLANNING\REZONING\Rezoning\2019\2019-229-RZ - JAK Holdings\Staff Report Maps\2019-229-RZ Map.mxd

Legend

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

11/13/2019
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

11/4/19

Dear Clayton Area Property Owner:

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

Meeting Date: 11/20/19

Meeting Time: 6:30 pm

Meeting Location: 1685 Old US Hwy 70 Clayton, NC 27520

Type of Application: Rezoning Application

Project/proposal property address: 1600 Old US Hwy 70 Clayton, NC 27520

Description of project/proposal: This is in reference to the rezoning of stated property from R-E to B-3 for the future growth of a local business.

Upcoming public meetings for this application (Planning Board and/or Town Council):

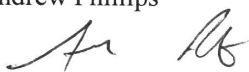
At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

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

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 910-591-9945. You may also contact the Planning Department at 919-553-5002.

Sincerely,
Andrew Phillips



Cc: Town of Clayton Planning Department

RECEIVED

NOV 01 2019

TOWN OF CLAYTON
PLANNING DEPARTMENT

ADJACENT PROPERTY OWNERS LIST

JAK Holdings

Project Name: _____

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

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

PARCEL NUMBER	NAME	ADDRESS
165906-49-9148	PURMUL, MOHAMMAD F	25 ANNIE V DR CLAYTON, NC 27520
165907-59-1129	PURMUL, MOHAMMED	145 IDLEWOOD LN Clayton, NC 27520
165907-59-1440	WATSON, KRISTIE MICHELLE WATSON, BRANDON BARTLEY	20 ANNIE V DR CLAYTON, NC 27520
165907-59-3304	POWELL, WILLIAM JR POWELL, DORIS H	1275 SHOTWELL RD CLAYTON, NC 27520
165907-59-6201	PHILLIPS, DOUGLAS D PHILLIPS, ANN B	925 THANKSGIVING FIRE RD SELMA, NC 27576
165907-59-7141	PHILLIPS, DOUGLAS D PHILLIPS, ANN B	925 THANKSGIVING FIRE RD SELMA, NC 27576
165907-58-4492	MESSICK, GREGORY E	6713 KYLE STEWART CT NORTH LAS VEGAS, NV 89086
165907-58-1762	HOBBS, GREGORY C HOBBS, MARY C	3401 ALAMANCE DRIVE RALEIGH, NC 27609
165906-48-8901	DOUGLAS M. HOBBS LLC	343 E SIX FORKS RD STE 300 RALEIGH, NC 27609
165907-58-2949	TRUESDALE, RICK G TRUESDALE, JO LYNN	1600 OLD GARNER RD CLAYTON, NC 27520

RECEIVED

NOV 01 2019

TOWN OF CLAYTON
PLANNING DEPARTMENT

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: 2019-229-RZ JAK Holdings Date of Mailing: 11/7/19
Date of Meeting: 11/20/19 Time of Meeting: 6:30
Location of Meeting: 1685 Old US Hwy 70 Clayton, NC 27520

Received By:
Town of Clayton
11/21/19

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: Andrew Phillips 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.

Start Time: 6:30
Attendees: Rick Truesdale and Doug Phillips
The rezoning process was discussed with the attendees.
A copy of the application along with the maps and future
proposed building was provide. No one had any objections or
concerns. We stayed here until 7:00 and no one else
showed up.
End: 7:00

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

JAK Holdings

Project: _____
 2019-229-RZ JAK Holdings Rezoning

Application: _____
 1685 Old US Hwy 70 Clayton, NC 27520

Location/Date: _____

	NAME	ADDRESS
1	Rick TRuesdale	1600 Old Hwy #70 W Clayton, N.C.
2	Doug PHILLIPS	1274 SHOTWELL RD, CLAYTON NC 925 THANKSGIVING FIRE RD. SELMA NC
3		
4		
5		
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PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on Monday December, 16, 2019, at 6 PM at Town Hall, 111 East Second Street, to consider the following rezoning requests:

- 2019-230-RZ – Grand Plaza Rezoning – requested zone change from Highway-Business Special Use District (B-3 SUD) to Highway Business (B-3) to remove the Special Use District overlay. The subject property is located at 13024 US Hwy 70 Business; TAG# 05G01201C.
- 2019-229-RZ – JAK Holding Rezoning – request to rezone from Residential Estate (R-E) to Highway Business (B-3). The subject property is located at 1600 Old US Hwy 70; TAG# 05G01015A.

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.

Jeff Caines, AICP, Planner
919-553-5002

Johnstonian Newspaper

Please advertise on the following dates:
December 4, 2019
December 11, 2019

Affidavit of publication required.



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

December 3, 2019

NOTICE

SUBJECT: **Project:** 2019-229-RZ JAK Holdings Rezoning
 Address: Northwestern corner of intersection of Shotwell Road/Old US HWY 70
 TAG #: 05G01015A
 Applicant: Andrew Phillips

Dear Clayton Area Property Owner:

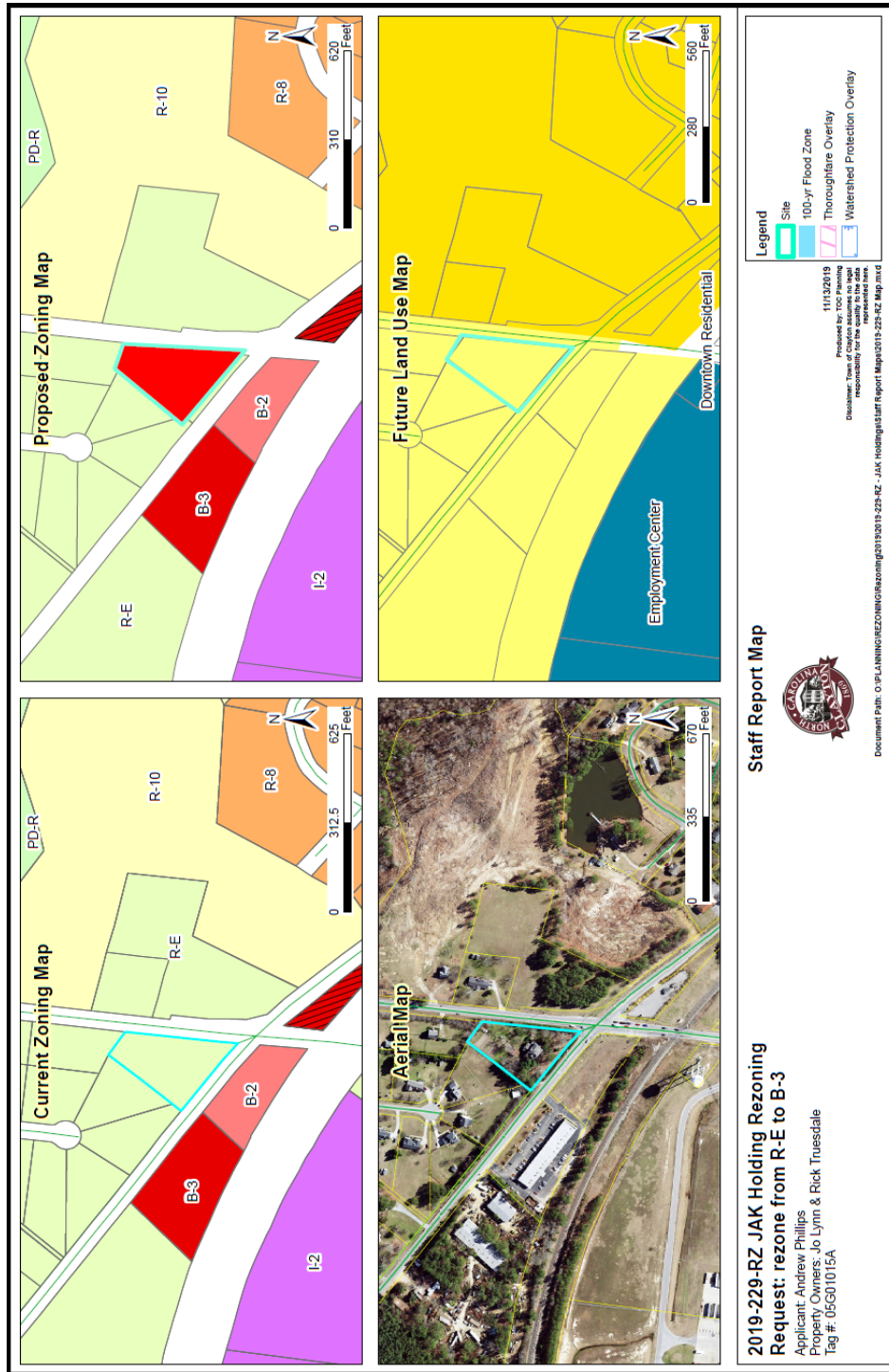
Notice is hereby given that the Clayton Town Council will hold a public hearing on **Monday, December 16, 2019 at 6:00 PM** at Town Hall, 111 E. Second Street, to make a decision on the above referenced rezoning application. The property is located at the northwestern corner of the intersection of Shotwell Road and Old Us Hwy 70. The applicant is requesting to rezone 1.48 acres from Residential-Estate (R-E) to Highway-Business (B-3). Please see the map on the back of this letter.

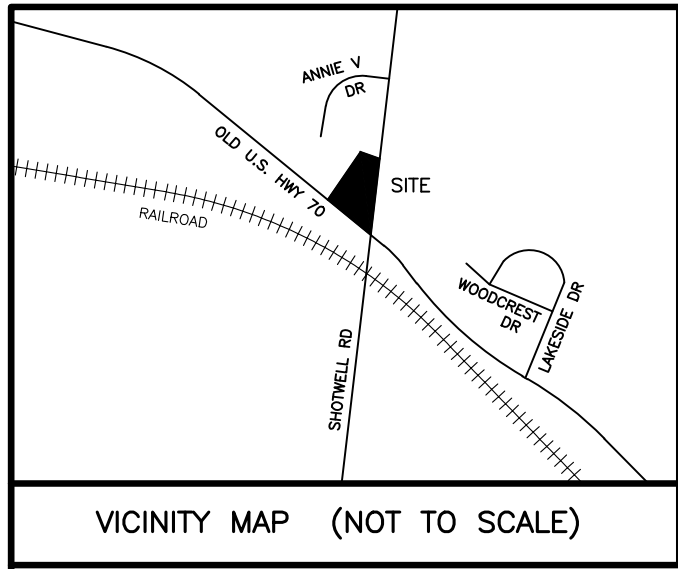
Based upon records in the Johnston County Tax Office, you are the owner of property that is within 100 feet of this proposed rezoning request. You are invited to attend this meeting and express your opinions on this request to the Town Council.

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

Sincerely,

Haley Hogg, AICP, CZO
Planner II





LINE	BEARING	DISTANCE
L1	S44°14'39"W	40.34'

PRELIMINARY PLAT
NOT FOR RECORDATION
CONVEYANCES OR SALES

THIS SURVEY:

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

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.

DATE _____ SURVEYOR _____

STATE OF NORTH CAROLINA, JOHNSTON COUNTY
I, CURK T. LANE, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK _____, PAGE _____, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____, PAGE _____, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS _____ DAY OF _____, A.D., 2019

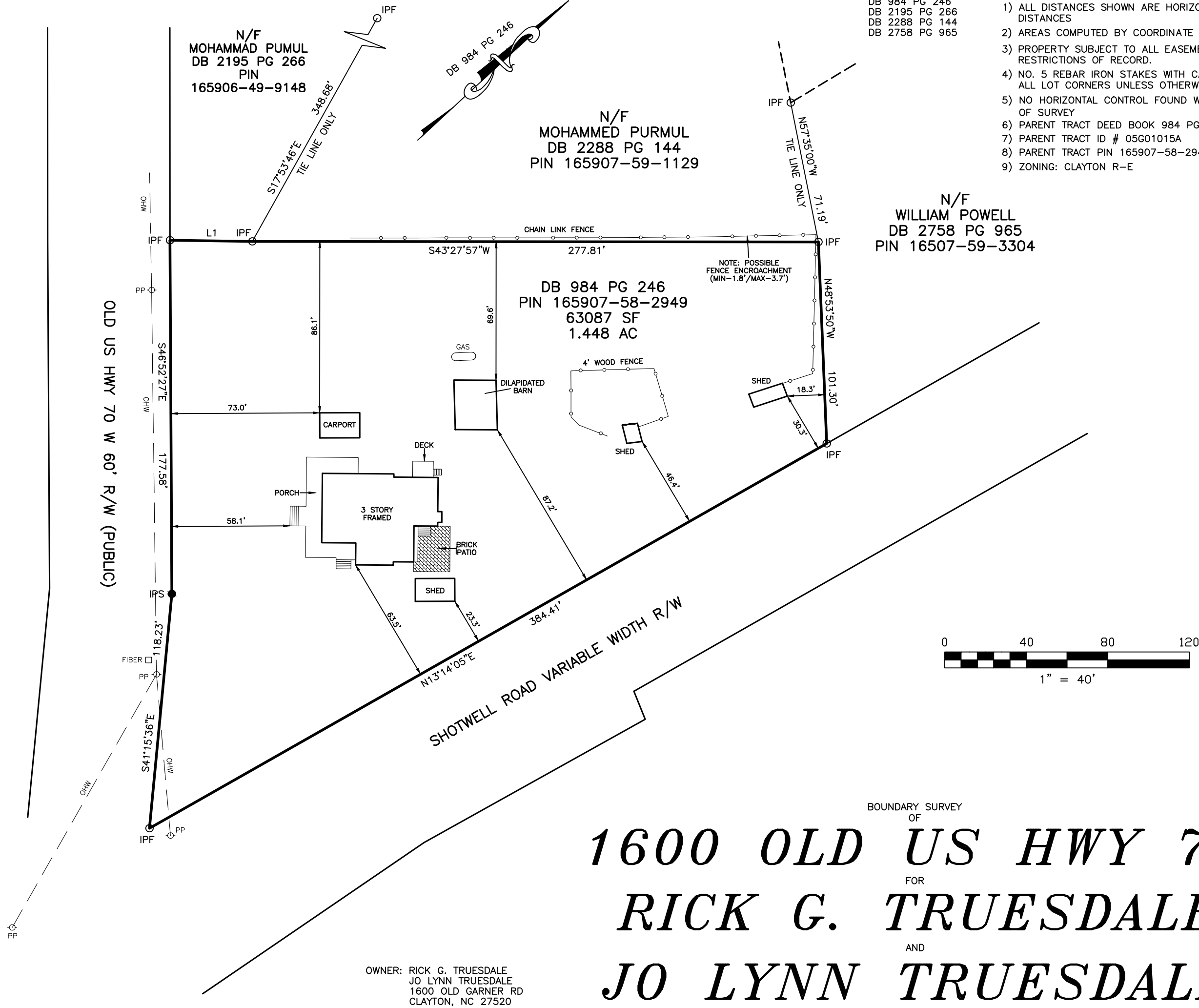
SURVEYOR
L - 3990
LICENSE NUMBER

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

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 _____



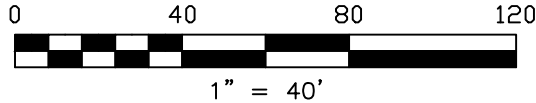
REFERENCES:

DB 984 PG 246
DB 2195 PG 266
DB 2288 PG 144
DB 2758 PG 965

NOTES:

- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
- 2) AREAS COMPUTED BY COORDINATE METHOD.
- 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- 4) NO. 5 REBAR IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
- 5) NO HORIZONTAL CONTROL FOUND WITHIN 2000' OF SURVEY
- 6) PARENT TRACT DEED BOOK 984 PG 246
- 7) PARENT TRACT ID # 05G01015A
- 8) PARENT TRACT PIN 165907-58-2949
- 9) ZONING: CLAYTON R-E

N/F
WILLIAM POWELL
DB 2758 PG 965
PIN 16507-59-3304



1600 OLD US HWY 70
FOR
RICK G. TRUESDALE
AND
JO LYNN TRUESDALE

CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
NOVEMBER 14, 2019

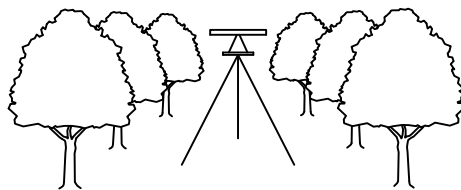
OWNER: RICK G. TRUESDALE
JO LYNN TRUESDALE
1600 OLD GARNER RD
CLAYTON, NC 27520

LEGEND

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

SURVEYED BY:	SPENCIR
DRAWN BY:	DANNY
CHECKED BY:	C. LANE PLS.
DRAWING NAME:	BOUNDARY.DWG
SURVEY DATE:	11/14/19
JOB NO.	3713.001

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

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

2019-229-RZ JAK Holdings Rezoning

On November 25, 2019 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

☒ approve the request, ~~with the conditions presented by staff,~~

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

☐ deny the request.

Recommendation(s) made this 25th day of November 2019 while in regular session.

Signed:


Robert J. Ahlert, Planning Board Chair

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

2019-229-RZ JAK Holdings 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 AMENDS THE FOLLOWING PLAN(S):

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

- **Future Land Use Map – Change of the property's designation from "Low Density Residential" to "Neighborhood Center".**

The proposed rezoning from Residential-Estate (R-E) to Highway-Business (B-3) zoning district is inconsistent with the Future Land Use Map's current designation of "Low Density Residential" for the subject property. Low Density Residential areas are designated to remain predominantly suburban in character and provide for low-density single-family development based on the Comprehensive Plan's definition. This designation does not envision non-residential 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.

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

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

**Town of Clayton
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] **Case # 2019-229-RZ - JAK Holding**

[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 6a
2019-229-RZ
JAK Holding Rezoning

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

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

WHEREAS said property is owned by Rick G. and Jo Lynn Truesdale; 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 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 December 16, 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 B-3 (Highway-Business) zone the following described property:

General Description:

Property is located at 1600 Old US Highway.

Specific Description:

NC Parcel Identification Numbers: 165907-58-2949

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

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

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

DULY ADOPTED by the Clayton Town Council this 16th day of December, 2019 while in regular session.

Jody McLeod
Mayor

ATTEST:

Heidi L. Holland
Deputy Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

December 16 2019

Agenda Location

Public Hearings

Item Title

2019-230-RZ – Grand Plaza

Presenter

Jeff Caines, Planner

Summary/Description

Request for a rezoning of the subject property from Highway-Business Special Use District (B-3 SUD) to Highway Business (B-3) to remove the Special Use District overlay. The subject property is located at 13024 US Hwy 70.

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application
Consistency & Reasonableness Statement
Neighborhood Meeting Material
Newspaper Ad
Owner's Consent
PB Recommendation
Staff Report
Staff Report Map
Adjacent Property Owner Letter

Meeting Timeline

November 25, 2019

December 16, 2019



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: Grand Plaza

Acreage of Property: 1.15 Zoning District: Town of Clayton

County Tag #: 05G01201C NC Pin #: 164900-97-1724

Address/Location: 13024 Ste 100 US Hwy 70 Business Clayton, NC 27520

Existing Zoning District: Town of Clayton Proposed Zoning District: Town of Clayton

APPLICANT INFORMATION

Applicant: FNC Ninety, LLC

Mailing Address: 187 K ST NW - 4th Floor Washington, DC 20006

Phone Number: 646-807-8060 Fax: _____

Contact Person: Matt Samuel

Email Address: mattsamuel@niagaraholdings.com

PROPERTY OWNER INFORMATION

Name: FNC Ninety, LLC

Mailing Address: 1875 K St NW - 4th Floor Washington, DC 20006

Phone Number: 646-807-8060 Fax: _____

Email Address: mattsamuel@niagaraholdings.com

OFFICE USE ONLY

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

July 2018

2 of 10

EXPLANATION OF PROJECT

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

We would like to remove the special use designation to accommodate a chiropractic clinic in the building. We feel this use is definitely in keeping with the neighborhood and suitable uses for this location. No additional changes to the property will be required to bring this business to Clayton.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
A chiropractic clinic is technically categorized as a medical use, which does not fit with our current B-3-SUD zoning classification. We feel the clinic's use definitely meets the spirit of uses expected and suitable for this location.
2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
We feel the clinic's use definitely meets the spirit of uses expected and suitable for this location. There will be no negative impacts on traffic, parking and access to or surrounding the property.
3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
A chiropractic clinic in this location would definitely meet the ever-increasing health and wellness demands of Clayton residents.
4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.
This use change will not generate any additional traffic or utility burden on the property or surrounding properties.
5. It has been determined that the legal purposes for which zoning exists are not violated.
6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.
I can see no negative impacts from this change to adjoining and nearby properties. Traffic, parking, pedestrian and utility usage should not be impacted in any significant way.

July 2018

3 of 10

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.

We are not receiving any higher level of rent for this proposed change, while providing a general wellness use to the community.

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.

Matt Samuel



Digitaly signed by Matt Samuel-Ar-1004
Date: 2019.10.29 16:07:59 -0400

Print Name

Signature of Applicant

10/29/19

Date

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

2019-230-RZ, Grand Plaza, Rezone

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS APPROVED.

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

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

- Goal LU2: Encourage quality development which maximizes existing infrastructure, promotes walking and biking, and enhances travel safety.
- Objective LU2.1: Promote location and intensity of development that mitigates impacts to the transportation network and leads to reduced vehicle trips and/or shorter trip lengths, enhanced circulation, and increased public safety.

The requested rezoning is consistent with the above referenced objectives within the Comprehensive Plan 2040. The Future Land Use Map designates this property Community Center typically serves a larger population and includes a typical trade area of three-to-six miles, and is located adjacent to major thoroughfares or situated at a major intersection. A Community Center includes at least one major anchor such as a grocery store or retailer and incorporates community-serving commercial uses and opportunities for office, civic, and institutional uses. The proposed use according to the application is for a chiropractic clinic. With regards to current land uses allowed in the B-3 zoning designation uses may include General or Medical Offices, Retail Sales, or a Fitness Center.

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 Consistency with the adopted plans and policies of the town; Suitability of the subject property for uses permitted by the current versus the proposed district; Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the town.

Furthermore, 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.

PPAB 2574608v3

FNC Ninety, LLC
1875 K Street NW – 4th Floor
Washington, DC 20006

Received By:
Town of Clayton
11/6/19

Boddie Noell Enterprises, Inc.
PO Box 1908
Rocky Mount, NC 27804

November 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 proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: November 14, 2019

Meeting Time: 6:00 pm

Meeting Location: 13024 US Hwy 70 Business
Clayton, NC 27520

Type of Application: Rezoning application

Project/proposal property address: 13024 US Hwy 70 Business
Clayton, NC 27520

Description of project/proposal: To remove the special use designation to accommodate a chiropractic clinic.

Upcoming public meetings for this application: Planning Board recommendation hearing on November 25th, and Town Council decision hearing on December 16th.

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

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

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 646-807-8060. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

Matt Samuel
President
FNC Ninety, LLC

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: 13024 US HWY 70 BUSINESS CLAYTON, NC

Application: REZONING APPLICATION TO ALLOW FOR CHIROPRACTIC OFFICE

Location/Date: 13024 US HWY 70 BUSINESS CLAYTON, NC

	NAME	ADDRESS
1	DAVID STOWE	5440 WADE PARK BLVD., SUITE 200 RALEIGH, NC 27607
2		
3		
4		
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8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

July 2018

8 of 10

Received By:
Town of Clayton
11/18/19

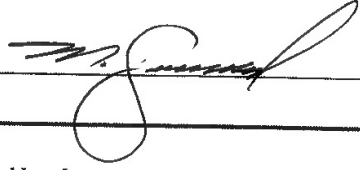
NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

GRAND PLAZA - 13024 US HWY 70 BUSINESS

Application: CLAYTON NC Date of Mailing: 11-4-19
Date of Meeting: 11-14-19 Time of Meeting: 6:00 pm
Location of Meeting: 13024 US HWY 70 BUSINESS - SUITE 100

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: MATT SAMUEL 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.

DAVID STONE HELD THE MEETING AND WAS THE ONLY
PERSON IN ATTENDANCE. THE MEETING STARTED AT
6:00 PM AND DAVID LEFT AT 6:20 WHEN NO ONE
TURNE
D UP.

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

ADJACENT PROPERTY OWNERS LIST

Project Name: Grand Plaza

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

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

PARCEL NUMBER	NAME	ADDRESS
05G01201B	Boddie Noell Enterprises, Inc.	PO Box 1908, Rocky Mount, NC 27804
05G01201A	WH Capital, LLC	PO Box 6450, Norcross, GA 30091
05G01201	MOHAMED & SONS INC.	PO BOX 1236, SMITHFIELD, NC 27577

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



Result 1

id: 05G01201C
Tag: 05G01201C
Owner Name 1: FNC NINETY, LLC
Owner Name 2:
Mail Address 1: 5323 SPRING VALLEY RD STE
250
Mail Address 2:
Mail Address 3: DALLAS, TX 75254-2497
Book: 04991
Page: 0541

Result 2

id: 05G01201
Tag: 05G01201
Owner Name 1: MOHAMED & SONS INC
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 1236
Mail Address 3: SMITHFIELD, NC 27577-0000
Book: 02977
Page: 0750



Scale: 1:7593 - 1 in. = 632.76 feet
(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)



*** DISCLAIMER ***

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

Result 3

Id: 05G01201B
Tag: 05G01201B
Owner Name 1: BODDIE NOELL ENTERPRISES
INC
Owner Name 2:
Mail Address 1: 1021 NOELL LANE
Mail Address 2: P O BOX 1908
Mail Address 3: ROCKY MOUNT, NC 27804-1908
Book: 03408
Page: 0521

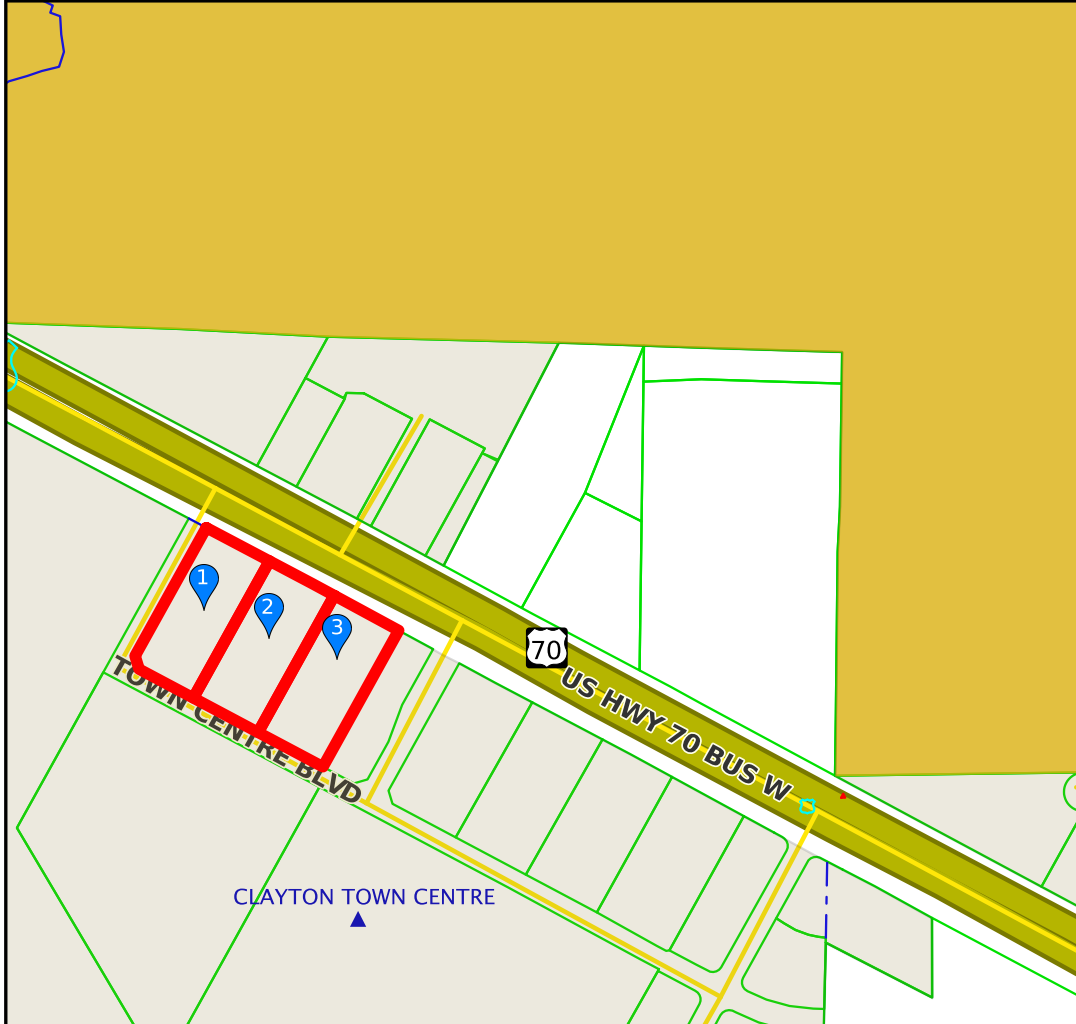
Result 4

Id: 05G01201A
Tag: 05G01201A
Owner Name 1: WH CAPITAL LLC
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 6450
Mail Address 3: NORCROSS, GA 30091-0000
Book: 02592
Page: 0959



*** DISCLAIMER ***

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



Result 1

id: 05G02001H
Tag: 05G02001H
Owner Name 1: LEVINSON, JAMES R.
Owner Name 2:
Mail Address 1:
Mail Address 2: P O BOX 117
Mail Address 3: BENSON, NC 27504-0117
Book: 03680
Page: 0193

Result 2

id: 05G02001G
Tag: 05G02001G
Owner Name 1: CAROLINA PARK LLC
Owner Name 2:
Mail Address 1: 109 ELWAY DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27527-5583
Book: 04541
Page: 0642



Scale: 1:5030 - 1 in. = 419.16 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, 2019



*** DISCLAIMER ***

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

Result 3

id: 05G02001F

Tag: 05G02001F

Owner Name 1: PCG ENTERPRISES OF
CLAYTON LLC

Owner Name 2:

Mail Address 1: 12905 HIGHWAY 70 WEST

Mail Address 2:

Mail Address 3: CLAYTON, NC 27520-0000

Book: 02571

Page: 0265

PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on Monday December, 16, 2019, at 6 PM at Town Hall, 111 East Second Street, to consider the following rezoning requests:

- 2019-230-RZ – Grand Plaza Rezoning – requested zone change from Highway-Business Special Use District (B-3 SUD) to Highway Business (B-3) to remove the Special Use District overlay. The subject property is located at 13024 US Hwy 70 Business; TAG# 05G01201C.
- 2019-229-RZ – JAK Holding Rezoning – request to rezone from Residential Estate (R-E) to Highway Business (B-3). The subject property is located at 1600 Old US Hwy 70; TAG# 05G01015A.

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.

Jeff Caines, AICP, Planner
919-553-5002

Johnsonian Newspaper

Please advertise on the following dates:
December 4, 2019
December 11, 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: Grand Plaza Address or PIN #: 164900-97-1724

AGENT/APPLICANT INFORMATION:

David Stowe
(Name - type, print clearly)

5440 Wade Park Boulevard - Suite 200
(Address)
Raleigh, NC 27606
(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 request for Grand Plaza

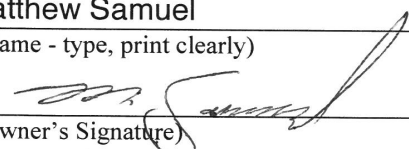
Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

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:

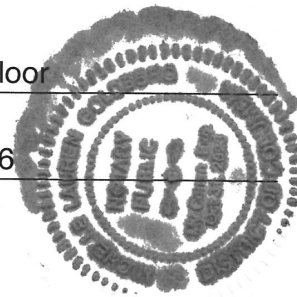
Matthew Samuel
(Name - type, print clearly)

1875 K St. NW - 4th Floor
(Address)


(Owner's Signature)

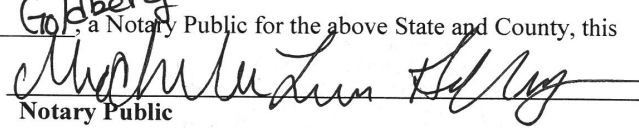
Washington, DC 20006
(City, State, Zip)

District
STATE OF Columbia
COUNTY OF _____



Sworn and subscribed before me Michelle Lauren Goldberg, a Notary Public for the above State and County, this the 29 day of October, 2019.

SEAL


Notary Public

My Commission
Expires:

Oct. 31, 2023

July 2018

10 of 10

TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
Rezoning

2019-230-RZ Grand Plaza Rezoning

On November 25, 2019 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

☒ approve the request, ~~with the conditions presented by staff~~;

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

☐ deny the request.

Recommendation(s) made this 25th day of November 2019 while in regular session.

Signed:



Robert J. Ahlert, Planning Board Chair



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

*Planning Board, 11/25/19
Town Council, 12/16/19*

STAFF REPORT

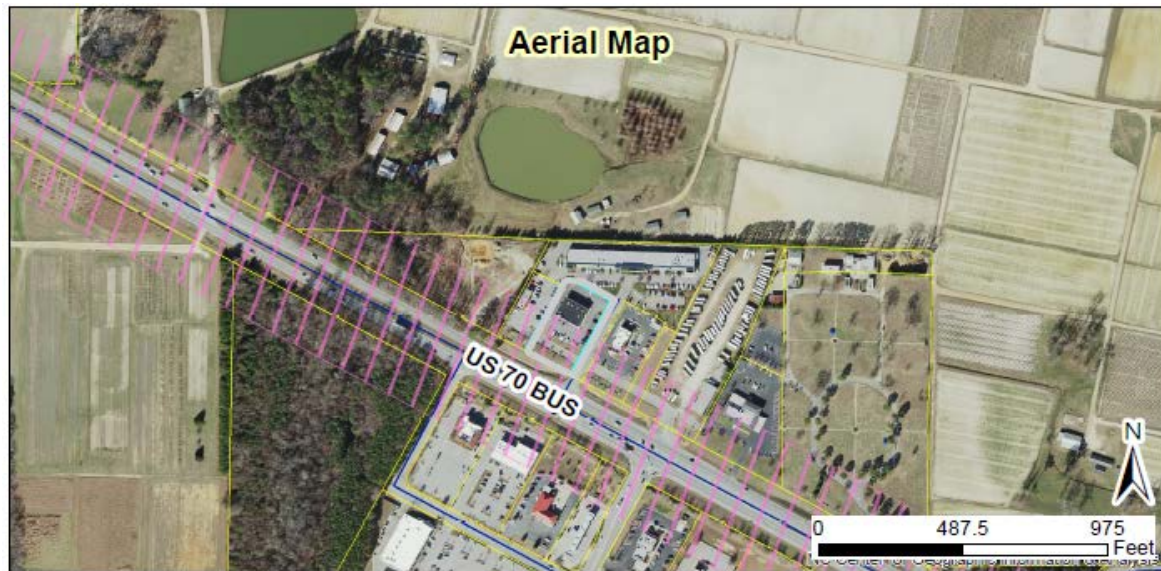
Application Number: 2019-230-RZ Project Name: Grand Plaza – Rezoning

TAG #(s): 05G01201C
Town Limits/ETJ: Town of Clayton
Applicant: FNC Ninety, LLC
Owner: FNC Ninety, LLC
Location: 13024 US Hwy 70 Business, Clayton, NC 87520
Project Planner: Jeff Caines, Planner

Public Noticing Dates:

- **Neighborhood Meeting:** November 14, 2019
- **Sign posted:** November 15, 2019 / December , 2019
- **Adjacent Property Letters Mailed:** November 15, 2019 / December , 2019
- **Newspaper Ad published:** December 6, 2019

REQUEST: Rezoning from B-3-SUD to B-3.



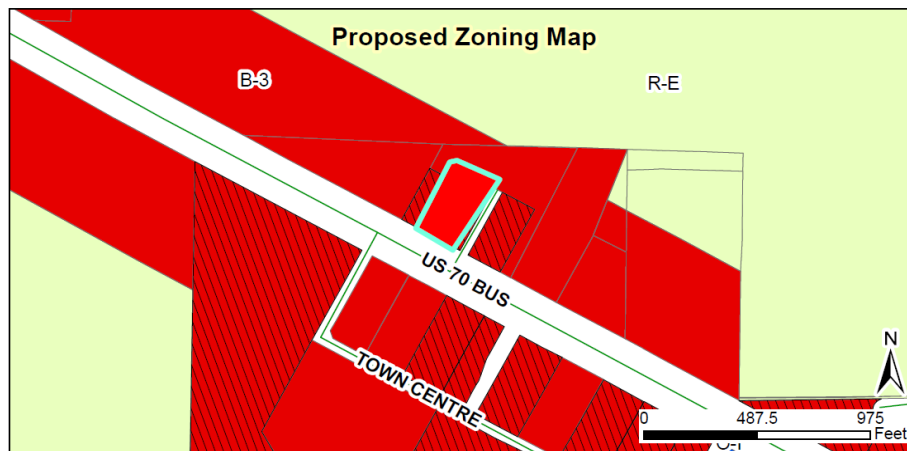
Page 1 of 4

SITE DATA:

Acreage: 1.15 acres
Existing Use: Commercial / Shopping Center

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	B-3	Commercial / Shopping Center
South	B-3	Commercial / Shopping Center
East	B-3-SUP	Commercial / Fast Food
West	B-3-SUP	Commercial / Fast Food



STAFF ANALYSIS AND COMMENTARY:**Overview**

The site is located on US 70 Business and is intended to serve the entire community. The applicant is requesting to remove the Special Use District (SUD) and have the site retain its current underlying zone of B-3. The site is currently developed with a commercial retail and service building. The B-3 zoning district allows for opportunities for offices, service uses, and businesses retailing durable and convenience goods for the community as a whole. The applicant is requesting the removal of the SUD in order to accommodate a chiropractic clinic in the building. A chiropractic clinic is classified as an Office, Medical use and is a Permitted use in the B-3 zoning district. The removal of the SUD will allow the applicant and future applicants to work directly with Town staff for zoning compliance rather than each use being approved by Town Council as stated in Section 155.200(C)(4). In addition, the proposed rezoning would not affect the status and land uses of the existing businesses due to the fact that they are already allowed in the B-3 zoning district as a permitted use.

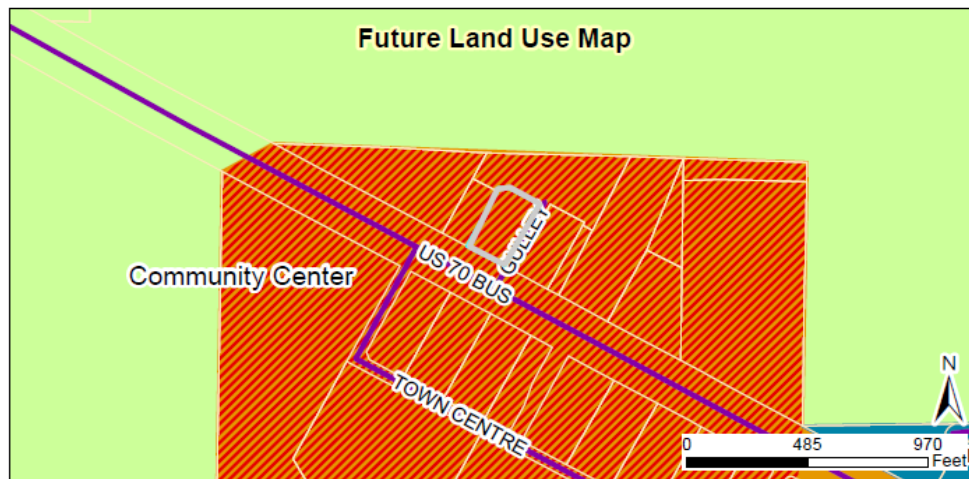
Consistency with the Comprehensive Plan 2040

The proposed removal of the Special Use District on this parcel is consistent with the Comprehensive Plan designation of Community Center. The objective of the community center is to serve the larger community and to be located on a major thoroughfare. In this specific case the chiropractic medical service does serve a larger

community base and is located on a major thoroughfare, specifically US Highway 70 Business. The Compatible Zoning Districts identifies Community Center (CC) as a compatible Use with the B-3 zoning district. It should also be noted that sites surrounding the subject property also have the same Comprehensive Plan and Zoning Districts, therefore the proposed rezone is compatible with the surrounding properties.

Comprehensive Plan Goals supporting the rezoning request include:

- Goal LU2: Encourage quality development which maximizes existing infrastructure, promotes walking and biking, and enhances travel safety.
- Objective LU2.1: Promote location and intensity of development that mitigates impacts to the transportation network and leads to reduced vehicle trips and/or shorter trip lengths, enhanced circulation, and increased public safety.



CONSIDERATIONS:

- Rezoning is 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.

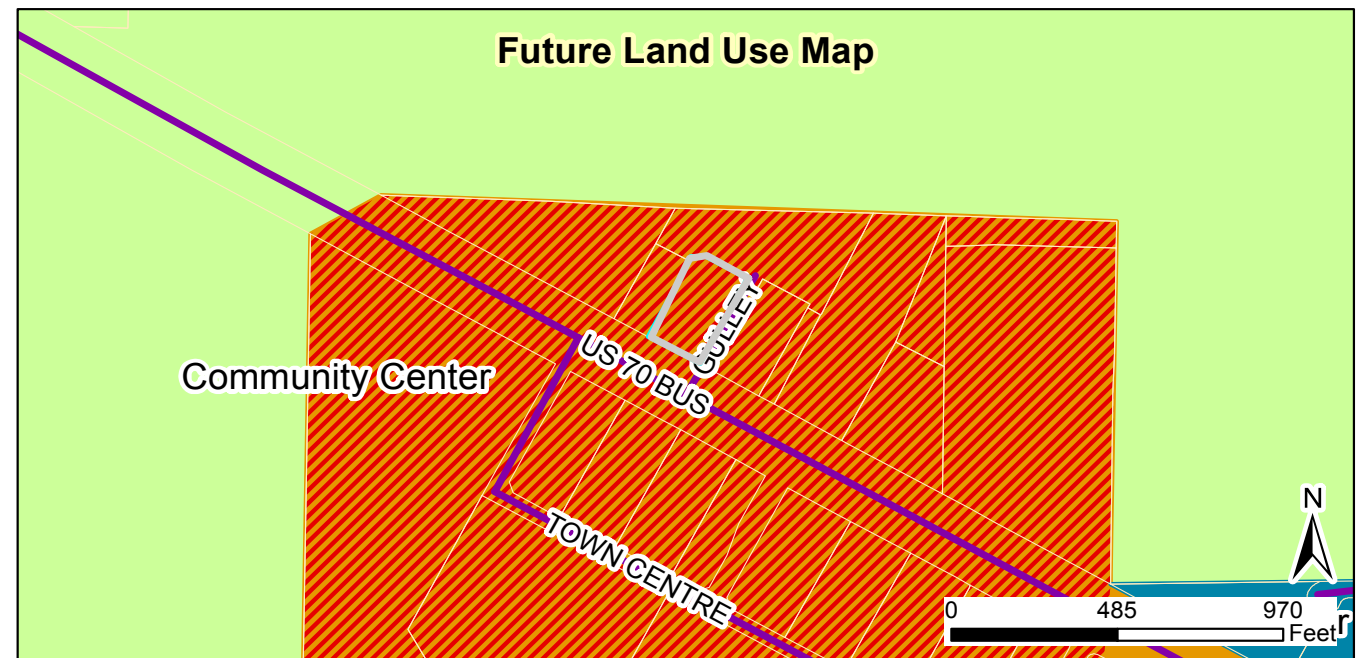
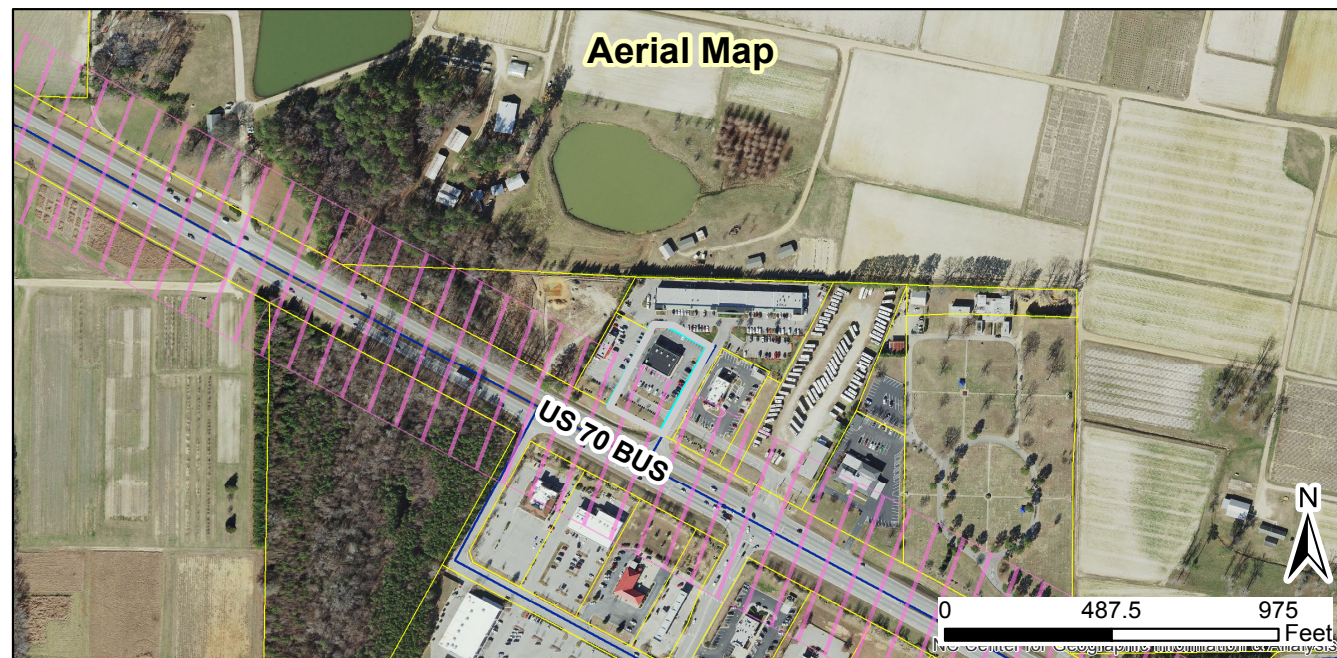
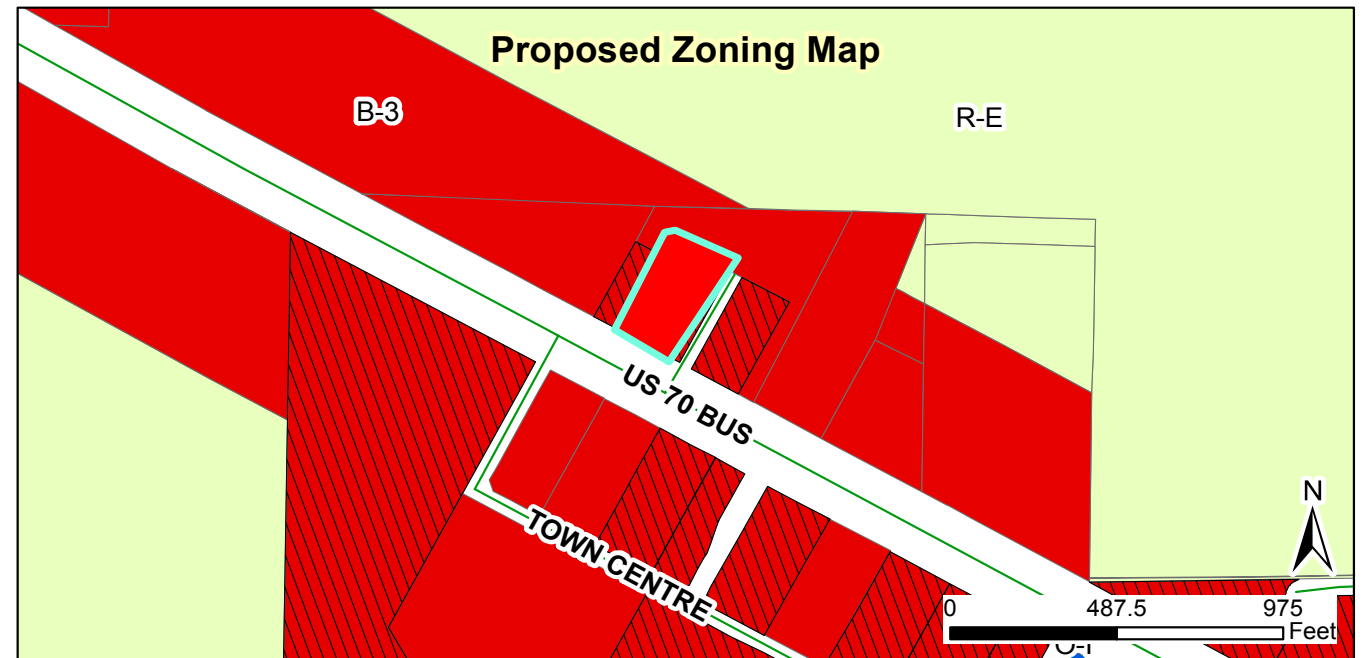
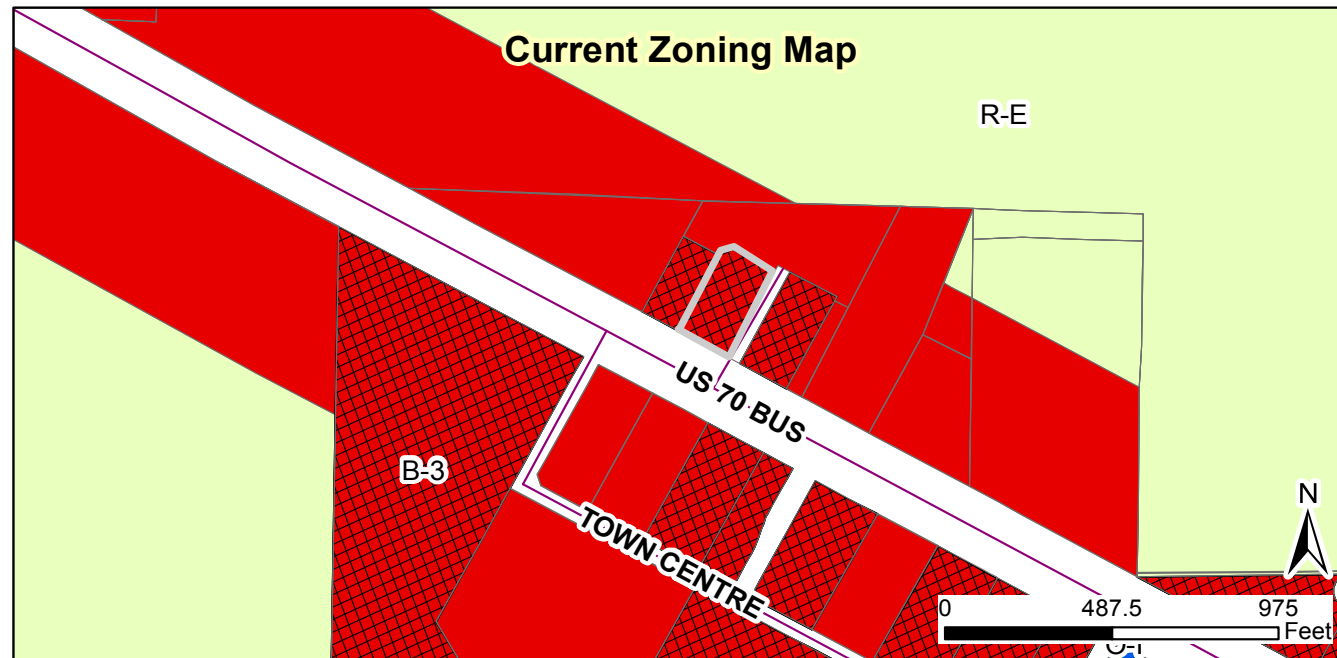
STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed rezoning request.

ATTACHMENTS:

- 1) Application

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



**Request:
2019-230-RZ, Grand Plaza Rezoning
Request to Rezone Existing B-3-SUD to Proposed Zoning to B-3**

Applicant: FNC Ninety, LLC
Property Owner: FNC Ninety, LLC
Tag #: 05G01201C

Staff Report Map



Document Path: O:\PLANNING\REZONING\Rezoning\2019\2019-230-RZ - Grand Plaza\Public Notice\Staff Report Map - 2019-230-RZ - Grand Plaza Maps.mxd

Legend

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

11/15/2019
Produced by: TOC Planning
Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.



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

December 6, 2019

NOTICE

SUBJECT: **Project:** 2019-230-RZ Grand Plaza, Rezone
 Address: 13024 US HWY 70 Business / corner of US HWY 70 Bus and Gully Drive
 TAG #: 05G01201C
 Applicant: FNC Ninety, LLC

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold a public hearing on **December 16, 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 1.15 acres from B-3 SUD to B-3. Please see the map on the back of this letter.

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

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

Sincerely,

Jeff Caines, AICP - Planner

**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] **Case # 2019-230-RZ – Grand Plaza**

[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
2019-230-RZ
Grand Plaza Rezoning**

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

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

WHEREAS said property is owned by FNC Ninety, LLC; 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 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 December 16, 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 B-3 (Highway-Business) zone the following described property:

General Description:

Property is located at 13024 US Hwy 70 Business.

Specific Description:

NC Parcel Identification Numbers: 164900-97-1724

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

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

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

DULY ADOPTED by the Clayton Town Council this 16th day of December, 2019 while in regular session.

Jody McLeod
Mayor

ATTEST:

Heidi L. Holland
Deputy Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

December 16 2019

Agenda Location

Public Hearings

Item Title

2019-183-SUP Clayton Storage

Presenter

Haley Hogg, Planner II

Summary/Description

Request for issuance of a Special Use Permit to utilize the property for accessory limited outdoor storage, which requires a Special Use Permit in the B-3 zoning district. This outdoor storage would include the storage of RVs and boats under outdoor storage structures. The outdoor storage would be an accessory use to an existing self-storage facility that was approved to expand via an associated Conditional Use Permit issued by Planning Board on November 25, 2019. The Planning Board also approved an associated Major Sit Plan for the expansion. The accessory limited outdoor storage was shown on the associated site plan but is only permitted per issuance of this Special Use Permit. The property is located with access off US HWY 70 BUS, adjacent to Clayton Crossings and Meineke.

Requested Action

Other

Request to continue this item to the January 6, 2020 public hearing date; applicant is unable to attend 12/16 hearing due to scheduling conflicts

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application
Owner's Consent Form
Adj. Property Letter
Newspaper Ad

Meeting Timeline

December 16, 2019- Town Council Hearing
January 6, 2020- Town Council 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

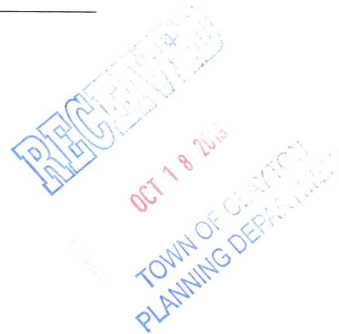
Name of Project: Clayton Storage Date: October 17th, 2019
Applicant Name: 10 F Pursuit, LLC

The following checklist to be completed by applicant:

- [☒] Pre-Application Meeting on: 5/8/2019
[☒] 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)
N/A [☐] 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
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

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: Clayton Storage

Acreage of Property: 2.49 Zoning District: B-3

County Tag #: 05025003B NC Pin #: 165915-62-4541

Address/Location: No address listed on Johnston County GIS

Existing Use: Vacant Proposed Use: Covered outdoor RV Storage

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: 10 F Pursuit, LLC

Mailing Address: 5400 Glenwood Ave., Suite G-11, Raleigh, NC 27612

Phone Number: 919-977-4457 Fax: _____

Contact Person: Clifton Minsley

Email Address: Cliff@10Federal.com

OFFICE USE ONLY

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

Name: Michael Lynn Marvel Revocable Trust under contract w/10 F Pursuit, LLC

Name: Michael Lynn Marvel Revocable Trust under contract w/10 F Pursuit, LLC

Mailing Address: 2127 Willow Hill Ln., Clayton, NC 27520-5943

Phone Number:

Email Address:

Fax:

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

The proposed development is an expansion of an existing non-climate controlled self-storage facility located at 11573 US-70 Highway. The development will consist of two RV storage canopy structures and an un-manned rental kiosk of approximately 200 square feet at the entrance to the site.

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...

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 proposed development will be a secured facility, with controlled entry and exit points. There will be no storage of hazardous materials or products.

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 development is designed using all sections of the Town of Clayton UDC, as well as state and county development regulations related to stormwater control and construction.

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.

The adjacent parcels is currently being used as a self-storage facility, and the proposed development is an expansion of that facility. All adjacent properties are already developed and have separate access to the public transportation system. The proposed development will use existing infrastructure and will not impact adjacent properties since the proposed use matches the existing use.

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 proposed use is allowed within the existing B-3 zoning district in the Town of Clayton. No variance from the current Town plan is being requested.

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.

Clifton Minsley
Print Name

Signature of Applicant

8-1-19
Date

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the Neighborhood Meeting is to inform the surrounding property owners of the nature of the proposed land use and/or development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The meeting must be held at least ten (10) calendar days prior to the 1st Public Hearing Meeting.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request. The meeting space must be able to comfortably accommodate everyone that receives an invitation.

Meeting Notice Mailing requirements:

1. The applicant must contact all adjacent property owners via first class mailing (see sample letter).
2. The mailing must include all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property.
3. The notice must be mailed at least ten (10) calendar days but not more than twenty-five (25) days prior to the date of the Neighborhood Meeting.

Information required to be provided at the Neighborhood Meeting:

At a minimum, the following materials must be present and discussed at a Neighborhood Meeting:

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

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined.

Deliver the following items to the Planning Department at least ten (10) calendar days prior to the 1st Public Hearing Meeting in electronic or hard copy format:

- | | | |
|---------|-------------------------------------|---|
| | ☒ | Adjacent Property Owner's List (aka "mailing list") <i>Should be submitted with original application packet</i> |
| | ☒ | Copy of the letter mailed <i>Should be submitted with original application packet</i> |
| Pending | ☐ | Attendance Roster (aka "sign-in sheet") <i>Submit no later than 10 days prior to 1st public meeting date</i> |
| Pending | ☐ | Neighborhood Meeting Summary Form with minutes (see below) <i>Submit no later than 10 days prior to the 1st public meeting date</i> |

ADJACENT PROPERTY OWNERS LIST

Project Name: Clayton Storage

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

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

PARCEL NUMBER	NAME	ADDRESS
165919-62-0143	Amelia Village Ph 1, LLC	701 Exposition Pl, S-101, Raleigh, NC 27615
165915-62-0894	Marvel Management, LLC	2127 Willow Hill Ln, Clayton, NC 27520
165915-62-2969	MDC NC 2, LLP	11995 El Camino Real San Diego, CA 92130
165915-62-4941	Larry N. Durham & Patricia Durham	1198 Peele Rd. Clayton, NC 27520
165915-62-5727	Spirit Master Funding VI, LLC	2727 N. Harwood Se, S-300 Dallas TX 75201
165915-62-6677	NKHBM LLC	23 Glen Laurel Rd., Clayton, NC 27527
165919-62-8147	Clayton Crossing Holdings, LLC	P O Box 1354, Clayton, NC 27528
165919-62-5216	Clayton Crossing Association	P O Box 534, Kittrell, NC 27544
165915-62-7594	Clayton Crossing Association	P O Box 534, Kittrell, NC 27544
165919-62-5338	Guo, Chunzhi & Zhang, Beirong	115 Stablegate Drive, Cary, NC 27513
165919-62-5346	CTA LLC	P O Box 534, Kittrell, NC 27544
165919-62-5373	Zheng, Mei Hua	1013 Murray Ave, Cherry Hill, NJ 08002
165919-62-5365	Hewitt, James M	108 Lemar Dr., Garner, NC 27529
165919-61-5968	Town of Clayton	P O Box 777, Clayton, NC 27528



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: Clayton Storage **Address or PIN #:** 165915-62-2628
165915-62-4541

AGENT/APPLICANT INFORMATION:

Garry Walston
(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*):

Major site plan application

Special Use Permit

Conditional use application

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:

Clifton Minsley
(Name - type, print clearly)

5400 Glenwood Ave. Suite G-11
(Address)

Cliff Minsley
(Owner's Signature)

Raleigh, NC 27612
(City, State, Zip)

STATE OF N.C.
COUNTY OF Wake

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this _____ day of _____, 20____.

SEAL



April 2019

Sandi Beltrami
Notary Public

My Commission
Expires:

April 24, 2022

10 of 10



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

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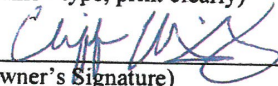
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Clifton Minsley
(Name - type, print clearly)

5400 Glenwood Ave. Suite G-11
(Address)


(Owner's Signature)

Raleigh, NC 27612
(City, State, Zip)

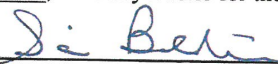
STATE OF N.C.
COUNTY OF WAKE

Sworn and subscribed before me the _____ day of _____, 20____, a Notary Public for the above State and County, this

SEAL



April 2019


Notary Public

My Commission
Expires:

April 24, 2022

10 of 10

Public Notice

In accordance with NC GS 160A-364, the Clayton Town Council will conduct an evidentiary hearing on Monday, December 16, 2019 at 6 PM in the Town Council Chambers in Town Hall, located at 111 E. Second Street to consider 2019-183-SUP Clayton Storage Special Use Permit- Request to allow the accessory use of "Limited Outdoor Storage" on the subject parcel. Per UDC requirements this use is only permitted in this district via issuance of a Special Use Permit. The property is zoned Highway-Business (B-3) and is located off US HWY 70; TAG #: 05025003B

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.

Haley Hogg, Planner II
919-553-5002

The Johnstonian

Please advertise on the following dates:
Wednesday, December 4, 2019
Wednesday, December 11, 2019

Affidavit of publication required.



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

December 3, 2019

NOTICE

SUBJECT: **Project:** 2019-183-SUP Clayton Storage Special Use Permit
Location: US HWY 70 BUS
Tag #: 05025003B
Applicant: 10 F Pursuit LLC

Dear Clayton Area Property Owner:

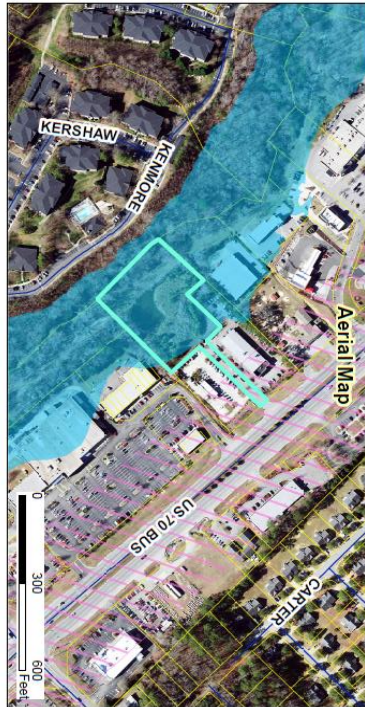
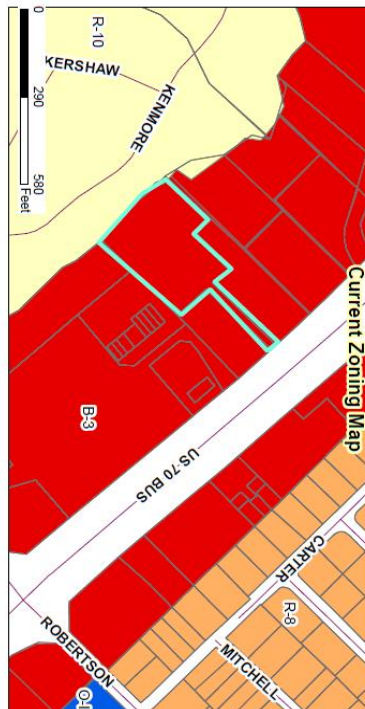
Notice is hereby given that the Clayton Town Council will hold an evidentiary hearing on **Monday, December 16, 2019 at 6:00 PM** at Town Hall, 111 E Second Street, to consider the above referenced Special Use Permit application. The applicant is requesting issuance of a Special Use Permit to allow the accessory use of limited outdoor storage on the subject property. The outdoor storage would include boats and RVs which would be stored under outdoor storage structures. Per the Unified Development Code, the accessory use of limited outdoor storage is only permitted in this zoning district (Highway-Business B-3) via issuance of a Special Use Permit. Please see the map on the back of this letter for the location of the parcels.

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, AICP, CZO
Planner II



Clayton Storage
2019-183-SUP
Request: Permit limited outdoor storage as an accessory use
 Applicant: 10 T Fursuit LLC
 Property Owner: Michael Lynn Marvel Revocable Trust
 Tag #: 050250036

Staff Report Map



Downloaded from: C:\P\ANNOS\STAFF\REPORT\2019-183-SUP - Clayton Storage\Staff Report Map\Staff Report Map - 2019-183-SUP - Clayton Storage - Mr. Johnston.sld

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

Prepared by: TCC Planning
 Date: 12/03/19
 Disclaimer: Town of North Johnston and its staff assume no responsibility for the quality of the data.

RCR



Town Council Agenda Cover Sheet

Meeting Date

December 16 2019

Agenda Location

New Business

Item Title

2020 Clayton Chamber of Commerce Harvest Festival and Shindig Dates

Presenter

Dana Wooten, Clayton Chamber of Commerce President/CEO

Summary/Description

In 2020 the Chamber of Commerce would like to hold the Harvest Festival the week of Sunday, October 25. That week will put the Saturday event, which is the largest and longest of the week, on Halloween (October 31). We recognize that this will put additional strain on Town resources and we have worked out preliminarily how to provide additional monetary resources in 2020 to help offset some of those costs.

Action: Allow the Chamber of Commerce to hold the Harvest Festival the week of Sunday, October 25, 2020 and the Clayton Mid-Day Rotary to hold the Shindig on Saturday, October 31, 2020

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

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

Click or tap here to enter text.



Town Council Agenda Cover Sheet

Meeting Date

December 16 2019

Agenda Location

New Business

Item Title

Budget Amendments

Presenter

Robert McKie, Finance Director

Summary/Description

The Finance Director will present two budget amendments to provide additional startup funding for professional services related to the construction of the Neuse River Water Reclamation Facility. The Town intends to appropriate system development fees to cover these expenses.

Requested Action

Approval

Funding Source (If Applicable):

System Development Fees: \$500,000

Cost: Yes ☒ No ☐

Additional Documents to be Included in Agenda Packet

SDF Capital Reserve Fund Budget Amendment

Neuse River Water Reclamation Facility Capital Project Budget Amendment

Meeting Timeline

[Click or tap here to enter text.](#)

Town of Clayton
Amendment to the FY 19-20 Budget

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

Fund: SDF Capital Reserve Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenue			
505-48-99	Fund Balance Appropriated \$3,386,850	+500,000	\$3,886,850
Expenditures			
505-59-23	Transfer to Capital Project Fund -	+500,000	\$500,000

Amendment necessary to transfer funds received from system development fees in the prior fiscal year to the Neuse River Water Reclamation Facility Capital Project Fund for professional services related to construction of the facility, which is required for compliance with G.S. 162A-211(d).

Duly adopted this 16th day of December 2019 while in regular session.

Jody L. McLeod
Mayor

Attest:

Heidi L. Holland
Deputy Town Clerk

Town of Clayton
Amendment to the Capital Project Budget Ordinance

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the Neuse River Water Reclamation Facility Capital Project Budget Ordinance:

Fund: 641 – Neuse River Water Reclamation Facility

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Revenues			
641-48 91	Transfer from Reserve Fund \$-	+500,000	\$500,000
Expenditures			
641-56 00	Professional Services \$-	+500,000	\$500,000

Explanation: Amend the capital project budget ordinance for professional services related to construction of the facility. This amendment is required for compliance with G.S. 159-13.2 and G.S. 162A-211.

Duly adopted this 16th day of December 2019 while in regular session.

Jody L. McLeod
Mayor

Attest:

Heidi L. Holland
Deputy Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

December 16 2019

Agenda Location

New Business

Item Title

Updates to Water & Wastewater Allocation Policy

Presenter

Rich Cappola, PE – Public Services Director

Summary/Description

Currently the Town controls 4.9 Million Gallons per Day (MGD) of total wastewater treatment capacity. That consists of 2.5 MGD at the Town-owned and operated Little Creek Water Reclamation Facility (LCWRF), 1.4 MGD within the Johnston County Utilities plant, and a lease agreement with the City of Raleigh for 1.0 MGD.

The LCWRF is approaching its useful life and the Town is now in the early stages of design for a new 6 MGD facility, which will be called the New Neuse River Water Reclamation Facility. That project, however, will take several years to complete. Until that future facility is available, Town Council has expressed a desire to examine how the Town can manage the available capacity that can be allocated to new development. Staff spent considerable time updating the Town's Water & Wastewater Allocation policy, which had last been revised in 2010. The new policy includes a point-based system for proposed developments proposed to assist in wastewater allocation decision-making going forward.

Requested Action

Place on Consent Agenda

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Wastewater Allocation Score Sheet
Draft 2019 Wastewater Allocation Policy

Meeting Timeline

To be approved under Consent at the January 6, 2020 Town Council meeting

WATER & WASTEWATER ALLOCATION CRITERIA

TOTAL POINTS = 0 MINIMUM 50 POINTS REQUIRED

	Category	Points	Calc.	Notes
DEVELOPMENT TYPE	Government/Public Admin./Public Safety	50		
	Non-residential (Commercial) - Retail & Restaurant	30		
	Non-residential (Commercial) - Office	20		
	Non-residential (Commercial) - Warehouse	15		
	Non-residential (Commercial) - Medical	25		
	Non-residential (Commercial) - Hotel/Motel	35		
	Industrial/Manufacturing	30		
	Institutional	15		
	Residential Existing Lot- Single Family Detached	40		Individual Lot construction
	Residential Subdivision - Single Family Detached (> 0.25 Acre Lots	20		Single Family Homes on Individual Lots greater than 0.25 acres
	Residential Subdivision - Single Family Detached (< 0.25 Acre Lots	15		Single Family Homes on Individual Lots less than 0.25 Acres
	Residential Subd.- Single Family Attached (< 1,500 SF Heated Spac	10		Townhomes with heated square-footage greater than 1,500 SF
	Residential Subd.- Single Family Attached (> 1,500 SF Heated Spac	5		Townhomes with heated square-footage less than 1,500 SF
	Residential - Multifamily (Apartments)	10		
	Mixed-Use	30		
	Downtown Redevelopment	30		
	Infill Development	25		Utilities already exist within 300 Feet of property
	<i>All Other categories</i>			<i>Subject to Town discretion</i>
FUTURE TAX STATUS	Exempt	0		
	Residential	5		
	Non-residential	10		
	Industrial	10		
COMMUNITY BENEFIT BONUS POINTS	Cultural Arts/Entertainment for Public	10		
	Sports/Recreation for Public	10		
	Town Electric Customer	20		
	Expansion of existing non-residential use	10		
	Residential Subdivision - Additional amenities included	5 - 15		Pool, Clubhouse, sports courts, etc. - 5 pts per, max 15 pts
	Job Creation - 0 to 25 new jobs	5		
	Job Creation - 26 to 100 new jobs	10		
	Job Creation - 100+ new jobs	15		
	Residential - Multiple-Car Garages provided	5		
	Residential - Overflow Parking provided	5		
	Masonry Elements included in Building Construction	10		
	Sustainable/High Efficiency Products and appliances used	5 - 15		5 pts per, max 15 pts
	Private trail connection to Public Greenway	10		
COMMUNITY IMPACT DEDUCT POINTS	Pump Station Improvements required	-10		
	New Pump Station Required	-20		Subject to Town policy and standards
	Out-of Town Status (After construction)	-10		
	Fee-in-lieu for improvements required	-10		
	Outside Fire District	-5		
	Inconsistent with Comp Plan	-5		

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

I. Purpose

The Town of Clayton has invested substantial capital in the infrastructure necessary to support a growing, prosperous, and healthy community. Water supply and wastewater treatment capacities are among the most important elements of this infrastructure. The intent of this policy is to provide for the judicious allocation of these resources in conformity with adopted goals and priorities in an effort to shape the community consistent with the articulated vision to become the "Premier Community for Active Families."

II. Scope

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

III. Policy

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

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

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

Due to weather related factors, the regulatory environment, and the dynamic nature of wastewater flow and treatment, accounting of available utility capacity is, by its very nature, inexact. The Town of Clayton shall track allocation reservations granted and the amount of capacity available. Such reports

do not constitute a policy statement, commitment or guarantee on the amount of capacity available for allocation.

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

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

Evaluation of projects will be based on the scoring rubric attached hereto as Exhibit A, which is incorporated in this Agreement by reference. A project must meet or exceed 50 points to receive an allocation. Proposed projects can gain BONUS POINTS by the applicant agreeing to provide items over and above the UDC or Standard Specification requirements for their development proposal. The Town of Clayton may allocate utility service capacity to competing projects based on a demonstrated intent and ability of the applicant to meet adopted Town goals and plans for character and quality of development. The Town of Clayton reserves the right to deny a utility allocation request if the applicant fails to adequately demonstrate that the project meets adopted Town goals or plans, or in the case that the project is deemed to be less supportive of Town goals or plans of a competing project.

IV. Procedure

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

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

application is denied, the Town Manager or their designee shall state in writing the reasons for denial of the request.

V. General Conditions

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

V. Appeals Process

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



Town Council Agenda Cover Sheet

Meeting Date

December 16 2019

Agenda Location

New Business

Item Title

Downtown Mural Program Guidelines & Application

Presenter

Stacy Beard, Public Information Officer

Summary/Description

The Town of Clayton continues to make a name for itself as a community that supports and fosters appreciation of the arts. From its rotating downtown Sculpture Trail program, now 7 years strong, to its partnership with Clayton Visual Arts to fill the lobby of Town Hall with monthly art exhibits, to the annual arts grant, Clayton understands that investing in the arts goes well beyond aesthetics.

One art form gaining popularity is large-scale outdoor murals. Cities and towns across the country are finding that murals can serve to foster tourism, bring better business traffic, increase building occupancy, or eradication of blight. Murals are an investment in a town's unique identity, its cultural cohesiveness and sense of place.

Exploration of a mural program has been ongoing within town staff and town advisory boards for several years. They included research of a rotating mural project, similar to the Sculpture Trail, to the idea for a student-led initiative to paint downtown buildings. Now a set of guidelines and clear processes have been laid out to ensure dynamic, long-lasting, and promotable murals in Clayton's downtown core.

At this meeting, staff is requesting that Town Council appoint the Town of Clayton Public Art Advisory Board (PAAB) with oversight responsibility pertaining to the creation, review and approval of mural requests on privately-owned non-residential buildings in the Economic Development Downtown District using the criteria and processes set forth in the attached guidelines and application. Mural designs on privately-owned buildings in the Town of Clayton would be approved through this Town of Clayton mural approval process. The process is very similar and is a combination of the structures already being used for the Sculpture Trail program and the Downtown Façade Grant program, which include a subcommittee of downtown and community stakeholders, including members of the Downtown Advisory Board, in guiding these improvements to our vibrant downtown.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Downtown Mural Program Guidelines & Application



DOWNTOWN MURAL PROGRAM

Eligibility, Guidelines, and Criteria

PURPOSE

Mural projects are an investment in cultural capital that goes far beyond tourism, improved aesthetics, better business traffic, increase in building occupancy, or eradication of blight. Murals are an investment in a town's unique identity, its cultural cohesiveness and sense of place.

Town Council has appointed the Town of Clayton Public Art Advisory Board (PAAB) with oversight responsibility pertaining to the creation, review and approval of mural requests on privately-owned non-residential buildings in the Economic Development Downtown District using the criteria and processes set forth below.

Applications for mural designs on privately-owned buildings in the Town of Clayton must be approved through the Town of Clayton mural application approval process.

DEFINITION OF MURAL

Any mosaic, painting, or graphic art or combination thereof which is applied to a building and not interpreted to be advertising by the Planning Director or their designee. Murals that contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, or other commercial message are considered advertising signs and must meet the requirements of the Town of Clayton's Unified Development Code.

ELIGIBILITY

- 1) The applicant must be the owner/tenant of a building/property located within the boundaries of the mural program, which is identified as the "Downtown Core" on the Town's adopted Future Land Use Map.
- 2) If the applicant is a tenant, they must have the owner's written permission with the application.
- 3) The property shall be classified as non-residential in Zoning and Use.

GUIDELINES

- 1) Improvements must conform to the Town of Clayton's Unified Development Code, North Carolina Building Code and other applicable plans and policies of the Town.
- 2) Murals may not detract from the architectural integrity and historic character of the primary facades of the building.
- 3) Theme / Design Criteria:
 - a. Murals must reflect the character, culture and/or history of Downtown Clayton;
 - b. Appropriate thematic and other relationships to the surrounding environment;
 - c. Readability and appropriateness of scale; and

- d. Content: No signage or subject matter that could be construed as advertising or political messages.
- 4) The building owner agrees to allow images and video of the completed murals to be placed on the Town of Clayton's web pages, social media, publications/videos and local media.

CRITERIA

- 1) The property owner must agree to complete the work within one calendar year from the date of approval and that all work is completed according to state and local building codes and ordinances, and approved, when necessary, by the proper authorities.
- 2) The property owner must agree to maintain the mural improvements set forth in the application. Owner maintenance includes but is not limited to not painting over, destroying, obscuring, or altering the mural. This provision may be waived if the building owner can demonstrate a hardship which requires the removal of the mural.
- 3) Once the mural is complete, an anti-graffiti coating shall be applied to protect it.
- 4) The artist and building owner must sign a contractual agreement regarding a waiver of proprietary rights and maintenance responsibilities of the mural during its lifetime. Maintenance shall include but is not limited to re-painting/touch-up painting to keep the art looking current and not faded, as determined by the Public Art Advisory Board.
- 5) The building owner must show the consent of adjacent property owners who face the wall or facade on which the mural will be displayed.

APPLICATION PROCESS

- 1) Applicant will complete the application, including mural plans/sketches and cost estimate.
- 2) Applications or questions shall be submitted to the Town of Clayton Economic Development Specialist at 919-359-9349 or info@TownofClaytonNC.org
- 3) Application review will include town staff and the Public Art Advisory Board. The Board will form a mural committee comprised of any one member of the Clayton Downtown Development Association, two members of the Public Art Advisory Board, one Clayton Downtown District Business owner, a representative from the Chamber of Commerce, and two members of the local art community. Their recommendation will then be presented to Town Council.
- 4) A notification letter will be sent to applicants concerning the approval or denial of the application within 45 days of receipt of a completed application.
- 5) An approval letter must be received **BEFORE** the mural is installed, at which time Economic Development staff will inspect completed work to verify installation is in accordance with the approval and program guidelines.



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

DOWNTOWN MURAL APPLICATION

The Mural Program is designed to enhance Downtown Clayton's unique identity and cultural cohesiveness.

PROJECT INFORMATION:

Name of Project: _____

Building Address: _____ Parcel Tag #: _____

Project Description (use additional sheets if needed
and include mural plans/sketches): _____

APPLICANT INFORMATION

Applicant: _____

I am the: ☐ Property Owner ☐ Tenant

Mailing Address: _____

Phone Number: _____ Fax: _____

Contact Person: _____

Email Address: _____

Length of Time at Address: _____ Length of Time
Remaining on Lease: _____

FOR OFFICE USE ONLY

Date Received: _____ Amount Paid: (no fee required) File Number: _____

PROPERTY OWNER INFORMATION

Name: _____

Mailing Address: _____

Phone Number: _____ Fax: _____

Email Address: _____

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany this application.

To be completed by the applicant:	Please Initial Below if complete or to indicate concurrence
1. A pre-application conference was held with Economic Development. Date: _____	
2. I understand <i>before</i> any work is begun on the project that this application <i>must</i> be reviewed and <i>approved</i> .	
3. Project plans, specifications, sketches, sizing, or other appropriate design information.	
4. I have read the attached information regarding purpose, eligibility, and process, and my project meets all criteria.	
5. Photograph(s) of existing conditions of the property.	
6. Samples of paint and material colors to be used for the mural.	
7. Cost estimates for the project.	
8. Owner's Consent Form (<i>required if applicant is not the property owner</i>).	
9. I understand I must receive all applicable permits, such as Zoning Compliance Permit, Sign Permit, and Building Permit, prior to beginning work.	
10. I understand the work must be completed within one calendar year from the date of approval and that all work is completed according to state and local building codes and ordinances, and approved, when necessary, by the proper authorities.	
11. I understand that I am responsible for the ongoing maintenance of improvements described here from the date of project completion or until such time as the building is sold.	
12. I acknowledge that the Town and PAAB are obligated only to administer the program procedures and are not liable to the applicant, owner or third parties for any obligations or claims of any nature growing out of, arising out of or otherwise related to the project or application undertaken by the applicant and/or owner. There is no principal/agent or employer/employee relationship between the Town, the PAAB, and the applicant and/or owner.	

APPLICANT / PROPERTY OWNER SIGNATURES

Applicant's Name (Print Name)

Signature of Applicant

Date

Property Owner's Name (Print)

Signature of Property Owner

Date

Please return completed application to the Town of Clayton, Attn. Economic Development, PO Box 879, Clayton, NC 27528, or in person at the Economic Development office at 111 E. 2nd St, Clayton NC 27520.

STAFF REVIEW *(the applicant should leave this section blank)*

This application has been reviewed by the following:

Economic Development Staff:

Name (print)

Signature

Date

Comments/Conditions:

Planning Department: Zoning Compliance Review (if applicable):

Name (print)

Signature

Date

Comments/Conditions:

Building Department: Inspector Review (if applicable):

Name (print)

Signature

Date

Comments/Conditions:

Public Art Advisory Board:

Committee Review:

Date

☐

Approved

☐

Denied

Comments/Conditions:



**Town of Clayton
Economic Development Department**

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

OWNER'S CONSENT FORM

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

Project Name: _____ **Address or PIN #:** _____

AGENT/APPLICANT INFORMATION:

(Name - type, print clearly)

(Address)

(City, State, Zip)

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

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

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

OWNER AUTHORIZATION:

(Name - type, print clearly)

(Address)

(Owner's Signature)

(City, State, Zip)

STATE OF _____

COUNTY OF _____

Sworn and subscribed before me _____, a Notary Public for the above State and County, this
the _____ day of _____, 20____.

SEAL

Notary Public

My Commission Expires: _____



Town Council Agenda Cover Sheet

Meeting Date

December 16 2019

Agenda Location

New Business

Item Title

Amendment to By-Laws - Library Advisory Board

Presenter

Heidi Holland, Deputy Town Clerk

Summary/Description

Per the unanimous recommendation of the Library Advisory Board on September 19, 2019, the board recommends changing the wording in the Bylaws regarding the recorder of the minutes. Approval of this will require the amendment of Section 32.060 of the Code of Ordinance to reflect this change.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Resolution

Meeting Timeline

Click or tap here to enter text.

**Resolution to Amend
Town of Clayton
Library Advisory Board By-Laws**

WHEREAS, the Clayton Town Council hereby adopts amendment to the Library Advisory Board By-Laws regarding the recorder of the meeting minutes to read as follows:

Amend By-Laws as follows:

(E) (2) *The Clayton Town Clerk or designee will record and transcribe the attendance and the minutes of the official meetings of the Library Board.*

Duly adopted by the Clayton Town Council this 16th day of December, 2019 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland
Deputy Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

December 16 2019

Agenda Location

New Business

Item Title

Code of Ordinance Amendment – Chapter 32

Presenter

Heidi Holland, Deputy Town Clerk

Summary/Description

Amendments to Chapter 32, Sections 060 and 117 in the Code of Ordinance regarding updates to the Recreation Advisory Board and Library Advisory Board By-Laws.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Red Line – Library Advisory Board By-Laws
Red Line – Recreation Advisory Board By-Laws
DRAFT – Library Advisory Board By-Laws
DRAFT – Recreation Advisory Board By-Laws
Ordinance

Meeting Timeline

Click or tap here to enter text.

§ 32.060 ESTABLISHMENT.

(A) *Establishment.* There is hereby established a Library Board of Trustees to be known as the Library Board.

(B) *Purpose.* The Library Board shall serve as an advisory body for the Library Department and the town. The Board shall serve as a liaison between the Library Department, Town Manager, Town Council, and citizens of the community. The Board shall consult with and advise the Library Director, Town Manager, Deputy Town Manager and Town Council in matters affecting library policies, programs, finances, and related issues.

(C) *Charges.*

(1) Recommend to the Library Director programs, policies, capital projects, library facility changes, and regulations for the operation of the library;

(2) Advise the Town Manager and Deputy Town Manager concerning the appointment of a Library Director;

(3) The Library Director will receive recommendations from the Board in the preparation of the annual budget of the library. The Library Director will provide an overview of the adopted budget to the Board; and

(4) Advise the town administration on library matters generally.

(D) *Members.*

(1) *Appointment.* The Library Board shall consist of ten members appointed by the Town Council. Seven members shall be chosen from within the corporate limits of the town and three from within the extra-territorial jurisdiction (ETJ). Prerequisite for appointment is all members have a library card.

(2) *Ex officio member.* The Town Council shall appoint a member to serve as an ex officio member and will serve concurrently with his term of office. The ex officio member will not have a vote on items coming before the Library Board.

(3) *Length of appointment.* A term for a three-year appointment begins January 1 and expires December 31. Appointments that are vacated shall be filled by the Town Council for the completion of the unexpired term.

(4) *Attendance of members.* An appointed member who, with no excuse, misses more than three consecutive regular meetings or a total of four such meetings during the year may lose his status as a member of the Board until reappointed or replaced by the Town Council. Absences to be excused should be reported to the Chair. Absences due to sickness, deaths or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Board except in the event of a long illness or other prolonged absence or a total of four misses, when a member may be replaced. Following three consecutive unexcused absences or a total of four excused absences during the year of one of its members, the Chair shall request the Town Council to declare the seat vacant and bring the Library Board back to full membership.

(E) *Meetings.*

(1) As a public body, the Library Board shall hold monthly meetings, and all of its meetings shall be open to the public (G.S. § 143-318.10).

(a) The meeting schedule is to be adopted before the end of the calendar year and filed with the Town Clerk and posted on the Town of Clayton website. (G.S. § 143-318.12).

(b) If the Board needs to amend its calendar, it must do so at least 48 hours before the meeting.

(2) The election of officers for the ensuing year shall take place at the regular Library Board meeting in January of each year. In the event an officer's appointment to the Library Board is terminated, a replacement to this office shall be elected by the Board from its membership at the meeting following the termination. Officers:

(a) *Chair.* Facilitate the meetings of the Library Board with a published agenda.

(b) *Vice Chair.* In the absence of the Chair, the Vice-Chair will facilitate the meeting of the Library Board with a published agenda.

(c) *Recorder.* ~~The Clayton Town Clerk or designee will r~~Record and transcribe the attendance and the minutes of the official meetings of the Library Board.

1. In accordance with G.S. § 143-318.10(e), the Library Board shall keep full and accurate minutes of all official meetings.

2. Minutes are to include the date, time and place of the meeting, members present and absent, a summary of points discussed, motions of the Board, and adjournment.

(3) Officers shall be elected for one-year terms with eligibility for re-election up to three consecutive terms. Mid-year replacement of officers shall serve for the period remaining in that term. New officers shall take office at the first meeting following the regular January meeting.

(4) In collaboration with the State Library of North Carolina, the Library Director shall complete the annual report on library operations (G.S. § 153A-266) to the Town of Clayton and an annual report to the Department of Cultural Resources as required by G.S. § 125-5. The Library Director will provide an overview of the report to the Board.

(5) Special meetings may be called by the Chair, Vice-Chair, or three or more members of the Board. In accordance with G.S. § 143-318.12, a written notice of the meeting stating its purpose is to be posted on the principal bulletin board or door of its usual meeting room; and mailed, emailed, or delivered to each media or individual requesting notice; and it must be posted on the town website prior to the scheduled meeting time.

(6) A quorum shall consist of a simple majority of the total membership of the Library Board. A quorum of the Library Board shall be in attendance before action of an official nature can be taken.

(F) *Committees*. The Chair shall have the authority, subject to the approval of the Library Board, to appoint such committees as may be deemed desirable to complete the work of the Board. Committees may be composed of Board members, library staff members, and perhaps others. No committee, either standing or special, can be given power to act for the Board; rather the committee investigates a particular matter and makes recommendations to the full Board. Committees will adhere to the open meetings and public records laws as followed by the Board.

(Adopted 10-2-89; Am. adopted 2-4-91; Am. Ord. 2012-12-01, passed 12-3-12; Am. Ord. 2013-03-01, passed 3-4-13; Am. Ord. 2014-10-03, passed 10-6-14; Am. Ord. 2015-12-01, passed 12-7-15; Am. Ord. 2017-08-06, passed 8-7-17; Am. Ord. 2018-07-02, passed 7-16-18)

RECREATION ADVISORY COMMITTEE

§ 32.115 ESTABLISHMENT; PURPOSE.

(A) *Establishment.* There is hereby created a Recreation Committee to be known as the Clayton Recreation Advisory Committee.

(B) *Purpose.* The Recreation Committee shall serve as the advisory body for the Department of Recreation and the town. The Committee shall suggest policies to the Department, the Town Manager, and the Town Council, within its powers and responsibilities as stated in this subchapter. The Committee shall serve as a liaison between the Recreation Department, Town Manager, Town Council, and citizens of the community. The Committee shall consult with and advise the Recreation Department, Town Manager, and Town Council in matters affecting recreation policies, programs, personnel, finances, and the acquisition and disposal of lands and properties related to the total community recreation program, and its long-range, projected program for recreation.

§ 32.116 POWERS AND DUTIES.

The Recreation Committee shall assume duties for recreation purposes and make recommendations as follows:

(A) For the establishment of a system of supervised recreation for the unit;

(B) To set apart for use as parks, playgrounds, recreation centers, water areas, or other recreation areas and structures, any lands or buildings owned by or leased to the unit, and for approval by the Town Council and may suggest improvements of such lands and for the construction and for the equipping and staffing of such buildings and structures as may be necessary to the recreation program within those funds allocated to the Recreation Department;

(C) Advise in the acquisition of lands and structures through gift, purchase, lease, or loan, or by condemnation through eminent domain, and as approved by the Town Council;

(D) Advise in the acceptance by the town of any grant, gift, bequest, or donation of any personal or real property offered or made available for recreation purposes and which is judged to be of present or possible future use for recreation. Any gift, bequest of money or other property, grant, or devise of real or personal property so acquired shall be held, by the town used, and finally disposed of in accordance with the terms under which such grant, gift, or devise is made and accepted; and

(E) Advise in the construction, equipping, operation, and maintenance of parks, playgrounds, of money or other property, grant, or devise of real or personal property so acquired shall be held, by the recreation centers, and all buildings and structures necessary or useful to Recreation Department function, and advise in regard to other recreation facilities which are owned or controlled by the town or leased or loaned to the town.

(F) Act, or formulate an Ethics Subcommittee, as necessary and beneficial to uphold the integrity of the Recreation Department including development of appropriate policies to support a pleasurable experience for participants and spectators, and to review and make decisions on appeals of decisions made by the Recreation Department with regards to upholding or enforcement of such policies.

(Ord. passed 1-21-03)

§ 32.117 MEMBERS.

(A) *Appointment.* There shall be ~~11~~⁵ members appointed by the Town Council. The membership should be as broadly representative of the community as possible. (Amend. adopted 10-2-89)

(B) *Ex officio member.* The Town Council shall appoint a member to serve as an ex officio member. The ex officio member will not have a vote on items coming before the Recreation Advisory Committee.

(C) *Length of appointment.* Each member shall be appointed for a three-year term. Initial appointments shall be arranged so that four members shall serve three-year terms, four members serve two-year terms, and four members serve one-year terms. The terms will expire each December 31, except for the representative from the Town Council who will serve concurrently with his term of office.

(D) *Vacancies.* Whenever a vacancy occurs on the Committee by resignation, death, or otherwise, it shall be filled without undue delay by the Town Council. The appointee shall serve for the duration of the unexpired term.

(E) *Removal of members.* Any one or more of the members of the Committee may be removed with or without cause, at any time, through a request of the Committee to the Town Council or directly by the Town Council.

§ 32.118 MEETINGS.

(A) *Regular meetings.* The Recreation Advisory Committee shall hold monthly meetings. (Amend. adopted 10-2-89)

(B) *Special meetings.* Special meetings may be called by the Chairperson or upon written request from a majority of the body.

(C) *Quorum.* A majority of the members shall constitute a quorum.

(D) *Order of business.* The order of business at regular meetings shall be as follows:

- (1) Reading of minutes of previous meetings.
- (2) Communications.
- (3) Report of Recreation Director and Chairperson.
- (4) Special reports.
- (5) Unfinished business.
- (6) New business.
- (7) Adjournment.

(E) *Absences.* The absence of any member from three consecutive regular meetings without leave except when such absence is made necessary by sickness or other similar cause ruled as emergency in nature, will declare vacant the seat of such member, in which event the vacancy so created shall be filled by the Town Council.

§ 32.119 OFFICERS.

(A) *Officers.* The election of officers for the ensuing year, a Chairperson and Vice-Chairperson, shall take place at the regular meeting in January of each year. A nominating committee of three members shall be appointed by the Chairperson at the December meeting (or before), to bring into the January meeting nominees for these offices.

(B) *Date of office.* The new officers shall take office at the regular February meeting each year.

(C) *Duties.*

(1) *Chairperson.* It shall be the duty of the Chairperson to preside at all meetings and to sign official papers.

(2) *Vice-Chairperson.* The Vice-Chairperson shall perform duties of the Chairperson in the absence of the latter.

§ 32.120 DIRECTOR OF RECREATION.

(A) The Director of Recreation shall serve as Secretary of the Recreation Advisory Committee. It shall be the duty of the Secretary to notify members of all meetings, to keep a permanent record of the proceedings of all meetings, and to have a copy of the proceedings of each meeting sent to each member.

(B) The Recreation Advisory Committee shall advise with the Director concerning the administration of the affairs of recreation. The Director shall be the agent of the Recreation Advisory Committee and to that end shall supervise the operation of all the Recreation Department's activities. The Director shall submit a detailed report of the activities and administration of the program of the Recreation Department to each regular meeting for the month prior to the meeting. A copy of this report shall be sent to each member and to the Town Manager.

§ 32.121 COMMITTEES.

(A) *Standing committees.*

(1) *Committee appointments.* Standing committees shall be appointed by the Chairperson at the regular February meeting of each year. Vacancies on the standing committees shall be filled by the Chairperson at any regular meeting.

(2) *Establishment.* Standing committees are as follows:

(a) Plans and Finance, composed of three members. It shall be the duty of the Plans and Finance Committee to assist in setting up the recommended program plan and budget for the ensuing fiscal year. It shall further be the responsibility of the Plans and Finance Committee to assist the Director of Recreation and the Chairperson of the Recreation Advisory Committee in

explaining and justifying the final drafts of the recommended budget and program plan to the Town Manager and Town Council.

(b) Facilities, composed of three members. This Committee will study the need, use, demand, and availability of areas and facilities (including water areas) and make recommendations on the acquisition, development, use, and operation of all areas and facilities owned, used, leased, or proposed to be acquired by the Recreation Department.

(c) Nominating, composed of three members. This Committee will present the slate of officers to be acted upon at the regular meeting in January.

(B) *Special committees*. Special committees may be appointed for such purposes as are deemed necessary.

(C) *Ex officio committee members*. The Chairperson and Director of Recreation shall be ex officio members of all committees and, as such, shall be notified of all committee meetings.

§ 32.122 ANNUAL REPORTS.

The Director of Recreation shall submit preliminary annual reports of the program and of finances at the regular meeting in July of each year. The final annual report will be rendered no later than the September meeting.

§ 32.123 AMENDMENT OF SUBCHAPTER.

All amendments to this subchapter must be proposed in writing within seven days of the next regular meeting and shall be acted upon at said next regular meeting.

§ 32.060 ESTABLISHMENT.

(A) *Establishment.* There is hereby established a Library Board of Trustees to be known as the Library Board.

(B) *Purpose.* The Library Board shall serve as an advisory body for the Library Department and the town. The Board shall serve as a liaison between the Library Department, Town Manager, Town Council, and citizens of the community. The Board shall consult with and advise the Library Director, Town Manager, Deputy Town Manager and Town Council in matters affecting library policies, programs, finances, and related issues.

(C) *Charges.*

(1) Recommend to the Library Director programs, policies, capital projects, library facility changes, and regulations for the operation of the library;

(2) Advise the Town Manager and Deputy Town Manager concerning the appointment of a Library Director;

(3) The Library Director will receive recommendations from the Board in the preparation of the annual budget of the library. The Library Director will provide an overview of the adopted budget to the Board; and

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(1) *Appointment.* The Library Board shall consist of ten members appointed by the Town Council. Seven members shall be chosen from within the corporate limits of the town and three from within the extra-territorial jurisdiction (ETJ). Prerequisite for appointment is all members have a library card.

(2) *Ex officio member.* The Town Council shall appoint a member to serve as an ex officio member and will serve concurrently with his term of office. The ex officio member will not have a vote on items coming before the Library Board.

(3) *Length of appointment.* A term for a three-year appointment begins January 1 and expires December 31. Appointments that are vacated shall be filled by the Town Council for the completion of the unexpired term.

(4) *Attendance of members.* An appointed member who, with no excuse, misses more than three consecutive regular meetings or a total of four such meetings during the year may lose his status as a member of the Board until reappointed or replaced by the Town Council. Absences to be excused should be reported to the Chair. Absences due to sickness, deaths or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Board except in the event of a long illness or other prolonged absence or a total of four misses, when a member may be replaced. Following three consecutive unexcused absences or a total of four excused absences during the year of one of its members, the Chair shall request the Town Council to declare the seat vacant and bring the Library Board back to full membership.

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(a) The meeting schedule is to be adopted before the end of the calendar year and filed with the Town Clerk and posted on the Town of Clayton website. (G.S. § 143-318.12).

(b) If the Board needs to amend its calendar, it must do so at least 48 hours before the meeting.

(2) The election of officers for the ensuing year shall take place at the regular Library Board meeting in January of each year. In the event an officer's appointment to the Library Board is terminated, a replacement to this office shall be elected by the Board from its membership at the meeting following the termination. Officers:

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(b) *Vice Chair.* In the absence of the Chair, the Vice-Chair will facilitate the meeting of the Library Board with a published agenda.

(c) *Recorder.* The Clayton Town Clerk or designee will record and transcribe the attendance and the minutes of the official meetings of the Library Board.

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(B) *Purpose.* The Recreation Committee shall serve as the advisory body for the Department of Recreation and the town. The Committee shall suggest policies to the Department, the Town Manager, and the Town Council, within its powers and responsibilities as stated in this subchapter. The Committee shall serve as a liaison between the Recreation Department, Town Manager, Town Council, and citizens of the community. The Committee shall consult with and advise the Recreation Department, Town Manager, and Town Council in matters affecting recreation policies, programs, personnel, finances, and the acquisition and disposal of lands and properties related to the total community recreation program, and its long-range, projected program for recreation.

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(C) Advise in the acquisition of lands and structures through gift, purchase, lease, or loan, or by condemnation through eminent domain, and as approved by the Town Council;

(D) Advise in the acceptance by the town of any grant, gift, bequest, or donation of any personal or real property offered or made available for recreation purposes and which is judged to be of present or possible future use for recreation. Any gift, bequest of money or other property, grant, or devise of real or personal property so acquired shall be held, by the town used, and finally disposed of in accordance with the terms under which such grant, gift, or devise is made and accepted; and

(E) Advise in the construction, equipping, operation, and maintenance of parks, playgrounds, of money or other property, grant, or devise of real or personal property so acquired shall be held, by the recreation centers, and all buildings and structures necessary or useful to Recreation Department function, and advise in regard to other recreation facilities which are owned or controlled by the town or leased or loaned to the town.

(F) Act, or formulate an Ethics Subcommittee, as necessary and beneficial to uphold the integrity of the Recreation Department including development of appropriate policies to support a pleasurable experience for participants and spectators, and to review and make decisions on appeals of decisions made by the Recreation Department with regards to upholding or enforcement of such policies.

(Ord. passed 1-21-03)

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(B) *Ex officio member.* The Town Council shall appoint a member to serve as an ex officio member. The ex officio member will not have a vote on items coming before the Recreation Advisory Committee.

(C) *Length of appointment.* Each member shall be appointed for a three-year term. Initial appointments shall be arranged so that four members shall serve three-year terms, four members serve two-year terms, and four members serve one-year terms. The terms will expire each December 31, except for the representative from the Town Council who will serve concurrently with his term of office.

(D) *Vacancies.* Whenever a vacancy occurs on the Committee by resignation, death, or otherwise, it shall be filled without undue delay by the Town Council. The appointee shall serve for the duration of the unexpired term.

(E) *Removal of members.* Any one or more of the members of the Committee may be removed with or without cause, at any time, through a request of the Committee to the Town Council or directly by the Town Council.

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(1) *Chairperson.* It shall be the duty of the Chairperson to preside at all meetings and to sign official papers.

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§ 32.120 DIRECTOR OF RECREATION.

(A) The Director of Recreation shall serve as Secretary of the Recreation Advisory Committee. It shall be the duty of the Secretary to notify members of all meetings, to keep a permanent record of the proceedings of all meetings, and to have a copy of the proceedings of each meeting sent to each member.

(B) The Recreation Advisory Committee shall advise with the Director concerning the administration of the affairs of recreation. The Director shall be the agent of the Recreation Advisory Committee and to that end shall supervise the operation of all the Recreation Department's activities. The Director shall submit a detailed report of the activities and administration of the program of the Recreation Department to each regular meeting for the month prior to the meeting. A copy of this report shall be sent to each member and to the Town Manager.

§ 32.121 COMMITTEES.

(A) *Standing committees.*

(1) *Committee appointments.* Standing committees shall be appointed by the Chairperson at the regular February meeting of each year. Vacancies on the standing committees shall be filled by the Chairperson at any regular meeting.

(2) *Establishment.* Standing committees are as follows:

(a) Plans and Finance, composed of three members. It shall be the duty of the Plans and Finance Committee to assist in setting up the recommended program plan and budget for the ensuing fiscal year. It shall further be the responsibility of the Plans and Finance Committee to assist the Director of Recreation and the Chairperson of the Recreation Advisory Committee in

explaining and justifying the final drafts of the recommended budget and program plan to the Town Manager and Town Council.

(b) Facilities, composed of three members. This Committee will study the need, use, demand, and availability of areas and facilities (including water areas) and make recommendations on the acquisition, development, use, and operation of all areas and facilities owned, used, leased, or proposed to be acquired by the Recreation Department.

(c) Nominating, composed of three members. This Committee will present the slate of officers to be acted upon at the regular meeting in January.

(B) *Special committees*. Special committees may be appointed for such purposes as are deemed necessary.

(C) *Ex officio committee members*. The Chairperson and Director of Recreation shall be ex officio members of all committees and, as such, shall be notified of all committee meetings.

§ 32.122 ANNUAL REPORTS.

The Director of Recreation shall submit preliminary annual reports of the program and of finances at the regular meeting in July of each year. The final annual report will be rendered no later than the September meeting.

§ 32.123 AMENDMENT OF SUBCHAPTER.

All amendments to this subchapter must be proposed in writing within seven days of the next regular meeting and shall be acted upon at said next regular meeting.

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Chapter 32
Sections 32.060 and 32.117

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

Amend Section 32.060 MEETINGS to read as follows:

(E) (2) *The Clayton Town Clerk or designee will record and transcribe the attendance and the minutes of the official meetings of the Library Board.*

Amend Section 32.117 MEMBERS to read as follows:

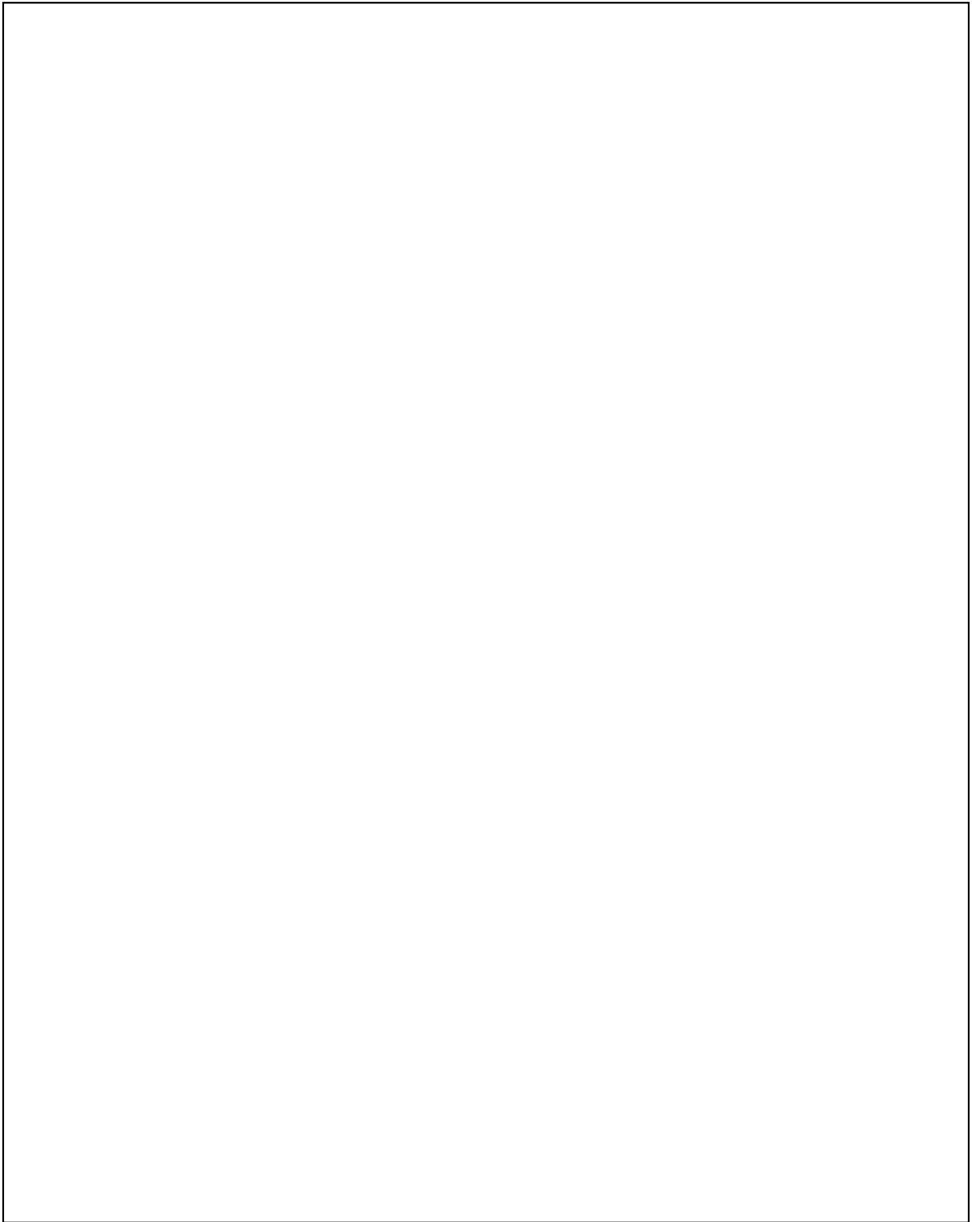
Appointment. There shall be 11 members appointed by the Town Council. The membership should be as broadly representative of the community as possible.

Duly adopted by the Clayton Town Council this 16th day of December, 2019 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland
Deputy Town Clerk





Town Council Agenda Cover Sheet

Meeting Date

December 16 2019

Agenda Location

Staff Reports

Item Title

AMI Update

Presenter

Ann Game, Customer Service Director

Summary/Description

I will present an update on the AMI project.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

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

Click or tap here to enter text.