



**Town of Clayton
Regular Town Council Meeting Agenda
Monday, April 15, 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. Draft Minutes

- March 18, 2019 - Regular Session
- March 18, 2019 - Closed Session
- April 1, 2019 - Regular Session

[March 18, 2019 DRAFT Minutes](#)

[April 1, 2019 DRAFT Minutes](#)

b. Proclamation - Portofino Derby Classic Day

[Proclamation](#)

c. Warranty Acceptances

- RWAC - Alpine Valley Phase 6A-4
- Parkview Subdivision , Phase 1

[Parkview Subdivision, Phase 1](#)

[RWAC - Alpine Valley Phase 6A-4](#)

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

a. Warranty Acceptance

- Parkview, Phases 4 & 6

[Warranty Acceptance](#)

POTENTIAL ACTION: Place on May 6, 2019 Consent Agenda

b. Award Badge & Service Weapon - Retired Sergeant Andy Jernigan

Presenter: Blair Myhand, Police Chief

[Cover](#)

[Resolution](#)

POTENTIAL ACTION: Adoption of Resolution #2019-13

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Employee Introduction

Presenter: Dale Medlin, Electric Department Director

- Mack Keen - Promotion to Electric System Superintendent

[Cover](#)

POTENTIAL ACTION: Informational Only

b. Johnston Health Foundation's Angel Fund / Portofino Derby Classic Day Proclamation

Presenters: Stewart McLeod, Johnston Health Foundation Board Chair & Mike Marvel, Derby Classic Event Chair

POTENTIAL ACTION: Presentation of Proclamation by Mayor McLeod

c. East Coast Greenway Support & Update

Presenter: Niles Barnes, Deputy Director - East Coast Greenway Alliance

[Cover](#)

[Resolution](#)

POTENTIAL ACTION: Adoption of Resolution #2019-14

6. PUBLIC HEARINGS

a. 2019-29-ANX - The Village @ Little Creek Subdivision - Annexation

Presenter: Planning Department

[Cover](#)

[Application](#)

[Annexation Plat](#)

[Map Aerial](#)

[Map](#)

[Legal Description](#)

[Newspaper Ad](#)

[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2019-04-05

b. Abandonment of Portion of Horne Street

Presenter: Samantha Wullenwaber, Planning Director

[Cover](#)

[Metes and Bounds](#)

[Plat](#)

[Clayton Town Hall Parking Expansion Rendering](#)

[Resolution](#)

POTENTIAL ACTION: Adoption of Resolution #2019-15

7. OLD BUSINESS

8. NEW BUSINESS

9. STAFF REPORTS

- a. Town Manager
 - Budget Update/Schedule
- b. Town Attorney
- c. Town Clerk
- d. Other Staff

10. OTHER BUSINESS

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

11. CLOSED SESSION

- a. Closed Session Pursuant to NCGS 1430318.11.(a) (3) & (6)

12. ADJOURNMENT

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



**Town of Clayton
Regular Town Council Meeting Minutes
Monday, March 18, 2019 @ 6:00 PM
Council Chambers**

COUNCIL PRESENT:

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

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, Deputy Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Samantha Wullenwaber, Planning Director
Haley Hogg, Planner
Scott Barnard, Parks & Recreation Director
Lee Barbee, Fire Chief
Dave DeYoung, Economic Development Director
Stacy Beard, Public Information Officer

COUNCIL ABSENT:

Council Member Satterfield
Council Member Holder

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:01 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

3 CONSENT AGENDA

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

- a) Warrant Acceptances
 - Riverwood Ranch Townhomes Subdivision
 - Riverwood Villas II, Phase 1 & 2
 - Riverwood Villas II, Phase 3
- b) Direct Clerk to Certify Sufficiency - 2019-29-ANX - The Village @ Little Creek Subdivision Annexation
- c) DRAFT Minutes
 - March 4, 2019 - Regular Session
- d) Proclamation - Arbor Day - March 22, 2019

ACTION: Adoption of Consent Agenda as Presented

Motion: Council Member Thompson

Second: Mayor Pro Tem Grannis

Vote: Unanimous

4 ADMINISTRATIVE ITEMS

- a) 2019 Local Government Agencies Record and Retention Disposition Schedule
Presenter: Kimberly Moffett, Town Clerk

Ms. Moffett advised of updates to the North Carolina Local Government Record Retention Schedule. She stated these updates would be incorporated into our current Municipal Schedule and further advised that the Municipal Schedule would be fully updated in January of 2020 and moving forward all schedules would update on a 5 year rolling cycle.

ACTION: Adoption of Resolution #2019-06

Motion: Council Member Thompson

Second: Mayor Pro Tem Grannis

Vote: Unanimous

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Parks & Recreation Master Plan / Bond Projects
Presenters: Scott Barnard, P&R Director and Sara Burroughs, Sage Design

Mr. Barnard presented and provided summary of process. He shared details about those who provided feedback. All four parks (Community, Legend, Municipal, East Clayton) and Horne Square were included in the survey. He spoke about the strengths and challenges of each location. He spoke about high demand items to include Splash Pads, Multi-Purpose Fields, and Trails, Dog Park on the other side of town, Fitness Stations, Basketball, and Interactive Water Features.

Mayor Pro Tem Grannis asked what Mr. Barnard would like the next step to be. Mr. Barnard stated he would like to meet again with Administration as well as having an understanding of what Council would feel comfortable with moving forward on a bond referendum.

Council Member Bunn asked what Mr. Barnard believed would be his choice for a number one project. Mr. Barnard stated that he was not comfortable stating what that project might be.

Mayor McLeod stated he was happy to hear that Municipal Park ranked high and citizens still have an appreciation for it. He thanked Mr. Barnard and Sage Design for all the hard work.

- b) **Harmony Playground Update**
Presenter: Dean Penny, Clayton Community Recreational Foundation

Mr. Penny provided an update on the playground. The mission of this playground is to create a space where children and adults of all abilities can play and learn together. The construction process is scheduled to begin in August 2019. There is a scheduled Fall Gala to be held in October 2019. This project is currently seeking sponsors and searching for grants.

6 PUBLIC HEARINGS

- a) **Abandonment of Portion of Horne Street**

Mr. DeYoung presented and requested that Public Hearing be continued to the April 1, 2019 meeting. He also provided details about the community meeting that would be held on March 21 to discuss this project. He further stated that the Site Plan would be scheduled for the April 22, 2019 Planning Board meeting.

Mr. Tew requested to speak in order to gather some information. Council stated the hearing would be set for April 1, 2019 and they preferred to hear that information at that time. Mr. Tew stated he was concerned about requests for information. Mayor McLeod thanked him for his input and stated his concerns were heard and invited him to attend the April 1, 2019 hearing.

ACTION: Continue Public Hearing to April 1, 2019

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

- b) **2018-240-SD - Highgate Subdivision - Major Modification (Quasi-Judicial)**
Presenter: Planning Department

Attorney Ross provided detail regarding the process for a quasi-judicial proceeding including the types of testimony that could be considered. Anyone wishing to offer testimony must do so under oath. The oath was administered via affirmation by the town clerk.

Mr. Wullenwaber provided details regarding the request. This is a major modification requesting the removal of the street stub connection into adjacent Creech property. The easement will still be there, it will be used as a utility easement as well as a greenway connection. It is proposed to remove the road connection. Highgate Subdivision is approximately 99 acres and is 229 single-family residential lots, this was approved a number of years ago. There are 3 other access points which are appropriate for the number of lots in this subdivision.

This project is consistent with Comprehensive Plan, consistent with Surrounding Land Uses, and the applicant has addressed Findings of Fact. There were no questions for staff.

Mr. Jerry Dalton, applicant, presented and reiterated what Ms. Wullenwaber previously stated. He requested to have the street removed based on the access points. He stated he would be happy to answer any questions.

With no one further wishing to speak, the hearing was closed at 6:46 p.m.

ACTION: Approval 2018-240-SD

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

- c) 2018-92-RZ - Creech Tract - Rezoning
Presenter: Planning Department

Ms. Hogg presented and stated request for rezoning from Planned Development Mixed Use Residential-10. This property is right under 39 acres in size and located on Shot well Road, south of Highgate Subdivision. The property was originally zoned PD-MU in 2006 as part of a master plan which also included Highgate Subdivision. On that master plan it was designated as multi-family future development, that master plan has expired and the applicant now wants to rezone this to a Residential district.

This project is consistent with Comprehensive Plan, consistent with Surrounding Land Uses, and the applicant has addressed the approval criteria.

Staff and the Planning Board both recommend approval.

This was noted as a public hearing.

Mr. Dalton, applicant, was present and he would be happy to answer any questions.

With there being nothing further, the item was turned over to Council for their deliberation.

ACTION: Adoption of Ordinance #2019-03-03

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

- d) 2018-91-SUP - Creech Tract - Special Use Permit (Quasi-Judicial)
Presenter: Planning Department

Attorney Ross provided detail regarding the process for a quasi-judicial proceeding. The oath was administered via affirmation by the town clerk.

Ms. Hogg stated request is for a Special Use Permit to allow the subject property townhome development. The property is just under 40 acres in size and is located off of Shotwell Road and Old Hwy US 70, it is currently vacant.

This project is consistent with Comprehensive Plan, consistent with Surrounding Land Uses, and the applicant has addressed the Findings of Fact. An associated Preliminary Plat is running concurrently with this application.

If approved, staff recommends conditions of approval as included in staff report. Mayor Pro Tem Grannis confirmed that staff was in agreement and that all Findings of Fact had been met.

Mr. Dalton, applicant, was present and stated that he had other experts available to address any concerns or answer any questions regarding this request.

Mayor Pro Tem Grannis asked that the experts respond to the first Finding of Fact. Mr. Verity with Moffett Nickel in Raleigh, he stated his office was contacted by Mr. Dalton in 2017 to perform an upgraded signal traffic analysis for basically two subdivisions, Highgate and Creech. The traffic study was prepared in addition to another traffic study that was prepared by Morton and Morton in 2015. As part of that study the recommendation indicated that existing road conditions were operating on a level "F" which indicates there is a lot of delay. The traffic study was updated in 2017, there were new traffic counts that were recorded in the middle of the week which indicated the major intersections were still operating on a level "F". It is projected that in 2019 there would be continued growth of 3% and the conditions would still be poor.

Recommendation was to get joint funding with DOT and maybe the town and both developers to make improvements to include traffic signal installations that would significantly help the delays at Covered Bridge Road and Shotwell Road and Covered Bridge. With the installation of the two traffic signals it would bring the levels back to existing conditions, which is still an F, but would be the most appropriate plan.

Mayor Pro Tem Grannis questioned if NCDOT were the lead agency regarding traffic signals on state roads, which all of these roads are, and he believed that somewhere along the way that developer responsibility became a part of that. Mr. Grannis asked Mr. Daughtry if that was fair to say, Mr. Daughtry stated it was.

Mr. Grannis asked why the municipality is being asked to participate in funding especially on an NCDOT street. Mr. Daughtry stated typically improvements of this nature can be funded in a systematic manner where you have joint use.

There would be benefits to DOT, to the Town, to the developer and surrounding residents. He stated joint funding in this instance would be advised.

Mayor Pro Tem Grannis asked what alternatives would be if municipality did not wish to participate. Mr. Daughtry stated that NCDOT has funding sources but they were spread very thin. The funding is prioritized and based on a number of factors, congestion being one of those.

Mayor Pro Tem Grannis voiced his concerns about the cost and stated these amounts are not budgeted for. He had concerns about these intersections, however, he does not know if the municipality could afford it. He asked about what the cost per traffic signal would be, Mr. Daughtry stated it is approximately \$100K per intersection.

Mayor McLeod asked about factors, other than congestion that go into an "F" rating. Mr. Daughtry stated it is mainly based on congestion. Mayor McLeod voiced concerns how this project will get the required attention from NCDOT. It was stated there was no guarantee from NCDOT with regard to funding.

Staff provided details regarding the preliminary plat. Ms. Hogg stated this is a request for preliminary plat approval to develop 189 townhomes. Project is located on Shotwell Road and Old US Highway 70 and is currently vacant. Some of the homes will be front loaded and some will be alley loaded. The proposed density is 4.86 per acre and with 4 access points, 2 of the access points would be off of Old US Highway 70, 1 one be a full access and the other would be a right-in only. There would also be a greenway connection into Highgate Subdivision. There was a proposal for a full house to serve as an amenity to the residents, which will be submitted as a site plan and will go through TRC separately from this application.

A traffic study was completed in 2017, the layout has changed since that study, but the overall unit count has decreased. There is a requirement to provide turn lanes at all entrances as well as a requirement to provide signals at Shotwell and Covered Bridge and Covered Bridge and N. O'Neil Street.

Ms. Wullenwaber stated that staff sat down with NCDOT and stated that developers whose projects were involved in this area and that TIA indicates traffic signal conditions, would need to contribute to traffic improvements.

Mayor Pro Tem Grannis asked if the developer did not participate what would happen. Ms. Wullenwaber stated these conditions would be part of the approval. She further stated it was her opinion that the Town of Clayton would be not responsible for these costs. Ms. Ross stated that legally it could not be an economic development incentive.

Haley Hogg discussed the Right-In Only design. She stated this was not included in the original application. The applicant would provide a turnaround area for anyone trying to leave the development. Condition is included in staff

report that would require median be extended along the entire length of the turn lane.

This project is consistent with Comprehensive Plan, consistent with Surrounding Land Uses, and the applicant has addressed Findings of Fact.

If approved, staff recommends conditions of approval be placed upon the preliminary plat application. Conditions are included in staff report.

Council Member Bunn asked about the driveways and street parking. Ms. Hogg stated they do meet the requirement for the required number of parking spaces. Visitor parking is not required but has been included. It was also discussed about the amenity center and mail kiosks.

Mayor McLeod confirmed that they are building less than they could have. Mayor McLeod wanted to confirm that NCDOT was okay with the Right-In Only. Ms. Wullenwaber stated NCDOT worked very closely with the applicant and staff on this design.

No other questions for staff.

Mr. Dalton stated he had numerous conversations with NCDOT regarding the Right-In and feels NCOT was very comfortable with it. Mr. Dalton stated he is frustrated with the intersection and that it had been failing since 2010. He stated he was looking forward to meeting with other developers and NCDOT regarding traffic signals and disappointed that meeting hasn't taken place. He further stated that he understood a mediator would be sitting down with all involved parties. He stated he believed the applicant had done everything asked of them to get this project approved and the projects meets both the UDO and the 2040 Comprehensive Plan.

Mr. Mark. Jones was present and stated he is a certified real estate appraiser with 22 years' experience. He provided additional details about his credentials.

He addressed the Finding of Facts and stated he took a field trip and looked at many areas going from Shotwell Road from Highway 70 up to Old Garner Road on 70 and continued up towards Leeville, came back towards Covered Bridge where it joins North O'Neil Street, came back North O'Neil into town as well as looking at old 70 towards Pine Hollow. There was discussion on how this area has always been rural and now subdivisions are developing. He does not believe there would any detrimental impact on this area or damage the surrounding uses or for future potential uses

Mayor Pro Tem Grannis questioned about the Neighborhood Meetings and their concerns. He asked that Mr. Jones address those concerns and what has been done to mitigate concerns. Mr. Jones stated Jonathan Barnes would be able to address those concerns.

Jonathan Barnes stated the concern from the meeting was regarding landscape buffers between Creech Tract and the existing subdivision on Highway 70. He stated that property owners were notified that a buffer would be provided. Another concern was the right of way. Mr. Barnes stated that on the Creech Tract there is a right of way dedication and reservation and that NCDOT had asked for proposed turn lanes. Mr. Barnes stated he was not aware of any other right of way issues. Mr. Dalton stated that they had no plans for any property they had no control over. Mr. Dalton shared concerns regarding right of way on another's property and stated they would be willing to put up bond. He addressed concern regarding condition of them having to pay a fee in lieu for crossing another's property. He stated again they are not trying nor do they want to develop another person's property, which is explained in Condition #9.

Mayor Pro Tem Grannis read concerns from a neighbor. Mayor Pro Tem Grannis stated he assumed that applicant had complied with all Findings of Fact. Mr. Dalton stated that he felt they had met all Findings of Fact.

Ms. Hogg stated the application went to TRC and met all requirements.

Mayor Pro Tem Grannis stated he had compassion for folks in the area but felt that all requirements had been made.

Mayor McLeod verified that when street lights were addressed it was referring to signal lights.

Mr. Phillips, a citizen, addressed and stated his concern was his property would become a playground. He had concerns about two stub outs and requested that a buffer surround his property. He a commitment was made back in the 80's that his property would not be taken. He was hoping for an equitable exchange of property on the back of the property for what would be taken on the front part of the property. He wants to ensure that folks don't have open access to his property. He addressed his concerns about value of his property should land be taken from him.

With there being nothing further, the hearings were closed and turned over to council for their deliberation.

Council Member Thompson asked about the buffer around Mr. Phillips property. Ms. Wullenwaber pointed out where the buffer would be located around the property line.

ACTION: Approval of 2018-91-SUP with Conditions as Listed in Staff Report

Motion: Council Member Thompson

Second: Mayor Pro Tem Grannis

Vote: Unanimous

- e) 2018-90-SD - Creech Tract - Preliminary Plat (Quasi-Judicial)
Presenter: Planning Department

Mayor Pro Tem Grannis asked about wastewater allocation numbers. Mr. Lindsay stated this wastewater request had been previously allocated and further stated he would confirm numbers with the Town Engineer.

ACTION: Approval of 2018-90-SD with Conditions as Listed in Staff Report

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

ACTION: Adoption of Resolution #2019-07 (Wastewater Allocation)

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

- f) 2018-231-PDD - Barbour Tract - Rezoning
Presenter: Planning Department

Ms. Wullenwaber asked for continuation.

ACTION: Continue Public Hearing to April 1, 2019

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

- g) 2018-233-SD - Barbour Tract - Master Plan (Quasi-Judicial)
Presenter: Planning Department

ACTION: Continue Public Hearing to April 1, 2019

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

- h) 2018-250-SD - Walk @ East Village - Major Modification (Quasi-Judicial)
Presenter: Planning Department

Ms. Ross reminded this was a Quasi-Judicial. The town clerk issued the oath via affirmation.

Ms. Hogg stated this is a modification to a previously approved Master Plan, Phases 2-4 only. The location is off of Front Street

The original plan was approved with alley loaded design units and shared courtyards, 300 total units and 5.71 units per acres. The unit number has changed to 265 and 200 of those units would be in Phases 2, 3, and 4. The density has decreased to 5.28 units per acre. They are no longer doing the alley-loaded units or the courtyard, they are doing the front loaded units. The

same three access points are being requested as well as the required open space. They were not required to update the traffic study because the unit number has decreased.

Ms. Hogg presented the proposed Dimensional Standards, all are consistent with Phase 1 setbacks that were approved in 2015. Staff recommends 10' front setback to provide more space for driveway parking. The impervious surface does vary by lot size, none of the lots will exceed 70% impervious.

There is a waiver request, the staff is comfortable with the request but requests a 10' minimum corner setback from all driveway to ensure a safe distance is met from the intersection to the driveway.

This project is consistent with Comprehensive Plan, consistent with Surrounding Land Uses, and the applicant has addressed the Findings of Fact. If approved, the conditions will be placed on the preliminary plat.

Council Member Bunn asked if the setback is happening anywhere in Phase 1. Ms. Hogg stated Phase 1 was alley loaded units and they are comfortable with the 5' setbacks. Council Member Bunn asked about storm water for downstream, Ms. Wullenwaber stated the storm water management is the same as the original approval, impervious count was going down, the impact is less, and they will have to get a permit from the county. Council Member Bunn asked if the previous run off issue had been taken care of. It was indicated that it was.

Mayor Pro Tem Grannis asked about parking on the street. Ms. Hogg stated it was allowed on one side. Ms. Hogg stated this went through TRC and it was approved by the fire marshal. There was concern about cars being parked on both sides and room for emergency vehicles. Ms. Wullenwaber stated that would be enforced by HOA. Ms. Wullenwaber stated that this was unique as it was already approved and they worked together to come up with a better solution for the remainder of the project.

With there being nothing further for staff, the applicant stepped forward.

Mr. Tom Holder, applicant, stated the request was in response to market feedback and homeowners. The developer agreed to lose 35 lots in order to make these improvements and changes. It was stated they worked hand in hand with staff. The homeowners are required to park in the garage.

Mayor Pro Tem Grannis asked that private street parking be addressed regarding one side street parking and how they would be handled by HOA. Mr. Holder stated that on site management would help police this issue. Mayor Pro Tem Grannis asked what would happen if folks did not respond to a violation notice. Mr. Holder stated that would be up to HOA who has ability to fine if necessary. He stated they have found that most of these folks like to park in their garage. Ms. Wullenwaber stated that though not perfect even if

there were a car parked on both sides, a garbage truck or emergency vehicle could get through.

Mayor Pro Tem Grannis asked about the 10' setback versus 5' as requested by applicant. Mr. Holder stated they would accept that.

With nothing further, the hearing was closed at 8:32 p.m. and turned over to council for their deliberation. Council Member Thompson stated he remembered when this project was first presented and the developer stated they would return if project needed to be tweaked.

ACTION: Approval of 2018-250-SD with Conditions as Listed in Staff Report

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

7 OLD BUSINESS

8 NEW BUSINESS

- a) SB 179 / HB 278 Opposition
Presenter: Adam Lindsay, Town Manager

Mr. Lindsay provided details about this bill. The North Carolina League of Municipalities had requested that municipalities pass this resolution.

ACTION: Adoption of Resolution #2019-08

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

- b) Recreational Trail Program Grant Pre-Application
Presenter: Scott Barnard, P&R Director

Mr. Barnard shared information about a possible three way partnership and also provided details regarding grant process. This is a Pre-application administered by NC State Parks, these funds can be used for trail design and construction. The Town's contribution would be the property. This would create a destination type trail. The formal application is due in August and they will return to council prior to that.

ACTION: Council Consensus

- c) US Fire Administration SAFER Grant Application
Presenter: Lee Barbee, Fire Chief

Fire Chief Barbee provided details about the SAFER grant and history. There are 15 positions in this grant. If approved we could convert some part time

staff to full time staff. If the grant is approved, we could decide then if we did not want to move forward.

ACTION: Council Consensus

9 STAFF REPORTS

a) Town Manager

- 2019 Town Council Retreat - Continued - April 1, 2019
- Update on Setting of Public Hearings

Mr. Lindsay stated he had provided a spreadsheet outlining all the CIP outlining Urgent / Needs /Wants. He will review priorities at a special meeting on April 1 at 3:00 p.m. to rank the projects.

Mr. Lindsay provided details about the new process and upcoming change to agenda. He felt that when we Set Public Hearings, this could be confusing to some. He stated we would longer set public hearings on agenda but just follow statue and advertise public hearings as required. Mayor McLeod agreed this was a good idea.

b) Town Attorney

c) Town Clerk

d) Other Staff

- Parks & Recreation Special Events & Marketing Position
Presenter: Scott Barnard, P&R Director

Mr. Barnard provided details regarding creating the Special Events & Marketing Position in Parks & Recreation Department. This position would take over many duties currently handled by both Economic Development and Planning. This position would also assist with marketing. There is no request for additional staffing dollars at this time as funding is available from other lagging positions. This position would be funded through available funding from a currently vacant position for the remainder of this year. Council Member Thompson asked if there was a job description and classification, Mr. Lindsay stated there was, however, it was not included in the agenda.

10 OTHER BUSINESS

a) Informal Discussion & Public Comment

b) Council Comments

Mayor Pro Tem Grannis asked about the status of PIO position. It was asked if this would this be handled in same fashion as discussed above or were we waiting for new budget. Mr. Lindsay stated there was discussion at the Retreat about the new role, a videographer and some cable funding would be used to

fund this position. We anticipate the videographer to be available no later than July 1.

11 CLOSED SESSION

- a) Closed Session Pursuant to NCGS 143-318.11.(a)(3)&(5)

Council went into Closed Session at 8:55 p.m.

ACTION: Motion to Go Into Closed Session

Motion: Council Member Thompson

Second: Mayor Pro Tem Grannis

Vote: Unanimous

12 ADJOURNMENT

- a) Adjourn Meeting

With there being nothing further, the meeting was adjourned at 9:42 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Bunn

Second: Council Member Thompson

Vote: Unanimous

Duly adopted this the 15th day of April, 2019 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

March 18, 2019
Minutes



Town of Clayton
Regular Town Council Meeting Minutes
Monday, April 1, 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
Dave DeYoung, Econ. Development Director
Samantha Wullenwaber, Planning Director
Robert McKie, Finance Director
Blake Mills, A/Public Works Director
Stacy Beard, Public Information Officer

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:03 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

- a) Mr. Lindsay requested that Closed Sessions be removed from the agenda. Additionally he asked that an additional action be added to Item 6c for Adoption of Resolution related to Wastewater Allocation Request.

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) Certification of Sufficiency - 2019-29-ANX - The Village @ Little Creek Subdivision
- b) Resolution Setting Public Hearing - 2019-29-ANX - The Village @ Little Creek Subdivision
- c) Proclamation - Week of the Young Child
- d) Bid Award - Sam's Branch Greenway Phase II
- e) Budget Ordinance - Sam's Branch Greenway Phase II

ACTION: Adoption of the Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

- a) Warranty Acceptances
- RWAC - Alpine Valley Phase 6A-4
 - Parkview Subdivision, Phase 1

ACTION: Placed on April 15, 2019 Consent Agenda

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) NEW EMPLOYEE INTRODUCTIONS
Presenter: Robert McKie, Finance Director
- Kristie Germano - Staff Accountant
 - Hector Nunez - Warehouse Specialist

Mr. McKie introduced both Kristie, who serves as a Staff Accountant and Hector who is the Warehouse Specialist.

Kristie began on January 7, 2019. She has numerous years of experience. Hector began work on March 4, 2019 and previously worked at Pepsi Cola. Mr. McKie stated both employees were doing a great job.

Kristie said she was happy to be here and Hector stated he was happy as well. Council welcomed both employees to the Town of Clayton.

- b) Presentation of Week of the Young Child Proclamation

Ms. Wooten introduced the Chamber of Commerce Education Committee members who were present and provided information regarding the request for the Week of Young Child. Mayor McLeod read and presented the Proclamation to the group.

- c) 2019 Art Sculpture Trail Selections
Presenter: Sara Perricone, Public Art Advisory Board Chair

Ms. Perricone presented and shared information regarding the sub-committee. Ms. Perricone provided a PowerPoint presentation highlighting the submissions that were selected for the 2019-2020 Art Sculpture Trail. She provided information about the process regarding submission and selection. It is anticipated the new sculptures will begin being installed in June.

Ms. Perricone shared information regarding the Fish Display on the Greenway. Many of the fish were painted by Ms. Jeffrey's students at Corinth Holders High School, many of these students are special need students. Reception will be held on Thursday evening and everyone is invited.

Mayor Pro Tem Grannis offered his thanks and appreciation. He shared that he was very honored to have been part of a ceremony held at the High School last week.

6 PUBLIC HEARINGS

- a) **Abandonment of Portion of Horne Street**
Presenter: Dave DeYoung, Economic Development Office

Mr. DeYoung requested this hearing be continued to April 15, 2019.

ACTION: Continued to April 15, 2019

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

- b) **2018-231-PDD - Barbour Tract Rezoning**
Presenter: Planning Department

Ms. Wullenwaber presented and stated the applicant is requesting to rezone 32.10 acres from Single Family Residential (R-8) to Planned Development Residential (PD-R). The property is located south off O'Neil Street and Oakdale Avenue, northwest of Cooper Academy and east off of Wilson Street.

The request is consistent with the Comprehensive Plan and Surrounding Land Uses. The applicant has addressed all criteria. Both staff and the Planning Board recommend approval.

Mayor McLeod opening the Public Hearing at 6:27 p.m.

The applicant, Reid Smith, was present and stated he was available for any questions or concerns.

With there being no questions, the hearing was closed and the item was turned over to council for their deliberation.

ACTION: Adoption of Ordinance #2019-04-02

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

- c) **2018-233-SD - Barbour Tract - Master Plan (Quasi-Judicial)**
Presenter: Planning Department

Ms. Ross, Town Attorney, provided details regarding Quasi-Judicial hearings to include the types of evidence that could be considered by council when making their decision. Additionally anyone wishing to offer testimony must do so under oath. Those who wished to offer testimony were administered the Oath of Affirmation by Kimberly Moffett, Town Clerk.

Ms. Wullenwaber presented this item and stated request is to entitle the Master Plan with a total of 255 residential units. Development is proposed to include 133 single family homes, 12 townhomes and 10 apartment buildings with a total of 110 units. Property is 32.10 acres located south off O'Neil Street and Oakdale Avenue, northwest of Cooper Academy and east off of Wilson Street.

Ms. Wullenwaber stated the Site Plan shows a total of three access points to include N. O'Neil, E. Wilson Street and roundabout at N. Mial Street.

A total of 6.3 acres of open space is proposed. Applicant proposed to dedicate 1.6 acres to the town, however, town staff does feel this would serve a public purpose. Town Council would make final decision regarding acceptance of land.

Details were provided regarding the proposed amenities as well as the Class "C" perimeter landscaping buffer. A multi-use trail is proposed around the retention pond to connect Cooper Academy to the eastern portion of the project. Sidewalk on both sides of road within subdivision. Ms. Wullenwaber stated applicant is proposing roundabout be located by school. It is believed this is will help with traffic around the area, especially during arrival and end of school day.

Architectural elevations were shown for the single family residences. There are two types both front and alley loaded. Staff recommended that the minimum lot width for all single-family front-loaded lots be increased to 42'. Applicant is requesting a width of 37'. The 42' width is consistent with the town's smallest lot width allowed in R-8. This proposed width would allow for parking and ensure homes were not right on top of each other. Ms. Wullenwaber further stated staff was comfortable with a lot with of less than 42' if alley-loaded. Ms. Wullenwaber stated Georgetowne, which is located nearby this project, have 55' lot widths.

Elevations were also shared regarding townhomes and apartments. Applicant did push unit back to allow for adequate parking at townhomes. Also shown was a phase map and there would be a total of 9 phases for this project. Improvements were scheduled to take place on Rosemary this summer, but this will need to be pushed back.

Ms. Wullenwaber stated a Traffic Impact Analysis was conducted and our consultant reviewed. NCDOT did recommend some improvement for N. O'Neil Street. Upon review of study, staff and consultant did not feel these improvements were required.

Project is consistent with Comprehensive Plan and Surrounding Land Use. Applicant did address all Findings of Fact.

Staff has recommended that conditions as listed in staff report be placed on project if approved. Ms. Wullenwaber stated there was a change on Condition #12 from the Staff report that was included in agenda packet. Original

condition stated a minimum of a 25' garage setback and staff has changed that condition to a 24' garage setback.

Council Member Bunn asked about the lot width. There was discussion regarding our UDC which states width minimum of 42', however, a PDD allows applicant to set different standards. Ms. Wullenwaber did state that Walton Farms was previously approved at a width of 37' for front-loaded homes by council.

Attorney Ross asked staff to address width concerns regarding Findings of Fact and lot width. Ms. Wullenwaber stated her concern related safety concerns with vehicle congestion as well as fire hazard concerns.

Mayor Pro Tem Grannis asked what the difference was regarding Walton Farm and this project. Ms. Wullenwaber stated that it simply was the lot width. She stated she believed there were parking concerns at Walton Farms, but they have been addressed. She stated though they were approved, lesson learned. Ms. Wullenwaber stated that developers have the right to ask for what they would like but they are advised that per the UDC width is 42'.

Mayor Pro Tem Grannis asked staff to address 1.60 being dedicated to the town. Ms. Wullenwaber stated that a portion of this would be maintained by the HOA and other parts maintained by the town. Further some of these pocket parks that are located within subdivisions and do not serve the public well and many times folks that live within subdivision are protective of their perceived park. Mayor McLeod stated it appeared that this area would serve the subdivision and not the public and probably not worth the maintenance to the town.

Applicant, Reid Smith addressed council. He stated this project has been two years in the making and stated he felt the project was now ready for presentation. He stated staff had been very responsive. He stated the name of the neighborhood would be Academy Pointe, which comes from Cooper Academy. Mr. Reid shared information regarding the development team and provided an overview of the project. He stated this development would be an extension of downtown and add an appropriate feel and was excited to see what this project would bring to this area. He spoke about desire to see folks walking their kids to school and parks, which would be similar to Riverwood. He shared a view of locations of Tot Lot, Dog Park, Park, Walking Trail and additional Tot Lot. He further stated there was no concern regarding the land proposed to be dedicated to town.

Provided were photos of single-family residents, townhomes and apartments. Mr. Smith stated it was their desire to provide affordable housing options. He shared details regarding the property being maintenance free as part of the HOA. He stated this helped to keep everything look clean and neat with regard to lawn maintenance. Mr. Smith shared information about the roundabout as the safest and amenity for Cooper Academy students. He stated it was hoped that this property would allow more folks to participate in town events and patronize local businesses.

Mr. Smith introduced his expert witnesses and their credentials. Rynal Stephenson is a licensed traffic engineer and has many years experiences; Marc Jones is a NC State certified general real estate appraiser and a qualified witness, and Donnie Adams is a NC professional civil engineer with over 20 years of experience.

The following Finding of Facts were addressed:

Finding of Fact #1

"That the subdivision meets all required specification of the Town Subdivision Regulations and conforms to the Unified Development Code."

Mr. Adams stated it was his opinion that this project was in full compliance. Mr. Stephenson also stated it was his opinion that all required specifications had been met.

Finding of Fact #2

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

Mr. Adams stated it was his opinion project would not be detrimental in any way. Mr. Stephenson stated it was his opinion project would not be detrimental and further stated he believed the roundabout would increase safety. Mr. Jones stated it was his opinion that the project would not be detrimental and further he felt this project would be very positive for the area.

Finding of Fact #3

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

Mr. Stephenson stated it was his opinion that the project would provide for distribution of traffic in a manner that would avoid congestion in immediate area. Mr. Adams also offered his opinion and stated this project would provide for distribution of traffic in manner to avoid or mitigate congestion in the immediate area.

Finding of Fact #4

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

Mr. Adams stated it was his opinion that the project would not adversely affect general plans for orderly growth.

Mr. Smith asked for questions regarding concept and Findings of Fact and then address concern raised by staff regarding lot width.

Mayor Pro Tem Grannis asked about the land proposed to be dedicated to the town. He asked if the HOA would take over that property should the town

decide not to accept the land. Mr. Smith stated that was correct, the HOA would take over responsibility.

There was a question regarding the proposed roundabout and ability for large trucks and school buses to gain entry into Cooper Academy. Mr. Adams stated the roundabout was designed in accordance with all guidelines and there would no issue with large trucks or school buses.

Mayor Pro Tem Grannis referred to applicant response with regarding for Finding of Fact #2 as addressed in application and access and traffic flow to and from the school. He asked if that response dealt strictly to roundabout or additional improvements. Mr. Stephenson stated that it included the additional improvements not just the roundabout.

Mayor McLeod asked for clarification of total units. Mr. Adams stated the total number of units would be 255 total to include 133 single-family homes, 12 townhomes and 110 apartment units.

Mayor McLeod shared his concern about traffic in and out with relation to O'Neil Street and volume. Mr. Stephenson stated that there is a good grid pattern that would allow traffic additional ways to access the property and Main Street and not all traffic would be forced to O'Neil. He stated there had been discussion to retiming of existing traffic signal at intersection to handle additional volume. Mayor stated he has some concerns regarding RR and should RR ever decide to close down Fayetteville Street, what that might mean. Mr. Stephenson stated there are going to be times that traffic would be greater than other times. Mayor asked for explanation regarding other exit possibilities. Mr. Stephenson stated there would be multiple options to include Rosemary Street, Wilson Street and O'Neil.

Mayor Pro Tem Grannis confirmed that the alley-load homes would be a private street and asked how they would they be maintained. Mr. Smith stated they would be maintained by the HOA. Would there be parking allowed on private streets and Mr. Reid stated that would not be allowed and violations would be issued.

Mr. Smith submitted Exhibit #1 as part of the record. He provided history of previous projects that were approved with a 37' width to include Parkview & Walton Farms. He further stated that Smithfield recently approved a project similar to this with no objection. Mr. Smith stated that he does not understand why this would be a problem. He stated it is critical that this area be developed and density is critical. He stated he struggled to understand the reasons staff had an issue. He addressed the two concerns raised by staff which included parking and fire safety concerns. He stated the 37' width allows for the parking 3 vehicles. He stated the alternative would be rear entry alley-load which would only allow for 2 vehicles on a pad in the rear of the residence. He also addressed concern about fire trucks and not sure why this would be an issue as footprint remains the same as the alleyway. He stated there are no issues related to emergency vehicles at other projects. He stated he would like council consideration for this project.

Mayor McLeod asked in event there was more parking on street how would that be enforced? Mr. Smith stated hopefully that would not be an issue as they would have spots for 3 vehicles. Mr. Smith stated alleyway would only allow for parking of 2 cars and in turn mean more enforcement.

Mayor also questioned one council does not bind another is that correct. Attorney affirmed that. Additionally Attorney Ross advised that one approval is not precedential to another and council is not bound by any previous decisions. Mr. Smith asked how developers were to know if there were no consistency. Ms. Ross reminded this is a Planned Development and while there are no rules in place and further that developer and staff work together and council makes final determination. Mr. Smith again asked for consistency.

There were no further questions and Attorney Ross reminded conditions be included in motion.

Mr. Smith stated they were okay with all conditions with exception of condition related to lot width.

Council Member Satterfield stated he was in favor of 37' width. Council Member Bunn asked if the issue regarding 37' width was discussed at Technical Review. Ms. Wullenwaber stated this was thoroughly discussed at TRC and the developer chose not to take staff recommendation and bring it to council for consideration.

Ms. Wullenwaber confirmed that Staff Report on line was updated since time agenda was published and further the Resolution provided by Town Clerk was correct.

ACTION: Approval of 2018-233-SD
With Conditions in Staff Report with Exception to Amend to Condition #13 to allow for 37' lot widths and additionally that Pocket Parks would not be accepted by Town

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

ACTION: Adoption of Resolution #2019-12 (Wastewater Allocation Request)

Mr. Cappola stated our available non-committed balance 448870 gallons and approximately 400000 is operationally difficult to reach.

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

- d) 2019-31-SUP - Kid's First Pediatrics - Special Use Permit (Quasi-Judicial)
Presenter: Planning Department

Ms. Ross, Town Attorney, provided details regarding Quasi-Judicial hearings to include the types of evidence that could be considered by council when making their decision. Additionally anyone wishing to offer testimony must do so under oath. Those who wished to offer testimony were administered the Oath of Affirmation by Kimberly Moffett, Town Clerk.

Ms. Hogg provided details regarding request to operate a medical office in existing tenant space located at 435 Athletic Club Boulevard. Current zoning is Central Business (B-1).

Ms. Hogg stated the project is consistent with the Comprehensive Plan and Surrounding Land Uses and the applicant has addressed the Findings of Fact.

Staff recommends condition, as included in staff report be placed if approved.

The applicant, Mr. Sarle was present. He provided his credentials as an architect. He stated it was his opinion that all four Findings of Fact had been met.

Council Member Satterfield stated he had concerns regarding applicant and his credentials regarding all Findings of Fact.

At this time, Mr. Donnie Adams and Mr. Reid Smith were issued the Oath of Affirmation by the Town Clerk.

Mr. Adams, provided his credentials as a civil engineer and stated that it was his professional opinion that all Findings of Fact had been met.

With there being no other questions, item was turned over to council for their deliberation.

ACTION: Approval 2019-31-SUP with Condition as Included in Staff Report

Motion: Mayor Pro Tem Grannis

Second: Council Member Holder

Vote: Unanimous

- e) 2018-61-SUP - Camel Street Townhomes - Special Use Permit (Quasi-Judicial)
Presenter: Planning Department

It was stated that Items 6e and 6f would be heard as a joint Public Hearing.

Ms. Ross, Town Attorney, provided details regarding Quasi-Judicial hearings to include the types of evidence that could be considered by council when making their decision. Additionally anyone wishing to offer testimony must do so under oath. Those who wished to offer testimony were administered the Oath of Affirmation by Kimberly Moffett, Town Clerk.

Ms. Hogg presented and stated that a Special Use Permit is required for development of townhomes. This request is running concurrently with 2018-59-SD. Request is to allow use of townhomes on a portion of 8.98 acres

located at corner of Camel and Mial Streets. Property is zoned R-8 and current use is vacant.

Request is for 62 units with 6.9 units per acre with shared total parking of 140 spaces. It was stated that this parking does exceed requirements. Developer is proposing sidewalks, so there will be a continued sidewalk throughout.

Ms. Hogg stated the project is consistent with the Comprehensive and Surrounding Land Uses. Applicant has addressed Findings of Facts on both applications.

Staff recommends conditions, as included in Staff Report, be included if approved.

Ms. Penny Sakadio, applicant was present. She stated she is a civil engineer licensed in North Carolina. She offered her thanks to staff. She stated she was in agreement with condition as proposed by staff and further it was her professional opinion that all Findings of Fact had been met.

Mayor Pro Tem Grannis stated per the staff report, staff concurred with all four responses to the Findings of Fact.

With there being nothing further, the item was turned over to council for their deliberation.

ACTION: Approval 2018-61-SUP with Condition as Listed in Staff Report

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

- f) 2018-59-SD - Camel Street Townhomes (Quasi-Judicial)
Presenter: Planning Department

ACTION: Approval 2018-59-SD with Conditions as Listed in Staff Report

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

ACTION: Adoption of Resolution #2019-11(Wastewater Allocation) *Revised 15,500

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

- g) **2018-74-OA - Private Street Ordinance Update**
Presenter: Planning Department

Ms. Wullenwaber provided details regarding proposal for amendment. She stated many hours of research went into this ordinance and further that this was a collaborative process.

This proposal would create private street standards. Ms. Wullenwaber provided details regarding the difference between Class A and Class B streets which based on number of lots.

Both Staff and Planning Board recommend approval.

Mayor Pro tem Grannis asked for additional information regarding research completed. Ms. Wullenwaber state approximately 20 additional municipalities were researched. She further stated there are very few municipalities that allow private streets and private streets are mostly allowed by counties. Mayor Pro Tem Grannis confirmed that the number of lots without paving would be 5.

With no further questions and no one further wishing further to speak, the item was turned over to council for their deliberation.

ACTION: Adoption of Ordinance #2019-04-03

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

7 OLD BUSINESS

8 NEW BUSINESS

- a) **Vehicle Purchase Budget Amendment**
Presenter: Robert McKie, Finance Director

Mr. McKie provided details regarding this budget amendment which refer to town vehicles that need replacement.

ACTION: Adoption of Ordinance #2019-04-04

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

9 STAFF REPORTS

- a) **Town Manager**
b) **Town Attorney**

c) Town Clerk

d) Other Staff

- ADA Transition Plan

Presenter: Blake Mills, Asst. Public Works Director

Mr. Mills shared details regarding details and requirements for ADA Transition Plan.

Mayor Pro Tem Grannis asked if there were a timeline to be in compliance. Mr. Mills stated there was no timeline to be in compliance and further explained the process and stated he believed the process would take several years.

e)

Chief Barbee provided details regarding the upcoming April 11, 2019 Firefighter Banquet and extended an invitation to all council.

10 OTHER BUSINESS

a) Informal Discussion & Public Comment

b) Council Comments

Mayor Pro Tem Grannis stated he attended the opening ceremony of the Senior Games today. He stated it was a great event and well organized.

Mayor McLeod brought up concerns regarding school crossings and wanted to ensure that proper markings are in place to ensure safety. Mayor McLeod asked if we would be requesting a crossing from NCDOT near the location of the recent student fatality. Mr. Lindsay stated there was a meeting scheduled with NCDOT on this Friday and this issue would be discussed. Mr. DeYoung further stated also the topic would be the widening of Highway 42.

Council Member Thompson spoke about Arbor Day. He stated he was very happy to have attended and stated the students involved were very well informed and educated. He also stated the Clayton HS principal may come to council for a broader level of support with regard to school crossings.

11 CLOSED SESSION

a) Closed Session Pursuant to NCGS 143-318.11.(a)(1)&(3)

This item was removed from the agenda.

12 ADJOURNMENT

- a) With there being nothing further, the meeting was adjourned at 8:38 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Thompson

Second: Council Member Bunn

Vote: Unanimous

Duly adopted this the 15th day of April, 2019 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

*P*ROCLAMATION

Whereas, in 2012, the Clayton Rotary Club started the Clayton Derby Day event and hosted for 3 years until 2015, simultaneous with the popular Kentucky Derby; and

Whereas, May 5, 2018 marked the revival of the Clayton Derby Day, relaunched as Portofino Derby Classic with Johnston Health Foundation as lead proponent, in collaboration with the Clayton Rotary Club, local business and community leaders; and

Whereas, this year's event on May 4, 2019 will promote the Town of Clayton and Johnston County to the Triangle and Eastern North Carolina areas, expecting at least 1,000 visitors from neighboring counties and states; and

Whereas, cancer is the 2nd leading cause of death in Johnston County, ranking #51 in North Carolina, and cancer is the 2nd leading significant health need in Johnston County; and

Whereas, education on early screening and access to resources for treatment and support for the underinsured and uninsured is important; and

Whereas, the financial challenges of a patient in need who is diagnosed with cancer is enormous and assistance from individuals and organizations will go a long way; and

Whereas, the net proceeds of the Derby Classic will benefit local cancer patients in need through the Johnston Health Foundation's Angel Fund; and

Whereas, the Derby Classic is an opportunity to increase cancer awareness and the growing needs of local cancer patients in need, and to encourage support not just from our county, but from residents in neighboring communities; and

Whereas, the Derby Classic supports the Foundation's mission to "Bridge the gap to provide quality healthcare close to home"; and

Whereas, on this day, we celebrate the survivorship of those who know who have experienced or are battling the disease, their families and caregivers who are their source of love and encouragement, applaud the efforts of our medical professionals who provide quality care, and remember those we have lost to the disease; and

NOW, THEREFORE, the Honorable Mayor Jody McLeod and Clayton Town Council do hereby proclaim the 1st Saturday in May, Saturday, May 4, 2019, as "**PORTOFINO DERBY CLASSIC DAY**" and encourage businesses, industries and citizens in the Clayton community to support and participate in this event.

Duly proclaimed this 15th day of April 2019, while in regular session.

Jody L. McLeod, Mayor



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

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

Date: March 20, 2019

Subject: Parkview Subdivision, Phase 1

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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Clayton, NC 27528
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MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Andy Simerman, Construction Project Administrator

Copy: Donnie Adams, Adams and Hodge
Jesse Adams, Fred Smith Company
Lori Bryant, Development Services Coordinator

Date: March 11, 2019

Subject: RWAC – Alpine Valley Phase 6A-4

Please place a final acceptance request for the referenced public sewer, water, storm sewer utilities, and all pertinent easements on the next available agenda.



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

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

Date: March 29, 2019

Subject: Parkview, Phases 4 & 6

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



Town Council Agenda Cover Sheet

Meeting Date

April 15 2019

Agenda Location

Administrative

Item Title

Awarding of Glock 17 and Sergeant badge to Sgt. (ret.) Andy Jernigan for 13 years of service to the Town of Clayton following his medical retirement on December 31, 2018.

Presenter

Blair Myhand, Chief of Police

Summary/Description

Andy Jernigan medically retired from the Town of Clayton with 13 years of service to the town. In accordance with NCGS 20-187.2, the Police Department would like to award him his service handgun and Sergeant's badge in recognition for his service to the Town of Clayton.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

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

Click or tap here to enter text.

**RESOLUTION AWARDING BADGE AND
SERVICE WEAPON TO RETIRING POLICE
SERGEANT**

WHEREAS, NCGS § 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

WHEREAS, NCGS § 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service weapon of such retiring member; and

WHEREAS, Police Sergeant Andy Jernigan served as a member of the Clayton Police Department for a period of 13 years and retired from the Clayton Police Department on December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Clayton Town Council that the badge and service weapon worn and/or carried by Police Sergeant Andy Jernigan be awarded to him on the occasion of his retirement.

Duly adopted this the 15th day of April, 2019 while in regular session.

Jody McLeod

Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

April 15 2019

Agenda Location

Introductions & Special Presentations

Item Title

Introduction of New Electric Superintendent (Promotion)

Presenter

Dale Medlin; Electric Director

Summary/Description

Mr. Medlin will introduce Mack Keen as the new Electric Superintendent. Mack has served the town for many years in the Electric Department and this is a well-deserved promotion.

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

April 15 2019

Agenda Location

Introductions & Special Presentations

Item Title

East Coast Greenway Update

Presenter

Niles Barnes, Deputy Director East Coast Greenway Alliance

Summary/Description

Niles will be presenting on the East Coast Greenway and provide details regarding the current project as well as how Clayton will be affected by the future of this project. In addition to this update/presentation, request will be made for a Resolution in support of the project. A Resolution was adopted back in 2012 and this updated Resolution will affirm the town's continued support.

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.

**TOWN OF CLAYTON
RESOLUTION DESIGNATING
EAST COAST GREENWAY TRAILS**

WHEREAS, the East Coast Greenway is a proposed 3000-mile, shared-use pathway that will pass through the Town of Clayton to connect cities along the eastern seaboard from Calais, Maine to Key West, Florida; and

WHEREAS, North Carolina is one of 15 states and the District of Columbia through which the East Coast Greenway runs; and

WHEREAS, the East Coast Greenway, considered the “urban equivalent of the Appalachian Trail”, will pass through sites showcasing the nation’s industrial, historic, and cultural diversity; and

WHEREAS, the designated portion of East Coast Greenway will run through the Town adjacent to the Neuse River, Sam’s Branch and future greenways which will interconnect, affording many area residents the opportunity to utilize this valuable facility; and

WHEREAS, the East Coast Greenway will encourage the building of a network of pedestrian and bicycling greenways through North Carolina, a goal encouraged by the Town of Clayton Strategic Growth Plan and other agencies within the state.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON, NC that it hereby endorses the concept of this trail through the Town Of Clayton and adopts the route identified by the East Coast Greenway Alliance as policy in administration of its land use regulations related to the proposed corridor in its jurisdiction and is supportive of the statewide effort to complete this trail in North Carolina the future.

Duly adopted this 1st day of May, 2019, while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

April 15 2019

Agenda Location

Public Hearings

Item Title

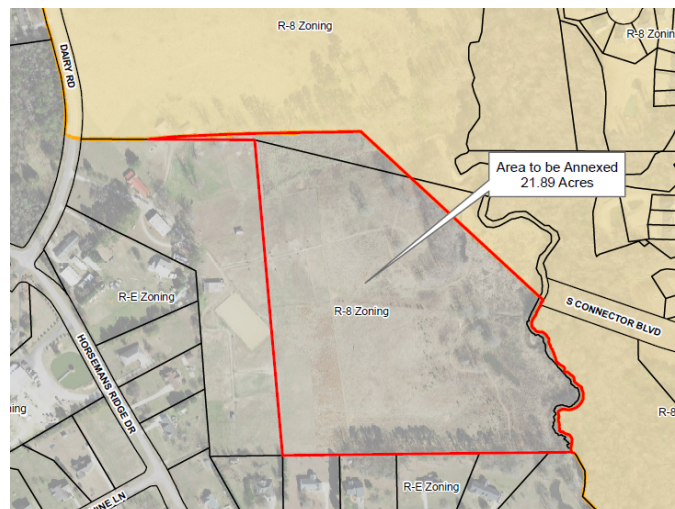
2019-29-ANX-The Village at Little Creek Subdivision

Presenter

Planning Staff

Summary/Description

Annexation Petition 2019-29 is for portions of Parcel Numbers 05H04002A and 05H03024, the property is owned by Clayton Properties Group, Inc. The Village at Little Creek Subdivision is off Dairy Road and will consist of 139 single family residential lots.

**Requested Action**

Place on Consent Agenda

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application, Maps and Deed Descriptions,

Meeting Timeline

March 18, 2019 Consent Agenda, April 1, 2019 Set date for Public Hearing and April 15, 2019 Public Hearing



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

2019-29-ANX

PETITION FOR VOLUNTARY ANNEXATION

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

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

REQUEST INFORMATION

☒ **Contiguous Annexation**

☐ **Non-Contiguous Annexation**

The following items must accompany an annexation petition:

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

PROCESS:

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

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

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

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

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

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

PETITION FOR VOLUNTARY ANNEXATION APPLICATION – PROPERTY INFORMATION

COMPLETE IF A CORPORATION:

Submittal Date: 2-22-19

Petition No.: 2019-29-ANX

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

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

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

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

Total acreage to be annexed: 22.44
Existing housing units: 0
Population of acreage to be annexed: 0
Existing Zoning District*: RE
Proposed Town Zoning District*: RO
Reason for petitioner to annex: X Receive Town Services
Other (please specify): _____

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

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this 10th day of JANUARY, 20 19.

Corporate Name: CLAYTON PROPERTIES GROUP, INC.
DRA MUMBO HOMES

SEAL

By: _____

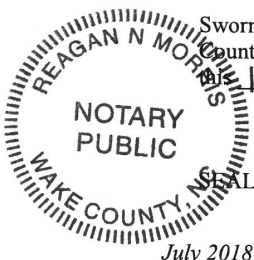
(Signature)

Attest: AS
Secretary (Signature)

STATE OF NORTH CAROLINA, COUNTY OF Wake ~~JOHNSTON~~

Sworn and subscribed before me, Reagan N. Morris, a Notary Public for the above State and

County, Wake day of January, 20 19



Reagan N. Morris
Notary Public

My Commission Expires: September 29, 2021

VOLUNTARY ANNEXATION PLAT CHECKLIST

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

Annexation Area

Portions of Tracts 2 and 3 – DB 5259, Pg. 42 | PB 70, Pg. 367

Property of Clayton Properties Group, Inc.

Commencing at a point in the pavement of Dairy Road (SR 1583), the southwest corner of Tract 2 and a common corner with Stanly C. and Elaine B. Lee (DB 3387, Pg. 241), said point having NC Grid, NAD 83 (2011) coordinates of Y(N): 685,398.20 and X(E): 2,158,229.75 and being the TRUE POINT OF BEGINNING for the annexation area herein described:

Thence leaving the roadway N88°16'17"E, 1,012.44 feet along a former property line between Tract 2 and Tract 3 and the current Town of Clayton City Limit line to a point;

Thence crossing the current property line between Tract 2 and Tract 3 S43°48'39"E, 884.88 feet along the current Town of Clayton City Limit to a point in Little Creek;

Thence along the run of Little Creek and the current Town of Clayton City Limit the following courses and distances:

S33°35'38"W, 33.71 feet to a point;

S11°27'38"W, 52.49 feet to a point;

S14°50'46"E, 25.49 feet to a point;

S67°54'47"E, 41.89 feet to a point;

S68°30'10"E, 21.69 feet to a point;

S26°02'55"E, 40.17 feet to a point;

S37°10'24"E, 45.50 feet to a point;

S38°51'50"E, 110.00 feet to a point;

S08°19'46"E, 32.20 feet to a point;

S32°14'26"W, 49.75 feet to a point;

N87°44'14"W, 55.11 feet to a point;

S03°24'53"W, 56.65 feet to a point;

S16°14'59"E, 34.04 feet to a point;

S33°02'56"E, 28.51 feet to a point;

S53°43'13"E, 48.22 feet to a point; and

S03°16'09"E, 33.78 feet to a point;

Thence leaving Little Creek S89°56'52"W, 1,030.97 feet along the rear of lots 28, 9, 8, 7, and 6 (consecutively) of Horseman's Ridge Sections 1 and 2 (PB 39, Pg. 255 and PB 58, Pg. 374) to an existing iron pipe, a common corner with Stanly C. and Elaine B. Lee;

Thence N04°25'12"W, 1,133.28 feet along a common line with Lee to an existing iron pipe;

Thence N88°55'30"W, 642.53 feet along a common line with Lee to the point and place of beginning, containing 953,478 square feet or 21.889 acres for the annexation area herein described according to a map entitled "Annexation Map for the Town of Clayton, Portions of Tracts 2 and 3 – PB 70, Pg. 367, Property of Clayton Properties Group, Inc." by WithersRavenel, signed and sealed by Thomas M. Grzebien, NCPLS # 4695 on February 7, 2019.



LETTER OF TRANSMITTAL

DATE: 2-20-2019	JOB NO.:
ATTENTION: Beth Franson, GISP	
RE: The Village at Little Creek	
Annexation	

TO: Town of Clayton _____
 Planning Department _____
 111 E Second Street _____
 Clayton, NC 27528 _____

WE ARE SENDING YOU ☐ Attached ☐ Under Separate Cover via _____ the following items

☐ Copy of Letter ☐ Change Order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1	2-7-2019		Survey Plat
1			Metes and Bounds (8.5x11)
1			Petition for Voluntary Annexation

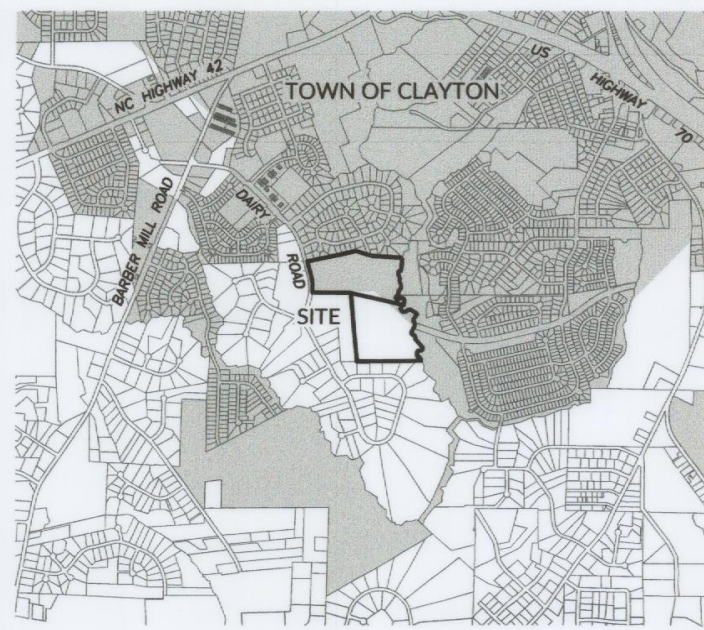
THESE ARE TRANSMITTED as checked below:

- | | | |
|---|---|---|
| ☐ For approval | ☐ Approval as submitted | Resubmit _____ corrected prints |
| ☐ For your use | ☐ Approved as noted | ☐ Submit _____ copies for distribution |
| ☐ As requested | ☐ Returned for corrections | ☐ Return _____ corrected prints |
| ☐ For review and comment | ☐ _____ | |
| ☐ FOR BIDS DUE _____ | 20 _____ | ☐ PRINTS RETURNED AFTER LOAN TO US |

REMARKS

COPY TO: _____ SIGNED: Keith Gettle, PE

caaENGINEERS, Inc. If enclosures are not as noted, kindly notify us at once.
 1233 Heritage Links Drive, Wake Forest, NC 27587 919.625.6755



VICINITY MAP

N.T.S.

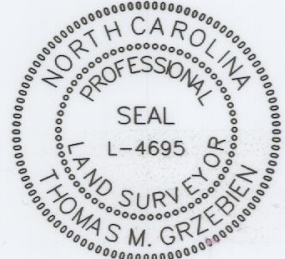
SURVEYOR'S CERTIFICATION

I, THOMAS M. GRZEBIEN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION(S) RECORDED AS SHOWN HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION SHOWN ON THE FACE OF THIS MAP; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:20,000+; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I ALSO CERTIFY THAT THIS SURVEY IS OF AN EXISTING PARCEL OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET AND THAT THIS SURVEY 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.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 12th DAY OF FEBRUARY, A.D. 2019.

THOMAS M. GRZEBIEN, PLS LICENSE #4695



GENERAL NOTES

- NO NGS MONUMENTS FOUND WITHIN 2,000 FEET OF THE SITE.
- THE FOLLOWING INFORMATION WAS USED TO OBTAIN NC GRID NAD 83 (2011) STATE PLANE COORDINATES (SPC) FOR THIS PROJECT:
 - CLASS OF SURVEY: URBAN LAND SURVEYS (CLASS A)
 - POSITIONAL ACCURACY: 0.04"
 - GPS FIELD PROCEDURE: VRS
 - DATE OF SURVEY: 08/24/18
 - DATUM/EPOCH: NAD 83 (2011), EPOCH 2010.00
 - PUBLISHED DATE/FIXED CONTROL USED: VRS, NCSD
 - COMBINED GRID FACTOR: 0.99988594
 - UNITS: U.S. SURVEY FEET
 - GRID/GROUND POINT: Y(N) 685,175.19 X(E) 2,158,191.10
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
- ALL AREAS DERIVED BY THE COORDINATE COMPUTATION METHOD.
- PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH NORTH CAROLINA STANDARDS, G.S. 47-30, AND REQUIREMENTS OF LAW, BUT A NORTH CAROLINA LICENSED ATTORNEY-AT-LAW SHOULD BE CONSULTED REGARDING CORRECT OWNERSHIP, WIDTH, AND LOCATION OF EASEMENTS AND OTHER TITLE QUESTIONS REVEALED BY TITLE EXAMINATION.
- PORTIONS OF THE SUBJECT PROPERTIES AS SHOWN ARE LOCATED WITHIN FLOOD HAZARD AREAS ACCORDING TO FLOOD INSURANCE RATE MAPS 3720165800K AND 3720166800K EFFECTIVE JUNE 20, 2018. FLOOD LINES DOWNLOADED FROM THE NORTH CAROLINA FLOOD RISK INFORMATION SYSTEM WEBSITE.
- A PORTION OF THE CITY LIMIT LINE IS APPROXIMATE AS SCALED FROM PB 70, PG. 367.

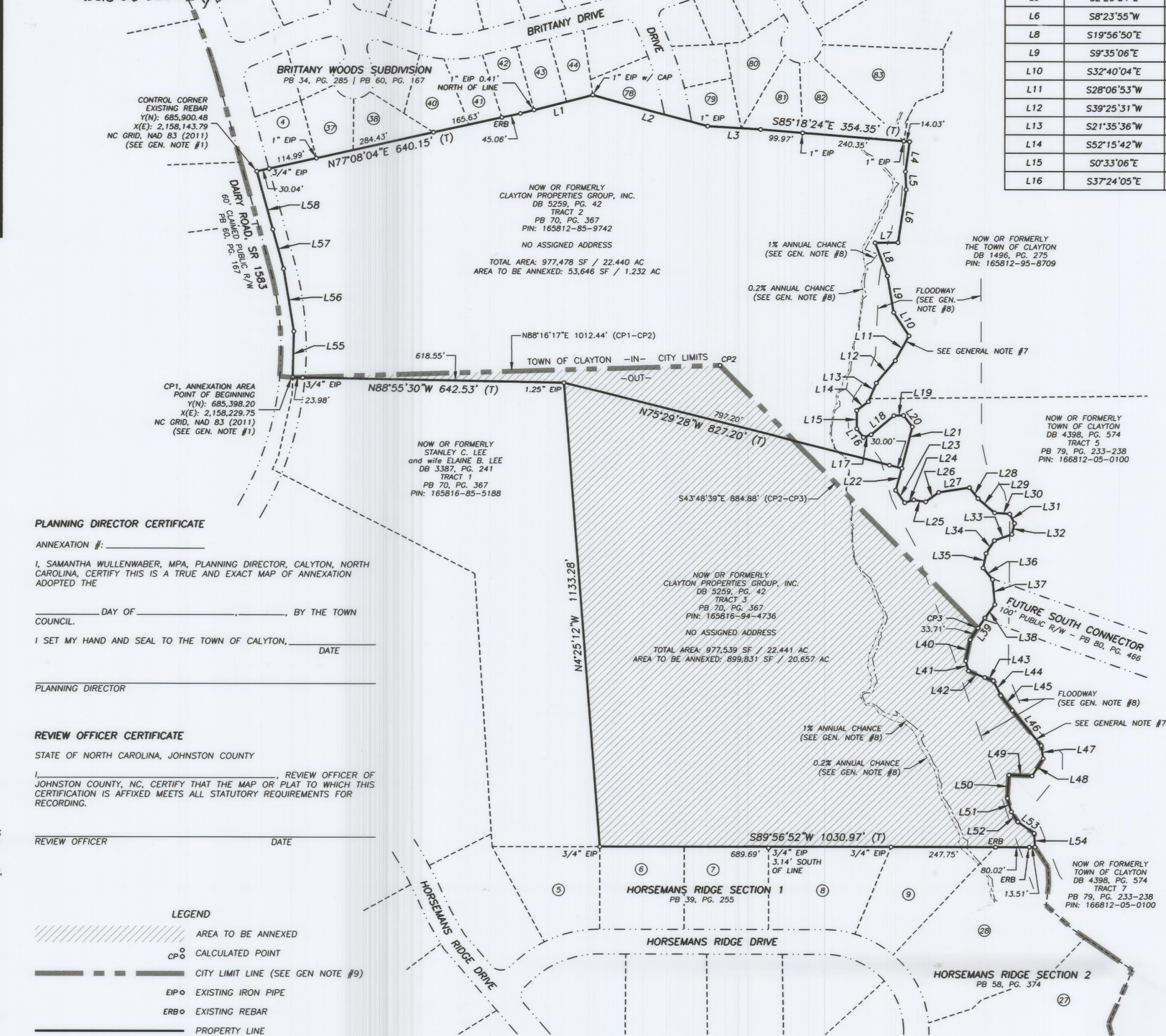
REGISTER OF DEEDS STAMP

CERTIFICATE OF OWNERSHIP

I (WE) CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON WHICH WAS CONVEYED TO ME (US) BY DEEDS RECORDED, REFERENCED, AND SHOWN HEREON; AND THAT I (WE) HAVE PETITIONED FOR INCORPORATION WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF CLAYTON.

CLAYTON PROPERTIES GROUP, INC. DBA MUNGO HOMES

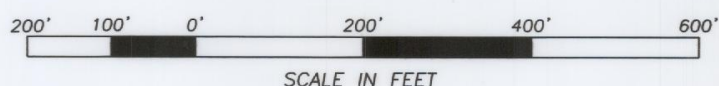
BY: *Assistant Secretary*
MANAGER
DATE: 2-13-19



TOTAL ANNEXATION AREA
953,478 SF / 21.889 ACRES

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N75°18'14"E	177.22'
L2	S74°23'19"E	282.58'
L3	S86°19'57"E	125.87'
L4	S74°42'47"W	73.76'
L5	S2°20'54"E	43.98'
L6	S8°23'55"W	130.33'
L8	S19°56'50"E	85.85'
L9	S9°35'06"E	90.15'
L10	S32°40'04"E	67.55'
L11	S28°06'53"W	68.51'
L12	S39°25'31"W	71.10'
L13	S21°35'36"W	49.79'
L14	S52°15'42"W	34.93'
L15	S0°33'06"E	44.79'
L16	S37°24'05"E	25.90'

LINE TABLE		
LINE	BEARING	DISTANCE
L17	N69°54'51"E	19.07'
L18	N49°10'23"E	70.94'
L19	N89°03'08"E	23.12'
L20	S37°20'56"E	34.51'
L21	S13°55'45"W	103.33'
L22	S14°53'53"W	55.50'
L23	S35°29'21"E	36.82'
L24	N72°23'53"E	22.64'
L25	S80°51'19"E	28.52'
L26	N52°47'02"E	38.15'
L27	N81°03'06"E	74.14'
L28	S37°28'12"E	33.07'
L29	S48°42'05"E	52.62'
L30	S85°41'41"E	35.76'
L31	S26°16'25"E	25.45'
L32	S13°12'11"W	27.59'
L33	S69°56'10"W	44.09'
L34	S31°26'12"W	36.99'
L35	S11°07'54"W	35.95'
L36	S38°11'20"E	35.88'
L37	S5°01'20"E	61.14'
L38	S34°48'53"W	39.92'
L39	S33°35'38"W	63.54'
L40	S11°27'38"W	52.49'
L41	S14°50'46"E	25.49'
L42	S67°54'47"E	41.89'
L43	S68°30'10"E	21.69'
L44	S26°02'55"E	40.17'
L45	S37°10'24"E	45.50'
L46	S38°51'50"E	110.00'
L47	S8°19'46"E	32.20'
L48	S32°14'26"W	49.75'
L49	N87°44'14"W	55.11'
L50	S3°24'53"W	56.65'
L51	S16°14'59"E	34.04'
L52	S33°02'56"E	28.51'
L53	S53°43'13"E	48.22'
L54	S3°16'09"E	33.78'
L55	N1°24'06"E	112.50'
L56	N9°13'19"W	154.35'
L57	N15°04'42"W	99.29'
L58	N15°04'42"W	146.69'

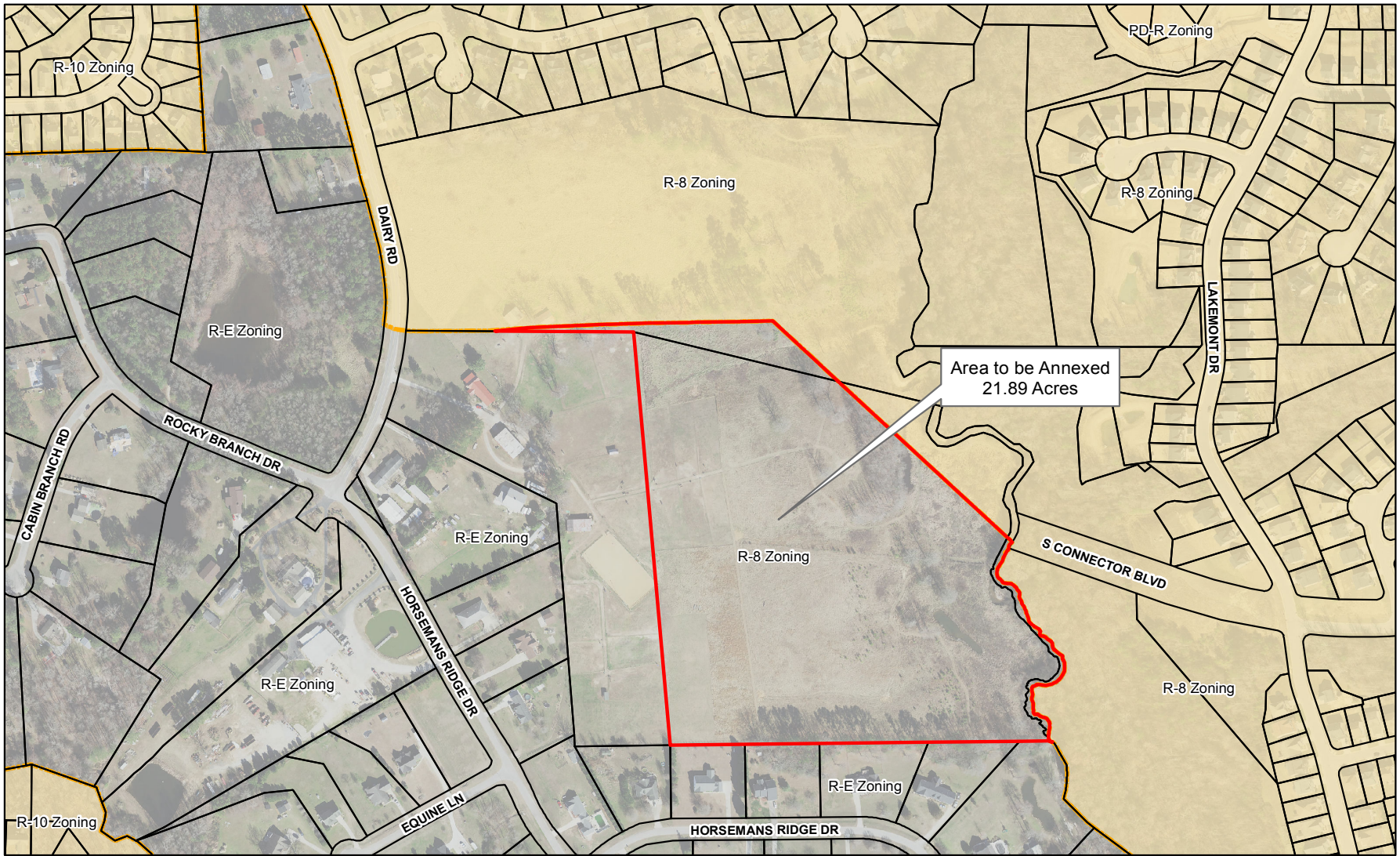


REVISIONS:	DATE: 02/07/19
REV. OWNERSHIP CERT., 02/12/19	SCALE: 1"=200'
	SURVEYED BY: WR
	DRAWN BY: TMG
	CHECK & CLOSURE BY: TMG
	CAD FILE: LITTLE CREEK BASE
	PROJECT NO: 02160344.00

ANNEXATION MAP FOR THE TOWN OF CLAYTON PORTIONS OF TRACTS 2 AND 3 - PB 70, PG. 367 PROPERTY OF CLAYTON PROPERTIES GROUP, INC.		
CLAYTON TOWNSHIP TOWN OF CLAYTON	JOHNSTON COUNTY	NORTH CAROLINA
ZONE: R-8	PIN: 165812-85-9742 165816-94-4736	SHEET 1 OF 1



115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3340 | license #: C-0832 |
www.withersravenel.com



Legend

- Area to be Annexed
- Clayton Town Limits
- Clayton ETJ
- Parcels

Produced by: TOC Planning
March 8, 2019

Annexation Map

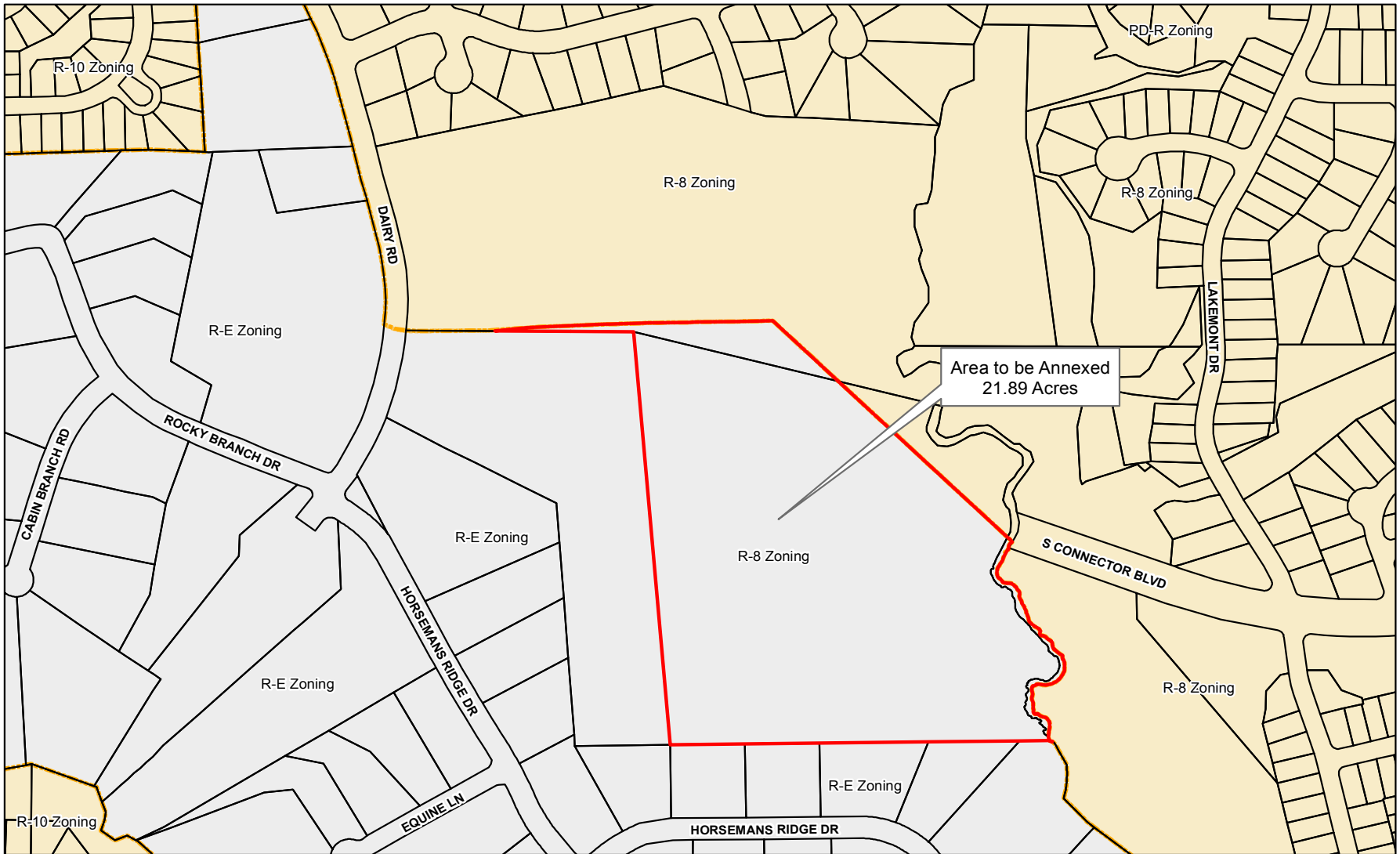
Applicant(s): Clayton Properties Group, Inc
Property Owner(s): Clayton Properties Group, Inc
Parcel Number(s) Portion of 05H04002A & Portion of 05H03024
File Number(s): 2019-29-ANX



1 inch = 350 feet



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



Legend

- Area to be Annexed
- Clayton Town Limits
- Clayton ETJ
- Parcels

Produced by: TOC Planning
March 8, 2019

Annexation Map

Applicant(s): Clayton Properties Group, Inc
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1 inch = 350 feet



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Annexation Area

Portions of Tracts 2 and 3 – DB 5259, Pg. 42 | PB 70, Pg. 367

Property of Clayton Properties Group, Inc.

Commencing at a point in the pavement of Dairy Road (SR 1583), the southwest corner of Tract 2 and a common corner with Stanly C. and Elaine B. Lee (DB 3387, Pg. 241), said point having NC Grid, NAD 83 (2011) coordinates of Y(N): 685,398.20 and X(E): 2,158,229.75 and being the TRUE POINT OF BEGINNING for the annexation area herein described:

Thence leaving the roadway N88°16'17"E, 1,012.44 feet along a former property line between Tract 2 and Tract 3 and the current Town of Clayton City Limit line to a point;

Thence crossing the current property line between Tract 2 and Tract 3 S43°48'39"E, 884.88 feet along the current Town of Clayton City Limit to a point in Little Creek;

Thence along the run of Little Creek and the current Town of Clayton City Limit the following courses and distances:

S33°35'38"W, 33.71 feet to a point; S11°27'38"W, 52.49 feet to a point; S14°50'46"E, 25.49 feet to a point; S67°54'47"E, 41.89 feet to a point; S68°30'10"E, 21.69 feet to a point; S26°02'55"E, 40.17 feet to a point; S37°10'24"E, 45.50 feet to a point; S38°51'50"E, 110.00 feet to a point; S08°19'46"E, 32.20 feet to a point; S32°14'26"W, 49.75 feet to a point; N87°44'14"W, 55.11 feet to a point; S03°24'53"W, 56.65 feet to a point; S16°14'59"E, 34.04 feet to a point; S33°02'56"E, 28.51 feet to a point; S53°43'13"E, 48.22 feet to a point; and S03°16'09"E, 33.78 feet to a point;

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Thence N04°25'12"W, 1,133.28 feet along a common line with Lee to an existing iron pipe;

Thence N88°55'30"W, 642.53 feet along a common line with Lee to the point and place of beginning, containing 953,478 square feet or 21.889 acres for the annexation area herein described according to a map entitled "Annexation Map for the Town of Clayton, Portions of Tracts 2 and 3 – PB 70, Pg. 367, Property of Clayton Properties Group, Inc." by WithersRavenel, signed and sealed by Thomas M. Grzebień, NCPLS # 4695 on February 7, 2019.

PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:00 PM on Monday, April 15, 2019, at Town Hall, 111 E. Second Street, on the question of annexing the following described contiguous area, requested by annexation petition 2019-29-ANX filed pursuant to G.S. 160A-31:

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

Commencing at a point in the pavement of Dairy Road (SR 1583), the southwest corner of Tract 2 and a common corner with Stanly C. and Elaine B. Lee (DB 3387, Pg. 241), said point having NC Grid, NAD 83 (2011) coordinates of Y (N): 685,398.20 and X (E): 2,158,229.75 and being the TRUE POINT OF BEGINNING for the annexation area herein described:

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S08°19'46"E, 32.20 feet to a point;
S32°14'26"W, 49.75 feet to a point;
N87°44'14"W, 55.11 feet to a point;
S03°24'53"W, 56.65 feet to a point;
S16°14'59"E, 34.04 feet to a point;
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S53°43'13"E, 48.22 feet to a point; and S03°16'09"E, 33.78 feet to a point;

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

Kimberly A. Moffett, CMC

Town Clerk

Town of Clayton

919-553-5002 ext. 5004

4/3/2019

Ordinance #2019-04-05

**ANNEXATION PETITION 2018-29-ANX
The Village at Little Creek Subdivision
Parcel: Portion of 05H04002A & Portion of 05H03024
Owners: Clayton Properties Group, Inc.
Contiguous; 21.88 +/- acres**

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Town Hall at 6:30 PM on April 15, 2019 due notice of publication on April 3, 2019.

WHEREAS, the Town of Clayton finds that the petition meets the requirements of

G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Clayton as April 15, 2019:

Commencing at a point in the pavement of Dairy Road (SR 1583), the southwest corner of Tract 2 and a common corner with Stanly C. and Elaine B. Lee (DB 3387, Pg. 241), said point having NC Grid, NAD 83 (2011) coordinates of Y(N): 685,398.20 and X(E): 2,158,229.75 and being the TRUE POINT OF BEGINNING for the annexation area herein described:

Thence leaving the roadway N88°16'17"E, 1,012.44 feet along a former property line between Tract 2 and Tract 3 and the current Town of Clayton City Limit line to a point;

Thence crossing the current property line between Tract 2 and Tract 3 S43°48'39"E, 884.88 feet along the current Town of Clayton City Limit to a point in Little Creek;

Thence along the run of Little Creek and the current Town of Clayton City Limit the following courses and distances:

S33°35'38"W, 33.71 feet to a point; S11°27'38"W, 52.49 feet to a point; S14°50'46"E, 25.49 feet to a point; S67°54'47"E, 41.89 feet to a point; S68°30'10"E, 21.69 feet to a point; S26°02'55"E, 40.17 feet to a point; S37°10'24"E, 45.50 feet to a point; S38°51'50"E, 110.00 feet to a point; S08°19'46"E, 32.20 feet to a point; S32°14'26"W, 49.75 feet to a point; N87°44'14"W, 55.11 feet to a point; S03°24'53"W, 56.65 feet to a point; S16°14'59"E, 34.04 feet to a point; S33°02'56"E, 28.51 feet to a point; S53°43'13"E, 48.22 feet to a point; and S03°16'09"E, 33.78 feet to a point;

Thence leaving Little Creek S89°56'52"W, 1,030.97 feet along the rear of lots 28, 9, 8, 7, and 6 (consecutively) of Horseman's Ridge Sections 1 and 2 (PB 39, Pg. 255 and PB 58, Pg. 374) to an existing iron pipe, a common corner with Stanly C. and Elaine B. Lee;

Thence N04°25'12"W, 1,133.28 feet along a common line with Lee to an existing iron pipe;

Thence N88°55'30"W, 642.53 feet along a common line with Lee to the point and place of beginning, containing 953,478 square

feet or 21.889 acres for the annexation area herein described according to a map entitled "Annexation Map for the Town of Clayton, Portions of Tracts 2 and 3 – PB 70, Pg. 367, Property of Clayton Properties Group, Inc." by Withers Ravenel, signed and sealed by Thomas M. Grzebien, NCPLS # 4695 on February 7, 2019.

Section 2: Upon and after April 15, 2019, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Duly adopted this the 15th day of April, 2019 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Katherine Ross
Town Clerk

Town Attorney

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This the _____ day of,  2019
_____ personally appeared before me, Kimberly A.
Moffett, Clerk of the Town of Clayton, who, being duly sworn by
me, says that she knows the common seal of the Town of
Clayton and is acquainted with Jody L. McLeod, who is the
Mayor and presiding member of said municipal corporation; and
that she saw the said Mayor sign the foregoing instrument and

saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Kimberly A. Moffett, signed her name in attestation of said instrument in the presence of said Mayor.

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

Notary Public - Signature

(SEAL)

Notary Public – Printed Name

Commission Expires: _____

County of Commission: _____



Town Council Agenda Cover Sheet

Meeting Date

April 15 2019

Agenda Location

Public Hearings

Item Title

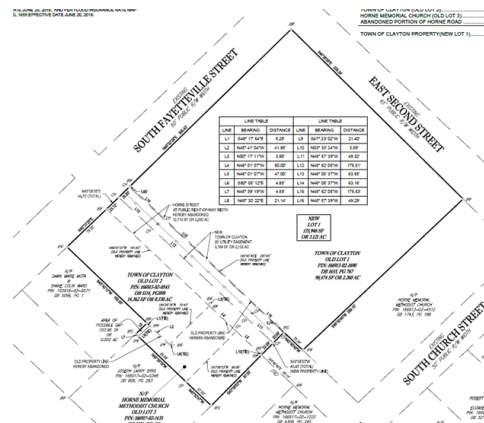
Horne Street Abandonment

Presenter

Samantha Wullenwaber

Summary/Description

The Town of Clayton proposes to abandon a portion of Horne Street according to the metes and bound description attached and the abandonment plat. This will allow staff to fulfill a council directive to increase parking for The Clayton Center and the greater downtown area. Based on feedback, the engineering firm Kimley-Horn will present their findings regarding the traffic impact of the road closure.



Requested Action

Approval/Denial of Horne Street Closure, as presented

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Abandonment Plat

Metes and Bound Description

Proposed Parking Lot Rendering

Meeting Timeline

NA



BOHLERTM
ENGINEERING NC, PLLC

Date: March 5, 2019

**Legal Description of
A 0.292 acre portion of Rights-of-Way Located on
East Horne Street
Located in Town of Clayton, North Carolina**

Beginning at a found iron rebar, said rebar being along the southerly rights-of-way of South Fayetteville Street;
Thence, along said rights-of-way, N 45°06'35" E, 44.72' to a found iron rebar;
Thence, leaving said rights-of-way, S 45°45'49" E, 287.95' to a set iron rebar along the northerly rights-of-way of East Horne Street;
Thence, through the rights-of-way of East Horne Street, S 43°58'53" W, 43.43' to a found iron rebar being along the southerly rights-of-way of East Horne Street;
Thence, N 46°01'07" W, 47.00' to a computed point;
Thence, N 46°01'07" W, 50.00' to a found iron rebar;
Thence, N 46°01'07" W, 191.83' to a found iron rebar and the point and place of beginning containing 12,710 square feet or 0.292 acres, more or less.

“Preliminary, not for sales, recordation, or conveyances”

The property described hereon is subject to all easements, rights-of-way and restrictions of record.

CIVIL AND CONSULTING ENGINEERS • PROJECT MANAGERS • SURVEYORS • ENVIRONMENTAL CONSULTANTS • LANDSCAPE
ARCHITECTS WWW.BOHLERENGINEERING.COM

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THE PURPOSE ORIGINALLY INTENDED, WITHOUT THE WRITTEN PERMISSION OF BOHLER ENGINEERING IS PROHIBITED.

NOTES:

1. NO TITLE REPORT FURNISHED.
2. AREAS COMPUTED BY COORDINATE METHOD.
3. PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.
4. ALL DISTANCES SHOWN ON SURVEY ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
5. NC GRID COORDINATES (NAD83) OBTAINED BY USING GPS, PER THE NCVRS NETWORK.
6. BASIS OF BEARING SHOWN HEREON IS NC GRID (NAD 83 NSRS 2011).
7. VERTICAL DATUM SHOWN HEREON IS NAVD88.
8. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOODZONE "ZONE X", AREA OF MINIMAL FLOODING, PER FLOOD INSURANCE RATE MAP 3720168900K, PANEL 1669 EFFECTIVE DATE JUNE 20, 2018, AND PER FLOOD INSURANCE RATE MAP 3720165900K PANEL 1659 EFFECTIVE DATE JUNE 20, 2018.

REVIEW OFFICER'S CERTIFICATE

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

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

DATE REVIEW OFFICER

CERTIFICATE REQUIRED ON RECOMBINATION PLATS

THIS PLAT REPRESENTS A RECOMBINATION OF PREVIOUSLY RECORDED PARCELS OF LAND
AND DOES NOT CONSTITUTE A SUBDIVISION AS SPECIFIED BY THE NORTH CAROLINA
GENERAL STATUTES. APPROVAL FOR RECORDATION BY THE TOWN OF CLAYTON IS GRANTED
CERTIFICATION BELOW.

DATE PLANNING DIRECTOR -TOWN OF CLAYTON, NC

JOHNSTON COUNTY REGISTER OF DEEDS

STATE OF NORTH CAROLINA, JOHNSTON COUNTY

THE INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDING THIS ____ DAY OF

_____, 20____ AT _____

REG. OF DEEDS ASST. REG. OF DEEDS

CERTIFICATION FOR WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS

CERTIFICATE OF PRELIMINARY APPROVAL OF WATER SUPPLY AND SEWAGE DISPOSAL
SYSTEMS INSTALLED FOR INSTALLATION IN _____ SUBDIVISION MEET
PUBLIC HEALTH REQUIREMENTS AS DESCRIBED IN APPENDIX II JOHNSTON COUNTY
SUBDIVISION REGULATIONS FINAL APPROVAL FOR INDIVIDUAL LOTS WITHIN THIS SUBDIVISION
WILL BE BASED ON DETAILED LOT EVALUATION UPON APPLICATION AND SUBMISSION OF PLAN
OR FOR PROPOSED USE. THIS PRELIMINARY CERTIFICATION IS ADVISORY ONLY AND
CONFERS NO GUARANTEE.

DATE HEALTH REPRESENTATIVE

NOTE: EACH LOT SHOWN HEREON MAY REQUIRE THE USE OF SEWAGE PUMPS, LOW
PRESSURE PIPE SYSTEMS, FILL SYSTEMS, INNOVATIVE SYSTEMS OR ANY OTHER ALTERNATE
SYSTEM TYPE AND SITE MODIFICATIONS SPECIFIED IN THE NORTH CAROLINA LAWS AND
RULES FOR SEWAGE TREATMENT AND DISPOSAL SYSTEMS, 15A NCAC 18A SECTION 1900. THE
ACTUAL SYSTEM TYPE, DESIGN AND SITE MODIFICATIONS WILL BE DETERMINED AT THE TIME
OF PERMITTING.

CERTIFICATE OF FLOODWAY INFORMATION

PROPERTY HEREON _____ IS _____ IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE.
FLOOD HAZARD PANEL NO. 1669
EFFECTIVE DATE: JUNE 20TH, 2018

DATE SURVEYOR

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED
HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF CLAYTON
AND THAT I HEREBY ADOPT THIS SUBDIVISION PLAN WITH MY FREE CONSENT, ESTABLISH
MINIMUM SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, PARKS AND OTHER SITES
AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED.

DATE OWNER

NOTARY STATEMENT

_____(STATE)

_____(COUNTY)

I, _____
A NOTARY PUBLIC OF SAID COUNTY AND STATE, DO HEREBY
CERTIFY THAT

DID PERSONALLY APPEAR AND SIGN BEFORE ME THIS THE
DAY OF _____, 2018

NOTARY PUBLIC (SIGNATURE)

MY COMMISSION EXPIRES: _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED
HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF CLAYTON
AND THAT I HEREBY ADOPT THIS SUBDIVISION PLAN WITH MY FREE CONSENT, ESTABLISH
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AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED.

DATE OWNER

NOTARY STATEMENT

_____(STATE)

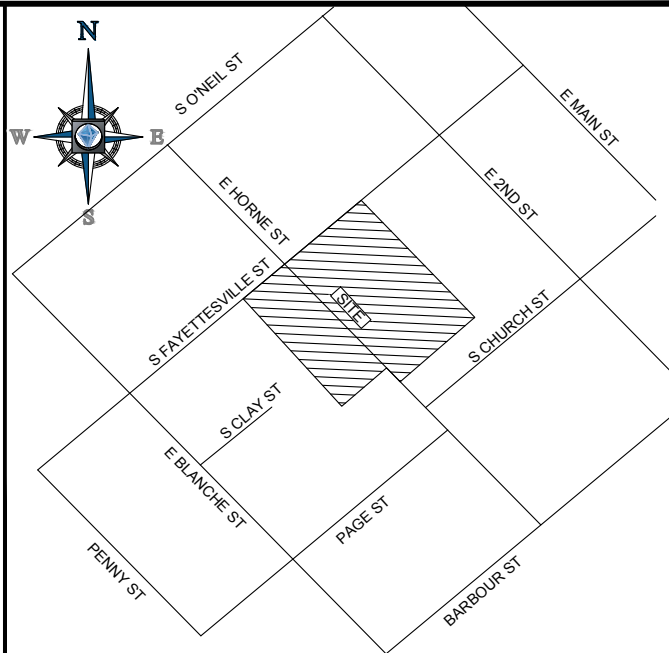
_____(COUNTY)

I, _____
A NOTARY PUBLIC OF SAID COUNTY AND STATE, DO HEREBY
CERTIFY THAT

DID PERSONALLY APPEAR AND SIGN BEFORE ME THIS THE
DAY OF _____, 2018

NOTARY PUBLIC (SIGNATURE)

MY COMMISSION EXPIRES: _____



LOCATION MAP

NOT TO SCALE

REFERENCES:

DB 1655, PG 767
DB 5114, PG 899
DB 5096, PG 1
DB 806, PG 283
DB 5195, PG 485
DB 3927, PG 155
DB 4308, PG 245
DB 754, PG 35080
DB 1743, PG 188
DB 3422, PG 887
DB 5211, PG 786
DB4584, PG 603
DB 1110, PG 312

SURVEYOR CERTIFICATION

I, THOMAS E. TEABO, PLS. HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY
SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, FROM DEED AND
MAP REFERENCES AS NOTED ON SAID MAP; THAT THE BOUNDARIES NOT SURVEYED ARE
CLEARLY INDICATED AS DRAWN FROM INFORMATION FROM DEED AND MAP REFERENCES AS
NOTED ON SAID MAP.

THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY OF THE SURVEY AS CALCULATED
IS 1: 10,000*, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED
FROM INFORMATION OF RECORD; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S.
47-30, AS AMENDED.

I HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL
GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED
TO PERFORM THE SURVEY:

- (1) CLASS OF SURVEY: "CLASS A"
- (2) POSITIONAL ACCURACY: 0.04'
- (3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC NETWORKS-NCVRS
- (4) DATES OF SURVEY: 10-01-18 TO 10-11-18
- (5) DATUM/EPOCH: NAD 83 (2011) EPOCH 2010.00
- (6) PUBLISHED/FIXED-CONTROL USE: NCVRS
- (7) GEOID MODEL: 2012 (CONUS)
- (8) COMBINED GRID FACTOR(S): 0.99988564
- (9) UNITS: US SURVEY FEET

THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING
PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF
SUBDIVISION. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND AND SEAL THIS
6TH DAY OF MARCH A.D., 2019.

PRELIMINARY - NOT FOR RECORDATION,
SALES OR CONVEYANCES

SURVEYOR

NC L-3920



RECOMBINATION & RIGHT-OF-WAY

ABANDONMENT PLAT FOR THE

TOWN OF CLAYTON

PINS: 166913-02-1690,166917-02-1435,166913-02-0545

TOWN OF CLAYTON, CLAYTON TOWNSHIP,
JOHNSTON COUNTY, NORTH CAROLINA

FILE NO.
NSR182134



BOHLER
ENGINEERING NC, PLLC

4130 PARKLAKE AVENUE
SUITE 130
RALEIGH, NORTH CAROLINA 27612
919.578.9000 - 919.703.2665 FAX
www.bohlerengineering.com
NCBELL ID: P-11132

DATE

03/06/19

FIELD DATE

10/11/18

CREW CHIEF

RJ

DRAWN

CM

REVIEWED

TET

APPROVED

TET

SCALE

1" = 50'

DWG. NO.

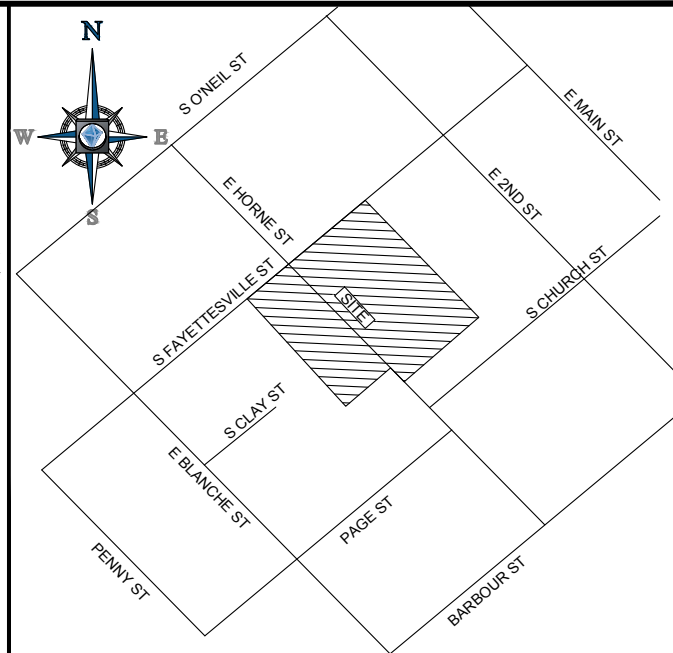
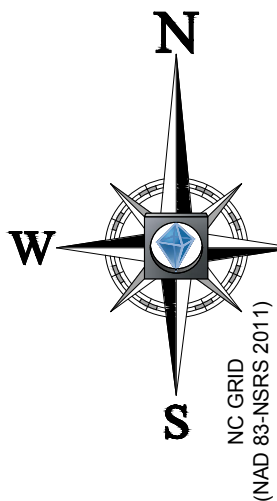
1 OF 2

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LOT TABLE:

TOWN OF CLAYTON (OLD LOT 1).....	98,474 SF/2.260 AC
TOWN OF CLAYTON (OLD LOT 2).....	14,362 SF/0.330 AC
HORNE MEMORIAL CHURCH (OLD LOT 3).....	10,400 SF/0.239 AC
ABANDONED PORTION OF HORNE ROAD	12,710 SF/0.292 AC
TOWN OF CLAYTON PROPERTY(NEW LOT 1).....	135,946 SF/3.121 AC



LOCATION MAP

NOT TO SCALE

REFERENCES:

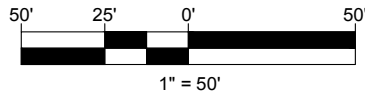
DB 1655, PG 767
DB 5114, PG 899
DB 5096, PG 1
DB 806, PG 283
DB 5195, PG 485
DB 3927, PG 155
DB 4308, PG 245
DB 754, PG 35080
DB 1743, PG 188
DB 3422, PG 887
DB 5211, PG 786
DB4584, PG 603
DB 1110, PG 312

PRELIMINARY - NOT FOR RECORDATION,
SALES OR CONVEYANCES



LEGEND

---	LINE SURVEYED
---	LINE NOT SURVEYED
○ IRS	IRON REBAR SET
○ IPF	IRON PIPE FOUND
○ IRF	IRON REBAR FOUND
○ CP	COMPUTED POINT



**RECOMBINATION & RIGHT-OF-WAY
ABANDONMENT PLAT FOR THE
TOWN OF CLAYTON**

PINS: 166913-02-1690, 166917-02-1435, 166913-02-0545

TOWN OF CLAYTON, CLAYTON TOWNSHIP,
JOHNSTON COUNTY, NORTH CAROLINA

FILE NO. NSR182134	 BOHLER ENGINEERING NC, PLLC		4130 PARKLAKE AVENUE SUITE 130 RALEIGH, NORTH CAROLINA 27612 919.578.9000 - 919.703.2665 FAX www.bohlerengineering.com NCEES ID: P-1132				
DATE 03/06/19	■ UPDATE NEW YORK ■ SOUTHERN NEW YORK METRO ■ WARREN, NJ ■ WASHINGTON DC ■ ENERJULY PARK ■ SOUTHEASTERN PA ■ ■ BALTIMORE, MD ■ BOSTON, MA ■ BOSTON, MA ■ NORTHERN VIRGINIA ■ HARPSBURG, CT ■ CENTRAL VIRGINIA ■ CHARLOTTE, NC ■ RALEIGH, NC						
FIELD DATE 10/11/18	CREW CHIEF RJ	DRAWN CM	REVIEWED TET	APPROVED TET	SCALE 1" = 50'	DWG. NO. 2 OF 2	

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**STREET CLOSING ORDER
TOWN OF CLAYTON**

Resolution #2019-15

**A Resolution Ordering the Abandonment of a
Portion of Horne Street**

WHEREAS, on the 4th day of February, 2019, the Town Council of the Town of Clayton directed the Town Clerk to publish the Resolution of Intent of the Town Council to consider abandoning right of way on Cross Street once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the Town Hall on March 18, 2019 and said public hearing was continued to April 1, 2019 at which time it was continued to April 15, 2019 ; and

WHEREAS, the Town Council on the 4th day of February, 2019 ordered the Town Clerk to notify all persons owning property adjoining the abandonment of the portion of Horne Street, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the Town Clerk has advised the Town Council that a letter was sent to each of the adjoining property owners advising them of the day, time and place of the

meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to consider the abandonment of a portion of Horne Street would be acted upon, said letters having been sent by registered or certified mail; and

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

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on April 1, 2019; and

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

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

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

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

Upon motion duly made by _____ and duly seconded by _____, the above resolution was duly adopted by the Town Council at a meeting held on the 1st day of April, 2019 in the Council Chamber of Clayton Town Hall.

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

and the following Council Members voted in the negative:

Duly adopted this the 15th day of April 2019, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

**NORTH CAROLINA
JOHNSTON COUNTY**

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

WITNESS my hand and notarial seal this _____ day of _____ 2019.

Notary Public _____
(Printed Name)

My Commission Expires:

County of Commission: _____

**NORTH CAROLINA
JOHNSTON COUNTY**

I hereby certify that the foregoing is a true and accurate copy of a resolution duly adopted by the Town Council of the Town of Clayton, North Carolina, at a meeting held April 1, 2019, at 6:00 PM at the Town Hall in the Town of Clayton.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official corporate seal of said Town to be affixed, this _____ day of _____ 2019.

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

