The Town of Clayton
Regular Town Council Meeting Agenda
Tuesday, January 2, 2018 @ 6:30 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
November 20, 2017
December 4, 2017 (Regular)
December 4, 2017 (Closed)
December 18, 2017
Cover - Draft Minutes
November 20, 2017 DRAFT Minutes
December 18, 2017 DRAFT Minutes

b. Warranty Acceptance
- Warrick Park Subdivision

Warranty Acceptance - Warrick Park Subdivision

c. Proclamation Recognizing January 2018 as Youth Art Month
Cover - Youth Art Month Proclamation
Proclamation - Youth Art Month 2018

d. RWAC Parcel Acceptance
Cover - RWAC Parcel Acceptance
Parcel - RWAC
Deed - RWAC

e. Archer Lodge Fire Department Contract - RWAC
Cover - Archer Lodge Fire Department Contract - RWAC
Archer Lodge Agreement Amendment Three

f. Appointment of Natasha Ellis Smith to Library Advisory Board
Cover - Library Advisory Board Appointment
Application - Natasha Ellis-Smith

g. ECIA Water & Wastewater Infrastructure Project Funding Request

Cover - ECIA Water & Wastewater Infrastructre Project Funding Request

Ordinance - Fund 638 Budget Amendment

POTENTIAL ACTION: Approval of Consent Agenda as Presented

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

5. PUBLIC HEARINGS

6. OLD BUSINESS

7. NEW BUSINESS

8. STAFF REPORTS

a. Town Manager

b. Town Attorney

c. Town Clerk

d. Other Staff

9. OTHER BUSINESS

a. Informal Discussion & Public Comment

b. Council Comments

10. ADJOURNMENT

Town Council Agenda Cover Sheet

Meeting Date

January 2, 2018

Agenda Location

Consent Agenda

Item Title

Draft Minutes

Presenter *(Name & Title)*

Summary/Description

The draft minutes from the following minutes will be sent under separate cover; November 20, 2017, December 4, 2017 & December 18, 2017.

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

Draft minutes will be sent under separate cover and will be uploaded to the on-line agenda prior to the January 2, 2018 meeting.

The Town of Clayton
Town Council Work Session Meeting Minutes
Monday, November 20, 2017 @ 6:30 PM
Council Chambers

COUNCIL PRESENT:
Mayor Pro Tem Grannis
Council Member Satterfield
Council Member Lawter
Council Member Holder
Council Member Thompson

STAFF PRESENT:
Adam Lindsay, Town Manager
Nancy Medlin, Deputy Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
David DeYoung, Planning Director
Jay McLeod, Senior Planner
Stacy Beard, Public Information Officer
John Hamlin, Asst. Public Information Officer
Dale Medlin, Electric Department
Lee Barbee, Fire Chief
Rich Cappola, Engineering & Inspections Director
Tim Simpson, Public Works Director

COUNCIL ABSENT:
Mayor McLeod

1 CALL TO ORDER

Pledge of Allegiance and Invocation

a)

Mayor ProTem Grannis called the meeting to order at 6:36 p.m. He led everyone in the Pledge of Allegiance and offered the Invocation.

2 ADJUSTMENT OF THE AGENDA

3 CONSENT AGENDA

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

a) Draft Minutes

- November 6, 2017 - Regular Session

ACTION: Adoption of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

a) **Warranty Acceptance**

- **East Village Office Building**
- **Gordon Park Subdivision Phase 1 & 1B**
- **RWAC Eagle Crest Phase 2B-3 Asphalt Pavement**
- **RWAC Phase 5A, 5B1 & 5B2 (Marino Place & Hutson Lane)**
- **RWAC Ravens Ridge 8E**
- **Creekside Commons Subdivision**

ACTION: **Placed on December 4, 2017 Consent Agenda**

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) **Clayton Rotary Presentation to Family of Steve Biggs**
Presenters: **Marty Bizzell, Melissa Oliver & Allen Tew - Members of Clayton Rotary**

Member of Clayton Rotary were in attendance and presented a beautiful plaque to the family of Steve Biggs, that included the Paul Harris Fellowship Award and a Resolution. Members of the Rotary shared details about the Paul Harris Fellowship, which is the highest award that can be bestowed upon someone. Following the passing of Steve Biggs, who was a long time member of the Clayton Rotary, a donation was made in his memory and this donation will go directly to benefit many different projects. Mr. Tew read the Resolution aloud. Mr. Tew stated that Mr. Biggs was one of the most influential and dynamic leaders in this town and stated he felt the wording included in the resolution captured those feelings. He further acknowledged the legacy of Steve Biggs and the impact he had on the Town of Clayton.

b) **New Employee Introduction:**
***Presenter*:** **Dale Medlin, Electric System Director**

- **Josh Carasquillo, Electric Line Technician**

Mr. Medlin introduced Josh who is serving as an Electric Line Technician. Mr. Medlin stated that Josh is doing a great job. His previous experience includes being a railway electrician and also serves in the Army Reserves. Mr. Carasquillo thanked the council for the opportunity to serve the citizens of Clayton. The council welcomed him and also thanked him for his service to the country.

6 PUBLIC HEARINGS

7 ITEMS SCHEDULED FOR THE REGULAR MEETING

a) **2017-55-PDD - Highgate Phase 4**
Presenter: **Planning Department**

Mr. McLeod stated he would be presenting information for both items 5a & 5b

at the same time.

He stated request is to rezone 11.34 acres of land from PD-MU to PD-MU and add the land to the currently approved Highgate master planned subdivision. The rezoning is from a previously expired Planned Development Mixed Use to a new Planned Development -Residential.

Application is running concurrently with a preliminary plat application,, acting a master Plan 2017-56-SD known as Highgate Phase 4. The master plan designates that the additional land of Phase 4 would be single family residential and of a type currently existing in the master plan. This request would bring total number of units to 229 homes.

Staff states the request is consistent with the 2040 Comprehensive Plan, the Unified Development Code and that should this request be approved as proposed the Master Plan consistent with current master plan. Additionally request is compatible with Surrounding Land Uses. A Traffic Impact Analysis was updated. Per the TIA this development would not trigger significant improvements on adjacent roads other than standard turn lanes when required at site entrances and possible modifications to existing traffic signals. The intersections of Shotwell and Covered Bridge Roads and North O'Neil are already failing intersections and the TIA suggests that although improvements are necessary these traffic signals are typically funded and installed with funding sources provided by the NCDOT and/or the Town. Currently no funding is available from either source. This new project will certainly contribute to congestion at these intersections. Based on this information, it is the opinion of staff that the project without improvements cannot meet the Findings of Fact regarding subdivision design, traffic congestion and safety. Adding additional traffic will detrimentally affect the safety of the intersection at Shotwell and Covered Bridge Roads.

Staff recommended the following conditions be applied to the preliminary plat/master plan if approved:

<u>**General**</u>

1. The previous conditions of approval for 15-27-01-SD, Highgate Master Plan (formerly Creech or Wynwood Manor) shall be struck and replaced with the conditions contained herein.
2. Following Board approvals, three copies of the Master Plan / Preliminary Subdivision Plat, with the final Conditions of Approval inserted, and meeting the requirements of the Conditions of Approval and all requested revisions, shall be submitted to Planning Department for final approval. The Conditions of Approval for the master plan shall be binding upon the master preliminary plat and upon the planned development rezoning, and shall be recorded on each associated ordinance, as well as on the associated master plan (preliminary plat). The following items shall be recorded on the plans before they are valid and before they receive final approval from the Planning Department:
    a. The dimensional standards table shall be revised to reflect

the following criteria: 6,000 sqft min. lot size, 40% max. lot coverage, and 55% max. impervious surface.

b. Add note under the Legend on the Master Plan sheet that "no more than 65% of lots shall be shall be 60' or narrower, and no more than 40% of lots shall be 50' or narrower."
c. The greenways shall be extended to the property line, including across riparian buffers if necessary. Fee-in-lieu may be provided where full connection across a riparian buffer is not feasible at the time construction would be required. A wider sidewalk may be used to make greenway connections where appropriate. Where such sidewalk connection functions as part of the overall greenway trail or network, the wider sidewalk shall meet the dimensional requirements (width, clear zone and separation requirements, landscaping separation, grading and slope constraints, etc.) of the Town's greenway design specification.
d. The sidewalk at Street F (also known as Street H) shall be connected to the greenway. A wider sidewalk may be used to make greenway connections where appropriate. Where such sidewalk connection functions as part of the overall greenway trail or network, the wider sidewalk shall meet the dimensional requirements (width, clear zone and separation requirements, landscaping separation, grading and slope constraints, etc.) of the Town's greenway design specification.
e. On the Parks, Opens Space, and Pedestrian Circulation Plan sheet:
    i. Greenways that will become a linear section of the Sam's Branch greenway, including generally along the riparian buffer and connecting to and including the greenways on Shotwell Road and Covered Bridge Road shall be labeled as "public greenways, intended for dedication to the Town". All other greenways shall be labeled as "private".
    ii. Add a note stating that "all greenways shall be a minimum of 10' wide and built to Town standards".

3. The Master Plan / Preliminary Subdivision Plan is considered a preliminary plat. Individual phases are subject to final plat review.
4. The development of the property is limited to the parameters established on the Master Plan as approved by the Town Council. Modifications to the approved Master Plan / Preliminary Subdivision Plan or Master Plan Document shall require review and approval in accordance with Section 155.705 of the Unified Development Code. In addition, modifications to quality, style, and materials that are determined by the Planning Director not to meet or exceed the original intent or do not classify as "minor"

modifications per the Unified Development Code shall require major review and approval.

5. **A homeowners' association (HOA) document shall be recorded by the developer prior to final plat approval of the first residential phase. The HOA document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.**

Parks/Recreation/Open Space

6. **Resource Conservation Areas (RCAs) as defined by Section 155.500 of the Unified Development Code (UDC) shall be identified on the final plats as being permanently set aside, and shall be protected in perpetuity by a binding legal instrument recorded with the deed which includes clear restriction on the use of the resource conservation area, as described in Section 155.500(F) of the UDC.**
7. **Neighborhood parks, phases of greenway, and recreational amenities, including the clubhouse/pool site, shall be reviewed as Minor Site Plans prior to construction.**
8. **The clubhouse and pool shall be completed (or have completion financially guaranteed) prior to the platting of Phase 2.**
9. **Five foot wide sidewalks or ten foot wide paved multi-use paths shall be installed along at least one side of all roadways within the development as identified in the Master Plan. Where sidewalks are on only one side of the road, the developer shall provide a minimum ten-foot wide paved greenway/multi-use trails within the development on an equivalent basis based on cost. An Engineer's estimate which documents the cost allocations (in linear footage) between the deleted five foot concrete sidewalk and the proposed 10 foot asphalt multi-use path is required. Any cost shortage between the required five foot sidewalk and 10 foot multi-use path shall be paid as a fee-in-lieu. This condition is consistent with the waiver granted from UDC Section 155.602(H) to modify the requirement to provide sidewalk on both sides of the street**

10. **All sidewalks and greenways shall be financially guaranteed or constructed prior to plat recordation for the associated phase, with the exception that the sidewalk in front of residential units must be installed prior to the issuance of a Certificate of Occupancy of the unit.**

11. **Street trees shall be installed at time of road construction or else financially guaranteed prior to platting.**

12. **The acreage of recreation and open space, and active recreation areas identified in the Master Plan shall be considered minimum requirements and may not be reduced below that required for an open space subdivision without approval by the Town Council. The recreation areas shall be constructed concurrent with the**

construction of the associated phase and shall be installed or financially guaranteed prior to the platting for that phase.

<u>Development Standards</u>

13. **Final location of the CBU mailbox area has been approved in the Minor Site Plan for the clubhouse / recreation area, and all mailboxes for phases 1-4 shall be in this location.**
14. **All lots with pedestrian or drainage easements shall observe setbacks for fences from those easements as if those easement lines were the property lines.**

<u>Roadways and Access:</u>

15. **No more than 75 certificates of occupancy may be issued within the subdivision until the required secondary access has been constructed or financially guaranteed for construction.**
16. **The Right-of-Way (ROW) dedication along Covered Bridge Road shall occur prior to platting Phase 1 or any subsequent phase.**
17. **The right-of-way reservation along Shotwell Road shall occur prior to the platting of Phase 4 or any phase adjacent to Shotwell Road.**
18. **The roadway connection to the south across the creek (in or adjacent to phase 1, labeled as either Street F or Street H) shall be constructed or financially guaranteed prior to the platting of the third phase (or phase 3, whichever comes first) of the development.**
19. **The road stubout from Phase 4 to the south, which involves a stream crossing, shall be constructed or financially guaranteed prior to the platting of Phase 4.**
20. **All roadway and traffic improvements recommended by the Town and/or NCDOT shall be constructed or financially guaranteed prior to the platting of the phase of development that will trigger their necessity. If no phase is specified, the improvements shall be required immediately.**
21. **If another development contributes to traffic at any location requiring traffic improvements, the other development will contribute to the cost of the traffic signal based on their proportional impact, at the Town's discretion of determining such impact.**
22. **A schedule for traffic improvements, including designation of responsibility and milestones for action, will be agreed upon by involved parties, including the Town, developers of land represented in the Traffic Impact Analysis, and NCDOT.**

<u>Landscaping /Environmental</u>

23. **All required landscaping buffers or plantings shall be installed or financially guaranteed prior to the platting of the phase in which they occur.**

24. **Street tree species shall be approved by the Town Engineer and Town Planning Director as part of individual phase final plat or site plan review.**
25. **Resource Conservation Areas as defined in Article 5 of the Unified Development Code shall remain undisturbed pursuant to standards of Article 5, and shall be shown on all plats as being permanently set aside pursuant to the UDC requirements.**
26. **Prior to site grading and construction activities, tree protection fencing shall be installed around all Resource Conservation Areas. Once the tree protection fence is installed, it must be inspected by the Planning Department prior to construction activity.**

    Waiver

27. **The requirement to provide sidewalk on both sides of the street, per Section 155.602(H) of the Unified Development Code, is modified to require the provision of sidewalk on one side of each street, and 10' public greenway elsewhere in the development, substituted on a do**llar-for-dollar basis.

ACTION: **Set Public Hearing for December 4, 2017**

b) **2017-56-SD - Highgate Phase 4**
Presenter: **Planning Department**

ACTION: **Set Public Hearing for December 4,2017**

c) **2017-131-SUP - Bannister Outdoor Storage**
Presenter: **Planning Department**

Mr. McLeod presented and stated request is to develop subject property for the use of contractor office, storage yard and self-storage facility with limited outdoor storage. Request is consistent with Comprehensive Plan 2040 and Unified Development Code. Staff is recommending approval with conditions as noted below:

1. Architectural elevations for the office building shall be reviewed and approved by the Planning Department prior to issuance of a building permit.

ACTION: **Set Public Hearing for December 4, 2017**

d) **2017-145-SUP - Capps Tract**
Presenter: **Planning Department**

Mr. McLeod stated he would be presenting both items 7d & 7e together.

The applicant is requesting a Special Use Permit to allow townhomes in the R-10 zoning district. Only a portion of the property is being used to develop townhomes. Another portion of the parcel (approx. 7 acres with frontage on US

Hwy 70 Bus.) is being subdivided off because it is commercially zoned. The easternmost portion of the parcel (approx. 7 acres) is separated from the townhome section by a riparian area, and is being retained in natural condition.

A Preliminary Plat application, 2017-146-SD is running concurrently.

Request is consistent with Comprehensive Plan and compatible with Surrounding Land Uses.

Based on the zoning district, no landscape buffering is required along adjacent neighbors, except where abutting Residential-Estate (R-E) properties (which would require a Class A buffer). Most of the areas adjacent to R-E zoned properties are not being disturbed, and the existing vegetation will function as the buffer. However, the development is proposing an enhanced buffer along two properties in the northwest corner, to help mitigate any impacts from the proposed development on the adjacent homeowners.

As part of the Special Use Permit, it is recommended that the development provide a landscape buffer along all property lines where residential units would back up to commercially-zoned parcels. This would ensure a more harmonious relationship between the residential properties and the adjacent properties.

According to the revised site plan submission following the review of the Technical Review Committee, no clubhouse or other amenity center is proposed. A tot lot (playground) is proposed in a remote area with no vehicular or pedestrian access, and unimproved, passive open space is proposed elsewhere throughout the development to serve the recreational needs of the 167 homes. A large portion of this open space appears to be fairly inaccessible, being located east of the jurisdictional stream and wetlands, on the opposite side of the homes. Staff recommends that this inaccessible open space not be considered when determining if open space requirements are met for this development.. Staff has provided commentary in the recommended conditions of approval to help guide the applicant toward meeting the minimum recreational requirements of the Code, if that is their intention. A townhome development does not necessarily have to provide recreational amenities in order to be approved.

A stream runs through the middle of the parcel, and a large portion of the site is considered wetlands. A farm pond used to be on the site, and can be viewed on old aerial images of the site. The pond was recently drained (within the past two or three years), but the wetlands associated with the pond have not yet retreated to their pre-pond condition (if indeed they ever will). Regardless, the site has been designed with these constraints in mind, and although some impact to the wetlands may occur, it will be reviewed and permitted by the appropriate regulating agencies. Resource conservation areas (stream buffers, wetlands, 100-year flood zones) not being mitigated and to remain on site shall be preserved by a binding legal instrument recorded with the deed at time of platting.

The realignment of Cameron Way and Enterprise Drive create an intersection that functions as the primary access for nearly 150 homes – every unit which does not front on Street "C". The applicant has proposed that private Alley #2, located between Cameron Way and Street "C" can function as a separate fire access lane. Staff does not support using private alleys as primary fire access lanes, which are narrower than other access lanes. With a development of this size (greater than 75 units, but fewer than 250 units), a minimum of two fully functional access points are required, per §155.400(E)(2)(b). At this time, staff feels that the applicant has not adequately addressed access concerns. Staff has incorporated in to the recommended conditions of approval different ways by which the applicant can meet this public safety access requirement.

A stub-out is provided to the public right-of-way to the north, but only one connection is made. After this connection crosses the property line, it will remain in its current condition – an unimproved, dirt road (Summit Drive). In its current condition, this access cannot meet the requirements of the code for police/fire/EMS access. Another stub-out is shown to the east, which would connect with Atkinson Street and Moore Street. This connection relies on two other property owners, but would provide a significant connection to the main part of downtown Clayton. The developer has been receptive to connecting their project to the greater fabric of their surroundings, and has been strongly in favor of realizing the connection to Moore Street sooner rather than later.

The Traffic Impact Analysis (TIA) was originally conducted using an estimate of 152 townhomes, anticipated to generate 890 trips per day. Morning peak hour trips are projected at 67, with 79 projected peak hour trips in the evening. Staff has incorporated a condition of approval that requires the update of these figures to reflect the actual number of townhomes currently proposed (167), although the impact will likely be insignificant.

Major access to and from the site as it currently stands would occur on Shotwell Road and US Hwy 70 Business. From US Hwy 70 Bus., access to Enterprise Drive is proposed to be a right-in/right-out condition, and NCDOT has recommended minor changes to the striping proposed by the applicant's traffic consultants for the full-access intersection at Cameron Way and Shotwell Road.

The TIA recommended that the following off-site improvements be implemented by the developer of this subdivision, which were only slightly modified by NCDOT (see figure):

Re-stripe the westbound approach at the intersection of Cameron Way and Shotwell Road.

If or when a fully-realized connection is constructed to the east to Atkinson Street and Moore Street, it will result in greater access to downtown Clayton, as well as dispersal of traffic to the east. The same will occur if or when Summit Street is fully constructed and creates a connection to Main Street to the north.

If approved, the following conditions of approval are recommended by staff:

1.These Conditions of Approval, and any others associated with the Special Use Permit (2017-145-SUP) shall be recorded upon the final plan set, which will be delivered to the Planning Department for review and final approval.

2. Annexation of the entire property is required prior to the recordation of a plat or connection to town utilities.

3. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications may require additional approvals pursuant to Section 155.706 of the Unified Development Code.

4. All roads, trails, sidewalks, public infrastructure (water, sewer, electric, etc.) and/or greenways shall be built and stubbed to the property line.

5. Resource conservation areas as defined by Section 155.500 of the Unified Development Code (UDC) shall be identified on the final plats as being permanently set aside, and shall be protected in perpetuity by a binding legal instrument recorded with the deed which includes clear restriction on the use of the resource conservation area, as described in Section 155.500(F) of the UDC.

6. Where alleys are used for garbage or sanitation service, their width and design shall be coordinated with the Engineering Department, and the alleys shall be designed and inspected to accommodate the weight of the appropriate vehicles.

7. The re-alignment of Cameron Way and Enterprise Drive shall be completed or financially guaranteed prior to the recordation of the first plat.

8. The alignment (horizontal and vertical) of Street “C” shall be reviewed and approved by the Engineering Department to ensure that a connection can be made to Atkinson Street. A linear extension of Atkinson Street is currently proposed to match the existing right-of-way, but other options may be considered as long as they meet Engineering Department specifications.

9. Site interior landscaping requirements (per §155.402(D)) must be met for all common and/or open space areas. Supplemental plantings may be required.

10. Access, public safety, and connectivity:

- **All required access points shall be constructed or guaranteed prior to platting of the lot that generates their requirement.**
- **Private alleys shall not constitute a fire access lane. Only public roads built to accommodate fire apparatus may count toward meeting these requirements.**
- **A secondary, public access point (other than the access at the intersection of Cameron Way and Enterprise Drive), shall be constructed or guaranteed prior to the platting of the 75th lot or unit.**

Recommended connections include:

- **Extending the Cameron Way cul-de-sac down to the south to intersect with Street "C",**
- **Paving Summit Drive (to the north) up to its intersection with Main Street, or**
- **Extending Street "A" to the north to connect to Irondale Drive, and paving that street up to its intersection with Main Street.**
- **Other potential connections will be reviewed by the Technical Review Committee to ensure that they meet the intent of the Code and public safety requirements.**

11. Rear-loaded parking and garages:

- **Alley-loaded properties shall accommodate three parking spaces on the lot per unit, as shown in the parking detail drawing.**
- **Alley-loaded properties shall have a minimum rear setback for garages of zero feet, regardless of whether they are attached or detached.**
- **Parking must allow for sufficient room to maneuver between the vehicle and the garage door, such that overhang into the alley does not occur.**

12. Front-loaded parking and garages, per §155.301(I)(2)(b).

- **Front-loaded garages shall constitute no more than 50% of individual townhome unit.**
- **Driveway shall be aligned with the garage, and shall not exceed the width of the garage entrance/door.**
- **Garage doors shall be setback at least 25' from the back of sidewalk or property line.**
- **Garage doors shall be recessed at least one foot behind the front wall plane, or a second story element over the garage doors must be provided that extends at least one foot beyond the front wall plane.**
- **Front-loaded garages shall be prohibited on one-story townhome units.**
- **Front-loaded units shall accommodate a minimum of two parking spaces on the lot per unit.**
- **Driveways must allow for sufficient depth to maneuver between the vehicle and the garage door, such that overhang into public right-of-way does not occur.**

13. Street cross-section and on-street parking:

- **Standard curb shall be utilized on the public street side of all alley-loaded lots, and on all lot frontages where there is more than 30' between driveways.**
- **Sufficient public right-of-way shall be provided to accommodate all public infrastructure, including but not limited to streets, curb, sidewalks, street lighting, and utility areas for electric lines and areas for water meters.**
- **Prior to platting, street cross-section(s) shall be approved by Planning and the Engineering Department. If resolution cannot be reached at the staff level, the special use permit, subdivision approval, and entitlement will be null and void, unless returned to Town Council for a hearing.**
- **On streets where one side is alley-loaded and one-side is front-loaded:**
- **On-street, parallel parking area, formalized with striping and**

- landscaped bump-outs at intersections and in between buildings. Each landscape island containing a minimum of 150 sqft of landscaped area and one tree. Bump-outs at intersections shall contain the pedestrian walkways leading to striped crosswalks.
- Two travel lanes.
- Sidewalks on both sides of the street.
- Standard curb adjacent to the on-street parking (adjacent to alley-loaded units), and standard curb on the opposite side (adjacent to front-loaded units).
- Where streets are shown as both sides being front-loaded, one side shall be reconfigured to be alley-loaded, and the characteristics of the above cross-section design implemented.
-

14. Landscaping:
    - A Class "C" landscape buffer or equivalent shall be provided along properties zoned Residential- Estate.
    - A Class "A" landscape buffer or equivalent shall be provided where lots abut commercially- zoned properties.

15. Open Space and Recreation:

    - Resource conservation areas shall not count toward required recreation and open space, per§155.500(A)(3).
    - Any and all open space and common areas, playgrounds, facilities, greenways, parks, or other amenity areas shall be fully constructed, bonded, and/or other acceptable performance guarantee provided prior to platting.
    - In order to qualify for the reduced recreation fee-in-lieu payment, a minimum of 12.5% of the net site shall be open space, with 25% of that developed as active recreation, per §155.203(I)(3) and (4).
    - Passive Open Space Area #3 (identified as the ±4.8 acre area to the east of the wetlands and stream) shall not be counted toward meeting the minimum open space requirements of the development, as it is largely inaccessible, and does not meet the requirements of §155.203(I)(4)(d). In order for this area to be considered as usable open space, a walking trail system (or other access system) must be developed, including at least two separate bridge crossings of the stream and wetlands, in logical locations as approved by the Planning Director.
    - Formalized pedestrian access (sidewalk or other approved material, signage, etc.) shall be provided to all amenity areas, including the primary passive open space areas.
    - Parking shall be required at the primary active recreation area(s), at a rate appropriate for the use, as determined by the Planning Director. Depending on the location and configuration of the space, and the availability of on-street parking, the off-street parking requirement may be determined to be zero.
    - A minor site plan approval shall be required for all non-residential, active recreation, or amenity areas, and must be approved prior to plat of the lot that generates its need. Alternatively, a detail drawing of the area(s) may be approved as part of this Preliminary Plat, to function as a Minor Site Plan approval.

- **Access to active recreation and open space areas shall provide basic access, as appropriate to its intended use, as approved by the Planning and Engineering Departments.**
- **Areas of greater than 3:1 slope (33%) shall not be counted toward meeting open space requirements, unless they are naturally occurring and not the result of site grading.**

Mayor Pro Tem Grannis asked that the applicant be prepared to address the condition regarding recreation fees.

<u>ACTION:</u> **Set Public Hearing for December 4, 2017**

e) **2017-146-SD - Capps Tract**
Presenter: **Planning Department**

<u>ACTION:</u> **Set Public Hearing for December 4, 2017**

f) **Recommendations for Appointments to Town Advisory Boards**
***Presenter*:** **Kimberly Moffett, Town Clerk**

Ms. Moffett presented a list of names that were being recommended for appointment to the various advisory boards. She stated all applicants were interviewed and there were many excellent candidates. All positions will be filled effective January 1, 2018.

<u>ACTION:</u> **Placed on December 4, 2017 Consent Agenda**

8 ITEMS FOR DISCUSSION

9 ITEMS REQUIRING ACTION

(In order for any action to be taken during a Work Session, a motion must be made and seconded to suspend the rule to allow action to be taken.)

10 OLD BUSINESS

11 STAFF REPORTS

a) **Town Manager**

b) **Town Attorney**

c) **Town Clerk**

d) **Other Staff**

12 OTHER BUSINESS

a) **Informal Discussion & Public Comment**

Mr. Jim Perricone addressed Council on behalf of the Clayton Rotary. He stated the Clayton Rotary has taken over the organization and management of the Clayton Christmas Parade, which historically was run by the Clayton

Chamber of Commerce.

He stated that there had been a request from staff to change the parade route, which would allow a lesser time that streets would be need to be closed. He stated the Rotary was in agreement. He further stated that with this change the original cost of $5560 of staff time to be reimbursed would be reduced to $4300. He stated the Rotary was advised that all organization would be charged the fees for staff time.

Mr. Perricone shared history regarding the parade, and stated the Chamber no longer wanted handle the event and numerous non-profits were approached to take over the parade, but there was no interest. It was then that the Rotary Club said they would take it over to ensure the event continued. He stated at the time Rotary agreed to take over the parade they were not advised there would be fees involved.

He spoke about the history of the Rotary and their commitment to the town. He requested that Council waive all fees for the parade this year as well as fees in the future.

There was discussion and Council Member Satterfield stated he understood the point of view of Rotary but hoped they would also be able to see the hard decisions the town is faced with and are unable to differentiate between the many excellent non-profits.

Council Member Holder stated he believed the town got a tremendous amount of good will from the Christmas Parade and felt it was wrong to change and start charging.

Council Member Lawter stated he agreed with Council Member Holder regarding the importance of parade. He further stated that there are now new policies in place and we are not target the Rotary, that the town is just trying to recover our costs and further stated he is not sure where the line is. He further stated that he would love to be able to say were not going to charge for anything but that is not fair to all taxpayers

Mr. Lindsay addressed costs and provided a brief history of law enforcement needs. The police personnel that attend the parade are off-duty and these costs are not included in the budget. He stated that he understood this was a new change. He discussed that this is new and different world and with regards to law enforcement presence, many things have to be handled differently than they were in the past. He further stated there is a process in place and that all applications have to go through the same process. He further stated that is very important that all event applications be reviewed so the town can assist in reducing the costs. He questioned if an event is a fundraiser, should that be the burden of the taxpayers.

Mr. Perricone stated the club did not take on the parade as a fundraiser but rather to continue a legacy event when no one else wanted to take it on

Mr. Jim Lee, who is also a member of Rotary, addressed the Council and shared his thoughts about Rotary. He reminded that they are strictly a volunteer organization and stated that the Rotary provided benches along the greenway, ran the CrimeStoppers Program, provided Clayton Police Support posters, donated money for Town Hall as well as the many volunteer hours. He stated that nearly 60% of any funds raised by Rotary comes back to Clayton. He stated the parade has been going on for 50 years and feels it is the town's responsibility to budget for town staff expense. He stated he hoped that parade did not have to be reduced or cancelled

b) Council Comments

There was discussion regarding the Christmas Parade and Council Member Satterfield stated he felt additional discussion was required and stated a conversation would be held with the Town Manager over the next day or two to come up with an answer. Council Member Thompson stated he agreed and felt that Rotary needed an answer. Council Member Holder stated it needed to be included on the December 4, 2017 agenda and Mayor Pro Tem Grannis stated that was too close to the date of parade. Council Member Satterfield stated he was not ready to vote. Mayor Pro Tem Grannis stated he believed this could be handled over the next 2-3 days and a decision would be shared with Rotary

Council Member Holder motioned to Suspend the Rules in order to take action. With there being no second, the motion failed.

Attorney Ross reminded everyone that Council will not be meeting as a group, but rather on an individual basis.

Mr. DeYoung stated we still needed to move forward with the road closures and further stated that as of today we had not collected any fees. Mr. Lee and Mr. Perricone agreed with the above.

Council Member Thompson, Mayor ProTem Grannis and the Police Chief recently attended a forum regarding the Opium Epidemic. He stated that Clayton is taking this very seriously.

13 ADJOURNMENT

a) With there being nothing further the meeting was adjourned at 7:36 p.m.

ACTION: Motion to Adjourn

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

Duly adopted this the 2nd day of January, 2018 while in regular session.

____
Jody McLeod
Mayor

ATTEST:

____
Kimberly A. Moffett, CMC, NCCMC
Town Clerk

The Town of Clayton
Town Council Work Session Meeting Minutes
Monday, December 18, 2017 @ 6:30 PM
Council Chambers

COUNCIL PRESENT:
Mayor McLeod
Mayor Pro Tem Grannis
Council Member Lawter
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
David DeYoung, Economic & Community Development Director
Tim Simpson, Public Works Director
Rich Cappola, Town Engineer
Robert McKie, Finance Director
Lee Barbee, Fire Chief
Stacy Beard, Public Information Officer
John Hamlin, A/Public Information Officer

COUNCIL ABSENT:

1 CALL TO ORDER
Pledge of Allegiance and Invocation

a)
Mayor McLeod called the meeting to order at 6:35 p.m. He led everyone in the Pledge of Allegiance and offered the Invocation.

2 ADJUSTMENT OF THE AGENDA

a)
Mr. Lindsay requested that items 3a and 7d be pulled from the agenda. Additionally he requested that an item be added under Items Requiring Action for a Resolution regarding NCDOT Road Improvements.

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.)

4 ADMINISTRATIVE ITEMS

a) Warranty Acceptance
- Warrick Park Subdivision

ACTION: Placed on January 2, 2018 Consent Agenda

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) **Proclamation Request - Student Art Month**
Presenter: **Brenda Hill, Chair - Woman's Club of Clayton Student Art Festival**

Ms. Hill was present to request Proclamation that would recognize January 2018 as Student Art Month.

<u>ACTION:</u> **Placed on January 2, 2018 Consent Agenda**

b) **Recognition of Personnel Involved in House Fire Rescue**
Presenter: **Stacy Beard, Public Information Officer**

Ms. Beard offered presentation regarding this call, spoke about the many folks involved in this rescue. Those involved included; dispatch, police, firefighters, and EMS. Ms. Beard shared a video of the story that was on the local news. Ms. Beard shared that the home was a complete loss and will need to be gutted. All personal belongings were lost. The most important part of the story was that the homeowner was saved, as was the family dog. The homeowner and his son were both present and a group photo of those involved in the rescue was taken.

Chief Barbee offered words of appreciation to all those involved in the rescue. Mayor McLeod offered his heartfelt appreciation and spoke about how vitally important all the training that the Fire Department goes through is.

c) **Introduction of New Employees**
Presenters: **Lee Barbee, Fire Chief & Byron Poelman, Distribution & Collection System Supervisor**
<u>Fire Department Employees(Part/Time):</u>

- **Ryan Berglund**
- **Nathan Dunne**
- **Jamie Davis**
- **Cody Goff**
- **Wesley Johnson**
- **Dylan Lee**
- **Zachari McFarland**
- **Monica Munoz**
- **Chandler Parrott**
- **Daniel Ward**

<u>Public Works:</u>
Tyler Barbee - Utility Maintenance Mechanic

Chief Barbee introduced new part time staff of the Fire Department. He stated the last time part time staff was introduced was November 2014. A total of 15 were introduced at that time. He further added that to date, 10 of those hired at that time are still with the department and five are now full time employees.

Chief Barbee introduced the newest employees and those present were Ryan Berglund and Monica Munoz. Ryan Berglund offered his appreciation to be part of the team. Ms. Munoz offered her appreciation. Council welcomed

them aboard.

Mr. Poelman introduced Tyler Barbee, who is serving as a Utility Maintenance Technician. Mr. Barbee stated he was happy to be here and offered his appreciation for being part of the team.

Council welcomed everyone.

d) Audit Presentation & 2017 Financial Benchmark Report
Presenters: Ken Anderson - Auditor & Robert McKie - Finance Director

Mr. Anderson provided in depth review and report. He stated the town is in excellent shape. He further stated that everything is always in pristine condition when the audit is being completed and stated Mr. McKie is a perfectionist and an excellent Finance Director.

Council all agreed it was an excellent report and offered their appreciation.

Mr. McKie offered report regarding General Fund and Key Growth Rates, Fund Balance, Debt Ratios, Debt Service Coverage Ratio as well as Operating Days of Cash on Hand. Everything is in great shape.

Council Member Holder stated this was a great job and Mayor Pro Tem offered his appreciation to Mr. McKie and staff.

6 PUBLIC HEARINGS

7 ITEMS SCHEDULED FOR THE REGULAR MEETING

a) RWAC Parcel Acceptance
Presenter: David DeYoung, Economic & Community Development Director

Mr. DeYoung provided information regarding this item and stated the Town of Clayton has desired additional access points into the Riverwood Athletic Club to improve traffic circulation and public safety. As the development has progressed, additional points of access have been added including a new entrance to the subdivision from Covered Bridge Road. This new access will be constructed as a part of Phase 1 of the Walton Farms subdivision.

In addition to the above, the Town identified a potential new access point from Covered Bridge Road to Payton Drive. This potential access is possible through a parcel that is owned by the developer of the Riverwood subdivision. Town staff approached the developer about the subject parcel and construction of a potential road connection. During discussions the developer indicated that had no plans for the property and would deed it to the Town for a potential future connection into the subdivision.

Based on the above, staff is requesting Town Council acceptance of a 1.43 acre parcel at the east end of Payton Drive (Riverwood Athletic Club).

ACTION: Placed on January 2, 2018 Consent Agenda

b) **Archer Lodge Fire Department Contract - RWAC**
Presenter: **Lee Barbee, Fire Chief**

Chief Barbee provided information about the updated agreement with the Archer Lodge Volunteer Fire Department and stated that in 2000, the Town of Clayton entered into a Service Agreement with the Archer Lodge Fire Department to provide fire service for the Riverwood Athletic Club. At the time, RWAC did not connect to Clayton, and much of the new neighborhood fell outside the Clayton Fire Department's five-mile response area. ALFD had been protecting the land before its development, and the Town reached an agreement for ALFD to continue providing fire service to the entire RWAC area. Over the years, the agreement has benefited both the Town and ALFD.

With the upcoming Walton Farm expansion of RWAC – which will connect the neighborhood to Covered Bridge Road just north of the intersection with Loop Road – as well as a potential entrance onto Payton Drive from Covered Bridge Road, CFD will have shorter routes to access RWAC. The new entrances would place much of the neighborhood inside CFD's five-mile response area. Accordingly, the Clayton Fire Department could take over some of the area currently served by ALFD. Funds the Town of Clayton previously paid to ALFD for fire service could, instead, be invested in the Clayton Fire Department.

The Town's contract with ALFD is due for renewal on January 1, 2018. The current contract requires Clayton give ALFD one year's notice before changing the Service Agreement. The proposed Service Agreement would take effect January 1, 2018 and extend our agreement at the current rate for one year. On January 1, 2019, the new agreement would allow the Town of Clayton to reduce the service area that ALFD is paid to cover, provided one or more new entrances to RWAC have been completed.

ACTION: Placed on January 2, 2018 Consent Agenda

c) **Recommendation for Appointment to Library Advisory Board**
Presenter: **Kimberly Moffett, Town Clerk**

Ms. Moffett reported that an application for a current in-town vacancy on the Library Advisory Board was recently received from Ms. Natasha Ellis-Smith. An interview was conducted by Ms. Joy Garretson - Library Director, Nancy Medlin - Deputy Town Manager and Kimberly Moffett - Town Clerk. It is recommendation of staff that Ms. Ellis-Smith be appointed to the Library Advisory Board with a term expiration of December 31, 2019.

ACTION: Placed on January 2, 2018 Consent Agenda

d) **ECIA Water & Wastewater Infrastructure Project Funding Request**
Presenter: **Rich Cappola, Town Engineer**

Mr. Cappola requested allocation of $200,000 from the Water/Sewer Enterprise Fund to the East Clayton Industrial Area (ECIA) Water & Wastewater

Infrastructure Project. Funds will be used to construct Phase 1 of the project to include a sewer main located on the Regional Wastewater Pre-Treatment Facility project site, and provide some additional funding for Engineering and Project Administration needs.

ACTION: **Placed on January 2, 2018 Consent Agenda**

8 ITEMS CONTINGENT FOR THE REGULAR MEETING

9 ITEMS FOR DISCUSSION

10 ITEMS REQUIRING ACTION
(In order for any action to be taken during a Work Session, a motion must be made and seconded to suspend the rule to allow action to be taken.)

a) Motion to Suspend Rules to Take Action

ACTION: **Suspend Rules to Take Action**

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

b) Resolution in Support of NCDOT Road Improvements
Presenter: **David DeYoung, Economic & Community Development Director**

Mr. DeYoung presented a Resolution for road improvements on US 70 & Shotwell Road. He stated that should positive results be received, improvements could begin at the beginning of the year. Mayor McLeod stated this would be extremely beneficial. Mr. Lindsay asked what the next steps would be and Mr. DeYoung stated there are several projects competing for the funding, however, he felt confident this project would score highly. Mayor Pro Tem Grannis asked if there would be any requirement for matching funds and Mr. DeYoung stated there would be none.

There was discussion regarding the matching funds from the developer and Mr. DeYoung stated that those funds would enhance our chance for approval of the projects. An estimated timeline would be early 2018 for the US 70 project and Mr. DeYoung stated he would provide additional information regarding specific dates as soon as that information was available. Mayor McLeod spoke about the current back-ups on Highway 70 with reference to lane closures by Walmart and the new Charter School entrance. He wanted to make sure we educate folks as we know the timeline/schedule regarding traffic plan.

ACTION: **Adopt Resolution #2017-37**

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

11 OLD BUSINESS

12 STAFF REPORTS

a) Town Manager

b) Town Attorney

c) Town Clerk

d) Other Staff

Mr. Simpson provided requested updated information regarding wastewater allocation numbers. We have currently used 3.2 million gallons of our total 4.3 million gallons of allocation. Council Member Holder asked for this information to be provided in writing and Mr. Simpson stated he would provide that information.

13 OTHER BUSINESS

a) Informal Discussion & Public Comment

Samuel Banks, a resident, addressed council and shared his concerns regarding the corner of Main & Fayetteville Streets. He stated he believes there might be an issue with blocked views from cars parking on both sides of the road and stated there are numerous accidents at this location. He also shared his concern about Front & Fayetteville Streets and stated there is a blocked view from a tree located at a house at that location.

Mayor McLeod thanked him for sharing his concerns and stated law enforcement would check out both these locations for any issues.

b) Council Comments

Mayor Pro Tem Grannis wished everyone a Merry Christmas and Happy New Year.

14 ADJOURNMENT

a) With there being nothing further, the meeting was adjourned at 7:10 p.m.

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

Duly adopted this the 2nd day of January, 2018 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

Town of Clayton
Engineering Department
111 E. Second Street, Clayton, NC 27520
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: Para Smith, Development Services Coordinator
Donnie Adams, Adams & Hodge Engineering

Date: November 27, 2017

Subject: Warrick Park Subdivision

Please place a warranty acceptance request for the subject public water utility, all related easements, and the asphalt pavement structure on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the aforementioned public infrastructure will be subject to a one-year warranty period. Upon expiration of the warranty, a final inspection will be done and all deficient items corrected by the developer prior to final acceptance.

Town Council Agenda Cover Sheet

Meeting Date

January 2, 2018

Agenda Location

Consent Agenda

Item Title

Youth Art Month Proclamation

Presenter *(Name & Title)*

Summary/Description

Ms. Hill requested a Proclamation recognizing January 2018 as Student Art Month. The Woman's Club holds an annual Art Festival and judging of the arts will take place on January 2, 2018. Award Reception will be held on Thursday, January 4, 2018 at 6:00 p.m. at The Clayton Center.

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

Proclamation

TOWN OF CLAYTON
PROCLAMATION
YOUTH ART MONTH

WHEREAS, the arts, in its many forms, constitute an important part of the community and contribute to the development of our youth; and,

WHEREAS, participation in and enjoyment of the arts can take many forms, including the visual arts, fine arts and performing arts; and,

WHEREAS, the Woman's Club of Clayton has sought to promote the involvement of our youth in various art projects to the betterment of their minds and the community as a whole.

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Clayton that the month of January each year, be recognized as:

YOUTH ART MONTH

Let it also be proclaimed that all businesses, industries and citizens in the Clayton community are urged to support and encourage the school aged children of Clayton to participate in the arts.

Duly proclaimed by the Clayton Town Council this the 2nd day of January, 2018, while in regular session.

Jody L. McLeod
Mayor

Town Council Agenda Cover Sheet

Meeting Date

January 2, 2018

Agenda Location

Consent Agenda

Item Title

RWAC Parcel Acceptance

Presenter *(Name & Title)*

Summary/Description

The Town of Clayton has desired additional access points into the Riverwood Athletic Club to improve traffic circulation and public safety. As the development has progressed, additional points of access have been added including a new entrance to the subdivision from Covered Bridge Road. This new access will be constructed as a part of Phase 1 of the Walton Farms subdivision.

In addition to the above, the Town identified a potential new access point from Covered Bridge Road to Payton Drive. This potential access is possible through a parcel that is owned by the developer of the Riverwood subdivision. Town staff approached the developer about the subject parcel and construction of a potential road connection. During discussions the developer indicated that had no plans for the property and would deed it to the Town for a potential future connection into the subdivision.

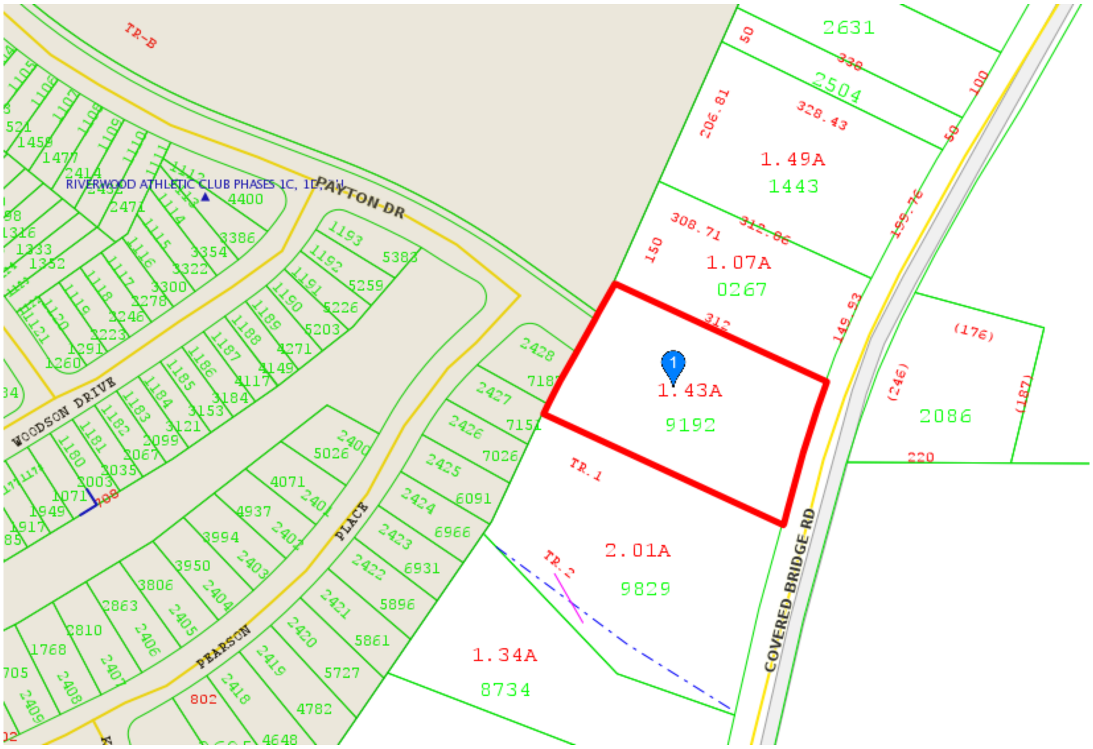
Based on the above, staff is requesting Town Council acceptance of a 1.43 acre parcel at the east end of Payton Drive (Riverwood Athletic Club).

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

- Non-Warranty Deed Transferring the property to the Town of Clayton
- Sketch of Parcel


RIVERWOOD ATHLETIC CLUB PHASES 1C, 1D
PAYTON DR
WOODSON DRIVE
PEARSON
PLACE
COVERED BRIDGE RD
1.49A
1443
1.07A
0267
1.43A
9192
2.01A
9829
1.34A
8734
2631
2504
2086
TR. 1
TR. 2

Filed in JOHNSTON COUNTY, NC CRAIG OLIVE, Register of Deeds Filed 10/19/2017 12:25:14 PM
DEED BOOK: 5045 PAGE: 39-41 INSTRUMENT # 2017548505
Real Estate Excise Tax: $0.00 Deputy/Assistant Register of Deeds: Marilyn Moore

Prepared by and Hold for: Kristoff Law Offices, P.A.
The property conveyed herein is not Grantor's principal residence

Revenue Stamps: $0
Parcel ID No.: 16I02026C

NORTH CAROLINA
JOHNSTON COUNTY

NON-WARRANTY DEED

THIS DEED made this 2nd day of October, 2017, by and between RIVERWOOD ON THE NEUSE, LLC, a North Carolina limited liability company, **Grantor**, whose address is 400 Riverwood Drive, Clayton, North Carolina 27527; and TOWN OF CLAYTON, a North Carolina municipal corporation, **Grantee**, whose address is P.O. Box 879, Clayton, North Carolina 27528 (the designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.);

WITNESSETH:

THAT the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has remised, released, and quitclaimed and by these presents does hereby remise, release, surrender and forever quitclaim unto said Grantee, its heirs, successors, administrators and assigns, all of their present and future right, title and interest unto the Grantee, in and to that certain lot or parcel of land situated in Wilders Township, Johnston County, North Carolina and more particularly described as follows:

See Exhibit "A" which is attached hereto and incorporated herein by reference.

For chain of title, see Deed Book 2017, Page 123, Johnston County Registry.

SUBJECT, HOWEVER, to the following Exceptions:

1. Ad Valorem taxes for the year 2017 and thereafter;
2. Easements, Restrictions, Rights-of-Way, and other appurtenances of record in the Johnston County Registry.

TO HAVE AND TO HOLD the above-described lands and premises, together with all appurtenances thereunto belonging, or in anywise appertaining, unto the Grantee, its heirs, successors, administrators and assigns forever so that neither the Grantor nor any other entity claiming in or through the Grantor's behalf shall or will hereafter claim or demand any right or title to the premises or any portion thereof, but that such legal entity and every one of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in the corporate name by its duly authorized officers and its seal to be hereunto affixed by the authority of its Board of Directors, the day and year first above written.

RIVERWOOD ON THE NEUSE, LLC,
a North Carolina limited liability company

By: ______________________(SEAL)
Manager

NORTH CAROLINA
JOHNSTON COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Fred J Smith Jr.

Date: 10/3/17

Patricia D Green

Print Name: Patricia D Green

My Commission Expires: May 2, 2021

PATRICIA D. GREEN
NOTARY PUBLIC
Wake County, North Carolina
My Commission Expires May 2, 2021

Exhibit "A"

BEGINNING on the western right-of-way of the Clayton-Archer Lodge Road at the southeastern corner of Lot #4 on the map hereinafter referred to, a common corner with Lot #5 on said map; thence with the northeastern line of said Lot #4, North 56 degrees 14 minutes West 345 feet to the northeast corner of Lot #4; thence, North 28 degrees 14 minutes East 200 feet along the line of Raleigh Rescue Mission to the northwest corner of Lot #9 on said map; thence with the southwestern line of Lot #9 South 56 degrees 14 minutes East 312 feet to a point on the western right-of-way of the said Clayton-Archer Lodge Road, being the southwest corner of Lot #9; thence with the said right-of-way in a southwesterly direction 200 feet to the point and place of BEGINNING and being Lots # 5, 6, 7 and 8 in accordance with a map entitled "R.W. Winston, Jr., Wilders Township, Johnston County, North Carolina," dated March 21, 1962 by Ragsdale Engineers, Smithfield, North Carolina.

Town Council Agenda Cover Sheet

Meeting Date

January 2, 2018

Agenda Location

Consent Agenda

Item Title

Archer Lodge Fire Department Contract - RWAC

Presenter *(Name & Title)*

Summary/Description

In 2000, the Town of Clayton entered into a Service Agreement with the Archer Lodge Fire Department to provide fire service for the Riverwood Athletic Club. At the time, RWAC did not connect to Clayton, and much of the new neighborhood fell outside the Clayton Fire Department's five-mile response area. ALFD had been protecting the land before its development, and the Town reached an agreement for ALFD to continue providing fire service to the entire RWAC area. Over the years, the agreement has benefited both the Town and ALFD.

With the upcoming Walton Farm expansion of RWAC – which will connect the neighborhood to Covered Bridge Road just north of the intersection with Loop Road – as well as a potential entrance onto Payton Drive from Covered Bridge Road, CFD will have shorter routes to access RWAC. The new entrances would place much of the neighborhood inside CFD's five-mile response area. Accordingly, the Clayton Fire Department could take over some of the area currently served by ALFD. Funds the Town of Clayton previously paid to ALFD for fire service could, instead, be invested in the Clayton Fire Department.

The Town's contract with ALFD is due for renewal on January 1, 2018. The current contract requires Clayton give ALFD one year's notice before changing the Service Agreement. The proposed Service Agreement would take effect January 1, 2018 and extend our agreement at the current rate for one year. On January 1, 2019, the new agreement would allow the Town of Clayton to reduce the service area that ALFD is paid to cover, provided one or more new entrances to RWAC have been completed.

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

Contract

STATE OF NORTH CAROLINA

COUNTY OF JOHNSTON

THIRD AMENDMENT AND SUPPLEMENT TO SERVICE AGREEMENT

This THIRD AMENDMENT AND SUPPLEMENT TO SERVICE AGREEMENT (this "Amendment") is entered into this _____ day of ______, 2018 by and between the TOWN OF CLAYTON, NORTH CAROLINA, a municipal corporation organized and existing under the laws of the State of North Carolina (the "Town"), and the ARCHER LODGE VOLUNTEER FIRE DEPARTMENT, a corporation organized and existing under the laws of the state of North Carolina (the "ALVFD") (collectively, the "Parties").

WITNESSETH:

WHEREAS, the ALVFD provides fire prevention services, fire suppression services, first responder services, and related emergency response services (the "Services") within a certain geographic area in Johnston County, North Carolina (the "Area");

WHEREAS, the Parties entered into a Service Agreement (the "Original Agreement") on May 8th, 2000 under which the ALFVD agreed to perform the Services for the Riverwood Athletic Club for a term of 10 years;

WHEREAS, the parties further agreed to two extensions of the Original Agreement by Amendment; and,

WHEREAS, the Original Agreement and the subsequent Amendments have served the Town, the ALVFD, and the citizens well and acceptably; and

WHEREAS, Riverwood Athletic Club has begun a new phase of development with new road connectivity to Covered Bridge Road; and

WHEREAS, due to this enhanced connectivity certain areas of Riverwood Athletic Club will become within the five mile response area of the Town of Clayton Fire Department as seen on Exhibit B in dark pink; and

WHEREAS, the Town plans to undertake the construction of an exit from Payton Drive to Covered Bridge Road; and

WHEREAS, due to this additional enhanced connectivity certain additional areas of Riverwood Athletic Club will become within the five mile response area of the Town of Clayton Fire Department as seen on Exhibit B in yellow; and

WHEREAS, both parties wish to extend the term of the Original Agreement, as amended, for the benefit of both parties, the residents, businesses, and property owners in the Riverwood Athletic Club and other Annexed Properties;

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and stipulations contained in this Amendment, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Term**. The term of the Agreement shall be extended for three years beginning January 1, 2018 unless sooner terminated pursuant to Paragraph 7 of this Amendment; provided however, the Parties may renew the Agreement for successive one (1) year terms by executing a written agreement prior to expiration of the then-current term or renewal term.

2. **Service**. The ALVFD shall provide the Services to the Properties shown in Exhibit A on call, on demand and as otherwise needed, with service as equivalent as possible to the service enjoyed by the majority of the residents and properties within the Area, and in compliance with all applicable laws and regulations through December 31, 2018. Beginning January 1, 2019 ALVFD shall provide the Services to the Properties shown in Exhibit C on call, on demand and as otherwise needed, with service as equivalent as possible to the service enjoyed by the majority of the residents and properties within the Area, and in compliance with all applicable laws and regulations through June 30, 2020. If the service areas shown in Exhibit B is not reflected in the Town's five mile response area by January 1, 2019, ALVFD agrees to continue to serve these areas under the terms of the existing agreement until such time as these areas come into the five mile response area or the expiration of this agreement, whichever comes first.

3. **Annexed Properties**. "Annexed Properties" will only include properties annexed by the Town following the submittal of an annexation petition and the Town's subsequent enactment of an annexation ordinance, as provided in Sections 160A-31 and 160A-58.1 of the North Carolina General Statutes. The Town shall provide to the ALVFD the location and, if available, the expected nature of development of any property to be included among the Annexed Properties at least six (6) months prior to the Town's adoption of an ordinance formally annexing the property.

4. **Compensation**. The Town shall pay to the ALVFD on a quarterly basis twenty-five percent (25%) of the estimated annual Archer Lodge Fire District property tax revenue that would have been derived from the taxable real property located within the Properties if those Properties had remained in the Archer Lodge Fire District and not been annexed by the Town. The Town shall calculate each quarterly payment based on the then-prevailing tax rate in the Archer Lodge Fire District.

5. **Call Pay**. Paragraph 4 of the Original Agreement is deleted in its entirety, and the Town shall not be responsible for paying "call pay" to the ALVFD for Services performed after the date of this Amendment.

6. **Reconciliation**. Prior to February 1 of each calendar year during the Term and any renewal term, the Town shall calculate and compare (i) the total payments made by the Town to the ALVFD pursuant to the Agreement during the immediately preceding calendar year with (ii) the gross estimated revenue the ALVFD would have derived from the Properties during that calendar year if all of the Properties had been constituencies of the Town for the entire calendar year. If the amount in (i) exceeds the amount in (ii), then the ALVFD shall immediately remit the difference to the Town. If the amount in (ii) exceeds the amount in (i), then the Town shall immediately remit the difference to the ALVFD. The compensation referenced in Paragraphs 4 and 6 of this Amendment and in Paragraph 10 of the Original Agreement shall be the only compensation or other remuneration to which the ALVFD shall be entitled for any performance or other actions or omissions by the ALVFD pursuant to the Agreement.

7. **Termination**. Paragraph 9 of the Original Agreement is amended to provide that either party may

terminate the Agreement at any time by giving one (1) year's prior written notice to the other party.

8. **Notice.** The notice addresses in Paragraph 16 of the Original Agreement are amended as follows:

if to the Town: Mr. Adam Lindsay
Town Manager
111 E. Second Street
Post Office Box 879
Clayton, North Carolina 27520

with a copy to: Katherine Ross, Esq.
Town Attorney
Post Office Box 389
Raleigh, North Carolina 27602-0389

if to the ALVFD: Mr. Philip Driver, Chief
Archer Lodge Volunteer Fire Department
6483 Covered Bridge Road
Clayton, North Carolina 27520

with a copy to: James W. Narron, Esq.
Narron, O'Hale, and Whittington, P.A.
Post Office Box 1567
Smithfield, North Carolina 27577

9. Full Force and Effect. The provisions of the Original Agreement shall remain in full force and effect unless amended by this Amendment. To the extent the Original Agreement conflicts with this Amendment, this Amendment will control.

PPAB 1438740v2

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first above written.

TOWN OF CLAYTON, NORTH CAROLINA

By: ________________________________
Jody L. McLeod, Mayor

ATTEST:

____
Kimberly Moffett, Town Clerk

[AFFIX CORPORATE SEAL]

TOWN OF CLAYTON, NORTH CAROLINA

By: ________________________________

______________________, President

ATTEST:

____

[SEAL]

PPAB 1438740v2

Town Council Agenda Cover Sheet

Meeting Date

January 2, 2018

Agenda Location

Consent Agenda

Item Title

Volunteer Advisory Board Application – Library Board

Presenter

Summary/Description

An application was received for the in-town vacancy on the Library Advisory Board. Staff conducted an interview and is recommending appointment to the Library Advisory Board.

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

Application

ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- ☐ **Planning & Zoning Board**
- ☐ **Board of Adjustment**
- ☐ **Downtown Development Assoc.**
- ☑ **Clayton Library Board**
- ☐ **Recreation Advisory Committee**
- ☐ **Fire Dept. Advisory Board**
- ☐ **Public Arts Advisory Board**

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Natasha Ellis-Smith

Mailing Address: 1643 Kenmore Drive Clayton NC 27520

Physical HOME Address: 1643 Kenmore Drive Clayton NC 27520

Phone Number (HOME): 678-736-3639 **(WORK)** ____

FAX Number: ____ **Mobile Number:** 678-736-3639

Email Address: natasha.ellis32@gmail.com

***Female** ☑ ***Male** ☐ ***Race** African American

Employer: Duke University/Duke Technology Health Systems

Occupation: IT Analyst

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 10 years

Do you live in the Clayton town limits: Yes ☑ No ☐ ETJ: Yes ☐ No ☐

How did you find out about this board or committee? Facebook ☐ Website ☑ TV ☐ Newspaper ☐ Email ☐ Twitter ☐ Mail ☐ Other ____________________

Outline your qualifications and why you wish to serve the board/committee you indicated.

1). Leadership - Currently North Carolina State Officer in Zeta Phi Beta Sorority
2). Organizational, Collaboration, and Policy experience - Leadership positions held with various Organizations. 3) Advocate - Currently serve as March of Dimes Coordinator, organizing events or Fund raisers in order to bring awareness to the MOD mission of saving babies

State why you would be an asset to this board or committee. Since Libraries are community hubs connecting people to information; This committee needs a someone like me with great communication, organization, advocacy, and collaboration skills. In order to better serve the community.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☑ Yes ☐ **If Yes, explain:**

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
NPHC of Raleigh Durham	07/15	present
Zeta Phi Beta Sorority, Inc	10/2002	present

Natasha Ellis-Smith Digitally signed by Natasha Ellis-Smith DN: cn=Natasha Ellis-Smith, o=Duke University, ou, email=natasha.ellis@duke.edu, c=US Date: 2017.11.07 08:49:42 -05'00'

Signature

11/07/2017

Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (kmoffett@townofclaytonnc.org)

Town Council Agenda Cover Sheet

Meeting Date

January 2, 2018

Agenda Location

Consent Agenda

Item Title

ECIA Water & Wastewater Infrastructure Project Funding Request

Presenter *(Name & Title)*

Summary/Description

Request to allocate $200,000 from the Water/Sewer Enterprise Fund to the East Clayton Industrial Area (ECIA) Water & Wastewater Infrastructure Project. Funds will be used to construct Phase 1 of the project to include a sewer main located on the Regional Wastewater Pre-Treatment Facility project site, and provide some additional funding for Engineering and Project Administration needs

Requested Action

Approval

Additional Documents To Be Included in Agenda Packet

Ordinance

Ordinance # 2018-01-01

Town of Clayton
Amendment to the Capital Project Budget Ordinance

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the ECIA Lift Station Project Capital Budget Ordinance:

Fund: 638 – ECIA Lift Station Project

Line Item		Previous Appropriation	Adjustment	Revised Appropriation
Revenues				
638-49 81	Due from Water & Sewer Fund	$2,145,500	+200,000	$2,345,500
Expenditures				
638-58 31	Sewer Line Improvements	$3,888,000	+200,000	$4,088,000

Explanation: Amend the capital project budget ordinance to reflect the relocation of a portion of the Town's gravity sanitary sewer line to facilitate construction of a Public Wastewater Pretreatment Facility. This amendment is required for compliance with G.S. 159-13.2.

Duly adopted this ____ day of ___________, 2018 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk