



**The Town Of Clayton
Regular Town Council Meeting Agenda
Monday, October 3, 2016 @ 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
 - September 6, 2016 - Regular Session & Closed Session
 - September 19, 2016 - Regular Session & Closed Session

[September 6 2016 DRAFT Minutes](#)
[September 19, 2016 DRAFT Minutes](#)
- b. Warranty Acceptance: Public Water, Sewer & Pertinent Utility Easements
 - TOMAR Medical Office Spring Branch
 - Clayton Endoscopy Lot II

[Warranty Acceptance TOMAR Medical Office, Spring Branch](#)
[Warranty Acceptance Clayton Endoscopy Lot II](#)
- c. Clayton HS Band Classic Day Proclamation
[2016 Clayton Band Classic Proclamation](#)
- d. 2017 Town of Clayton Holiday Schedule
[Resolution #2016-34- Town of Clayton 2017 Holiday Schedule](#)
- e. 2017 Town of Clayton Town Council Meeting Schedule
[Resolution #2016-35 - Town Council 2017 Meeting Schedule](#)
- f. Credit Card Fees - Non-Utility Payments
[Presentation - Non-Utility Credit Card Payments](#)
- g. Amendment to Code of Ordinances - Chapter 93 - Civil Emergencies
[Ordinance #2016-10-01 - Chapter 93 Amendment](#)

POTENTIAL ACTION: Approval of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

- a. Resolution Directing Town Clerk to Investigate Sufficiency of Annexation Petition

#2016-198-ANX - The Pines at Glen Laurel

[Resolution #2016-36 - 2016-198-ANX](#)

POTENTIAL ACTION: Approval of Resolution #2016-36

- b. Resolution Directing Town Clerk to Investigate Sufficiency of Annexation Petition

#2016-199-ANX - The Shoppes at Glen Laurel

[Resolution #2016-37 - The Shoppes at Glen Laurel](#)

POTENTIAL ACTION: Approval of Resolution #2016-37

- c. Resolution Directing Town Clerk to Investigate Sufficiency of Annexation Petition

#2016-200-ANX - Glen Laurel Self Storage

[Resolution #2016-38 - Glen Laurel Self Storage](#)

POTENTIAL ACTION: Approval of Resolution #2016-38

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Community Neuse River Clean-Up Recognition of Lynn & Paul Auclair of Deep River Brewing

Presenter: Stacy Beard, Public Information Officer

[Cover - Neuse River Clean Up](#)

6. PUBLIC HEARINGS

- a. Rezoning - 2016-135-RZ - Lone Star Steakhouse

Presenter: Jay McLeod, Senior Planner

- Request rezoning from Highway Business Special Use District (B-3 SUD) to Highway Business (B-3)

[Application - Lone Star Steakhouse 2016-135-RZ](#)

[Staff Report - Lone Star Steakhouse 2016-135-RZ](#)

[Staff Map - Lone Star Steakhouse 2016-135-RZ](#)

[Neighborhood Meeting - Lone Star Steakhouse 2016-135-RZ](#)

[Planning Board Recommendation - Lone Star Steakhouse 2016-135-RZ](#)

[Advertisement - Lone Star Steakhouse 2016-135-RZ](#)

[Motion Form - Lone Star Steakhouse 2016-135-RZ](#)

[Ordinance - Lone Star Steakhouse 2016-135-RZ](#)

POTENTIAL ACTION: Approval Ordinance #2016-10-02

- b. Special Use Permit - 2016-146-SUP - Wine on Main

Presenter: David DeYoung, Planning Director

- Request for Special Use Permit to Designate as a Lounge
[Application - Wine on Main 2016-146-SUP](#)
[Staff Report - Wine on Main 2016-146-SUP](#)
[Staff Map - Wine on Main 2016-146-SUP](#)
[Plan Measurements - Wine on Main 2016-146-SUP](#)
[Neighborhood Meeting - Wine on Main 2016-146-SUP](#)
[Planning Board Recommendation- Wine on Main 2016-146-SUP](#)
[Advertisement -Wine on Main 2016-146-SUP](#)
[Motion Form - Wine on Main- 2016-146-SUP](#)
[Approval - Wine on Main 2016-146-SUP](#)

POTENTIAL ACTION: Approval of SUP #2016-146-SUP

7. OLD BUSINESS

8. NEW BUSINESS

- a. Authorizing Deputy Finance Officers - Bank Account Signatures

Presenter: Nancy Medlin, Deputy Town Manager

[Resolution #2016-39 - Bank Account Signatures](#)

POTENTIAL ACTION: Approval of Resolution #2016-39

- b. Appointment of Adam Lindsay, Town Manager as Second Alternate Commissioner NCEMPA

Presenter: Kimberly Moffett, Town Clerk

[Cover - NCEMPA Appointment](#)

POTENTIAL ACTION: Appointment of Adam Lindsay

9. STAFF REPORTS

- a. Town Manager
- b. Town Attorney
- c. Town Clerk
- d. Other Staff

10. OTHER BUSINESS

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

11. ADJOURNMENT



**The Town Of Clayton
Regular Town Council Meeting Minutes
Tuesday, September 6, 2016 @ 6:30 PM
Council Chambers**

COUNCIL PRESENT:

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

STAFF PRESENT:

Nancy Medlin, Interim 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, A/Public Information Officer

1 CALL TO ORDER

- a) Pledge of Allegiance and Invocation

The meeting was called to order at 6:30 p.m. Mayor McLeod led everyone in the Pledge as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

- a)

Ms. Medlin requested the addition of closed sessions, pursuant to NCGS 143-318.11(a)(3) 143-318.11(a)(4) and 143.318.11(a)(6), to consult with the Town attorney in the litigation matter of Town of Clayton v. Mims, to discuss a matter of economic development, and to discuss a personnel matter, specifically the position of Town Manager.

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

- July 18, 2016 - Regular Session
- August 15, 2016 - Regular Session
- August 15, 2016 - Closed Session

- b) 2016 Constitution Week Proclamation Request

- c) Warranty and Easement Acceptances:

Warranty Acceptance - Public Water

- Edward Jones Site & Glen Haven

Warranty Acceptance - Public Utilities

- Sheetz Highway 70 & Rose Street

Warranty Acceptance - Public Water, Sewer & Associated Storm Drainage
Utilities & All Pertinent Easements

- RWAC, Ravens Ridge 8C1 & 8C2
Warranty Acceptance - Asphalt
 - RWAC, Ravens Ridge 8C1 & 8C2
- d) Recommendation of Appointment of Marty Kornegay to the Parks & Recreation Advisory Board
- e) CDDA Christmas Village & Tree Lighting
- f) Weatherization Loan Program

ACTION: Approval of Consent Agenda as Presented

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

4 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Recognition of Bob Ahlert, Recipient of NC Public Power LIFETIME Achievement Award
Presenter: Stacy Beard, Public Information Officer

Ms. Beard gave background of award presented to Bob Ahlert at the 2016 Electricities Conference. Ms. Beard shared statements and thoughts from several town employees, council members and citizens including; Council Member Lawter, Steve Biggs (former town manager), James Lipscomb, Robert McKie, Dale Medlin, Chief Bridges, and Nancy Medlin. Everyone offered their appreciation for the dedication and knowledge Bob has always offered. Bob thanked the Council for the honor and spoke about history regarding his involvement with Electricities. He shared his thoughts about a bright future with regard to stable electric rates for the next four to five years. He stated it has been his honor to serve the citizens of Clayton and will continue to do so. The Mayor and Council offered their appreciation for all Bob has done for the Town in the many roles he has served. A group photograph was taken of Bob and the Town Council.

- b) Charcot Marie Tooth Proclamation Request
Presenter: Stacy Beard

Ms. Margaret Lee who has requested this proclamation was unable to join us this evening and Ms. Beard presented a brief video sharing information about this disease which is an inherited neurological disease. This disease affects 1 in 2,500 residents in the United States and several residents in Clayton are affected by this slow progressive disease.

ACTION: Placed on September 19, 2016 Consent Agenda

5 PUBLIC HEARINGS

- a) Rezoning 2016-121-RZ - Performance Glass
Presenter: Jay McLeod, Senior Planner

Mr. McLeod presented this item which is a request for a rezoning at Performance Glass which is located at 2840 NC Highway 42 West. Applicant has requested rezoning from B-3 and R-E to B-3. This property was brought into the ETJ and after that the property owner swapped a western portion of the parcel for a portion of the land to the north. Because of this, the parcel lines changed and hence the zoning for this property is now split-zoned. Applicant is requesting the parcel be rezoned to Highway Business (B-3) so entire parcel is zoned the same.

Rezoning is compatibility with Surrounding Land Uses and is consistent with the 2040 Comprehensive Plan. Applicant has addressed the approval criteria. The Planning Board and staff recommended approval of the rezoning.

This item was noted as a Public Hearing. Applicant was present for any questions.

With there being no questions, this item was turned over to Council for their deliberation.

ACTION: Adoption Ordinance #2016-09-01

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

6 OLD BUSINESS

7 NEW BUSINESS

- a) Sewer Easements Requests - NC 42 E Planned Development
Presenter: Planning Department

Staff is requesting approval for two sewer easements that would serve the NC 42 E Planned Development. One of these easements will service the apartments and the second line will serve the commercial portion of the property. Mr. DeYoung has stated discussion has been held with Mr. Bailey regarding the future disc golf course at this location and there will be no disruption to this project.

ACTION: Authority to Allow Easements

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

8 STAFF REPORTS

- a) Town Manager
b) Town Attorney

- c) Town Clerk
- d) Other Staff

Mr. DeYoung provided an update regarding 231 East Second Street. He stated a developer's agreement is underway with Community Smith and we are moving forward.

Stacy Beard stated there will be an event on September 11th at the East Clayton Community Park. Woodsmen Life has donated a flag pole and there will be a dedication celebration. Additionally both Fire and Police personnel will be involved. Service will take place at 3:00 p.m.

9 OTHER BUSINESS

- a) Informal Discussion & Public Comment

Mr. Edward Banks was present to provide an update regarding soil issue at Mitchiner Hills. He stated several people had been out to look at the issue but there had been no movement. He also stated it was difficult to cross at the intersection of Main and Fayetteville Streets. He also reported a possible water issue by Cooper Elementary School. He stated water is constantly running at this location and it is starting to turn green.

- b) Council Comments

10 CLOSED SESSION

- a) Enter into Closed Session under NCGS 143-318.1(a)(3), 143-318.11(a)(4) and 143-318.1(a)(6) at 7:02 p.m.

11 RETURN FROM CLOSED SESSION

- a) Council returned from Closed Session at 8:41 p.m.

ACTION: Return from Closed Session and return to Open Session at 8:41 p.m.

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

- b) Town of Clayton vs. Mims Litigation

ACTION: Approve Settlement Town of Clayton vs. Mims for total compensation of \$75,000, authorize deposit of \$69,700 to Clerk of Court and authorize Town Manager to enter a Consent Order to resolve the court case.

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

- c) Appointment of Town Manager

ACTION: Appointment of Adam Lindsay as Town Manager, effective September 28, 2016 with annual salary of \$147,000 and authorize Town Attorney to finalize employment contract.

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

12 ADJOURNMENT

a)

With there being nothing further, meeting was adjourned at 8:45 p.m.

ACTION: Motion to Adjourn

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

Bob Satterfield
Council Member

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



**The Town Of Clayton
Town Council Work Session Meeting Minutes
Monday, September 19, 2016 @ 6:30 PM
Council Chambers**

COUNCIL PRESENT:

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

STAFF PRESENT:

Nancy Medlin, Interim Town Manager
Merrick Parrott, Town Attorney
Kimberly Moffett, Town Clerk
David DeYoung, Planning Director
Jay McLeod, Senior Planner
Stacy Beard, Public Information Officer
John Hamlin, A/Public Information Officer
Larry Bailey, Parks & Rec Director
Ann Game, Customer Service Director
Robert McKie, Finance Director
Dale Medlin, Electric System Director
Capt. Herring, Police Department

1 CALL TO ORDER

- a) Mayor McLeod called the meeting to order at 6:32 p.m. The Mayor led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

- a) Motion to Suspend Rule in Order to Take Action at Work Session

ACTION: Motion to Suspend Rule

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

- b) Nancy Medlin, Interim Town Manager requested the following adjustments to the agenda:

- Removal of Item #5d - Tribute to Vets Committee Update
- Addition to Item #5b - Introduction of new Police Officer
- Add Item #8b - Grant Applications - Water & Wastewater Asset Assessment & Inventory Improvements - *Action is Being Requested*

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 Public Water, Sewer & Pertinent Utility Easements
- TOMAR Medical Office, Spring Branch
 - Clayton Endoscopy Lot II

ACTION: Placed on October 3, 2016 Consent Agenda

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Request for HS Band Classic Day Proclamation
Presenter: Bobby McFarland, Band Director

Mr. McFarland was unable to attend. Council placed this request on Consent Agenda.

ACTION: Placed on October 3, 2016 Consent Agenda

- b) Introduction of Town of Clayton Employees:
Presenter: Robert McKie, Finance Director
- Chad Wallace, Warehouse Specialist
- Presenter:* Dale Medlin, Electric Distribution System Director
- Amy Calo, Energy Services Technician
 - Penny Adams, Administrative Support Specialist
 - Cory Barrows, Electric Line Technician
 - Jake Lorren, Senior Electric Line Technician
- Presenter:* Chief R. W. Bridges
- Amber Butler, Animal Control Officer
 - Aurora Wilson-Mayo Police Officer

All the above employees were introduced by their respective director. They all stated they were happy to be part of the Town of Clayton. Members of the Town Council welcomed everyone and stated it was exciting to have them as part of the team.

- c) Recognition of Clayton Rotary - Community Yard Signs
Presenter: Stacy Beard, Public Information Officer

Ms. Beard provided information regarding the Clayton Rotary Club and the Police Support Campaign. She stated members of the club had yard signs printed showing support of the Clayton Police Department. This campaign was completely unsolicited and members distributed 100 signs to downtown businesses and citizens to place in windows, flower pots and yards. The 100 signs went very quickly and an additional 50 signs were printed by Blackley's Printing and are available for purchase. Rotary members were in attendance and were asked to come forward and a photograph was taken with the Mayor. Following the photo, a representative of the club shared information regarding an upcoming pig picking to be sponsored by Rotary on September 29th and presented Chief Bridges with 20 tickets for police officers to attend the event.

6 ITEMS SCHEDULED FOR THE REGULAR MEETING

- a) Proposed 2017 Holiday Schedule
Presenter: Kimberly Moffett, Town Clerk

Presented for approval was a schedule of the proposed 2017 holiday schedule. It is the policy of the Town of Clayton to follow the holiday schedule that is provided by the State of North Carolina for state employees.

ACTION: Placed on October 3, 2016 Consent Agenda

- b) Proposed 2017 Town Council Meeting Schedule
Presenter: Kimberly Moffett, Town Clerk

Presented for approval was the proposed 2017 town council meeting schedule. Amendment made to remove the July 3, 2017 meeting from the schedule and have the second meeting in July which normally would serve as a work session to take place of both July meetings.

ACTION: Placed on October 3, 2016 Consent Agenda with Amendment.

- c) Cemetery Billing Update
Presenter: Ann Game, Customer Service Director

Ms. Game provided information regarding the current situation as it relates to past due accounts. She stated a total of 79 collection letters were mailed in April and of those mailed, 34 paid as requested including 14 paid in full and 18 letters were returned as undeliverable. The total current past due amount is \$51,695. Ms. Game recommended changes to the current code and purchase of cemetery lots. Currently terms allow for installments payments with payment in full for each cemetery lot be completed by June 30 regardless of the date of the contract for the use license is executed. Further that any contract not paid in full by June 30 of the year the contract was executed with no refunds being granted. Recommend change is that effective February 1, 2017 that "terms are to allow for payment in full of one lot at time of purchase with any additional lots purchase to be paid in full by June 30 of the following year.

There was discussion that included both Ms. Game and Ms. Medlin stating it is not the preference of the town to invoke the code and that we are very willing to work with people, we just need to have some sort of communication. Mayor Pro Tem voiced his concerns about not refunding partial payments. Ms. Medlin stated in order to refund partial payments, ordinance would need to be amended. Discussion continued and it was the request of the council for staff to return with updated information regarding breakdown of lots that have been purchased and not being used to date as well as how many lots are still available for purchase.

ACTION: Staff Will Follow-Up With Additional Information

- d) **Credit Card Fees - Non Utility Payments**
Presenter: Ann Game, Customer Service Director

Ms. Game provided information regarding fees for non-utility credit card payments. Currently we only accept credit card payments for non-utility bills up to the amount of \$500. The fees paid for utility and non-utility credit card payments are regulated differently and last year the town paid a fine of \$3000 for accepting non-utility payments with the \$3.95 service charge. All credit cards carry a variable fee which depends on type of card, point card, corporate card and cash back card. These fees range between 3 and 5%. It was noted that this fee is not a fee collected or charged by the town, but a fee charged by the credit card processor. Ms. Games explained that folks using their credit cards for non-utility payments would be advised of the amount of the fee prior to payment being authorized, so they would always have the option of opting out of using their credit card prior to the charge being finalized.

There was further discussion and it was agreed to move forward with accepting credit cards for all non-utility payments with the understanding that folks would know the amount of the 3-5% fee prior to them approving the charge.

ACTION: Placed on October 3, 2016 Consent Agenda

- e) **Rezoning - 2016-135-RZ - Lone Star Steakhouse**
Presenter: Planning Department

- Requesting Rezoning from Highway Business Special Use District (B-3-SUD) to Highway Business (B-3)

Mr. McLeod, provided information regarding requested rezoning. Current zoning is Highway Special Use District (B-3 SUD) and request is to remove the special use district and rezone to Highway Business (B-3). Applicant is Lone Star Steakhouse which is located at 13049 US Highway 70 Business.

Required neighborhood meeting was held on August 10, 2016 with no one in attendance. The applicant has addressed approval criteria. Request is compatible with surrounding land use and is consistent with the 2040 comprehensive plan. The Planning Board and staff recommend approval of this rezoning.

Council Member Holder had some concerns regarding the recent numerous requests for this type of rezoning. Mr. McLeod provided information and stated a total of approximately 40 letters were sent to those businesses who currently have this type of zoning. Council Member Satterfield provided history regarding this type of zoning which was applied years ago and stated that perhaps this type of zoning was attached a bit too stringently and this was an opportunity to address this.

ACTION: Set Public Hearing for October 3, 2016

- f) **Special Use Permit - 2016-146-SUP - Wine on Main**
Presenter: Planning Department
- Request for Special Use Permit to designate as a lounge

Mr. DeYoung provided information regarding the applicants request for a Special Use Permit. Wine on Main has requested this SUP so they may serve malt beverages in addition to wine. They are currently permitted under ABC to sell wine for consumption on premises. This SUP would classify Wine on Main as a lounge and would allow them to sell malt beverage on premises.

The required neighborhood meeting was held on August 8, 2016. The request is consistent with the comprehensive plan, is consistent with the UDO and compatible with surrounding uses. Planning Board and staff recommend approval of this request.

ACTION: Set Public Hearing for October 3, 2016

- g) **Amendment to Code of Ordinances - Chapter 93 - Civil Emergencies**
Presenter: Kimberly Moffett, Town Clerk

This amendment will amend the current language in Chapter 93, Civil Emergencies, which currently refers to NCGS 166A-4 and 166A-8, which were repealed by Session Law 2012-12. They will be replaced with statutory references of NCGS 166A-19.1 and 166A-19.3.

ACTION: Placed on October 3, 2016 Consent Agenda

7 ITEMS CONTINGENT FOR THE REGULAR MEETING

8 ITEMS FOR DISCUSSION

- a) **Connect NC Bond Grant Program for Children and Veterans with Disabilities**
Presenter: Larry Bailey, Parks & Recreation Director

Mr. Bailey provided information regarding the Connect NC Bond Grant Program for Children and Veterans with Disabilities. This grant will be administered through PARTF and has a \$4 match for every \$1 to a maximum of \$500,000. Mr. Bailey provided information regarding this grant and shared that smaller grant requests have a better chance of being awarded. With that in mind it is suggested that we apply for a grant in the amount of \$116,000 to focus on the "contemplate area" of the Celebration Station Playground. This would mean a town match of \$23,000 with funding not required until the 2017-2018 fiscal year. The application for this grant is due no later than December 1, 2016.

ACTION: Approval of Grant Application

Motion: Mayor Pro Tem Grannis
Second: Council Member Holder

Vote: Unanimous

- b) Grant Application Approval(s)
Presenter: Byron Poelman, Water/Sewer Superintendent
- Water & Wastewater Asset Assessment
 - Inventory Improvement

Mr. Poelman introduced Mr. Solomon of CH2M who shared information these two grants. Funding is available through the state for up to \$150,000 for each project to include water and wastewater assessment and inventory improvement. Mr. Solomon spoke about CitiWorks currently being on line and that funding would be used to confirm data and financial evaluation of systems as well as to continue and further projects. Applications for these grants must be submitted no later than September 30, 2016. A 20% funding is required and is included in the current budget.

ACTION: Approval of Grant Applications - Resolution #2016-33

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

9 OLD BUSINESS

10 STAFF REPORTS

- a) Town Manager
- b) Town Attorney
- c) Town Clerk
- d) Other Staff

11 OTHER BUSINESS

- a) Informal Discussion & Public Comment

Mr. Ronald Johnson was present to introduce himself. Mr. Johnson is running for the Johnston County Board of Education. He lives in Clayton and provided information regarding his campaign and platform.

- b) Council Comments

Mayor McLeod offered this thanks and appreciation to law enforcement officers as well as everyone involved in the 2016 Harvest Festival. He stated it was a great event with record crowds.

- c) Closed Session

At 7:55 p.m. town council went into a Closed Session pursuant to NCGS 143-318.1(a)(4) to discuss an economic development issue.

ACTION: Go into Closed Session

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

12 ADJOURNMENT

- a) Council returned from Closed Session and with there being nothing further the meeting was adjourned at 8:19 p.m.

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

Bob Satterfield
Council Member

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator *CR*

Copy: Dave DeYoung, Planning Director
Mike Zaccardo, Wetherill Engineering

Date: August 18, 2016

Subject: TOMAR Medical Office, Spring Branch

Please place a warranty acceptance request for the subject public water, sewer, and all pertinent utility easements on the next available agenda. All punch list items have been addressed and record drawings have been accepted. Following said warranty, a final inspection will be done and all deficient items corrected by the developer's contractor prior to final acceptance.

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Dave DeYoung, Planning Director
Mike Zaccardo, Wetherill Engineering

Date: September 2, 2016

Subject: Clayton Endoscopy Lot II

Please place a one-year warranty acceptance request for the subject public water and sewer utilities, with all pertinent easements, on the next available agenda. All punch list items have been addressed and record drawings have been accepted. Following the warranty, a final inspection will be done and all deficient items corrected by the developer's contractor prior to final acceptance.

WHEREAS, the Clayton Band Classic was established in 1986 with the purpose of conducting competition among interested High School Marching Bands, to increase student interest, to bring out their musical talents, and to create pride in the local school band; and

WHEREAS, the Clayton Band Boosters will sponsor the 31st Annual Clayton Band Classic on October 15, 2016 at Clayton High School; and

WHEREAS, the Clayton Band Classic continually delivers on the promise to provide all band participants from various high schools a positive and pleasant experience; and

WHEREAS, the Clayton Band Classic promises to provide citizens of the Clayton area community the opportunity to enjoy all the sights, sounds, and pageantry of watching the extraordinary talent of high school bands perform;

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Clayton that October 15, 2016, be recognized as:

CLAYTON BAND CLASSIC DAY

Let it also be proclaimed that all businesses, industries and citizens in the Clayton area are urged to support the Clayton Band Boosters and the Clayton Band Classic.

Duly adopted this 3rd day of October, 2016.

Bob Satterfield
Council Member

TOWN OF CLAYTON

2017 HOLIDAY SCHEDULE

WHEREAS, it is the policy of the Town of Clayton to follow the holiday schedule provided by the State of North Carolina for its employees; and

WHEREAS, the below 2017 Holiday Schedule was retrieved from the State of North Carolina website: Listed below are the holidays that will be observed by State employees during 2017.

2017 Holiday Schedule		
Holiday	Observance Date	Day of Week
New Year's Day	January 2, 2017	Monday
Martin Luther King Jr.'s Birthday	January 16, 2017	Monday
Good Friday	April 14, 2017	Friday
Memorial Day	May 29, 2017	Monday
Independence Day	July 4, 2017	Tuesday
Labor Day	September 4, 2017	Monday
Veteran's Day	November 10, 2017	Friday
Thanksgiving	November 23 & 24, 2017	Thursday and Friday
Christmas	December 25, 26 & 27, 2017	Monday, Tuesday & Wednesday

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Clayton hereby adopts the 2017 Holiday Scheduled as presented.

Duly adopted this 3rd day of October, 2016 while in regular session.

Bob Satterfield
Council Member

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

**TOWN OF CLAYTON
2017 TOWN COUNCIL MEETING SCHEDULE**

WHEREAS, the Clayton Town Council exists to conduct the business of the citizens; and

WHEREAS, the Clayton Town Council meetings are held the first and third Monday of the month at 6:30 p.m. in the Council chamber of the Town Hall, unless otherwise noted; and

WHEREAS, each meeting of the Clayton Town Council is open to the public, except as provided by NC G.S. 143-318.11; and

WHEREAS, the Clayton Town Council may amend the yearly meeting schedule in accordance with NC G.S. 143-318.12:

TOWN OF CLAYTON 2017 CALENDAR TOWN COUNCIL MEETINGS		
MONTH	REGULAR SESSION	WORK SESSION
January	January 3, 2017 (Tuesday)	January 17, 2017 (Tuesday)
February	February 6, 2017	February 20, 2017
March	March 6, 2017	March 20, 2017
April	April 3, 2017	April 17, 2017
May	May 1, 2017	May 15, 2017
June	June 5, 2017	June 19, 2017
July	July 17, 2017	
August	August 7, 2017	August 21, 2017
September	September 5, 2017 (Tuesday)	September 18, 2017
October	October 2, 2017	October 16, 2017
November	November 6, 2017	November 20, 2017
December	December 4, 2017	December 18, 2017

NOW THEREFORE, BE IT RESOLVED that the Town Council of Clayton hereby adopts the 2017 Clayton Town Council Schedule as presented.

Duly adopted this 3rd day of October, 2016 while in regular session.

Bob Satterfield
Council Member

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Non-Utility Credit Card Payments

Ann Game

Customer Service Director

September 19, 2016

Current Situation

- We only accept credit card payments for NON-UTILITY payments up to \$500
- Limits customer payment options
 - Example: Credit cards not accepted for payment of a cemetery plot if over \$500
- Not a good customer service practice!



Non Utility Credit Card Information

- 200 credit card payments for non utilities paid since July 1, 2016
- Average payment \$75
- Currently customers are paying \$3.95 convenience fee
- Total average non utility payment \$78.95



If we accept credit card payments with a varying rate...

- \$75 transaction at 3% = \$77.25
- \$75 transaction at 5% = \$78.75



Staff Recommendation

- **Non Utility credit card payments will be charged a varying fee between 3% & 5% (dependent upon type of card, etc) which will be absorbed by the customer.**



Questions?

TOWN OF CLAYTON

Amendment to the Code of Ordinances: Chapter 93

Civil Emergencies

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA, to amend §93.01 with the following amended language. This change reflects the amendments to NCGS 166A-4 and 166A-8, which were both repealed by Session Law 2012-12 on October 12, 2012.

§93.01 WHEN STATE OF EMERGENCY DEEMED TO EXIST.

A state of emergency shall be deemed to exist whenever there is an occurrence of imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any man-made accidental, military, or paramilitary cause.

Statutory reference:

Purpose and definition, see G.S. §166A-19.1 and 166A-19.3

Duly adopted this 3rd day of October, 2016 while in regular session

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

**ANNEXATION PETITION 2016-198-ANX
The Pines at Glen Laurel Lot 1 PB 83 Pg. 369
Parcel Portion of 05104003
Owners: The Pines at Glen Laurel, LLC
Contiguous; 21.15 acres**

**TOWN OF CLAYTON
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition was received on September 23, 2016, by the Town of Clayton; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation:

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Clayton that: The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the results of her investigation.

Duly adopted this 3rd day of October 2016, while in regular session.

Bob Satterfield
Council Member

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

ANNEXATION PETITION 2016-199-ANX
The Shoppes at Glen Laurel Lot 2 PB 83 Pg. 369
Parcel Portion of 05104003
Owners: The Shoppes at Glen Laurel, LLC
Contiguous; 21.32 acres

TOWN OF CLAYTON
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition was received on September 23, 2016, by the Town of Clayton; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation:

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Clayton that: The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the results of her investigation.

Duly adopted this 3rd day of October 2016, while in regular session.

Bob Satterfield
Council Member

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

**ANNEXATION PETITION 2016-200-ANX
Glen Laurel Self Storage Lot 3 PB 83 Pg. 369
Parcel Portion of 05104003
Owners: Tellico Greens, LLC
Contiguous; 4.18 acres**

**TOWN OF CLAYTON
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition was received on September 23, 2016, by the Town of Clayton; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation:

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Clayton that: The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the results of her investigation.

Duly adopted this 3rd day of October 2016, while in regular session.

Bob Satterfield
Council Member

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Introductions & Special Presentations

Meeting Date:

October 3, 2016

ITEM TITLE:

Community Neuse River Clean-Up Recognition

DESCRIPTION:

The Neuse River is one of our most valuable recreation assets in Clayton and that's why we hate to see it littered with garbage. The Town Council would like to recognize Lynn & Paul Auclair, owners and founders of Deep River Brewing in Downtown Clayton, for recognizing the trash issue in our popular water way and organizing a huge clean-up day recently. Their event attracted 40+ volunteers who came out - braving snakes and sharp branches - to snag bags and bags trash. They partnered with several community groups and the Town of Clayton to help clean up a large section of the Neuse. The Auclair's support for our community, downtown and the environment is much appreciated. Special thanks to Aardvark Trash for hauling away all the debris. Efforts like this make a huge impact on this recreation asset that attracts hundreds to Clayton year-round.

POTENTIAL ACTION:

DEPARTMENT:

PRESENTER:

Stacy Beard, Public Information Officer

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



TOWN OF CLAYTON

Planning Department

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

REZONING APPLICATION

Pursuant to Article 7, Section 155.704 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to amend the Official Zoning Map.

Application Fees: **Standard Rezoning Fee: \$500.00**
Rezoning to Planned Development District Fee: \$1,000.00 + \$5.00 acre
Advertisement Fee: \$100.00
All fees are due when the application is submitted.

Note on Planned Developments: Requests to rezone to a Planned Development District must be accompanied by a Master Plan submittal. Master Plans are approved as Preliminary Subdivision Plats – please submit a concurrent Preliminary Subdivision Plat application and Master Plan.

SITE INFORMATION

Name of Project: LOMBE STAR STEAKHOUSE Acreage of Property: 1.68
County Tag Number: 05602001H NC PIN: 164900-87-7344
Address/Location: 13049 US HWY 70 BUS
Existing Zoning District: SPECIAL USE - B3
Proposed Zoning District: B3 (Highway Business)

APPLICANT INFORMATION

Applicant: JAMES R. LEVINSON / Randal Durham
Mailing Address: 101 SLEEPY CREEK DR, CLAYTON NC 27520
Phone Number: 9198943466 Fax: 9198944108
Contact Person: JAMES R LEVINSON
Email Address: LEVINSONLAW@EMBARQMAIL.COM

919-422-7349
radurham1@gmail.com

FOR OFFICE USE ONLY

Date Received: JUN 17 2016 Amount Paid: \$500.00 File Number: 2016-135R2

version 16-2016
TOWN OF CLAYTON
PLANNING DEPARTMENT

\$100.00 - Ad Fee

Page 1 of 10

PROPERTY OWNER INFORMATION

Name: JAMES R LEVINSON
Mailing Address: 101 SLEEPY LAKE DR, CLAYTON NC 27520
Phone Number: 919 894 3466 Fax: 919 894 4108
Email Address: LEVINSONLANE@EMBARQMAIL.COM

EXPLANATION OF PROJECT

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

EXISTING BUSINESS - DESIRE TO REMOVE SPECIM US0
DISTRICT DESIGNATION TO

REQUIRED INFORMATION (to be submitted with the application)

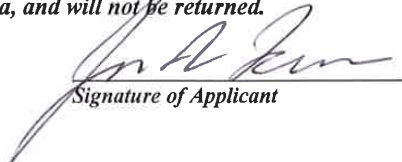
The following items must accompany a Rezoning application.

To be completed by the applicant:			For staff use only:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>06/17/2016</u>	☒	☐			
2. Review Fee (\$500 for standard rezoning OR \$1,000 + \$5.00/acre for Planned Developments) and Advertisement Fee (\$100)	☐				
3. Completed application	☐				
4. Owner's Consent Form <i>Required if applicant is not property owner.</i>	☐	☐			
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).	☐	☒			
6. If property to be rezoned is a portion of a parcel: - Property legal description typed (10 pt. font or greater, and also submitted electronically in MS Word format.) - Plat showing property to be rezoned, matching legal description.	☐ ☐	☒ ☒			
7. Adjacent property owners list	☐	☐			
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>	☐				
9. Neighborhood meeting summary form (1 copy) <i>Included in this packet</i>			Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.		
10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set) <i>This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.</i>	☐				

APPLICANT AFFIDAVIT

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

JAMES R. LEWIS
Print Name


Signature of Applicant

6/14/16
Date



TOWN OF CLAYTON Planning Department

111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002

OWNER'S CONSENT FORM

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

Project Name: LOVE STAR STORKHOUSE Address or PIN #: 13049 US HWY 70 BCS
CLAYTON, NC 27520

AGENT/APPLICANT INFORMATION:

JAMES R LEVINSON
(Name - type, print clearly)

101 SLEEPY CROOK DR
(Address)
CLAYTON, NC 27520
(City, State, Zip)

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

RANDELL DURHAM
4567 LITTLE CROOK CREEK RD CLAYTON NC 27520

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

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

OWNER AUTHORIZATION:

JAMES R LEVINSON
(Name - type, print clearly)

101 SLEEPY CROOK DR
(Address)

[Signature]
(Owner's Signature)

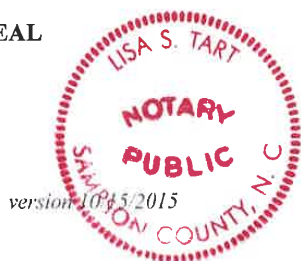
CLAYTON NC 27520
(City, State, Zip)

STATE OF
COUNTY OF

North Carolina
Sampson

Sworn and subscribed before me Lisa S. Tart, a Notary Public for the above State and County, this the 15 day of June, 2016.

SEAL



Notary Public
My Commission
Expires:

10-14-19

version 10/15/2015

Page 10 of 10



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

*Planning Board
August 22, 2016*

STAFF REPORT

Application Number: 2016-135-RZ
Project Name: Lonestar Steakhouse, Rezoning

NC PIN / Tag #: 164900-87-7344 / 05G02001H
Town Limits/ETJ: Town
Overlay: Special Use District, Thoroughfare Overlay District
Applicant: James Levinson
Owner: James Levinson
Location: 13049 US HWY 70 BUS, along Town Centre Blvd and across from Grand Plaza

Public Noticing:

- Neighborhood meeting August 10, 2016
- Signs Posted prior to August 12, 2016
- Letters mailed to adjacent property owners prior to September 23, 2016
- Newspaper ad noticed September 21, 2016 and September 28, 2016

REQUEST: Request to rezone the parcel from Highway Business-Special Use District (B-3-SUD) to Highway Business (B-3).

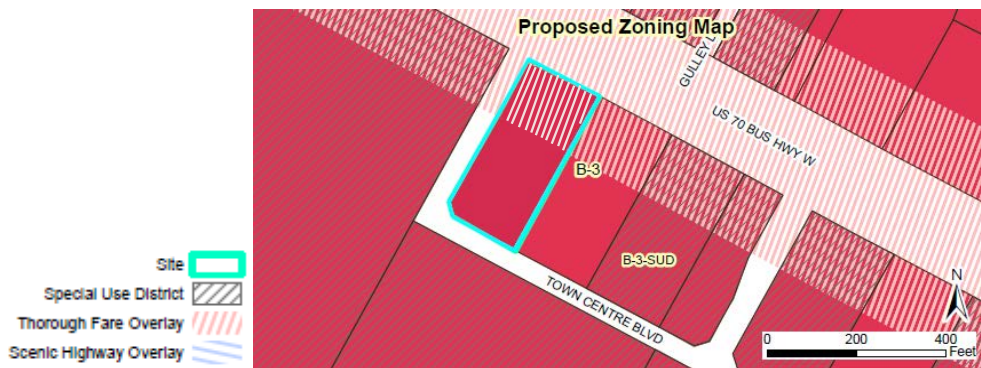


SITE DATA:

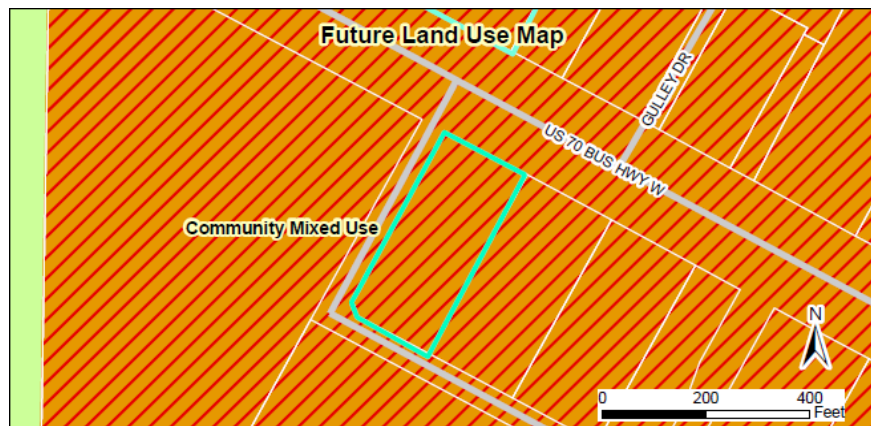
Acreage: 1.68 acres
Existing Uses: Restaurant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Highway-Business (Special Use District)	Commercial
South	Highway-Business (Special Use District)	Commercial
East	Highway-Business	Commercial
West	Highway-Business (Special Use District)	Vacant

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

The applicant is requesting to rezone the subject parcel from Highway Business-Special Use District (B-3-SUD) to B-3, in order to remove the Special Use District designation from the property. Special Use Districts require all potential uses to go through the special use process in order to operate, regardless of what the base zoning district permits. Based on direction from Town Council, staff sent letters to property owners that own property located within a Special Use District. These letters informed owners of what the Special Use District



designation means, and informed them that they are welcome to submit a rezoning application in order to remove the designation if they desired to do so. As a result of the letter, the applicant for this project is requesting to remove the Special Use District designation from the subject property.

Compatibility with Surrounding Land Uses

The proposed zoning change is to remove the special use district designation from the parcel, but the base zoning district of B-3 will remain. Therefore, the proposed zoning change is still compatible with the surrounding land uses, which are all commercial uses.

Consistency with the 2040 Comprehensive Plan

The proposed zoning change is consistent with Clayton's 2040 Comprehensive Plan.

CONSIDERATIONS:

- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
 - When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest.
 - If approved, this rezoning will result in a modification to amend the official zoning map for The Town of Clayton.
-

APPROVAL CRITERIA:

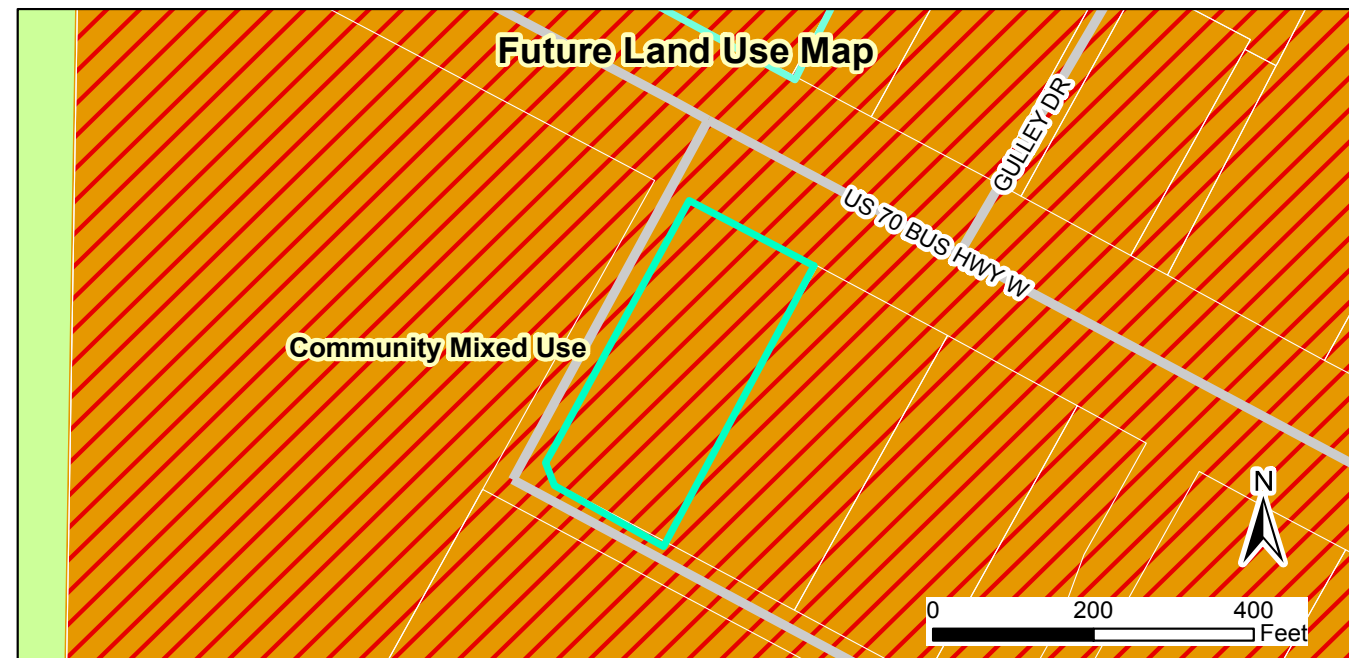
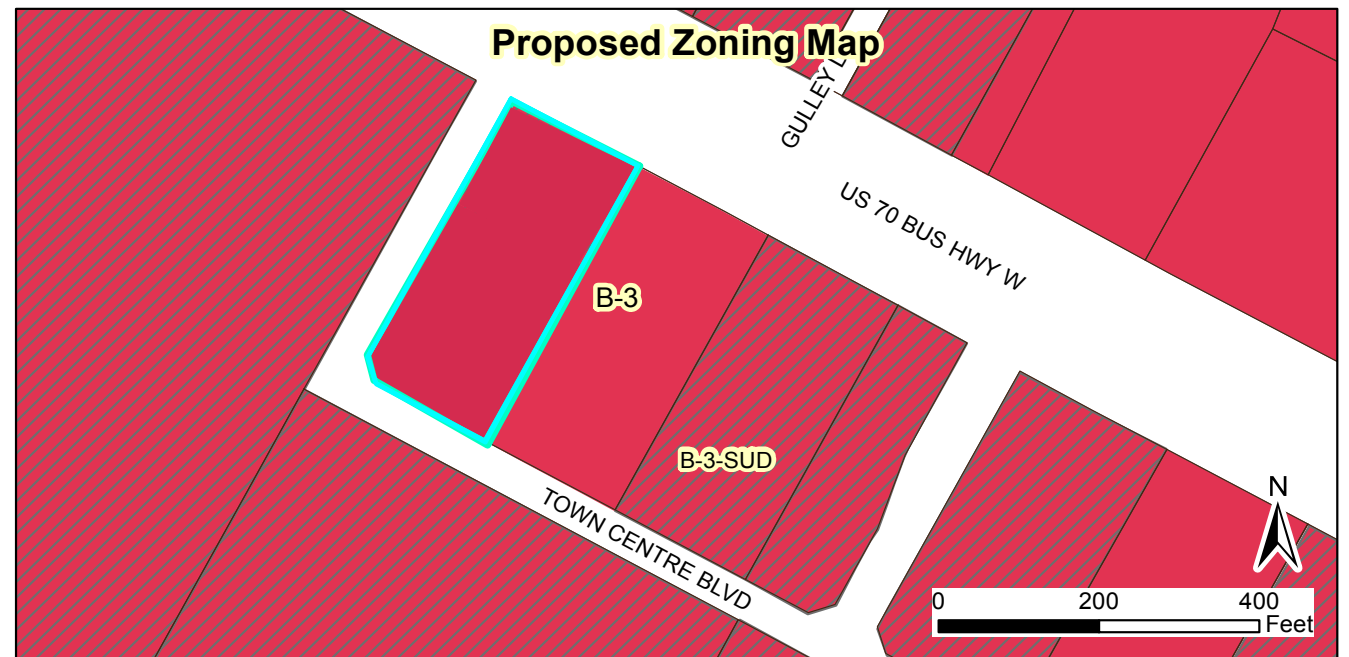
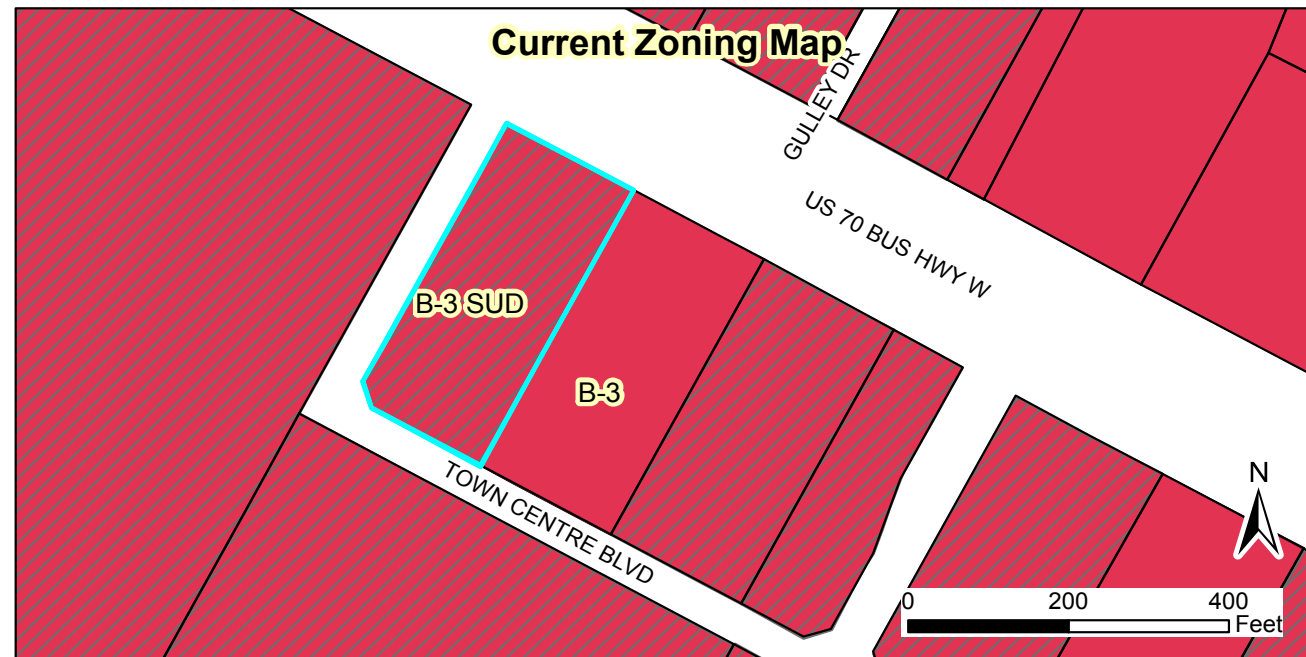
The applicant has addressed the Rezoning Approval Criteria outlined in §155.704. The applicant's responses are incorporated as an attachment to the Staff Report.

STAFF RECOMMENDATION:

Staff is recommending approval of the rezoning of the subject parcel.

ATTACHMENTS:

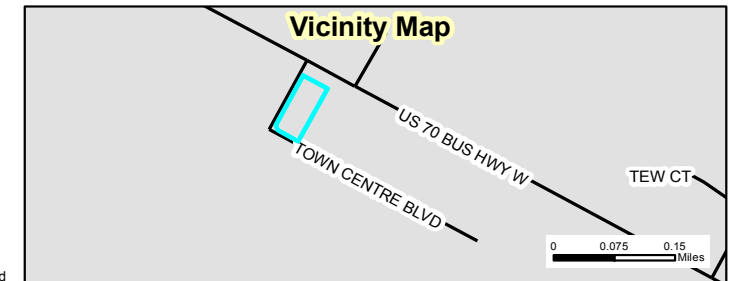
- 1) Staff Report Maps
- 2) Application
- 3) Neighborhood Meeting Materials



2016-135-RZ Lonestar Rezoning
Request: To rezone from B-3 SUD to B-3
 Applicant: James Levinson/Randal Durham
 Property Owners: James Levinson
 Parcel ID: 164900-87-7344
 Tag #: 05G0200IH



- Site 
- Special Use District 
- Thorough Fare Overlay 
- Scenic Highway Overlay 



Document Path: O:\PLANNING\REZONING\Rezoning\2016\2016-135-RZ Lonestar Steakhouse\Maps\2016-121-RZ Lonestar Rezoning.mxd

LEVINSON LAW FIRM, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

JAMES R. LEVINSON

P.O. BOX 117
124 EAST MAIN STREET
BENSON, NORTH CAROLINA 27504
PHONE (919) 894-2518 • (919) 894-3466
FAX (919) 894-4108
email: levinsonlaw@embarqmail.com

219 JOHNSTON STREET
SMITHFIELD, NORTH CAROLINA 27577
PHONE (919) 934-8553
FAX (919) 934-5110

7/18/16

Dear Clayton Area Property Owner:

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

Meeting Date: Aug 10, 2016

Meeting Time: 6:00 PM

Meeting Location: Lone Star Steakhouse, Conference Room
13049 US Hwy 70 Bus, Clayton NC

Type of Application: To remove special use designation

Project/proposal Property Address: 13049 US Hwy 70 Bus, Clayton NC

Description of Project/Proposal: To remove Special Use District designation and resume B3
(Highway Business)

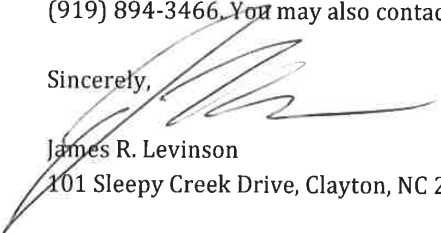
At a minimum, the following will be available for your inspection at the Neighborhood Meeting

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

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

If you have any questions prior to or after this meeting, you may contact me at (919) 894-3466. You may also contact the Planning Department at 919-553-5002.

Sincerely,

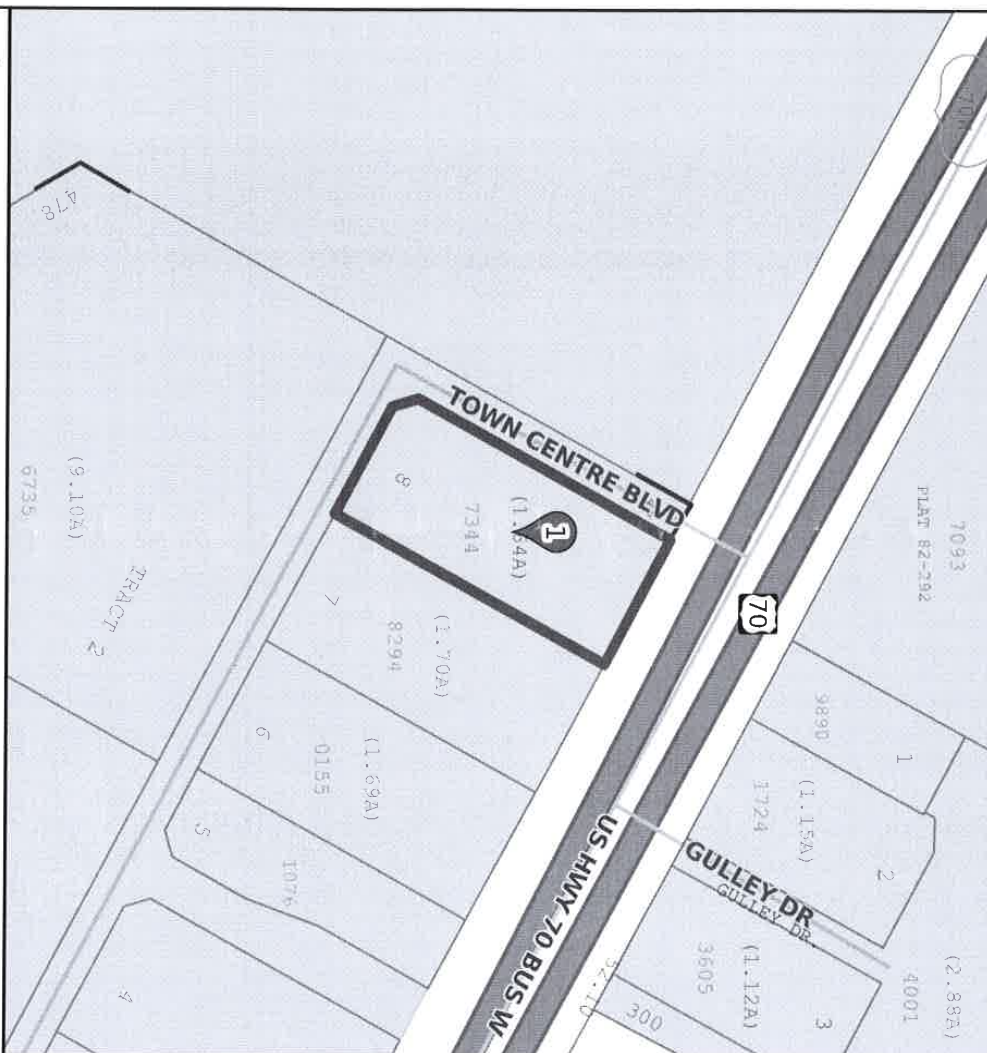

James R. Levinson
101 Sleepy Creek Drive, Clayton, NC 27520

Cc: Town of Clayton Planning Dept.

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

Result 1

id: 05G02001H
Tag: 05G02001H
Tax Unique Id: 4370939
NCPin: 164900-87-7344
Mapsheet No: 1649
Owner Name 1: LEVINSON, JAMES R.
Owner Name 2:
Mail Address 1:
Mail Address 2: P O BOX 117
Mail Address 3: BENSON, NC 27504-0117
Site Address 1: 13049 US HWY 70 BUS
Site Address 2: CLAYTON, NC 27520
Book: 03680
Page: 0193
Market Value: 1843330
Assessed Acreage: 1.68
Calc. Acreage: 1.645
Sales Price: 1925000
Sale Date: 2009-04-02



Scale: 1:2456 - 1 in. = 204.65 feet

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: LUNE SIM STOKINUSE

Application: REMYNT SPOLINUSE DISTRICT TO B3

Location/Date: LUNE SIM STOKINUSE, 13049 US 70 BUS, CAMP 8/10/16

	NAME	ADDRESS
1	Stephen Douglas I Irrvocable Trust	319 Chapanoke Rd. Ste. 102 Raleigh, NC 27603-0000
2	Cynthia M. Stephens Irrvocable Trust	319 Chapanoke Rd. Ste. 102 Raleigh, NC 27603-0000
3	Carolina Park LLC	9005 Peachtree Town Ln. Knightdale, NC 27545-9710
4	Cadillac Sand Realty LLC	10689 N. Pennsylvania St. Ste. 100 Indianapolis, IN 46280-1099
5	Clayton Self Storage LLC	5540 Yates Mill Pond Rd. Raleigh, NC 27606-9688
6	WH Capital LLC	PO Box 6450 Norcross, GA 30091-0000
7	Fixapet LLC	1651 Folly Creek Way Charleston, SC 29412-0000
8	Haley E. Hogg, CZO Planner	PO BOX 879 Clayton, NC 27528
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: CLIPART FROM SPECIM 450 B3 TO B3

Date of Mailing: 6/17/16

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting:

Printed Name: JAMES R. LEVINSON Signature: [Signature]

Date of Meeting: AUG 10, 2016 Time of Meeting: 6:00 PM

Location of Meeting: LONG STARR STONEHOUSE, 13049 US 70 BUS, CLIPART NC

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

NO ONE EXCEPT LANDOWNER JAMES R. LEVINSON
ATTENDED THE MEETING SO I AM AT A FIVE MIN.

AUG 11, 2016 [Signature]

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



*** DISCLAIMER ***

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

Result 1

id: 05G01199X
Tag: 05G01199X
Tax Unique Id: 4434046
NCPin: 164900-88-7093
Mapsheet No: 1649
Owner Name 1: CLAYTON SELF STORAGE
GROUP, LLC,
Owner Name 2:
Mail Address 1: 5540 YATES MILL POND RD
Mail Address 2:
Mail Address 3: RALEIGH, NC 27606-9688
Site Address 1: 12984 US HWY 70 BUS
Site Address 2: CLAYTON, NC 27520
Book: 04717
Page: 0350
Market Value: 539770
Assessed Acreage: 3.11
Calc. Acreage: 3.106
Sales Price: 543000
Sale Date: 2016-02-08

Result 2

id: 05G01201A
Tag: 05G01201A
Tax Unique Id: 4348497
NCPin: 164900-87-9890
Mapsheet No: 1649
Owner Name 1: WH CAPITAL LLC
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 6450
Mail Address 3: NORCROSS, GA 30091-0000
Site Address 1:
Site Address 2:
Book: 02592
Page: 0959
Market Value: 729100
Assessed Acreage: 0.66
Calc. Acreage: 0.66
Sales Price: 0
Sale Date: 2003-11-25

Result 3

id: 05G01201C
Tag: 05G01201C
Tax Unique Id: 4288166
NCPin: 164900-97-1724
Mapsheet No: 1649
Owner Name 1: FIXAPET LLC
Owner Name 2:
Mail Address 1: 1651 FOLLY CREEK WAY
Mail Address 2:
Mail Address 3: CHARLESTON, SC 29412-0000
Site Address 1:
Site Address 2:
Book: 03620
Page: 0603
Market Value: 1112300
Assessed Acreage: 1.15
Calc. Acreage: 1.148
Sales Price: 1825000
Sale Date: 2008-11-05



*** DISCLAIMER ***

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

Result 1

id: 05G02001H
Tag: 05G02001H
Tax Unique Id: 4370939
Owner Name 1: LEVINSON, JAMES R.
Owner Name 2:
Mail Address 1:
Mail Address 2: P O BOX 117
Mail Address 3: BENSON, NC 27504-0117
Book: 03680
Page: 0193

Result 2

id: 05G02001A
Tag: 05G02001A
Tax Unique Id: 4357241
Owner Name 1: STEPHEN DOUGLAS I
IRRVOABLE TRUST
Owner Name 2: CYNTHIA M STEPHENS
IRRVOABLE TRUST
Mail Address 1: 319 CHAPANOKE RD STE 102
Mail Address 2:
Mail Address 3: RALEIGH, NC 27603-0000
Book: 01875
Page: 0903

Result 3

id: 05G02001G
Tag: 05G02001G
Tax Unique Id: 4425965
Owner Name 1: CAROLINA PARK LLC
Owner Name 2:
Mail Address 1: 9005 PEACHTREE TOWN LN
Mail Address 2:
Mail Address 3: KNIGHTDALE, NC 27545-9710
Book: 04541
Page: 0642

Result 4

id: 05G02001I
Tag: 05G02001I
Tax Unique Id: 4424631
Owner Name 1: CADILLAC SAND REALTY LLC
Owner Name 2:
Mail Address 1: 10689 N PENNSYLVANIA ST
Mail Address 2: SUITE 100
Mail Address 3: INDANAPOLIS, IN 46280-1099
Book: 04593
Page: 0672

TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
ZONING AMENDMENT
(REZONING AMENDMENT)

Lone Star Steakhouse
2016-135-RZ

On August 22, 2016 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

- ☒ approve the request;
☐ deny the request.

Recommendation(s) made this 22 day of August 2016 while in regular session.

Signed :



Frank Price, Planning Board Chair

PUBLIC NOTICE

In accordance with NC GS 160A-384 (rezoning) and NC GS 160A-364 (special use), the Clayton Town Council will hold two hearings on October 3rd, 2016, at 6:30 PM at Town Hall, 111 East Second Street, to consider:

- rezoning request 2016-135-RZ, at 13049 US HWY 70 BUS (tag 4370939), from Highway-Business Special Use District (B-3 SUD) to Highway-Business (B-3).
- special use request 2016-146-SUP, at 459 E Main St (tag 05011023), to operate a Cocktail Lounge.

For rezonings, the Council reserves the right to approve the request as presented, or any portion thereof. For special use permits, the Council must make findings of fact during an evidentiary hearing based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. This is an open meeting and the public is invited to attend.

Jay McLead, Planner 919-553-5002

N&O: September 21, 28, 2016

COUNCIL MOTION SHEET
ZONING ORDINANCE AMENDMENT
(Rezoning or Text Amendment)

After considering the recommendations of the Planning Board and Planning Director, I move to **[approve OR deny] 2016-135-RZ – Lone Star Steakhouse**

[IF APPROVING]

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

Item 6a
2016-135-RZ
Lone Star Steakhouse

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

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

WHEREAS said property is owned by the James Levinson; and

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

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

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

WHEREAS the said public hearing was actually conducted at 6:30 p.m. on October 3, 2016, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

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

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

General Description:

13049 US Highway 70 Business, along Town Centre Blvd and across from Grand Plaza

Specific Description:

NC Parcel Identification Numbers: 164900-87-7344

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

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

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

DULY ADOPTED by the Clayton Town Council this 3rd day of October , 2016, while in regular session.

Bob Satterfield
Council Member

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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

SPECIAL USE APPLICATION

Pursuant to Article 7, Section 155.711 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Special Use. Special Uses are uses that may be appropriate in a particular district, but have the potential to create incompatibilities with adjacent uses.

Application Fee: \$400.00.

Advertisement Fee: \$100.00.

All fees are due when the application is submitted.

Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Special Use Permit applications.

APPLICATION TYPE

☒ New Special Use Permit

☐ Major Modification to an approved SUP
Permit Modified: _____

SITE INFORMATION

Name of Project: on Premise malt Bev
Special Use Permit Acreage of Property: _____

Parcel ID Number: _____ Tax ID: _____

Deed Book: _____ Deed Page(s): _____

Address/Location: 459 E. Main St

Existing Use: _____ Proposed Use: _____

Is project within a Planned Development? ☐ No ☐ Yes

Planned Development District (if applicable): _____

Is project within an Overlay District? ☐ No ☐ Yes

Overlay District (if applicable): _____

OFFICE USE ONLY

Date Received: JUN 01 2016 Amount Paid: \$500.00 Permit Number: 2016-146-SUP

version 01/06/2016

Page 1 of 9

PROPERTY OWNER INFORMATION

Name: Shauna Godwin
Mailing Address: 270 Benning Cir Clayton, NC 27527
Phone Number: 919 625-5976 Fax: _____
Email Address: _____

APPLICANT INFORMATION

Applicant: Temple Phipps / Wine on Main
Mailing Address: 115 E. Blanche St. Clayton NC 27520
Phone Number: 919 588 1730 Fax: _____
Contact Person: Temple Phipps
Email Address: wineonmainnc@gmail.com

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a ^{Special} Conditional Use Permit (CUP) application.

To be completed by the applicant:			To be completed by staff:		
	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>06/30/2016</u>	☒	☐			
2. Review Fee (\$400) and Application Fee (\$100)	☒	☐			
3. Completed application (9 copies)	☒	☐			
4. Owner's Consent Form (9 copies)	☒	☐			
5. Adjacent property owners list (9 copies)	☒	☐			
6. Wastewater allocation request OR verification of wastewater allocation (9 copies)	☐	☒			
7. Signed and sealed traffic impact analysis (2 copies)	☐	☒			
8. If applicant is concurrently applying for site plan approval, a copy of the proposed site plan.	☐	☐			
9. Neighborhood meeting notice letter (9 copies) See sample letter and meeting requirements included in this packet	May be provided at time of submittal if meeting date is known – otherwise must be submitted by email or mail on date the letter is mailed out.				
10. Set of stamped, addressed envelopes using the adjacent property owners list	May be provided at time of submittal OR no later than 25 days prior to the Town Council meeting.				
11. Neighborhood meeting summary form (9 copies) Form is included in this packet	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				

Note: More information may be requested by the Planning Department depending on the project



**Town of Clayton
Planning Department**

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

OWNER'S CONSENT FORM

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

Project Name: On Premise Beer Address or PIN #: 459 E. Main St.
Special use permit

AGENT/APPLICANT INFORMATION:

Temple Phlips 115 E. Blanche St.
(Name - type, print clearly) (Address)
Clayton, NC 27520
(City, State, Zip)

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

Special use Associated process documents
Site plan

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

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

OWNER AUTHORIZATION:

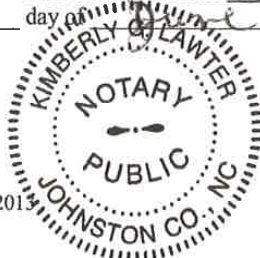
Shauna Godwin 270 Benning Cir
(Name - type, print clearly) (Address)
Shauna Godwin Clayton NC 27527
(Owner's Signature) (City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Kimberly Clanton a Notary Public for the above State and County, this
the 30 day of June 2014

SEAL

October 2014



Notary Public

My Commission Expires: 6/15/2020



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

Planning Board
August 22, 2016

STAFF REPORT

Application Number: 2016-146-SUP
Project Name: Wine on Main, Special Use Permit

Address: 459 East Main Street
NC PIN/ Tag#: 166917-11-8563 / 05011024
Town Limits/ETJ: Town Limits
Overlay: Downtown
Applicant: Wine on Main, c/o Temple Phipps
Owner(s): Shauna Godwin

Neighborhood Meeting: Held on August 8, 2016
Public Noticing: Property posted prior to August 12, 2016
Letters mailed prior to September 23, 2016
Newspaper Ad published: September 21, 2016 and September 28, 2016

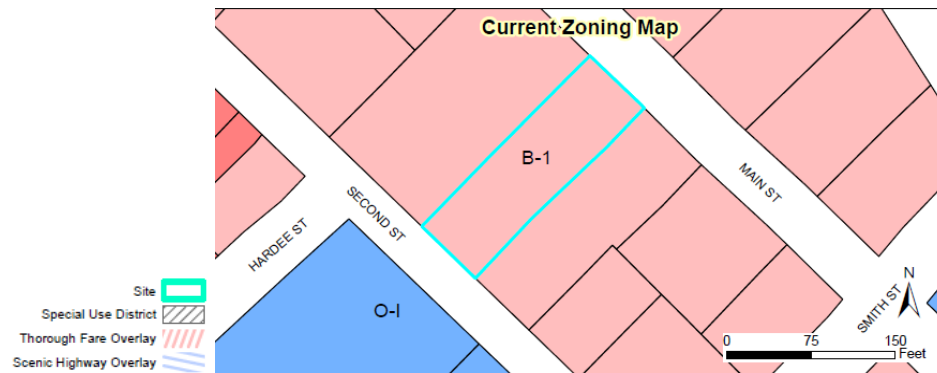
PROJECT LOCATION: The project is for the existing Wine on Main property, which is located at 459 East Main Street.

REQUEST: The applicant is requesting a Special Use Permit to sell on premise malt beverages in addition to their current wine sales. The Special Use Permit is for the operation of a Cocktail Lounge.



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Central Business (B-1)	Commercial
South	Office-Institutional (O-I)	Residential (non-conforming)
East	Central-Business (B-1)	Residential (non-conforming)
West	Central Business (B-1)	Commercial

**SITE DATA:**

Acreage: .33 acres
 Zoning: Central Business (B-1)
 Existing Use: Retail with accessory on premise wine sales

DEVELOPMENT DATA:

Proposed Uses: Lounge, Cocktail
 Buildings: One building
 Fire Protection: Town of Clayton
 Access/Streets: The main entrance to the building is off of Main Street. There is also access via East Second Street through the back of the building, although that parking lot is primarily used for employee parking only, and is shared by the salon on that side of the parcel.

STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting a Special Use Permit in order to begin selling malt beverages for on premise consumption. Wine on Main currently sells wine on premise, but does not sell malt beverages at this time. The

proposed business is considered a “Lounge, Cocktail” use, based on definitions within the Unified Development Code. This use requires a Special Use Permit within the Central Business (B-1) zoning district. A Special Use Permit was not required of Wine on Main when it first opened because their on premise wine sales were accessory to their primary retail use. However, since they are expanding through the sale of malt beverages, a Special Use Permit must be obtained.

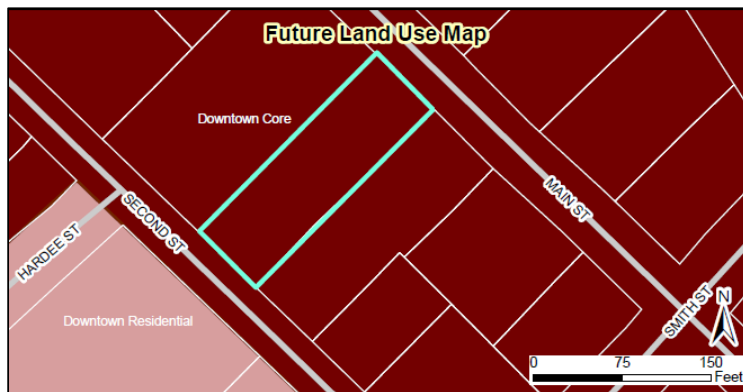
Wine on Main has been operating for over a year now, and is the recent recipient of a Downtown Façade Improvement and Site Element Grant. This grant helped make possible the expansion of the front porch outdoor seating area and associated formalization of the fencing along Main Street. The business occasionally hosts musicians and other small events in this outdoor space.

Parking is currently provided for employees in the gravel lot behind the business, and for customers along Main Street, and in other general downtown parking areas. A Traffic Impact Analysis is not required, since the threshold is not reached for peak hour trips. A increase in wastewater allocation may be needed as part of the expanded site plan, seating, and operations. Wine on Main also intends to serve a limited menu as part of their new operations. Restaurants are permitted outright in the B-1 zoning district.

Consistency with the Comprehensive Plan

The proposed development is consistent with the Comprehensive Plan Future Land Use Map, which encourages these types of uses within downtown. The proposal is consistent with the following Goals of the Comprehensive Plan, per the Downtown section:

- D1: Promote quality new, adaptive re-use, and infill development projects downtown while preserving its historic character and small-town charm.
- D3: Reinforce downtown as the social, civic, and cultural center of town.



Consistency with the Unified Development Code

The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC).

Compatibility with Surrounding Uses

The request is compatible with surrounding land uses. Wine on Main is existing, and has been selling alcohol (wine) for on premise consumption for over a year now.

Associated Site Plan

The applicant submitted a minor site plan to run concurrently with this request. The site plan shall be reviewed and approved by staff. No changes to the site or landscaping are proposed.

FINDINGS

When considering a Special Use Permit application, The Town Council shall consider specific Findings of Fact. A Special Use which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved. The applicant has addressed the Findings expressly established by Chapter 155.711 (I) of the UDC. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

CONSIDERATIONS

- Planning Board shall make a recommendation to Town Council on Special Use Permits.
 - The Town Council shall make a final decision on Special Use Permits.
-

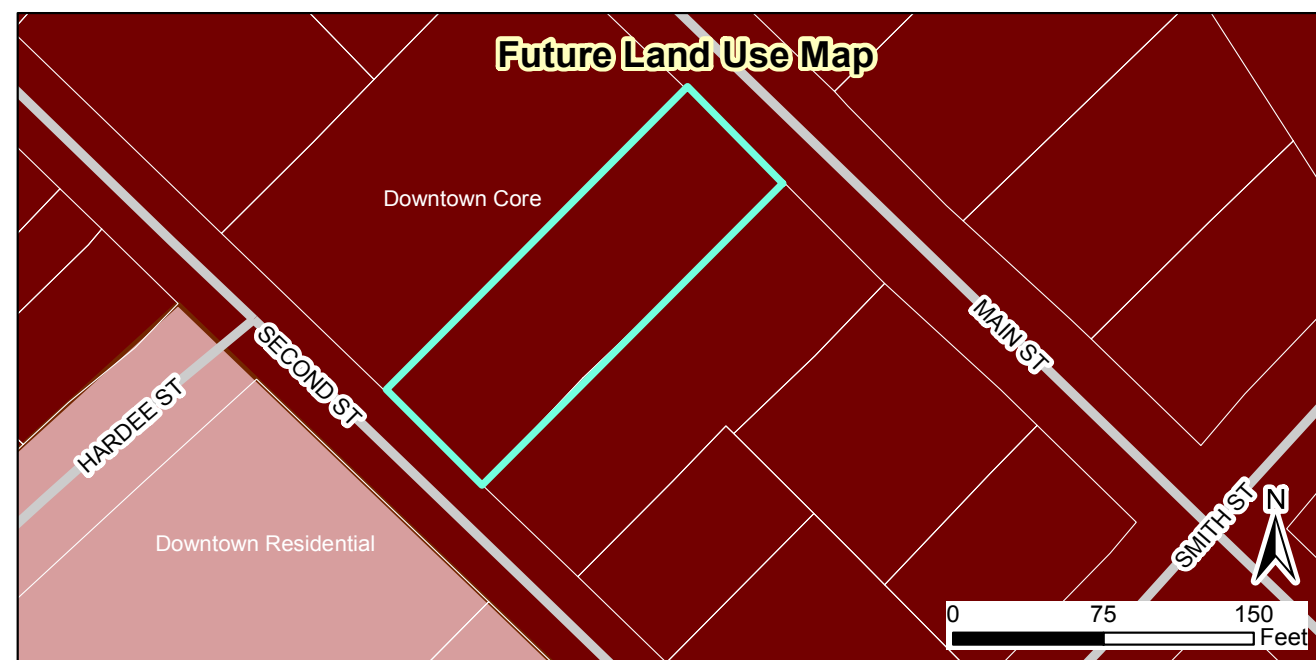
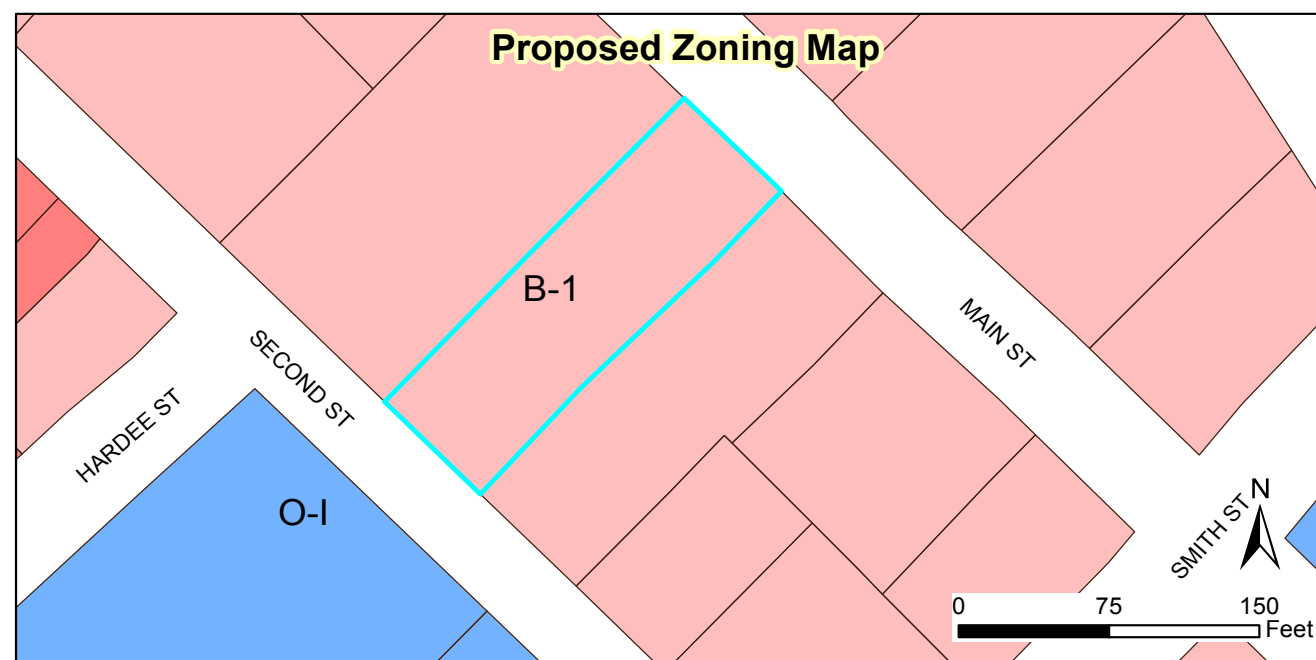
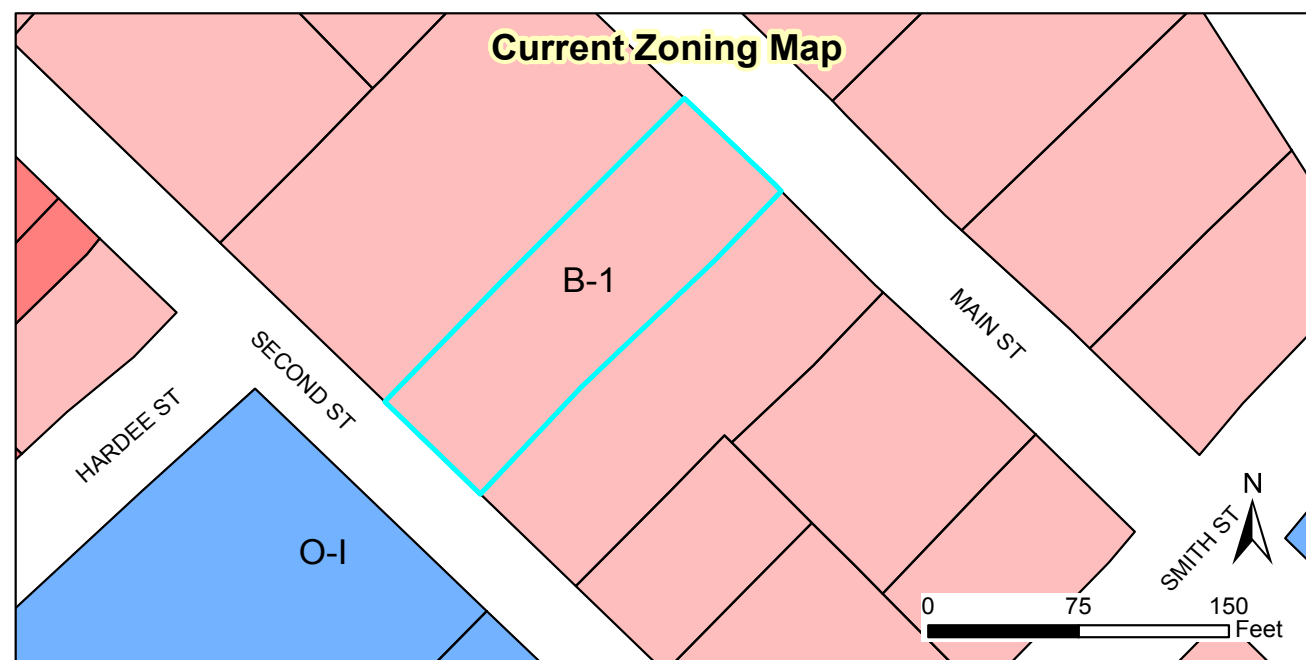
RECOMMENDATION:

Staff is recommending approval of the Special Use Permit with the following conditions:

1. Following Board approvals, three copies of the Final Site Plan, Landscape Plan and Architectural Elevations meeting the requirements of the Conditions of Approval and displaying the Conditions of Approval shall be submitted to Planning Department for final approval.
 2. All roof mounted and ground mechanical equipment must be completely screened from view, including but not limited to HVAC, electric, and grease traps.
 3. All wastewater allocation and other development fees shall be paid prior to the issuance of a Zoning Compliance Permit.
-

ATTACHMENTS

1. Application
2. Staff Report Map
3. Neighborhood Meeting Materials
4. Associated Minor Site Plan



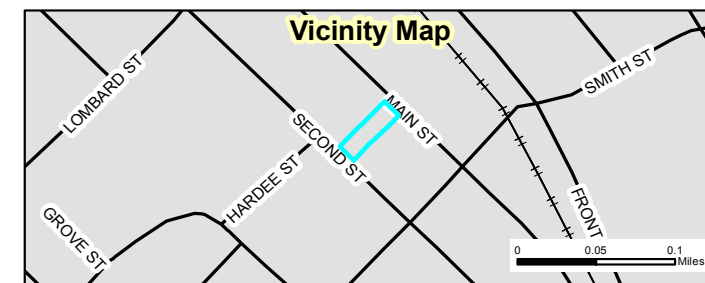
2016-146-SUP Wine on Main Special Use Permit
Request: Special Use approval to serve malt beverages

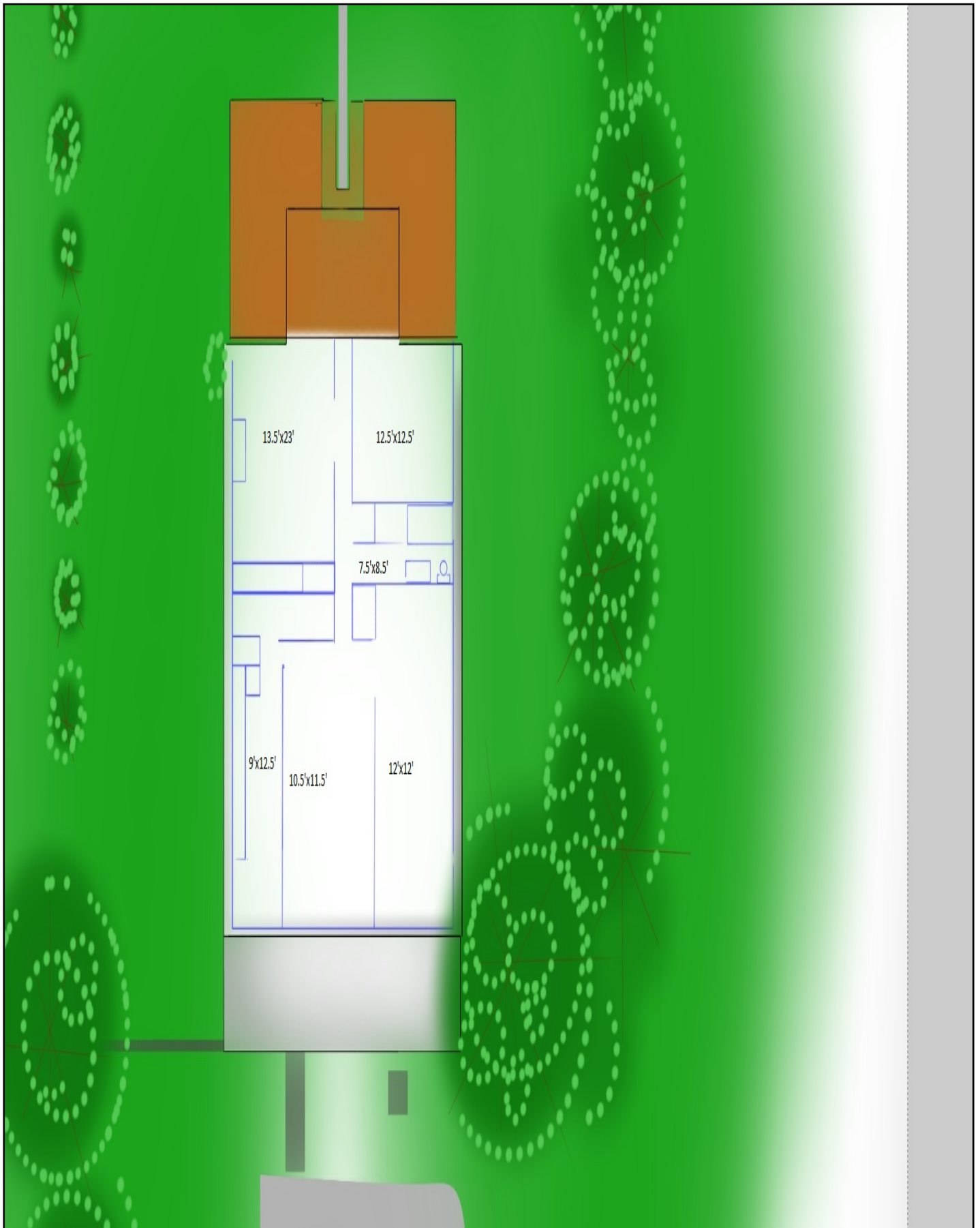
Applicant: Wine on Main
 Property Owners: Shauna Godwin
 Parcel ID: 166917-11-8563
 Tag #: 05011024



- Railroads —+—+—
- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay

Document Path: O:\PLANNING\SPECIAL USE\2016\2016-146-SUP Wine on Main\Maps\2016-146-SUP wine on main SUP.mxd





NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application:

SPECIAL USE PERMIT

Date of Mailing:

7.18.16

Date of Meeting:

8.8.16

Time of Meeting:

6:30 PM

Location of Meeting:

459 E. MAIN ST. CLAYTON, NC 27520

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

Printed Name: _____

Signature: _____

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

Only one town of Clayton Rep showed up. All 3 owners were present. No other property owners came in. No questions asked.

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: WINE ON MAIN SPEC USE PERMIT
 Application: SPECIAL USE
 Location/Date: 459 E. MAIN ST. CLAYTON, NC 27520

	NAME	ADDRESS
1	DAVE DEYOUNG	TOWN HALL
2	CLARK H. POLITO	459 E. MAIN ST. CLAYTON NC
3	Temple Phipps	459 E. main St. Clayton, NC
4	Christin Merys	459 E. main St. Clayton, NC
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

July 18, 2016

Dear Clayton Area Property Owner:

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

Meeting Date: Monday, August 8

Meeting Time: 6:00pm

Meeting Location: 459 E. Main St., Clayton, NC 27520

Type of Application: Special Use Permit to serve beer

Project/proposal property address: 459 E. Main St. Clayton, NC 27520

Description of project/proposal: Wine on Main is applying for a special use permit in order to serve beer at the already established wine bar.

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

Planning Board: August 22, 2016

Town Council Work Session: September 19, 2016

Town Council Hearing: October 3, 2016

At a minimum, the following will be available for your inspection at the Neighborhood Meeting: 1. A copy of the project application. 2. A schedule of all upcoming public meetings for the application. 3. A map at a scale that is appropriate to the project and shows neighboring properties and roads. 4. A map, drawing, or other depiction of the proposed land use change or development proposal.

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

If you have any questions prior to or after this meeting, you may contact us at 919.879.8520. You may also contact the Planning Department at 919-553-5002.

Sincerely,

Temple Phipps, Christina Menges and Clark Hipolito, Owners, Wine on Main

Cc: Town of Clayton Planning Department

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
SPECIAL USE PERMIT:**

**Wine on Main
2016-146-SUP**

On August 22, 2016 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

☒ approve the request;

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

☐ deny the request.

Recommendation(s) made this 22 day of August 2016 while in regular session.

Signed:



Frank Price, Planning Board Chair

PUBLIC NOTICE

In accordance with NC GS 160A-384 (rezoning) and NC GS 160A-364 (special use), the Clayton Town Council will hold two hearings on October 3rd, 2016, at 6:30 PM at Town Hall, 111 East Second Street, to consider:

- rezoning request 2016-135-RZ, at 13049 US HWY 70 BUS (tag 4370939), from Highway-Business Special Use District (B-3 SUD) to Highway-Business (B-3).
- special use request 2016-146-SUP, at 459 E Main St (tag 05011023), to operate a Cocktail Lounge.

For rezonings, the Council reserves the right to approve the request as presented, or any portion thereof. For special use permits, the Council must make findings of fact during an evidentiary hearing based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. This is an open meeting and the public is invited to attend.

Jay McLead, Planner 919-553-5002

N&O: September 21, 28, 2016

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

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

- ☐ Approve
- ☐ Deny
- ☐ Approve with Conditions

SUP Application #2016-146-SUP – Wine on Main

This motion is based on the following findings:

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

OR

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

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

OR

The application **does not meet all** required specifications and **does not** conform to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations. (State evidence supporting finding.)

Item 5b
Special Use Permit 2016-146-SUP
Wine on Main

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

OR

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

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

OR

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

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

Item 5b
Special Use Permit 2016-146-SUP
Wine on Main

**TOWN OF CLAYTON
SPECIAL USE PERMIT
#2016-146-SUP
GRANTED**

On the date listed below, the Town Council for the Town of Clayton met and held an evidentiary hearing to consider the following application:

Applicant:	Wine on Main, c/o Temple Phipps
Property Owner:	Shauna Godwin
Property Location:	459 East Main Street
Brief Property Description:	.33 acres; Commercial
Tax Parcel Number:	1669137-11-8563 / 05011024
Proposed Use of Property:	Lounge, Cocktail
Hearing Date:	October 3, 2016

Having heard all the evidence and argument presented at the hearing, the Town Council makes the following findings:

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

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

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

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

The Town Council also finds the Special Use Permit is subject to the following conditions:

1. Following Board approvals, three copies of the plans, meeting the Conditions of Approval, shall be submitted to the Planning Department for final approval. All conditions of approval shall be printed on the cover sheet of the plan set.
2. All roof mounted and ground mechanical equipment must be completely screened from view, including but not limited to HVAC, electric, and grease traps.
3. All wastewater allocation and other development fees shall be paid prior to the issuance of a Zoning Compliance Permit.

TOWN OF CLAYTON

BY: _____
Council Member

DATE: _____ [Note:
within 14 days of decision per Code Section
155.702(G)]

ATTEST:

_____(SEAL)

Town Clerk

RESOLUTION AUTHORIZING REPRESENTATIVE(S) OF THE MUNICIPALITY BE
DESIGNATED AS DEPUTY FINANCE OFFICERS

Whereas, NCGS 159-25 defines both the Finance Officer and Mayor as being authorized to sign checks on behalf of the town should no other designation be made; and

Whereas, on May 16, 2016, Resolution #2016-20 was adopted appointing certain representatives of the Town of Clayton the authorization to sign and/or countersign checks on behalf of the Town of Clayton; and

Whereas, it is the request of the Town Council to modify and replace Resolution #2016-20 by authorizing the following representatives authority to sign and/or countersign checks on behalf of the Town of Clayton.

<u>Name</u>	<u>Title</u>	<u>Signatures</u>
Adam Lindsay	Town Manager	_____
Nancy T. Medlin	Deputy Town Manager	_____
Robert W. McKie, Jr.	Finance Director	_____
Kimberly A. Moffett	Town Clerk	_____

This Resolution will be effective immediately and remain until such time it is modified.

Duly adopted this 3rd day of October, 2016.

Bob Satterfield
Council Member

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

New Business

Meeting Date:

October 3, 2016

ITEM TITLE:

Appointment - Commissioner NCEMPA

DESCRIPTION:

Recommendation to appoint Adam Lindsay, Town Manager, as Second Alternate Commissioner to North Carolina Eastern Municipal Power Agency (NCEMPA). This position was held by previous Town Manager.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

PRESENTER:

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided: