



**The Town Of Clayton
Town Council Work Session Meeting Agenda
Monday, June 20, 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 - Closed Sessions - May 16, 2016 & June 6, 2016
[Cover - Draft Minutes - Closed Sessions - May 16 & June 6, 2016](#)
- b. Budget Amendment - Sam's Branch Phase II Capital Project
[Ordinance #2016-06-01 - Capital Project Budget -Sam's Branch
Interceptor Phase 2](#)

POTENTIAL ACTION: Approval of Consent Agenda As Presented

4. ADMINISTRATIVE ITEMS

- a. Warranty & Public Easements Acceptance - Bristol Subdivision - Phase I
[Cover - Warranty Acceptance - Bristol Subdivision - Phase I](#)
[Memo - Bristol Phase I](#)

POTENTIAL ACTION: Place on July 18, 2016 Consent Agenda
- b. Warranty Acceptance - Final Asphalt Pavement - Cobblestone Phase 11-A
[Cover - Warranty Acceptance Asphalt - Cobblestone Phase 11A](#)
[Memo - Cobblestone Phase 11A](#)

POTENTIAL ACTION: Place on July 18, 2016 Consent Agenda
- c. Warranty Acceptance - Final Asphalt Pavement- Cobblestone, Phase 11B
[Cover - Warranty Acceptance Asphalt - Cobblestone Phase 11B](#)
[Memo - Cobblestone Phase 11-B](#)

POTENTIAL ACTION: Place on July 18, 2016 Consent Agenda

- d. Warranty & Public Easements Acceptance - East Village Office Building
[Cover - Warranty & Public Easements Acceptance -East Village Office Building](#)
[Memo - East Village Office Building](#)

POTENTIAL ACTION: Place on July 18, 2016 Consent Agenda

- e. Warranty & Public Easements Acceptance - RWAC 6D-1 (Alpine Valley)
[Cover - Warranty & Public Easements Acceptance - RWAC Phase 6D-1 - Alpine Valley](#)
[Memo - RWAC Phse 6D-1 Alpine Valley](#)

POTENTIAL ACTION: Place on July 18, 2016 Consent Agenda

- f. Warranty & Public Easements Acceptance - Glen Laurel East, Phase 3
[Cover - Warranty & Public Easements Acceptance - Glen Laurel East - Phase 3](#)
[Memo - Glen Laurel East Phase 3](#)

POTENTIAL ACTION: Place on July 18, 2016 Consent Agenda

- g. Warranty & Public Easements Acceptance - Summerlyn Subdivision, The Meadows Phases 6 & 7
[Cover - Warranty & Public Easements Acceptance - Summerlyn Subdivision, The Meadows Phase 6 & 7](#)
[Memo - Summerlyn Subdivision, The Meadows Phase 6 & 7](#)

POTENTIAL ACTION: Place on July 18, 2016 Consent Agenda

- h. 2nd Supplemental Agreement: Sam's Branch Greenway
[Cover - 2nd Supplemental Agreement: Sam's Branch Greenway](#)
[2nd Supplemental Agreement Sam's Branch Greenway](#)

POTENTIAL ACTION: Place on July 18, 2016 Consent Agenda

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Recognition of Advanced Firefighter Certification to Chief Lee Barbee
Presenter: Stacy Beard, Public Information Officer

6. PUBLIC HEARINGS

7. ITEMS SCHEDULED FOR THE REGULAR MEETING

- a. Rezoning #2016-55-RZ - Umstead Subdivision
Presenter: Jay McLeod, Planning Department
[Cover - Umstead Subdivision - Rezoning 2016-55-RZ](#)
[Application - Umstead Subdivision Rezoning](#)

[Staff Report - Umstead Subdivision Rezoning](#)
[Map - Umstead Subdivision Rezoning](#)
[Neighborhood Meeting - Umstead Subdivision Rezoning](#)

POTENTIAL ACTION: Set Public Hearing for August 1, 2016

- b. Major Subdivision #2016-54-SD - Umstead Subdivision

Presenter: Jay McLeod, Planning Department

[Cover - Umstead Major Subdivision 2016-54-SD](#)

[Application - Umstead Subdivision](#)

[Staff Report - Umstead Subdivision](#)

[Map - Umstead Subdivision](#)

[Site Plan - Umstead Subdivision](#)

[Neighborhood Meeting - Umstead Subdivision](#)

POTENTIAL ACTION: Set Public Hearing for August 1, 2016

- c. Special Use Permit # 2016-75-SUP - Archer Lodge Verizon Tower

Presenter: Jay McLeod, Planning Department

[Cover - Archer Lodge Verizon SUP](#)

[Application - Archer Lodge Verizon Tower SUP](#)

[Staff Report - Archer Lodge Verizon Tower SUP](#)

[Map - Archer Lodge Verizon Tower SUP](#)

[Map Part 2 - Archer Lodge Verizon Tower SUP](#)

[Neighborhood Meeting - Archer Lodge Verizon Tower SUP](#)

POTENTIAL ACTION: Set Public Hearing for August 1, 2016

- d. Rezoning #2016-100-RZ - 231 East Second Street

Presenter: David DeYoung, Planning Director

[Cover - 231 East Second Street Rezoning](#)

[Application - 231 East Second Street Rezoning](#)

[Staff Report - 231 East Second Street Rezoning](#)

[Map - 231 East Second Street Rezoning](#)

[Neighborhood Meeting - 231 East Second Street Rezoning](#)

POTENTIAL ACTION: Set Public Hearing for August 1, 2016

8. ITEMS CONTINGENT FOR THE REGULAR MEETING

9. ITEMS FOR DISCUSSION

- a. Tree Removal/Future Streetscaping of Main Street

Presenter: David DeYoung, Planning Director

POTENTIAL ACTION: Provide Staff Direction

10. OLD BUSINESS

11. 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 that will allow action to be taken.)

- a. Motion to Suspend Rule in Order to Take Action at Work Session
POTENTIAL ACTION: Motion to Suspend Rule To Take Action
- b. Resolution - NCDOT Proposed Highway 70 Safety Project/Corridor Improvements
An opportunity will be provided for public comments.
[Median Safety Project Presentation with Crash Diagrams](#)
[US 70 Business Corridor Improvement Points of Emphasis](#)
[Resolution - NCDOT Highway 70 Safety Improvements](#)
POTENTIAL ACTION: Adoption of Resolution #2016-25
- c. Budget Amendments Year End Closeout
General Fund, Salary Reserve Allocation, Water & Sewer Fund,& Electric Fund
[Cover - Budget Amendment Year End Closeout](#)
[Ordinance - General Fund Yearend Closeout Budget Amendment Revised](#)
[Ordinance - Salary Reserve Budget Amendment](#)
[Ordinance - Water & Sewer Fund - Yearend Closeout Budget Amendment](#)
[Ordinance - Electric Fund Yearend Closeout Budget Amendment](#)
POTENTIAL ACTION:
Adoption of Ordinance #2016-06-02
Adoption of Ordinance #2016-06-03
Adoption of Ordinance #2016-06-04
Adoption of Ordinance #2016-06-05
- d. Adoption of Proposed FY '16-'17 Budget & FY '16-'17 Fees & Charges
Presenter: Nancy Medlin, Interim Town Manager
[Cover - Adoption Proposed FY '16-'17 Budget](#)
[Ordinance - Budget FY '16-'17](#)
[Ordinance - Establishing Fees & Charges '16-'17](#)
POTENTIAL ACTION:
Adoption of Ordinance #2016-06-06
Adoption of Ordinance #2016-06-07
- e. 2016 Electric System Revenue Bonds
Presenter: Nancy Medlin, Interim Town Manager
[Cover - 2016 Electric System Revenue Bonds Resolution](#)

[Resolution - 2016 Electric System Revenue Bonds](#)

POTENTIAL ACTION:

Adoption of Resolution #2016-26

12. STAFF REPORTS

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

13. OTHER BUSINESS

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

14. ADJOURNMENT



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

AGENDA LOCATION:

Consent

Meeting Date:

June 20, 2016

ITEM TITLE:

Draft Minutes - Closed Sessions - May 16, 2016 & June 6, 2016

DESCRIPTION:

Draft minutes from closed sessions held on May 16, 2016 and June 6, 2016 are presented for approval. Minutes will be sent under separate cover.

POTENTIAL ACTION:

DEPARTMENT:

Administration

PRESENTER:

Kimberly Moffett, Town Clerk

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

**TOWN OF CLAYTON
SAM'S BRANCH INTERCEPTOR PHASE II
CAPITAL PROJECT BUDGET ORDINANCE**

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following ordinance shall be established to provide infrastructure to a previously unserved area and support future abandonment of one or more existing sanitary sewer lift stations:

Revenues

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
637-49 20	Developer Contributions	\$941,142
637-49 81	Due from Water & Sewer Fund	515,272
	Total	\$1,456,414

Expenditures

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
637-56 00	Professional Services	\$171,425
637-58 01	Construction	1,284,989
	Total	\$1,456,414

Duly adopted this 20th day of June, 2016 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett, CMC,
Town Clerk



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

AGENDA LOCATION:

Administrative Items

Meeting Date:

June 20, 2016

ITEM TITLE:

Warranty & Public Easements Acceptance - Bristol Subdivision - Phase I

DESCRIPTION:

Warranty acceptance request for public water, sewer, associate storm drainage utilities and all related utility easements. Record drawings have been reviewed and accepted. Following acceptance utilities will be subject to a one year warrant period and upon expiration final inspection to be completed and all deficient items corrected by the developer prior to final acceptance.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Engineers/Inspection

PRESENTER:

Chris Rowland, Construction Project
Administrator

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

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: David DeYoung, Planning Director
Danny Blackburn, Blackburn Consulting

Date: May 25, 2016

Subject: Bristol Subdivision, Phase 1

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



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

AGENDA LOCATION:

Administrative Items

Meeting Date:

June 20, 2016

ITEM TITLE:

Warranty - Final Asphalt Pavement - Cobblestone Phase 11-A

DESCRIPTION:

Final acceptance for asphalt pavement. Final inspection performed with all noted deficiencies corrected. Upon Council acceptance, Town will assume permanent maintenance duties.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Engineers/Inspection

PRESENTER:

Chris Rowland, Construction Project
Administrator

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

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WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator

Copy: Danny Blackburn, Blackburn Consulting
David DeYoung, Planning Director

Date: May 18, 2016

Subject: Cobblestone, Phase 11-A

Please place a final acceptance request for the referenced asphalt pavement on the next available agenda. A final inspection was performed with all noted deficiencies corrected. Upon Council acceptance, the Town will assume permanent maintenance duties.



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

AGENDA LOCATION:

Administrative Items

Meeting Date:

June 20, 2016

ITEM TITLE:

Final Acceptance - Asphalt - Cobblestone, Phase 11B

DESCRIPTION:

Final acceptance for asphalt pavement. Final inspection was performed with all noted deficiencies corrected. Upon acceptance, town will assume permanent maintenance duties.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Engineers/Inspection

PRESENTER:

Chris Rowland, Construction Project
Administration

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

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: Danny Blackburn, Blackburn Consulting
David DeYoung, Planning Director

Date: May 30, 2016

Subject: Cobblestone, Phase 11-B

Please place a final acceptance request for the referenced asphalt pavement on the next available agenda. A final inspection was performed with all noted deficiencies corrected. Upon Council acceptance, the Town will assume permanent maintenance duties.



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

AGENDA LOCATION:

Administrative Items (2)

Meeting Date:

June 20, 2016

ITEM TITLE:

Warranty & Public Easements Acceptance - East Village Office Building

DESCRIPTION:

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

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Engineers/Inspection

PRESENTER:

Chris Rowland, Construction Project
Administrator

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

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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
Marty Bizzell, Bass, Nixon, & Kennedy

Date: May 23, 2016

Subject: East Village Office Building

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
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Administrative Items (2)

Meeting Date:

June 20, 2016

ITEM TITLE:

Warranty & Public Easements Acceptance - RWAC 6D-1 (Alpine Valley)

DESCRIPTION:

Final acceptance request for public water, sewer, associated storm drainage and all related utility easements. Final inspection was performed with all punch list items completed. Following acceptance, Town shall assume all operation and maintenance duties.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Engineers/Inspection

PRESENTER:

Chris Rowland, Construction Project
Administrator

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
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VEHICLE MAINTENANCE
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"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: Donnie Adams, Adams & Hodge Engineering
David DeYoung, Planning Director

Date: May 20, 2016

Subject: RWAC, Phase 6D-1 (Alpine Valley)

Please place a final acceptance request for the subject public water, sewer, associated storm drainage utilities, and all related utility easements on the next available agenda. A final inspection was performed with all punch list items completed. Following acceptance, the Town shall assume all operation and maintenance duties.



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

AGENDA LOCATION:

Administrative Items

Meeting Date:

June 20, 2016

ITEM TITLE:

Warranty & Public Easements Acceptance - Glen Laurel East, Phase 3

DESCRIPTION:

Warranty acceptance for public water, sewer and storm drainage utilities, all pertinent easements and the asphalt pavement structure. Record drawings have been review and accepted. Utilities will be subject to a one-year warranty period. Following warranty, a final inspection will be done.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Engineers/Inspection

PRESENTER:

chris Rowland, Construction Project
Administrator

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

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(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: Danny Blackburn, Blackburn Consulting
David DeYoung, Planning Director

Date: June 6, 2016

Subject: Glen Laurel East, Phase 3

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



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

AGENDA LOCATION:

Administrative Items

Meeting Date:

June 20, 2016

ITEM TITLE:

Warranty & Public Easements Acceptance - Summerlyn Subdivision, The Meadows
Phases 6 & 7

DESCRIPTION:

Final acceptance for public water, sewer, storm drainage utilities, and all related public
utility easements.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Engineers/Inspection

PRESENTER:

Chris Rowland, Construction Project
Administrator

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

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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: Kirk Rightmyer, N.C. Development Engineers
Dave DeYoung, Planning Director

Date: June 13, 2016

Re: Summerlyn Subdivision, The Meadows Phases 6 & 7

Please place a final acceptance request for the subject public water, sewer, associated storm drainage utilities, and all related public utility easements on the next available agenda. Following acceptance, the Town will assume all operation and maintenance duties.



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

AGENDA LOCATION:

Administrative Items

Meeting Date:

June 20, 2016

ITEM TITLE:

2nd Supplemental Agreement: Sam's Branch Greenway

DESCRIPTION:

Requesting approval of 2nd Supplemental Agreement for Sam's Branch Greenway.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Planning + Zoning

PRESENTER:

Planning Department

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



Transportation

PAT McCrory
Governor

NICHOLAS J. TENNYSON
Secretary

June 7, 2016

Mr. David DeYoung
Planning Director
Town of Clayton
P. O. Box 879
Clayton, NC 27528

SUBJECT: Locally Administered Project Agreement - Supplemental
Town of Clayton, Johnston County
Project: U-5530 LA; WBS Element: 44111.1.F5, 44111.3.5
Federal-Aid No: STPDA-0406(007)
Project Name: Sam's Branch Greenway

Dear Mr. DeYoung:

Please find enclosed duplicate originals of the above-referenced Project Agreement for the Sam's Branch Greenway in Wake County.

After Clayton has reviewed and executed both originals, please return them to my attention, within ninety (90) days. The Department of Transportation will execute the agreements and send one fully executed agreement back to Clayton.

If you have any questions, please contact me at (919) 707-6625 or by e-mail at sgibbs@ncdot.gov. Thank you.

Sincerely,

A handwritten signature in blue ink that reads 'Sheila Gibbs'.

Sheila Gibbs
Program Consultant
Local Programs Management Office

Enclosure

cc: Jerry Page, PE, Division Project Manager
Danna Widmar, CAMPO



State of North Carolina | Department of Transportation | Transportation Program Management Unit
1020 Birch Ridge Drive | 1595 Mail Service Center | Raleigh, NC 27699-1595
919 707 6600 T | 919 212 5711 F

NORTH CAROLINA
JOHNSTON COUNTY

2nd SUPPLEMENTAL AGREEMENT

DATE: 6/7/2016

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: U-5530 LA

AND

WBS ELEMENTS: PE 44111.1.F5

ROW _____

TOWN OF CLAYTON

CON 44111.3.5

OTHER FUNDING:

FEDERAL-AID #: STPDA-0406(007)

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$1,708,800

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the Town of Clayton, hereinafter referred to as the "Municipality."

WITNESSETH:

WHEREAS, the Department and the Municipality on 11/14/2013, entered into a certain Project Agreement for the original scope: the PE and NEPA for the grade separation crossing of N. O'Neil Street for Sam's Branch Greenway using a 10 ft high by 14 ft wide reinforced concrete box culvert (RCBC). This will involve holding the elevation of N. O'Neil Street and lowering the existing elevation of the multi-use path, programmed under Project U-5530LA; and,

WHEREAS, the Department and the Municipality on 11/14/2013, entered into a certain Project Agreement for the original scope: the project consists of the design of Sam's Branch Greenway trail from the end of Phase I at North O'Neil Street to Legend Park at City Road, programmed under Project U-5530LB; and,

WHEREAS, the Department and the Municipality on 12/16/2014, entered into a Supplemental Agreement to reflect Transportation Alternative Program Funds (TAP) in lieu of Surface Transportation Program Funds (STP-DA); and,

Agreement ID # 6520

1

WHEREAS, this Supplemental Agreement is to include the Construction Phase for the Project (U-5530LA and U-5530LB); and,

WHEREAS, the Municipality has requested to combine the construction of Project U-5530LA and U-5530LB under one construction contract.

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

2. SCOPE

The Project consists of the construction of Sam's Branch Greenway trail from the end of Phase I at North O'Neil Street to Legend Park at City Road, including the grade separation crossing of North O'Neil Street.

The Department's funding participation in the Project shall be restricted to the following eligible items:

- Construction

as further set forth in this Agreement.

3. FUNDING

The Department's original participation for U-5530LA and U-5530LB was \$156,000. The Department agrees to reimburse the Municipality an additional \$1,708,800 of TAP funds.

The Municipality's original participation for U-5530LA and U-5530LB was \$39,000. The Municipality will provide \$427,200 as their local match.

WORK PERFORMED BY NCDOT

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, during any phase of the delivery of the Project, shall reduce the funding available to the Municipality under this Agreement. The Department will set aside ten percent (10%) of the total estimated cost, or \$233,100, to use towards the costs related to review and oversight of this Project, including, but not limited to review and approval of plans, environmental documents, contract proposals, engineering estimates, construction engineering and inspection

oversight, and other items as needed to ensure the Municipality's appropriate compliance with state and federal regulations.

In the event that the Department does not utilize all the set-aside funding, then those remaining funds will be available for reimbursement to the Municipality at the above reimbursement rate. For all costs of work performed on the Project, whether incurred by the Municipality or by the Department, the Municipality shall provide the non-federal match. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.

4. TIME FRAME

The Municipality, and/or its agent, shall complete all work outlined in the Agreement within three years of authorization of Federal Construction funds. Completion for this Agreement is defined as completion of all construction activities or implementation activities, acceptance of the project, and submission of a final reimbursement package to the Department.

If additional time is needed to complete the Project, then a supplemental agreement must be executed. The Department and/or FHWA reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates included herein.

8. REIMBURSEMENT

SCOPE OF REIMBURSEMENT

Activities eligible for funding reimbursement for this Project shall include:

- Construction

REIMBURSEMENT GUIDANCE

The Municipality shall adhere to applicable administrative requirements of Title 2 Code of Federal Regulations, Part 200 (www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm) "Uniform Administrative Agreement ID # 6520

Requirements, Cost Principles and Audit Requirements for Federal Awards.” Reimbursement to the Municipality shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at www.fhwa.dot.gov/legregs/directives/fapgtoc.htm. Reimbursement to the Municipality shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>) and Office of Management and Budget (OMB) “Federal Funding Accountability and Transparency Act” (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedures.

REIMBURSEMENT LIMITS

▪ CONSTRUCTION ADMINISTRATION

Reimbursement for construction contract administration will be made as governed by Departmental policy that limits reimbursement for construction contract administration to no more than fifteen (15%) percent of the actual construction contract of the Project. These costs will also include any cost overruns and charges to the Project by the Department during the Construction Phase.

▪ CONSTRUCTION CONTRACT UNIT PRICES

Reimbursement for construction contract work will be made on the basis of contract unit prices in the construction contract and any approved change orders.

▪ RIGHT OF WAY

Reimbursement will be limited to the value as approved by the Department. Eligible costs for reimbursement of Right of Way Acquisition include: realty appraisals, surveys, closing costs, and the agreed upon just compensation for the property, at the reimbursement rate as shown in the FUNDING TABLE.

- **FORCE ACCOUNT**

Invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards." Reimbursement shall be based on actual eligible costs incurred with the exception of equipment owned by the Municipality or its Project partners. Reimbursement rates for equipment owned by the Municipality or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.

BILLING THE DEPARTMENT

- **PROCEDURE**

The Municipality may bill the Department for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the Municipality certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

Along with each invoice, the Municipality is responsible for submitting the FFATA Subrecipient Information Form, which is available at <https://connect.ncdot.gov/municipalities/Funding/Pages/default.aspx>.

- **INTERNAL APPROVALS**

Reimbursement to the Municipality shall be made upon approval of the invoice by the Department's Financial Management Division.

▪ **TIMELY SUBMITTAL OF INVOICES**

The Municipality may invoice the Department monthly for work accomplished, but no less than once every six (6) months to keep the Project funds active and available. If the Municipality is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

▪ **FINAL INVOICE**

All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

10. OTHER PROVISIONS

IRAN DIVESTMENT ACT

Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-86.55 *et seq.* requires that each vendor, prior to contracting with the State, certify that the contracting party meets the requirements of the Iran Disinvestment Act. The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/Iran and will be updated every 180 days.

By execution of this Agreement each Party certifies that neither it nor its Agents or Contactors/Subcontractors 1) are on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran; 2) shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and 3) that the undersigned are authorized by the Parties to make this Certification.

During the term of this Agreement, should the Parties receive information that a person is in violation of the Act as stated above, the Department will offer the person an opportunity to respond and the Department will take action as appropriate and provided for by law, rule, or contract. Should this Act

be voided by NC General Statute, this Agreement will remain valid; however this certification will no longer be required.

11. PROJECT LIMITS AND RIGHT OF WAY (ROW)

The Municipality shall comply with the policies and procedures of this provision regardless of whether the Municipality is requesting reimbursement for the Right of Way phase of the Project.

SPONSOR PROVIDES ROW

The Municipality, at no liability whatsoever to the Department, shall be responsible for providing and/or acquiring any required ROW and/or easements for the Project.

ROW GUIDANCE

The Municipality shall accomplish all ROW activities, including acquisition and relocation, in accordance with the following: Title 23 of the Code of Federal Regulations, Part 710, Subpart B and Title 49 of the Code of Federal Regulations, Part 24, [Uniform Act] incorporated by reference at www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm; NCGS, Chapter 133, Article 2, Sections 133-5 through 133-18, Relocation Assistance, incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp; and the North Carolina Department of Transportation Right of Way Manual.

APPRAISAL

The Municipality shall submit the appraisal to the Department for review and approval in accordance with Departmental policies and procedures.

CLEARANCE OF PROJECT LIMITS / ROW

The Municipality shall remove and dispose of all obstructions and encroachments of any kind or character (including hazardous and contaminated materials) from said ROW, with the exception that the Municipality shall secure an encroachment agreement for any utilities (which shall remain or are) to be installed within the Department's ROW, or follow other applicable approval process, for utilities

within the Municipality's ROW. The Municipality shall indemnify and save harmless the Department, Federal Highway Administration, and the State of North Carolina, from any and all damages and claims for damages that might arise on account of said right of way acquisition, drainage, and construction easements for the construction of said Project. The Municipality shall be solely responsible for any damages caused by the existence of said material now and at any time in the future and will save the Department harmless from any legal actions arising as a result of this contaminated and/or hazardous material and shall provide the Department with documentation proving the proper disposal of said material.

RELOCATION ASSISTANCE

The Municipality shall provide relocation assistance services and payments for families, businesses, and non-profit organizations being displaced by the Project in full accordance with the Federal relocation requirements of Title 49 Code of Federal Regulations, Part 24 [Uniform Act], as amended. Relocation assistance services and payments may be accomplished by contract with any other municipal corporation, or State or Federal agency, rendering such services upon approval by the Department and Federal Highway Administration.

12. UTILITIES

The Municipality, and/or its agent, at no liability to the Department, shall relocate, adjust, relay, change or repair all utilities in conflict with the Project, regardless of ownership. All utility work shall be performed in a manner satisfactory to and in conformance with State and Federal rules and regulations, prior to Municipality beginning construction of the project. This Agreement does not modify or supersede any existing Utility Encroachment Agreements that may be in place.

13. RIGHT OF WAY CERTIFICATION

The Municipality, upon acquisition of all right of way/property necessary for the Project, shall provide the Department all required documentation (deeds/leases/easement/plans) to secure right of way certification. Certification is only issued after all ROW is in public ownership or property is publicly accessible by a legal document and utilities in conflict with the project are relocated, or a plan for their relocation during construction has been approved.

14. CONTRACT PROPOSAL AND ENGINEER'S ESTIMATE

CONTRACT PROPOSAL

The Municipality shall develop a contract proposal that will be advertised for bids. The proposal shall comply with NCDOT Specifications and Standard Drawings as applicable to the Project. The proposal shall also contain provisions, as applicable, per Title 23 Code of Federal Regulations 633 and 635 to include, but not be limited to: FHWA 1273, Buy America, Davis-Bacon Wage Rates, Non-discrimination, DBE Assurances, Contractor Certification regarding suspension and debarment, and other provisions as required by the Department.

ENGINEER'S ESTIMATE

The Municipality shall develop an itemized engineer's estimate to show items referenced to the NCDOT Standard Specifications, if applicable, along with units and unit price. The engineer's estimate will be used as the basis for comparing bids received.

15. CONSTRUCTION AUTHORIZATION

The Municipality shall submit the required environmental and/or planning document, ROW certification, final construction plans, total contract proposal, and an estimate of Project costs (final PS&E package) to the Department for review and approval.

- After approval of all documentation, the Department will request construction authorization from the Federal Highway Administration.
- The Municipality shall not advertise for bids prior to receiving written construction authorization from the Department.

16. CONTRACTOR PROCUREMENT

ADVERTISE FOR BIDS

Upon receipt of written construction authorization from the Department, the Municipality may advertise the Project. The Municipality shall follow applicable Federal and/or State procedures pertaining to the advertisement of the Project, bid opening, and award of the contract, according to Title 2 of the Code of Federal Regulations, Part 200 and Title 23 of the Code of Federal Regulations, Part 633 and Part 635, incorporated by reference at

www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm; and NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp.

CONSTRUCTION CONTRACTOR REQUIREMENTS

All Contractors submitting bids on the project shall be pre-qualified by the Department. All proposed subcontractors must be pre-qualified before construction work begins. Any subcontractors who are proposed to meet the Disadvantaged Business Enterprise goal must be certified by the Department.

CONSTRUCTION SUBCONTRACTOR REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 of the Code of Federal Regulations, Part 26 and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference <https://connect.ncdot.gov/projects/Contracts/Pages/LGA-Projects.aspx>.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

AWARDING CONTRACT

After the advertisement of the Project for construction bids, the Municipality shall request concurrence from the Department to award the construction contract by submitting a letter along with tabulated bids received depicting Disadvantaged Business Enterprises (DBE) goals, and a resolution recommending award of the Project to the lowest responsible, responsive bidder. The Department will review the submitted information and provide written approval to the Municipality prior to the contract being awarded by the Municipality.

DELAY IN PROCUREMENT

In the event the Project has not been let to contract within six (6) months after receiving construction authorization from the Department, the Municipality shall be responsible for documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.

FORCE ACCOUNT

Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than a contract awarded by a competitive bidding process, or there is an emergency. Written approval from the Department is required prior to the use of force account by the Municipality. Federal Highway Administration regulations governing Force Account are contained in Title 23 Code of Federal Regulations, Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference www.fhwa.dot.gov/legregs/directives/cfr23toc.htm. North Carolina General Statutes governing the use of Force Account, Chapter 143, Article 8 (Public Contracts) can be found at www.ncleg.net/gascripts/Statutes/Statutes.asp.

17. CONSTRUCTION

The Municipality, and/or its agents shall construct the Project in accordance with the plans and specifications of the Project as filed with, and approved by, the Department. During the construction of the Project, the procedures set out below shall be followed:

CONSTRUCTION CONTRACT ADMINISTRATION

The Municipality shall comply with the NCDOT Construction Manual as referenced at <http://www.ncdot.org/doh/operations/dp%5Fchief%5Feng/constructionunit/formsmanuals/construction/>, which outlines the procedures for records and reports that must be adhered to in order to obtain uniformity of contract administration and documentation. This includes, but is not limited to, inspection reports, material test reports, materials certification, documentation of quantities, project diaries, and pay records. The Municipality, and/or its agent, shall perform the construction engineering, sampling and testing required during construction of the Project, in accordance with Departmental procedures, including the Department's Guide for Process Control and Acceptance Sampling and Testing. The Municipality shall document that said compliance was accomplished in accordance with State and Federal procedures, guidelines, standards and specifications.

RETAINAGE

The Municipality shall not retain any portion of a payment due the contractor.

SIGNAGE

The Municipality shall provide and maintain adequate signage and other warning devices for the protection of the public in accordance with the approved traffic control plans for the Project and the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, or any subsequent revision of the same, published by the Federal Highway Administration and effective at the time of award of the contract.

SITE LAYOUT

The Municipality shall be responsible for ensuring that all site layout, construction work, and Project documentation are in compliance with applicable city, state and federal permits, guidelines, and regulations, including American Association of State Highway and Transportation Officials (AASHTO) guidelines and Americans with Disabilities Act (ADA) Standards for Accessible Design (www.usdoj.gov/crt/ada/stdspdf.htm).

RIGHT TO INSPECT

The Department and representatives of the Federal Highway Administration shall have the right to inspect, sample or test, and approve or reject, any portion of the work being performed by the Municipality or the Municipality's contractor to ensure compliance with the provisions of this Agreement. Prior to any payment by the Department, any deficiencies inconsistent with approved plans and specifications found during an inspection must be corrected.

CONTRACTOR COMPLIANCE

The Municipality will be responsible for ensuring that the contractor complies with all of the terms of the contract and any instructions issued by the Department or FHWA as a result of any review or inspection made by said representatives.

CHANGE ORDERS

If any changes in the Project plans are necessary, the Department must approve such changes prior to the work being performed.

SHOP DRAWINGS

Shop Drawings shall be submitted in accordance with the approved plans and specifications and may require review by the Designer.

18. CLOSE-OUT

Upon completion of the Project, the Municipality shall be responsible for the following:

FINAL INSPECTION

The Municipality shall arrange for a final inspection by the Department. Any deficiencies determined during the final field inspection must be corrected prior to final payment being made by the Department to the Municipality. Additional inspection by other entities may be necessary in

accordance with the Department's guidelines and procedures. The Municipality shall provide the Department with written evidence of approval of completed project prior to requesting final reimbursement.

FINAL PROJECT CERTIFICATION

The Municipality will provide a certification to the Department that all work performed for this Project is in accordance with all applicable standards, guidelines, and regulations.

19. MAINTENANCE

Upon completion of the Project any improvement(s) part of the State Highway System shall be owned and maintained by the Department.

Upon completion of the Project any improvement(s) on non-system streets shall be the Municipality's responsibilities, or as required by an executed encroachment agreement.

Except as hereinabove provided, the Agreement heretofore executed by the Department and the Municipality on 11/14/2013 and 12/16/2014, are ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

TOWN OF CLAYTON

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

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

Approved by _____ (Governing Board) of the Town of Clayton as
attested to by the signature of _____, Clerk of the

_____ (Governing Board) on _____ (Date)

This instrument has been pre-audited in the manner
required by the Local Government Budget and
Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

Town of Clayton

DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)

Agreement ID # 6520

15



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

AGENDA LOCATION:

Items Scheduled for Regular Meetings

Meeting Date:

June 20, 2016

ITEM TITLE:

Umstead Subdivision Rezoning 2016-55-RZ

DESCRIPTION:

The applicant is requesting to rezone 19.8 +/- acres from Residential-Estate to Residential-10, which allows 10,000 SF single family residential lots. This piece of land is currently vacant woodlands. The land is currently in the Town's ETJ, but would need to be annex in order to receive water and sewer services necessary to develop at the 10,000 SF lot density.

POTENTIAL ACTION:

Set Public Hearing

DEPARTMENT:

Planning + Zoning

PRESENTER:

Planning Department

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 fee: Standard Rezoning: \$500.00
Rezoning to Planned Development District: \$1,000.00 + \$5.00 acre
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: UMSTEAD SUBDIVISION Acreage of Property: 19.82 ACRES
County Tag Number: 05G02013, 05G02040A NC PIN: 164800-98-6622, 165801-08-4742
Address/Location: ADJACENT TO AMELIA CHURCH ROAD (SR 1552), AND SOUTH OF THE INTERSECTION OF AMELIA CHURCH ROAD AND GUY ROAD.
Existing Zoning District: R-E
Proposed Zoning District: R-10
Is project within an Overlay District? ☐ No ☐ Yes (list): _____

APPLICANT INFORMATION

Applicant: UMSTEAD PARTNERS, L.L.C.
Mailing Address: P.O. Box 189 CLAYTON, NC 27528
Phone Number: (919) 345-6729 Fax: N/A
Contact Person: NATHAN EVANS
Email Address: nathan@nlevans.com

FOR OFFICE USE ONLY

Date Received: APR 22 2016 Amount Paid: _____ File Number: 2016-5522

version 07/30/2015
TOWN OF CLAYTON
PLANNING DEPARTMENT

Page 1 of 10

PROPERTY OWNER INFORMATION

Name: UMSTEAD PARTNERS, L.L.C.

Mailing Address: P.O. Box 189 CLAYTON, NC 27528

Phone Number: (919) 345-6729

Fax: N/A

Email Address: nathan@nlevans.com

EXPLANATION OF PROJECT

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

THE OWNERS OF SUBJECT PROPERTIES ARE REQUESTING THE REZONING OF APPROXIMATELY 19.82 ACRES, FROM R-E (EXISTING) TO R-10 (PROPOSED). THE SUBJECT PROPERTIES ARE LOCATED WITHIN THE TOWN OF CLAYTON'S E.T.J., AND ARE ADJACENT TO AMELIA CHURCH ROAD.

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

To be completed by the applicant:			To be completed by staff:		
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: _____	☒	☐			
2. Review Fee (\$500 for standard rezoning OR \$1,000 + \$5.00/acre for Planned Developments)	☒				
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). The legal description must also be submitted electronically in Microsoft 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>	☐				

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

THE SUBJECT PROPERTIES ARE PROPOSED TO BE ZONED R-10 AND THE
PROJECT WOULD COMPLY WITH ALL ZONING REQUIREMENTS OF THE
TOWN OF CLAYTON UNIFIED DEVELOPMENT CODE.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.

THE SUBJECT PROPERTIES ARE PROPOSED TO BE ZONED R-10 AND THE
PROJECT WOULD COMPLY WITH ALL ZONING REQUIREMENTS OF THE
TOWN OF CLAYTON UNIFIED DEVELOPMENT CODE.

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.

THE SUBJECT PROPERTIES ARE PROPOSED TO BE ZONED R-10 AND THE
PROJECT WOULD COMPLY WITH ALL ZONING REQUIREMENTS OF THE
TOWN OF CLAYTON UNIFIED DEVELOPMENT CODE.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.

THE CAPACITY OF PUBLIC FACILITIES IN THE AREA IS ADEQUATE
TO SUPPORT THE PROPOSED USE OF THE ANTICIPATED DEVELOPMENT.

5. It has been determined that the legal purposes for which zoning exists are not violated.

THE SUBJECT PROPERTIES ARE PROPOSED TO BE ZONED R-10 AND
THE PROJECT WOULD COMPLY WITH ALL ZONING REQUIREMENTS OF THE
TOWN OF CLAYTON UNIFIED DEVELOPMENT CODE.

6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.

THE SUBJECT PROPERTIES ARE PROPOSED TO BE ZONED R-10 AND
THE PROJECT WOULD COMPLY WITH ALL ZONING REQUIREMENTS OF THE
TOWN OF CLAYTON UNIFIED DEVELOPMENT CODE.

NO ADVERSE EFFECTS UPON ADJOINING PROPERTIES ARE EXPECTED.

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

THE DEVELOPMENT OF THIS PROPERTY WOULD BE BENEFICIAL TO THE
TOWN OF CLAYTON AS WELL AS SURROUNDING BUSINESSES.

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.

Unskel Partners LLC
Print Name

By: [Signature]
Signature of Applicant

3-1-16
Date



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-1545
Fax: 919-553-1720

Planning Board
May 23, 2016

STAFF REPORT

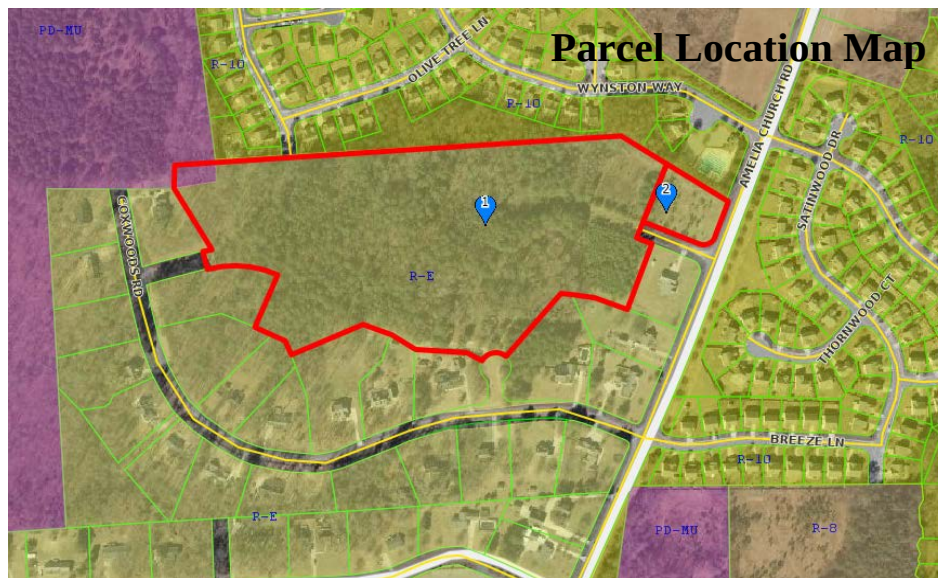
Application Number: 2016-55-RZ Project Name: Umstead Subdivision Rezoning

NC PIN / Tag #: 164800-98-622, 165801-08-4742 / 05g02013, 05g02040a
Town Limits/ETJ: ETJ
Overlay: none
Applicant: Umstead Partners LLC c/o Nathan Evans
Owner: Umstead Partners LLC
Location: At the end of Gregory Drive, off of Amelia Church Road; south of the Wynston subdivision.

Public Noticing:

- Neighborhood meeting April 14, 2016
- Sign posted April 14, 2016
- Letters mailed prior to July 8, 2016
- Newspaper ad posted prior to July 5, 2016

REQUEST: Rezoning from Residential-Estate (R-E) to Residential-10 (R-10).



SITE DATA:

Acreage: 19.8 acres
Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

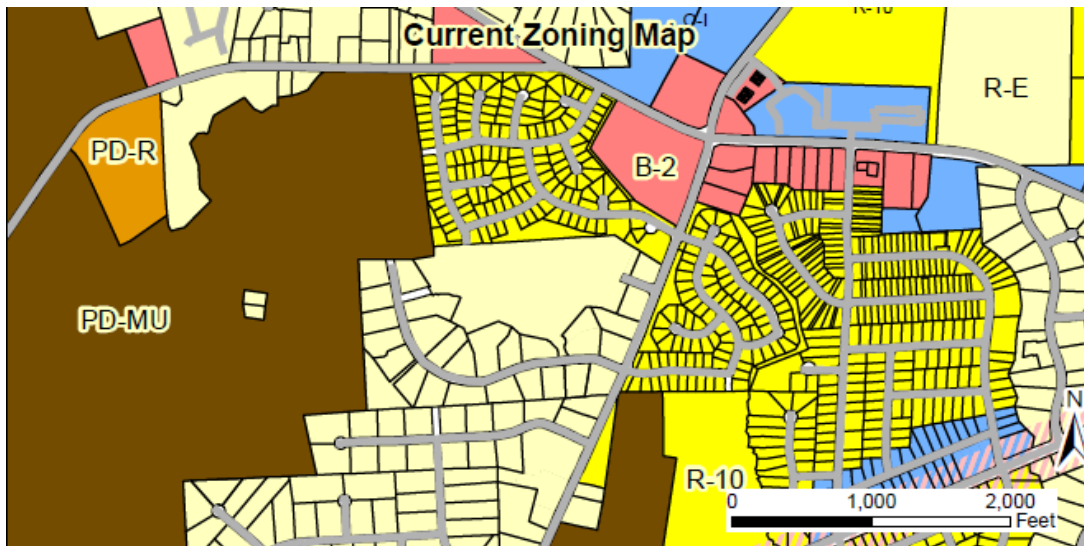
Direction	Zoning	Existing Use
North	Residential-10	Single-family residential, open space subdivision
South	Residential-Estate (R-E)	Single-family residential
East	Residential-10	Single-family residential, open space subdivision
West	Residential-Estate (R-E) and Planned Development – Mixed Use (PD-MU)	Single-family residential, and future, master planned single family residential

STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting to rezone 19.8± acres from Residential-Estate to Residential-10 (R-10), which allows 10,000 SF single family residential lots. This piece of land is currently vacant woodlands. The land is currently in the Town's Extraterritorial Planning Jurisdiction (ETJ), but would need to annex in order to receive water and sewer services necessary to develop at the 10,000 SF lot density.

Compatibility with Surrounding Land Uses

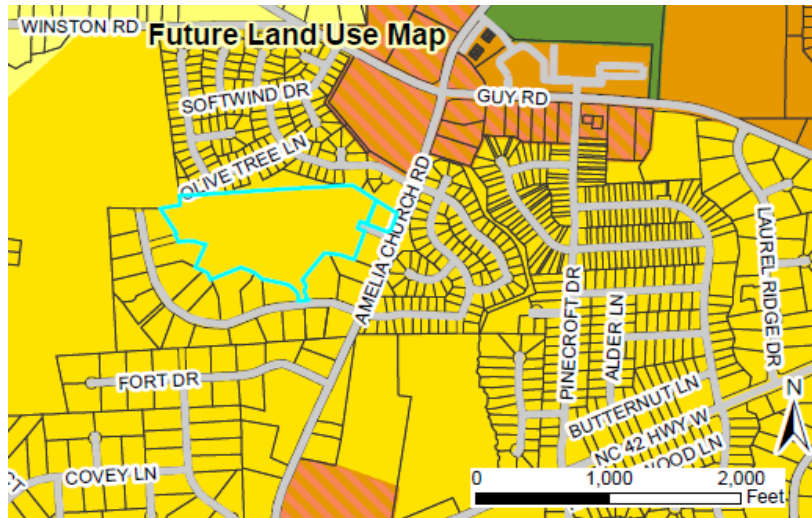
The site is bordered by 8,000 SF single family residential lots to the north in an R-10 zoning district (the Wynston



subdivision), and 40,000± SF single family lots to the south (along Coxwoods Rd). The Wynston subdivision is served by public water and sewer, and the Coxwoods neighborhood is served by septic systems. A conventional R-10 zoned subdivision would be an appropriate density transition between the two neighborhoods.

Access/Streets:

Primary access to the property is currently from Gregory Drive, with a paved stubout from the west connecting to Coxwoods Rd, an unpaved stubout from the south connecting to Coxwoods Rd, and a paved stubout connecting from Wynston in the north. Some question currently exists regarding the ownership of Coxwoods Rd, whether it is privately- or state-owned.



Consistency with the Comprehensive Plan 2040

The Future Land Use for this area is envisioned as Medium Density Residential, which accommodates R-10 zoned residential.

CONSIDERATIONS:

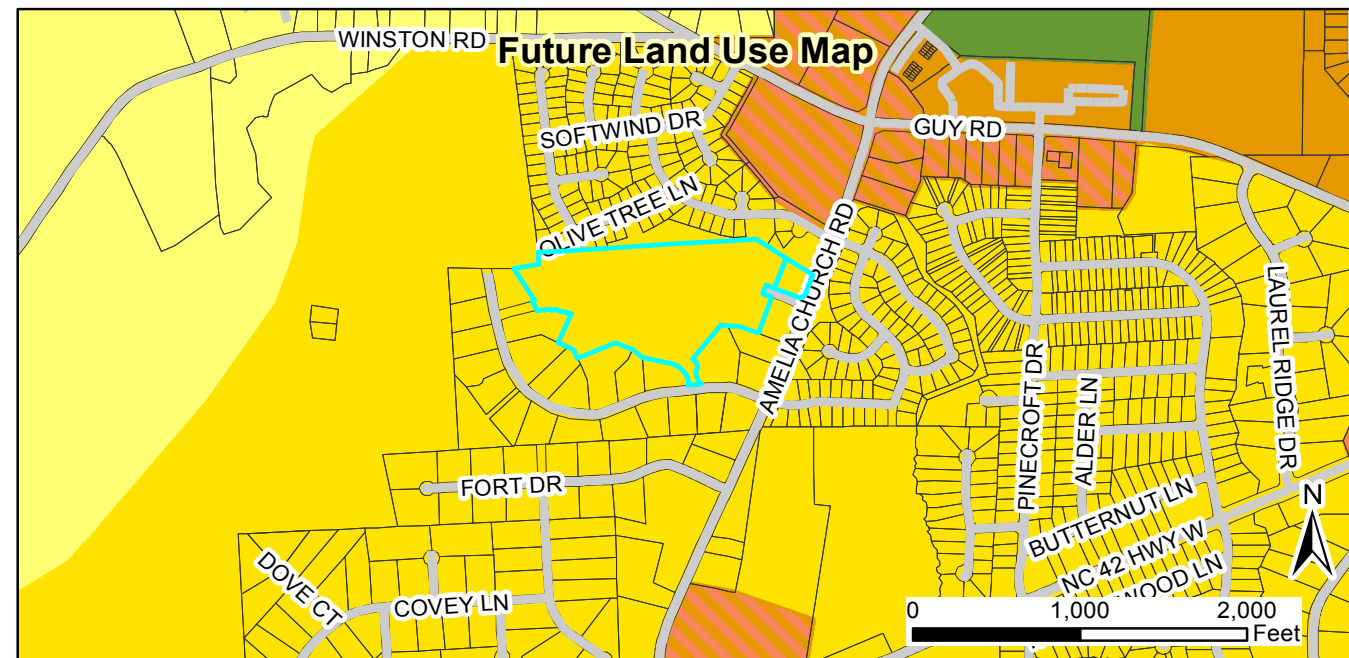
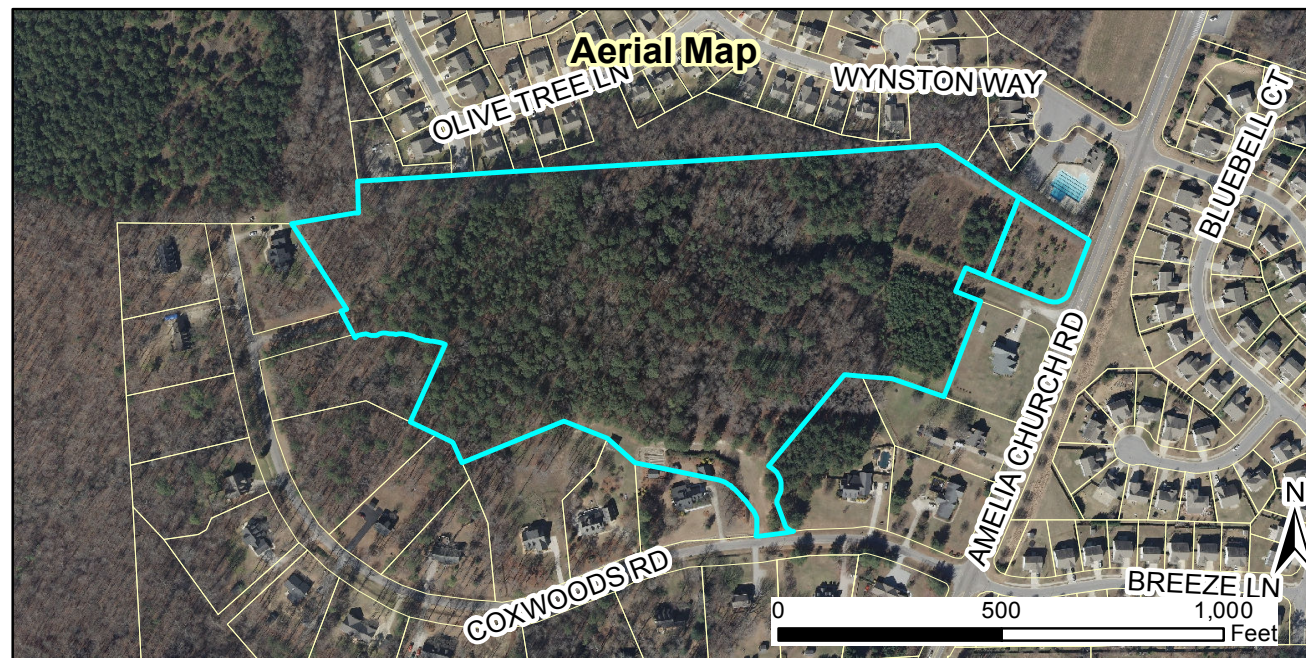
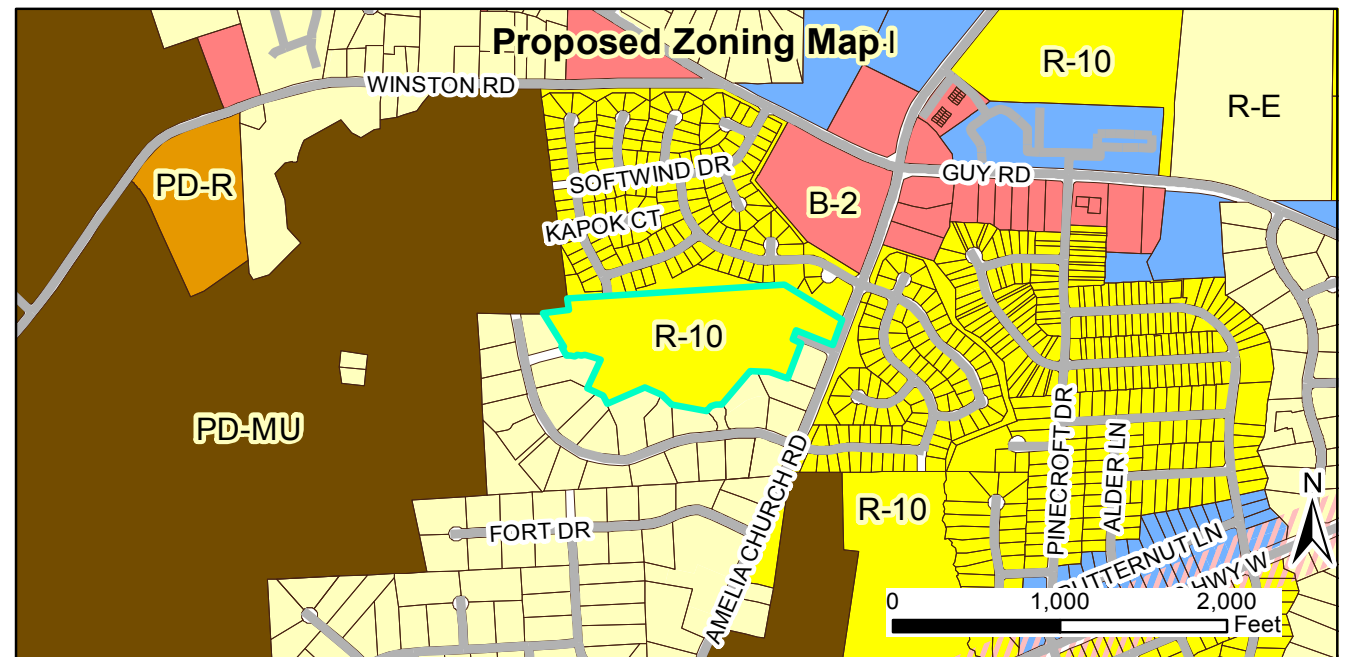
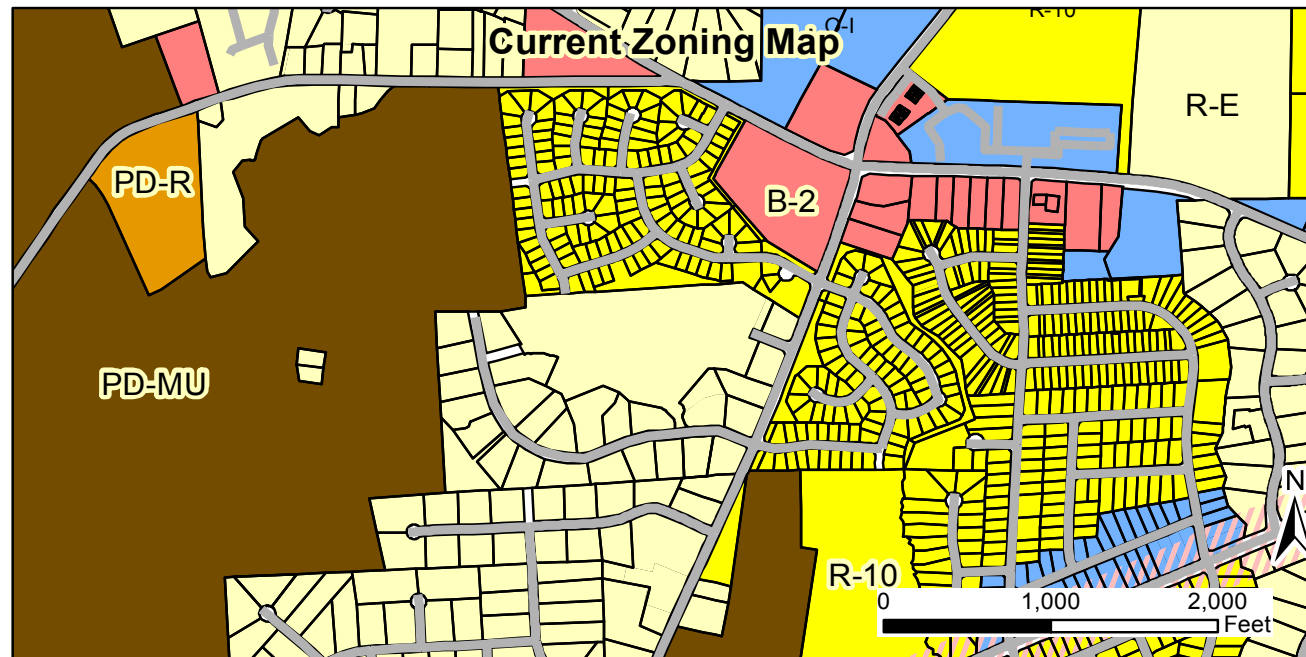
- Rezonings are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining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

STAFF RECOMMENDATION:

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

ATTACHMENTS:

- 1) Staff Report Map
- 2) Property Images 1 and 2
- 3) Application
- 4) Neighborhood Meeting Materials
- 5) Letter Opposing Rezoning



**2016-54-SD and 2016-55-RZ: Umstead Subdivision and Rezoning
Request: Create a ±41 lot subdivision on a site proposed to be
rezoned to R-10.**

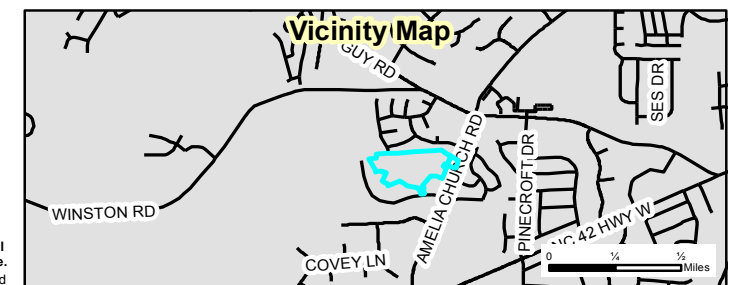
Applicant: Umstead Partners LLC c/o Nathan Evans
Property Owners: Umstead Partners LLC
Parcel ID: 164800-98-622, 165801-08-4742
Tag #: 05g02013, 05g02040a



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

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

Document Path: O:\PLANNING\REZONING\Rezoning\2016\2016-55-RZ Umstead Subdivision\Maps\StaffReportMap- Umstead maj subdiv and rezoning - 2016-55-RZ.mxd



NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Umstead Partners, L.L.C.

Location/Date: Location : Dalton Engineering and Assoc., P.A. 446 East Main Street Clayton, NC 27520 Date : 4/14/16

	NAME	ADDRESS
1	Jonathan Barnes	446 East Main Street Clayton, NC 27520
2	Horace & Heasley Cox	2017 Coxwoods Rd 7
3	James H. Wherry	2032 Coxwoods Rd
4	Elmer E Patton	2034 Coxwoods Rd
5	David Bullock	2037 Coxwoods Rd.
6	Carol Cost	1494 Amelia Church Rd
7	Tim Costin	1494 Amelia Church Rd.
8	Melinda Scott	2018 Coxwoods Rd
9	Buckh Scott	"
10	Jeremy + Megan Looney	2052 Coxwoods Rd
11	Shelley + Scot Cron	2002 Coxwoods Rd.
12	Glen Bursey	3005 Winston Way
13	Jean Maull	3009 Winston Way
14	Jim Brocker	2021 Olive Tree Lane
15	Pat Brocker	2021 Olive Tree Lane
16	Pat Patton	2024 Coxwoods Rd
17	ROGER WORTHINGTON	2001 Coxwoods RD.
18	John KATA	2020 Coxwoods Rd
19	Stephanie & Jim Koester	2049 Coxwoods Rd.
20	Nyght Rowley	2029 Coxwoods Rd.
	Kathy Bramme	2053 Coxwoods Rd

01/06/2016

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NEIGHBORHOOD MEETING SUMMARY FORM

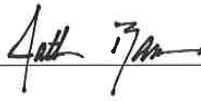
FILL OUT THE FOLLOWING:

Application: Umstead Subdivision

Date of Mailing: 4/4/16

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: Jonathan Barnes

Signature: 

Date of Meeting: 4/14/16

Time of Meeting: 6:30 p.m.

Location of Meeting: Dalton Engineering and Associates, P.A. 446 East Main Street Clayton, NC 27520

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.*

Notes : Several residents of Coxwoods Subdivision were present. Most inquired about the possibility of a roadway connection between Coxwoods Subdivision and Umstead Subdivision. Of those that inquired about that topic, none were in favor of a roadway connection between the two subdivisions. Other items that were inquired about included the location of the proposed stormwater management b.m.p. and the outlet location of the stormwater exiting the pond. The residents of Wynston Subdivision inquired about the area owned by the Wynston Homeowners Association, adjacent to Umstead Subdivision. Their questions included if there were any plans to perform any clearing in that area, and what kind of landscape buffers were required for the project.

Everyone in attendance was asked numerous times to provide written comments, concerns, etc. to our office, and that their comments would be provided to the Town of Clayton Planning Department. At this time, our office has received comments from two landowners, which are attached. Submitted by : Jonathan Barnes - Dalton Engineering and Associates, P.A.

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

City of Clayton
Town Planning Department
Clayton, N. C. 27520

Elmer E. and Patricia A. Patton
2024 Coxwoods Road
Clayton, N.C. 27520

15 April 2016

As home owner of Lot 23 located in the Coxwoods Subdivision, my major concern with the construction of the proposed Umstead Subdivision adjacent to Amelia Church Road, Clayton, N. C. is the drainage easement between Lots 23 and 24. The drainage ditch between Lots 23 and 24 is a natural and a major drainage easement for the Southeastern end of the Coxwoods Subdivision. Any obstruction to this drainage easement from the proposed Umstead Subdivision could result in major flooding to Lots 23 and 24. This concern was address at length on 14 April 2016 at the Area Property Owners meeting. Thank you for your consideration and listening to our concern.


Elmer E. and Patricia A. Patton
Property Owners:

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: 4/4/14

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

Printed Name: Jonathan Barnes

Signature: _____

Date of Meeting: 4/14/16

Time of Meeting: 6:30 p.m.

Location of Meeting: Dalton Engineering and Assoc., P.A. 446 East Main Street Clayton, NC 27520

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

A concern:

We know of a situation in Cary, where a wooded buffer was agreed upon, but when the contractor started clear-cutting, the bulldozers were going far beyond the line where they should have stopped. Contractors have to pay a fine, but they simply pay the fine & go their merry way.

In this case, two of the residents stood there, refusing to allow them to cut beyond the line.

In this situation, somebody needs to monitor what is happening; residents should not have to do this. (They will not even know the time table!)

919-359-1620⁶. Patricia Brocker 2021 Olive Tree Lane

Please write clearly (or submit a typed summary), and use additional sheets if necessary.

01/06/2016

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

AGENDA LOCATION:

Items Scheduled for Regular Meetings

Meeting Date:

June 20, 2016

ITEM TITLE:

Umstead Subdivision - Major Subdivision 2016-54-SD

DESCRIPTION:

The Umstead Subdivision is located at the end of Gregory Drive, off of Amelia Church Road; south of the Wynston Subdivision. The applicant is requesting to develop a conventional R-10 (pending successful rezoning) single family residential subdivision. The property currently is vacant woodlands. Property size is 19.8+/- acres. The subdivision will consist of 42 single-family homes with a minimum lot size of 10,000 SF. This piece of land is currently in the Town's ETJ, but would need to be annex in order to receive the water and sewer services that are necessary to develop at the 10,000 SF lot density.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Planning + Zoning

PRESENTER:

Planning Department

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

SUBDIVISION: MAJOR SUBDIVISION (Preliminary Subdivision Plat)

Pursuant to Article 7, §155.706 of the Unified Development Code (UDC), an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town of Clayton to approve a subdivision of land. Please complete all fields in this application and submit to the Planning Department with all required materials.

Application fees: Major Preliminary Subdivision Plat: \$400.00 + \$5.00 per lot

Modifications to approved plans:

Major Modification: \$400.00 + \$5.00 per lot modified

Minor Modification: \$200.00 + \$5.00 per lot modified

See §155.706(F) of the UDC for a definition of Major vs. Minor Subdivisions.

See §155.706(I) for Preliminary Plat approval (major subdivision) process/approval information.

See §155.203(F), (G), and (H) for information on Conventional vs. Open Space Subdivisions.

See §155.706(N) for information on minor and major modifications.

See UDC Article 6 for Subdivision Standards.

SITE INFORMATION

☒ New Major Subdivision

Conventional: ☒ Open Space: ☐

☐ Modification to Approved Preliminary Plat

Major: ☐ Minor: ☐

☐ New Subdivision Master Plan

Name of Project: Umstead Subdivision Acreage of Property: 19.82 acres

Tag #: 05G02013, 05G02040A NC PIN: 164800-98-6622, 165801-08-4742

Location: adjacent to Amelia Church Road (SR 1552)

Number of Lots (existing): 0 (Proposed) 41 Min Lot Size: 8,000 s.f.

Zoning District: R-E Electric Provider: undetermined

Wastewater: ☐ Septic

☒ Sewer (check one)

☐ Well

Water: ☒ Public/Private Water (check one)

Recreation/Open Space Requirement: ☒ Fee in lieu ☐ Land Dedication – Acreage:

FOR OFFICE USE ONLY

Date Received:

MAR 02 2016

Amount Paid:

\$605.00

File Number:

2016-54-50

TOWN OF CLAYTON
PLANNING DEPARTMENT

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PROPERTY OWNER INFORMATION

Name: Umstead Partners, L.L.C.

Mailing Address: Post Office Box 189 Clayton, North Carolina 27528

Phone Number: (919) 345 - 6729 Fax: n/a

Email Address: nathan@nlevans.com

APPLICANT INFORMATION

Applicant: Umstead Partners, L.L.C.

Mailing Address: Post Office Box 189 Clayton, North Carolina 27528

Phone Number: (919) 345 - 6729 Fax: n/a

Contact Person: Nathan Evans

Email Address: nathan@nlevans.com

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany the application:

To be completed by the applicant:			To be completed by staff:		
<i>Submit 9 copies of all materials unless otherwise directed by staff</i>	Yes	N/A	Yes	No	N/A
1. A pre-application meeting was held with Town Staff. Date: _____	☒				
2. Completed Application	☒				
3. Review Fee	☒				
4. Findings of Fact, signed <i>Not required for minor modifications. Form is included in this packet.</i>	☒	☐			
5. Owner's Consent Form <i>Required if applicant is not the property owner. Included in this packet</i>	☒	☐			
6. Preliminary Plat Subdivision Requirements Checklist form, completed and signed <i>Checklist is included in this packet</i>	☒				
7. Plat sheet(s) meeting requirements of the Requirements Checklist	☒	☐			
8. If subdivision waivers are requested, applicant must attach a separate typed document requesting the waivers. The document must specifically list the waivers requested, including Code references, and must address the 4 considerations outlined in §155.706(l)(7).	☐	☒			
9. Adjacent Property Owners List	☒	☐			
10. Road Name Application <i>Included in this packet</i>	☐	☐			
11. Wastewater allocation request OR verification of wastewater allocation <i>Letter format, to the attention of the Town Manager.</i>	☒	☐			

12. A signed and sealed Traffic Impact Analysis (required for projects which generate at least 100 vehicle trips at peak hour. See §155.708 of the UDC)	☐	☒			
13. Neighborhood Meeting Notice Letter* See sample letter and meeting requirement, included in this packet. *Not required for minor modifications or subdivisions *Not required for subdivisions that are part of an approved planned development	☐	☒			
14. Neighborhood Meeting summary form* Included in this packet – NOT submitted with application. *Not required for minor modifications or subdivisions *Not required for subdivisions that are part of an approved planned development		☒	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.		
15. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list. 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.	☐	☒			

EXPLANATION OF PROJECT

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

The Owner is requesting approval to develop subject properties as a conventional residential subdivision. The subdivision consists of 19.82 acres subdivided into 41 single-family residential lots with a minimum of 8,000 square feet per lot. Access to the development will utilize two existing street stubouts: Gregory Drive and Dayflower Drive. Improvements include curb and gutter streets with sidewalk, storm drainage and public water and sewer services provided by the Town of Clayton. All improvements are to meet current Town of Clayton specifications.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Planning Board of the Town of Clayton to approve the subject Subdivision. 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.

Umstead Partners, LLC
Print Name

By: [Signature]
Signature of Applicant

3-1-16
Date

November 2014

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FINDINGS OF FACT

Section 155.706(I)(10) of the Unified Development Code requires that certain findings must be made by the Town Council before a Major Subdivision may be approved. Outline below (you may attach additional sheets) how the application addresses each of the following findings:

- (1) That the subdivision meets all required specifications of the town Subdivision Regulations and conforms to the town Unified Development Code.

~~The subject properties are currently zoned R-E. A Rezoning Application has been submitted to the Town of Clayton to rezone the properties to R-8.~~

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

~~The development of the subject properties will compliment the surrounding properties and is consistent with surrounding developments. The location of the subject project in relation to downtown Clayton will encourage continued residential growth and development of surrounding parcels.~~

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

~~The subject project will provide proper distribution of traffic to avoid congestion to the public in the immediate area. The project will utilize an extension of the Town of Clayton's existing infrastructure to provide products and services to the public that are desired and will not be an endangerment to the environment or the public.~~

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

~~The proposed development of the subject properties is consistent with the overall development plan of the Town of Clayton.~~

Project Name: Umstead Subdivision

Umstead Partners LLC
Print Name

By: [Signature]
Signature of Applicant

3-1-16
Date

November 2014

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MAJOR SUBDIVISION – PRELIMINARY PLAT REQUIREMENTS CHECKLIST

The applicant is responsible for completing this checklist. Please sign and submit with the completed application.

To be completed by the applicant:			Staff:
	Yes	N/A	
GENERAL (ALL SHEETS):			
1. Plans are a maximum of 24" x 36", folded to an 8.5" x 11" format, with a scale no smaller than 1 inch = 100 feet (scale of 1" = 20' to 60' preferred).	☒	☐	
2. Separate sheets for each : Subdivision Plan, Preliminary Engineering Plan, Existing Conditions. Information in this checklist should be placed on the appropriate sheet. (Additional sheets may be required depending on scope of the project).	☒	☐	
3. Multiple sheets are consecutively numbered (e.g. Sheet 1 of 4).	☒		
4. Engineer/Surveyor Logo Box (name, address, phone number, fax, and e-mail, if applicable)	☒	☐	
5. Name of subdivision (including phase numbers if applicable) and plan type (Subdivision, Final Plat, Exempt Plat, or Recombination).	☒	☐	
6. Revision Date	☐	☒	
PRELIMINARY PLAN SHEET:			
7. Name of township, county, and state in which the property is located.	☒	☐	
8. Vicinity sketch/map.	☒	☐	
9. Surveyor or professional engineer's name and seal.	☒	☐	
10. Date of survey and plat preparation.	☒	☐	
11. Provide the following project data in <u>Tabular</u> form:			
- Area of tract in square feet and acres	☒	☐	
- Parcel Identification # (and/or Tag #)	☒	☐	
- Owner's name and address	☒	☐	
- Within Town limits or ETJ	☒	☐	
- Zoning District	☒	☐	
- Overlay District (if applicable)	☐	☐	
- Indicate if the site is within a Watershed Protection Overlay	☐	☐	
- Total Number of Lots	☒	☐	
- Number of lots per acre (density)	☒	☐	
- Acreage in Resource Conservation Areas (UDC §155.500)	☒	☐	
- Annexation # (if applicable)	☐	☒	
- FEMA designated flood plain and floodway (include FIRM panel reference number and effective date) or certification that no flood plain exists within the subdivision.	☒	☐	
- Electric Provider			
- Water Provider (or indicate if well)	☒	☐	

November 2014

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To be completed by the applicant:			Staff:
	Yes	N/A	
- Sewer Provider (or indicate if septic)	☒	☐	
- Impervious (existing and proposed, square feet and %) – provide impervious for overall development and per lot	☒	☐	
- Maximum allowed impervious	☒	☐	
- Existing Use	☒	☐	
- Proposed Use	☒	☐	
12. An accurately positioned north arrow indicating true north, magnetic north, North Carolina grid ("NAD 83" or "NAD 27"), or is referenced to old deed or plat bearings. If the north index is magnetic or referenced to an old deed or plat bearings, the date and the source (if known) the index was originally determined is clearly indicated.	☒	☐	
13. The exact course and distance of every boundary line of the tract to be subdivided, fully dimensioned (metes and bounds) along with the location of intersecting boundary lines of adjoining lands in accordance with the North Carolina General Statutes § 47-30 – Plats and subdivisions; mapping requirements.	☒	☐	
14. Accurate location and description of all monuments, markers and control points.	☒	☐	
15. Show the 100 year flood plain, riparian buffer, wetlands, and any Resource Conservation Areas on all sheets.	☒	☐	
16. Blocks numbered consecutively throughout entire subdivision with lots numbered consecutively in each block. Lot numbers shall be placed in a circle or labeled "Lot ___".	☐	☒	
17. Phase lines. Phases are clearly labeled.	☐	☒	
18. The name and location of all adjoining subdivisions and adjoining lot property lines drawn with dotted lines at the same scale. Include the names of adjacent landowners.	☒	☐	
19. Location and width of all existing and proposed rights-of-way, Resource Conservation Areas, easements and areas dedicated to public use with the purpose of each stated.	☒	☐	
20. Location of safe sight triangles at project ingress/egress points, or as required.	☒	☐	
21. Minimum building setbacks /envelope are noted.	☒	☐	
22. All dimensional standards are shown in table format. Dimensional standards shall include: min. lot size, min. lot width, max building coverage, max impervious surface (entire subdivision), max impervious surface (per lot, in %), density, max height, and min dwelling unit size.	☒	☐	
23. Location of all existing and proposed easements, labeled as "public" or "private" and labeled with easement type.	☒	☐	
24. Width and type of any buffers and easements.	☒	☐	
25. Indicate the boundaries of any utility or greenway easements dedicated to the Town of Clayton and label "To Be Dedicated to the Town of Clayton."	☒	☐	
26. Proposed streets are labeled, named and dimensioned. Correct street cross	☒	☐	

November 2014

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To be completed by the applicant:			Staff:
	Yes	N/A	
section detail provided. Label street type based on definitions in §155.602(D). If streets are private: - All private streets shall be maintained by a designated responsible party. The party shall be noted on the plat. - Streets are labeled "Private Streets – No Town Maintenance." Street names must be approved by Town of Clayton via a Road Name Application.	☐ ☐	☒ ☒	
27. Lengths of all cul-de-sacs.	☒	☐	
28. Identify proposed traffic control signs and striping.	☒	☐	
29. Location, purpose and dimensions of non-residential areas (such as parks, playgrounds, open space, churches, school sites, etc.) - All open space, parks, and similar common areas shall be maintained by a designated responsible party. The party shall be noted on the plat.	☒	☐	
30. Resource Conservation Areas must be shown and dimensioned on the plat. The following note must also be provided: "The Resource Conservation Area shown hereon is provided per the requirements of Article 5 of the Town of Clayton's Unified Development Code. This Resource Conservation Area must be preserved in perpetuity per the standards of the Unified Development Code"	☐	☒	
31. Proposed stormwater retention/detention features and dimensions. If fenced, include fence location.	☒	☐	
32. Existing and proposed sidewalk system, access ramps, and crosswalks.	☒	☐	
33. Identify alternative modes of transportation including school stops, pedestrian connections, bicycle paths and bicycle racks.	☐	☒	
34. Show how streets are connected to property lines ("stub-out" streets) to provide for cross-connectivity and development on adjacent parcels. Show cross-access easements.	☒	☐	
35. Location of clustered mailboxes.	☒	☐	
36. Location and orientation of freestanding signs (signage is permitted separately).	☒	☐	
LANDSCAPING PLAN SHEET (See §155.402 for Landscaping Requirements)			
37. Show location, width, and type of all landscape buffers.	☒	☐	
38. Provide a plant list summary table which includes: - A planting key identifying the various planting elements - The quantity of each type of plant material proposed - The size, height, caliper and spacing of plant material proposed - The Botanical and common names of plant material proposed	☒	☐	
39. If common landscaped areas are provided, provide an irrigation note to read as follows: "All landscaped areas shall be provided with an automatically operated irrigation system that will adequately cover all living plant material, such system shall include a rain sensor." (If irrigation will not be utilized, drought-tolerant	☒	☐	

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To be completed by the applicant:			Staff:
	Yes	N/A	
species must be used).			
40. Location, species, and caliper of any existing trees that will remain on site. If used to meet planting requirements, make note of what requirements are fulfilled by the preserved trees.	☒	☐	
EXISTING CONDITIONS SHEET:			
41. On the existing conditions sheet, provide topography with two-foot contour intervals, showing the location of any natural features such as water courses, wooded areas, steep slopes (above 25%), or other geological features.	☒	☐	
42. Location of all existing buildings and structures, water/sewer/gas infrastructure, underground structures, easements, or other existing features.	☒	☐	
43. Existing structures, existing streets and roadway improvements, and existing utilities within 100 feet of the site.	☒	☐	
44. Label adjacent property acreage, owners, and zoning districts.	☒	☐	
45. Label subject parcel property owner, acreage, and zoning.	☒	☐	
PRELIMINARY ENGINEERING PLAN SHEET:			
46. Show subdivision layout, streets, and all pertinent information from subdivision plat sheet.	☒	☐	
47. Identify curb radii for all internal and external vehicular use areas.	☒	☐	
48. Location of all existing and proposed utilities (water, sewer, electric, natural gas, etc.).	☒	☐	
49. Location of all existing and proposed drainage structures.	☒	☐	
50. Location of all existing and proposed fire hydrants.	☒	☐	
51. Location of all existing and proposed easements, labeled as "public" or "private."	☒	☐	
52. Show street cross-sections.	☒	☐	
53. Indicate method of slope stabilization measures for all slopes steeper than 2.5:1.	☒	☐	
54. Identify the proposed storm water management system with location of inlets, piping and positive outfall along with typical section and top surface area of storm water retention/detention pond, including soil types, slope, bottom and top elevations, and finish floor elevations.	☒	☐	
OTHER			
55. If subdivision includes townhomes, include architectural elevations sheet, noting construction materials, finishes and colors, height, and number of stories.	☐	☒	
56. Any other information considered by either the applicant or the Town to be pertinent to the review.	☐	☒	

Signed by Applicant: Umstead Partners LLC
By: [Signature] Date: 3-1-16

November 2014

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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: UMSTEAD SUBDIVISION Address or PIN #: 164800 - 98 - 6622

AGENT/APPLICANT INFORMATION:

DALTON ENGINEERING AND ASSOC., P.A.
(Name - type, print clearly)

P.O. Box 426

(Address)

CLAYTON, NC 27528

(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*):

MAJOR SUBDIVISION

REZONING

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:

UMSTEAD PARTNERS, L.L.C.

(Name - type, print clearly)

P.O. Box 189

(Address)

CLAYTON, NC

(City, State, Zip)

27528

By: [Signature]
(Owner's Signature)

STATE OF

COUNTY OF

North Carolina

Wake

Sworn and subscribed before me [Signature], a Notary Public for the above State and County, this the 15 day of March, 2016.

SEAL

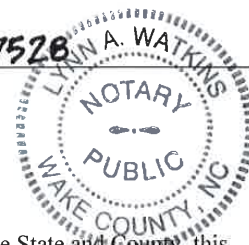
Notary Public

My Commission
Expires:

12-7-2016

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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
May 23, 2016*

STAFF REPORT

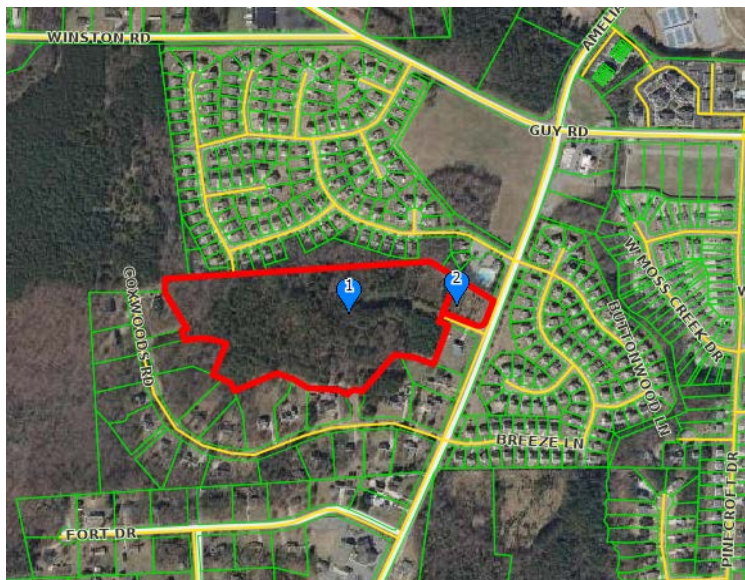
Application Number: 2016-54-SD Project Name: Umstead Major Subdivision

NC PIN / Tag #: 164800-98-6622, 165801-08-4742 / 05g02013, 05g02040a
Town Limits/ETJ: ETJ
Overlay: None
Applicant: Umstead Partners LLC c/o Nathan Evans
Owner: Umstead Partners LLC
Location: At the end of Gregory Drive, off of Amelia Church Road; south of the Wynston subdivision.

Public Noticing:

- Neighborhood meeting April 14, 2016
- Sign posted April 14, 2016
- Letters mailed prior to July 8, 2016
- Newspaper ad posted prior to July 5, 2016

REQUEST: Conventional subdivision with 42 single family detached homes.



SITE DATA:

Acreage: 19.8 acres
Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-10	Single-family residential, open space subdivision
South	Residential-Estate (R-E)	Single-family residential
East	Residential-10	Single-family residential, open space subdivision
West	Residential-Estate (R-E) and Planned Development – Mixed Use (PD-MU)	Single-family residential, and future, master planned single family residential

DEVELOPMENT DATA:

Proposed Uses: Single-Family Homes
Buildings: 42 dwelling units
Density/Intensity: 2.1 dwelling units per acre
Number of Stories: Maximum height of 35 feet
Required Parking: 2 spaces per unit
Proposed Parking: 2 spaces per unit
Fire Protection: The Town of Clayton Fire Department will provide fire protection.
Access/Streets: Three access points are proposed, with no interconnection between them. An extension of Gregory Drive will serve the majority of the site. An extension of Dayflower Drive will serve seven lots in the northwest (accessed through the Wynston subdivision). And a single lot (Lot 42) is proposed to have access from a paved stubout that connects to Coxwoods Rd.
Water/Sewer Provider: Town of Clayton will provide water and sewer, following successful annexation
Electric Provider: Duke

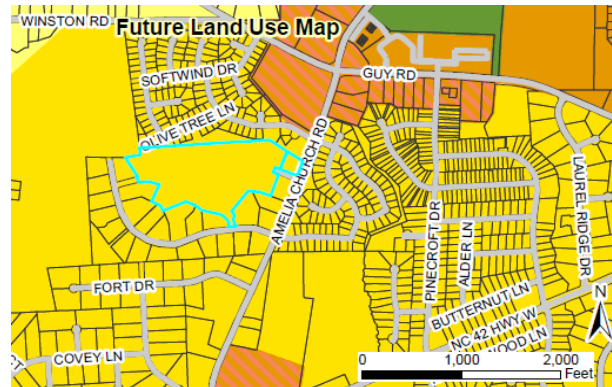
STAFF ANALYSIS:

Overview

The applicant is requesting to develop a conventional R-10 (pending successful rezoning) single family residential subdivision on 19.8± acres, with a minimum lot size of 10,000 SF. This piece of land is currently vacant woodlands. The land is currently in the Town's Extraterritorial Planning Jurisdiction (ETJ), but would need to annex in order to receive the water and sewer services that are necessary to develop at the 10,000 SF lot density.

Consistency with Adopted Plans

- **2040 Comprehensive Plan**
The Future Land Use for this area is envisioned as Medium Density Residential, which accommodates R-10 zoned residential.
- **Unified Development Code**
The proposed development is generally consistent with the requirements of the Unified Development Code (UDC).



Compatibility with Surrounding Land Uses

The site is bordered by 8,000 SF single family residential lots to the north in an R-10 zoning district (the Wynston subdivision), and 40,000± SF single family lots to the south (along Coxwoods Rd). The Wynston subdivision is served by public water and sewer, and the Coxwoods neighborhood is served by septic systems. The proposed conventional R-10 zoned subdivision is an appropriate density transition between the two neighborhoods.

Landscaping and Buffering

The applicant will provide one street tree per lot, as required by Town of Clayton's Unified Development Code. The applicant is also proposing a Class "A" landscaping buffer along Amelia Church Road, which is consistent with the UDC.

Recreation and Open Space

This is a conventional subdivision, so the applicant is requesting to pay fee-in-lieu for recreation.

Environmental

The stream running through the site is protected by the required 50' riparian buffer.

Access/Streets

Primary access to the property is currently from Gregory Drive, with a paved stubout from the west connecting to Coxwoods Rd, an unpaved stubout from the south connecting to Coxwoods Rd, and a paved stubout connecting from Wynston in the north. Some question currently exists regarding the ownership of Coxwoods Rd, whether it is privately- or state-owned. This has impacts on whether this road may be accessed by the applicant when developing this parcel. Staff has contacted NCDOT, but resolution has not been obtained at the time this staff report was written.

Multi-Modal Access

Sidewalks will be on both sides of each road, and will connect out to Amelia Church Road. Sidewalks will be along the connection to the adjacent Wynston subdivision, along the extension of Mayflower Dr.

Waivers/Deviations/Variations from Code Requirements

- The applicant is requesting a waiver from the requirement for interconnectivity - §155.603(B)(2).
- The applicant is requesting to pay fee-in-lieu for recreation.
- The applicant is requesting a waiver from the maximum cul-de-sac length requirement - §155.602(G)(1).

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval for a 42 lot single-family residential subdivision.
 - This plan is subject to final approval by Town Council.
-

FINDINGS:

The applicant has addressed the Major Subdivision Approval Criteria outlined in UDC Section 155.706. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

CONDITIONS:

If approved, staff recommends the following conditions be applied to the approval of the preliminary subdivision plan:

1. Following Board approvals, three copies of the final Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to the Planning Department for final approval. The conditions of approval shall be recorded on the plans before final approval is granted.
2. All development fees shall be paid prior to final plat recordation.
3. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications shall require additional approvals pursuant to Section 155.706 of the Unified Development Code.
4. All signs shall require review/approval pursuant to UDC Section 155.713.
5. A homeowners' association document (if applicable) shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.
6. The landscaping buffer along Amelia Church Road shall be installed prior to the issuance of any Certificate of Occupancy.
7. Any required perimeter landscape buffer shall be installed prior to the commencement of construction on adjacent lots.
8. Lot 42 (the lot accessed from Coxwoods Drive) shall not be allowed to be platted unless evidence is presented to the Planning Department showing that legal access can be made to the lot from Amelia Church Road, via Coxwoods Rd and the paved stubout that connects the lot to Coxwoods Rd.
9. Access and easement shall be provided to any permanent stormwater features, and provision shall be made for their maintenance.

Waivers:

10. The applicant is requesting a waiver from the requirement for interconnectivity §155.603(B)(2).

11. Recreation fees shall be paid as fee-in-lieu, prior to plat recordation.

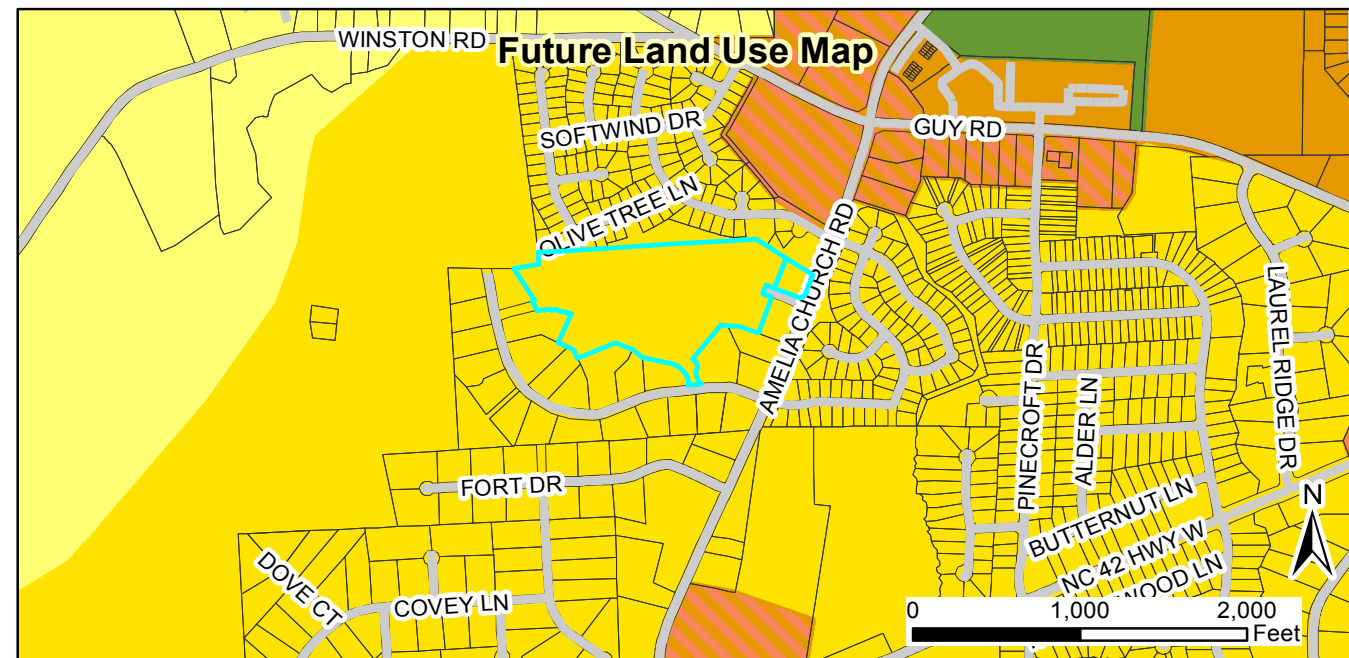
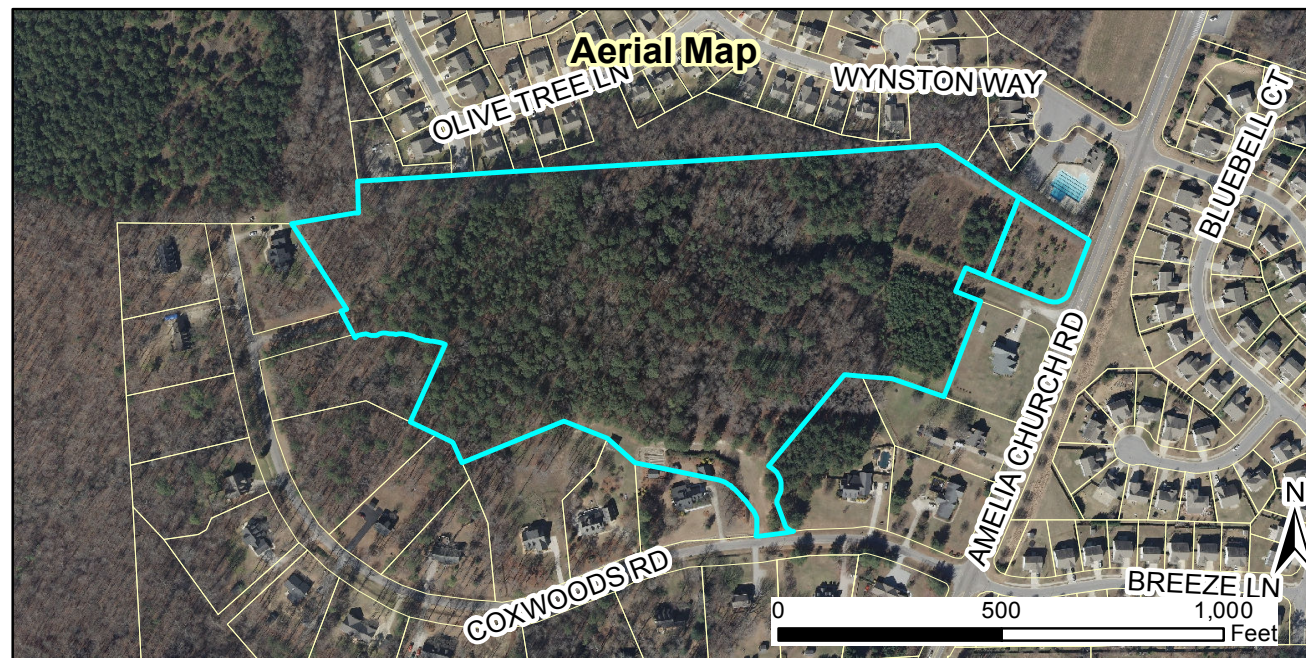
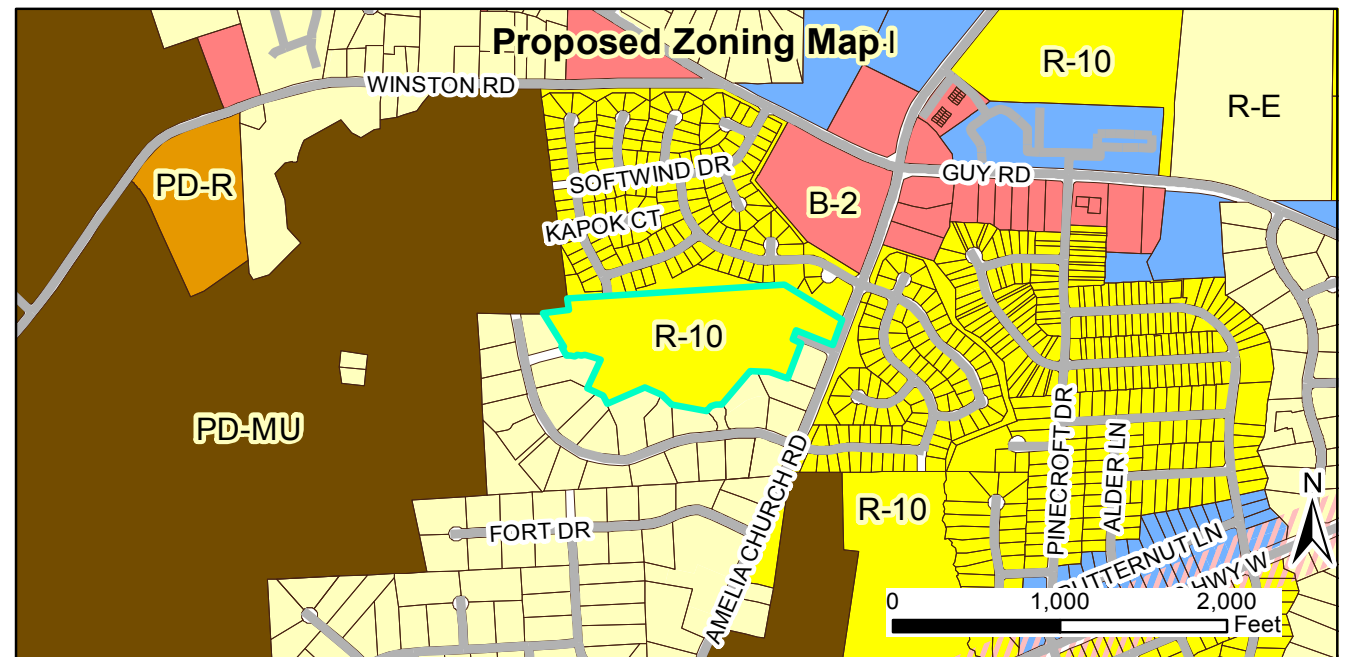
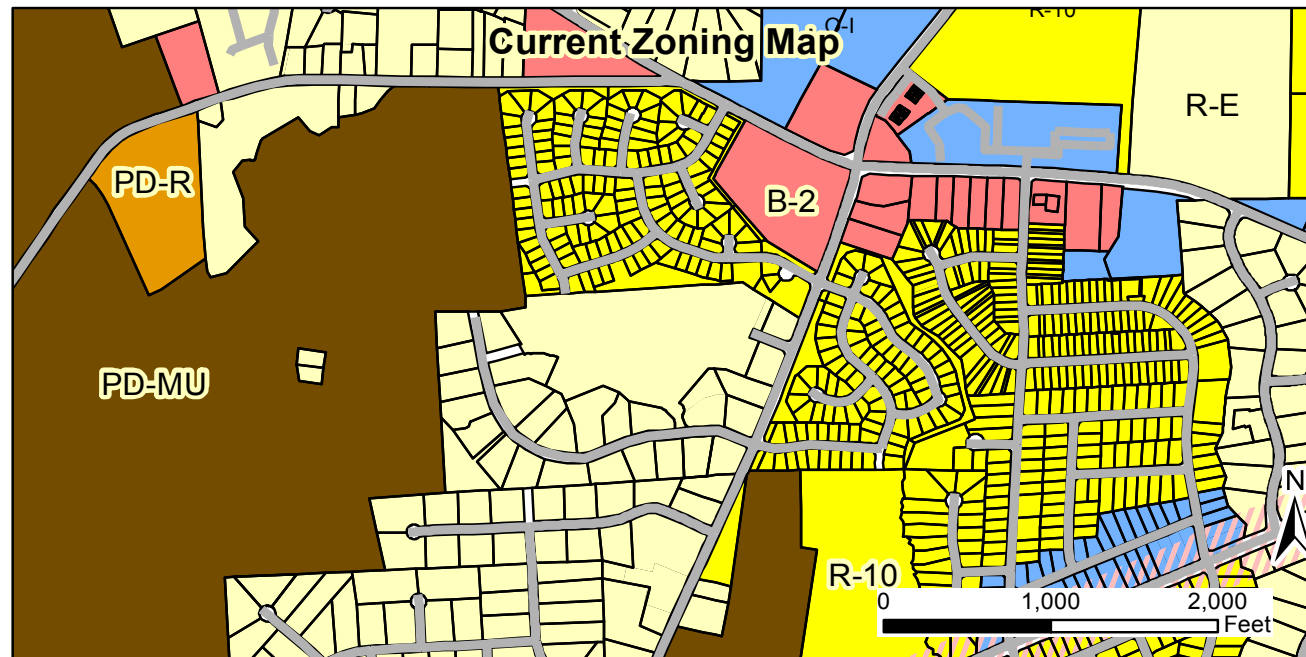
12. The applicant is requesting a waiver from the maximum cul-de-sac length requirement - §155.602(G)(1).

STAFF RECOMMENDATION:

Staff is recommending approval with conditions of the proposed preliminary subdivision plat of the subject parcel.

ATTACHMENTS:

- 1.) Staff report
- 2.) Maps
- 3.) Application
- 4.) Property Images 1 and 2
- 5.) Neighborhood Meeting Materials
- 6.) Preliminary subdivision plan set
- 7.) Landscaping plan sheet



**2016-54-SD and 2016-55-RZ: Umstead Subdivision and Rezoning
Request: Create a ±41 lot subdivision on a site proposed to be
rezoned to R-10.**

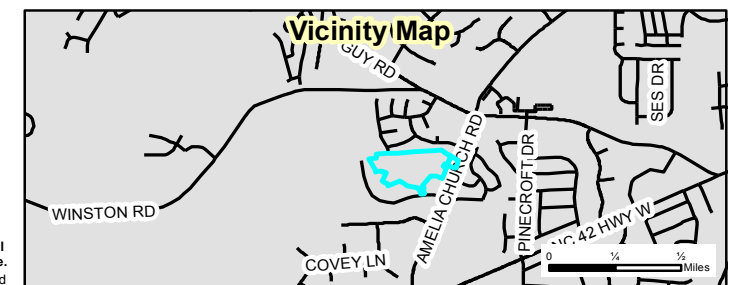
Applicant: Umstead Partners LLC c/o Nathan Evans
Property Owners: Umstead Partners LLC
Parcel ID: 164800-98-622, 165801-08-4742
Tag #: 05g02013, 05g02040a

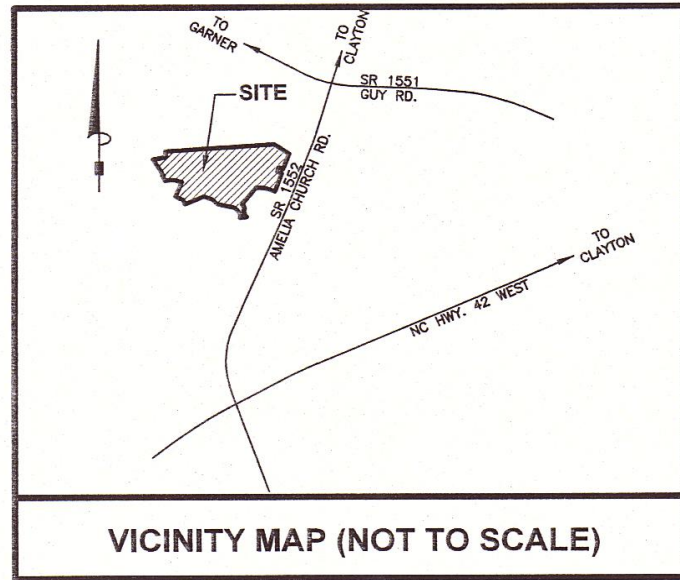


- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay
- Railroads

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

Document Path: O:\PLANNING\REZONING\Rezoning\2016\2016-55-RZ Umstead Subdivision\Maps\StaffReportMap- Umstead maj subdiv and rezoning - 2016-55-RZ.mxd





VICINITY MAP (NOT TO SCALE)

PRELIMINARY SUBDIVISION PLAN
FOR
UMSTEAD SUBDIVISION
TOWN OF CLAYTON - JOHNSTON COUNTY, NC
INDEX TO DRAWINGS

- SHEET 1 - COVER SHEET
SHEET 2 - EXISTING CONDITIONS SHEET
SHEET 3 - PRELIMINARY SITE PLAN
SHEET 4 - PRELIMINARY UTILITY PLAN
SHEET 5 - LANDSCAPE PLAN

ENGINEER

DALTON ENGINEERING AND ASSOCIATES, P. A.
446 EAST MAIN STREET P. O. BOX 426
CLAYTON, NC 27520 CLAYTON, NC 27528
(919) 550-4740 - FAX (919) 550-4741

SURVEYOR

TRUE LINE SURVEYING, P. C.
205 WEST MAIN STREET
CLAYTON, NC 27520
(919) 359-0427

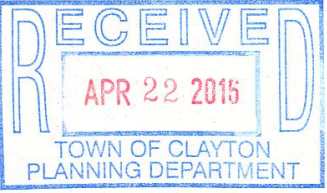
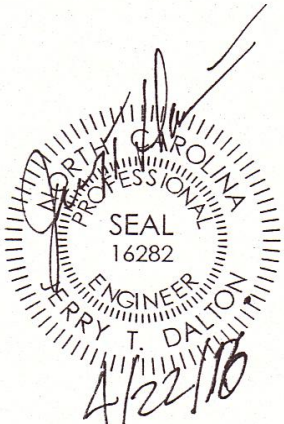
OWNER & DEVELOPER

UMSTEAD PARTNERS, L.L.C.
P. O. BOX 189
CLAYTON, NC 27528

Dalton Engineering
and Associates, P. A.



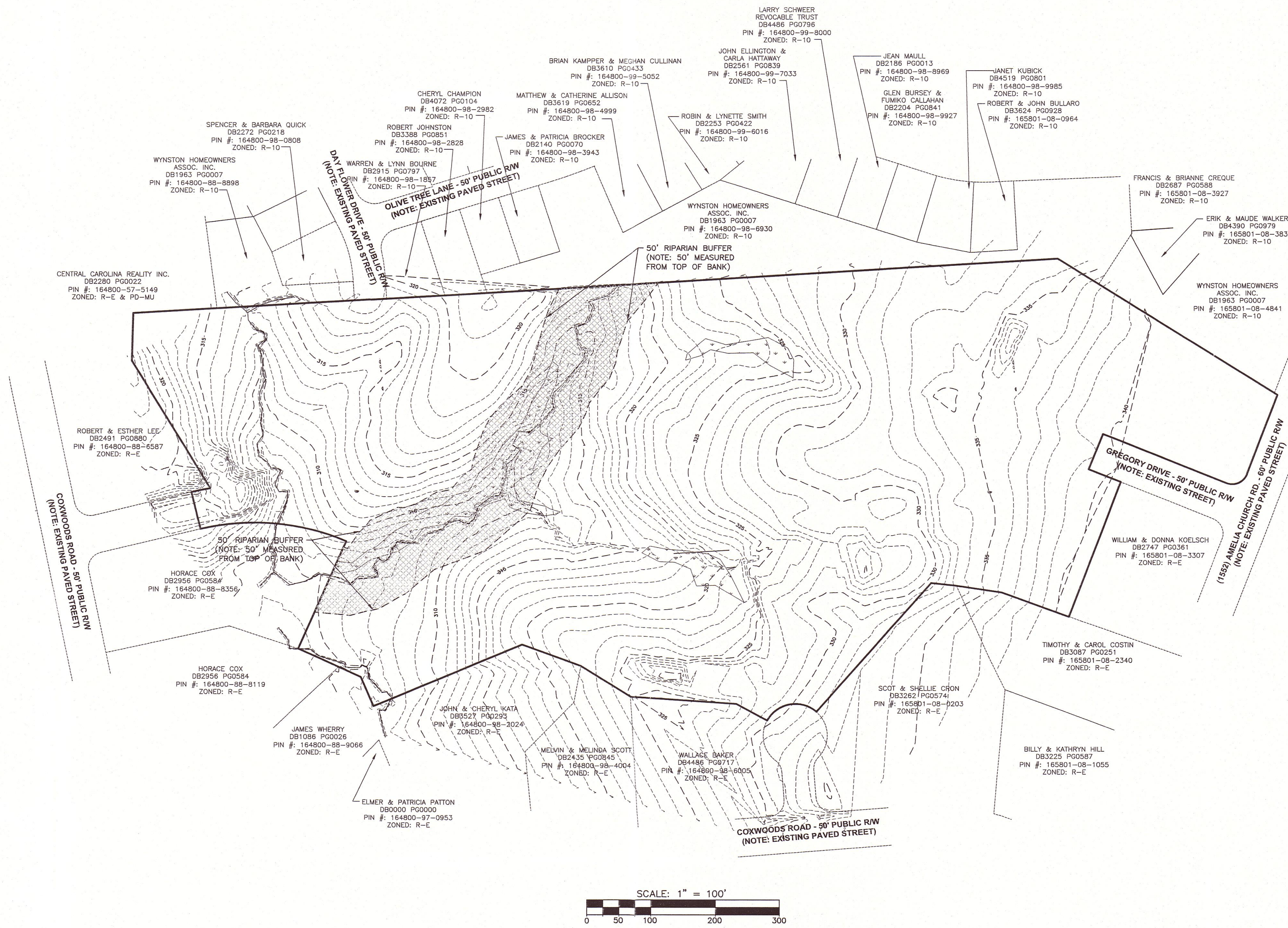
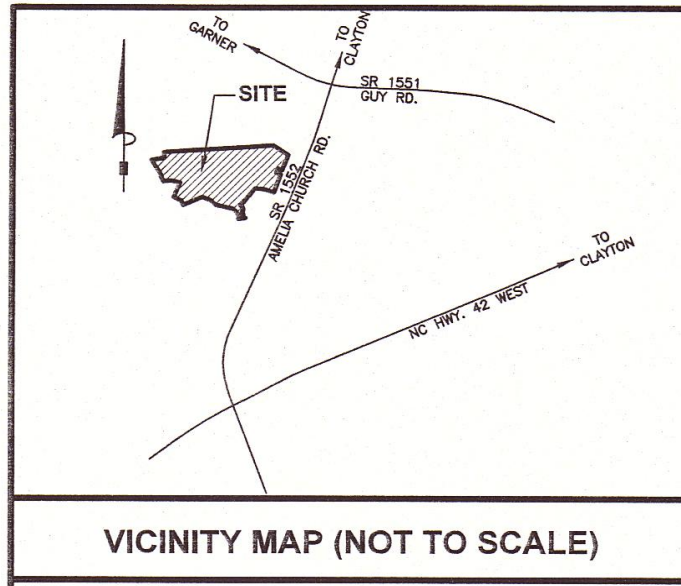
REVIEW ONLY
NOT FOR CONSTRUCTION



TOWN OF CLAYTON PLANNING DEPARTMENT PROJECT NUMBER: 2016-54-SD

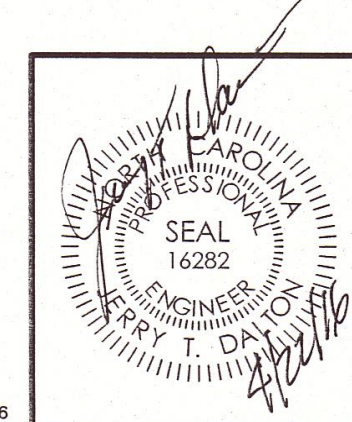
Job: 15023	Date: 3/1/16	Revision: 001
File: COVER	Drawn: DBL	Sheet: 1 OF 5

REVISION 001: ADDRESSED TOWN OF CLAYTON PLANNING DEPT. TRC COMMENTS - 4/22/16



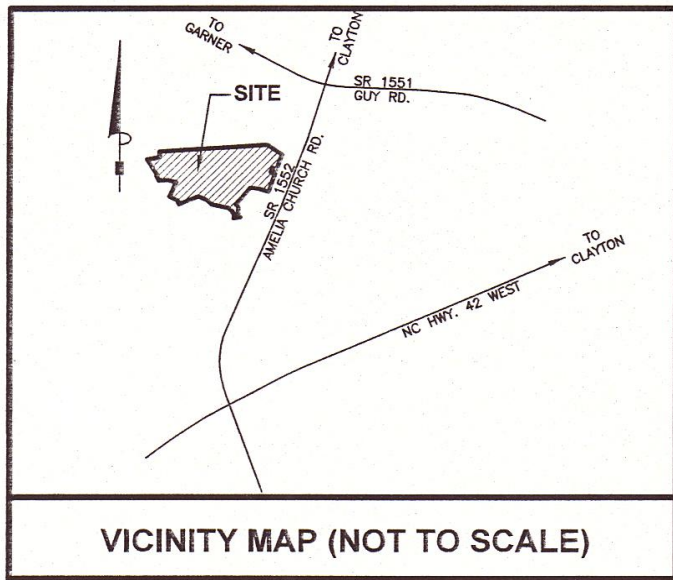
REVIEW ONLY
NOT FOR CONSTRUCTION

EXISTING CONDITIONS SHEET
FOR
UMSTEAD SUBDIVISION
TOWN OF CLAYTON - JOHNSTON COUNTY, NC



Dalton Engineering and Associates, P. A.		
446 East Main Street P.O. Box 426 Clayton, NC 27520		
(919) 550-4740 Fax (919) 550-4741		
Job: 15023	Date: 3/1/16	Revision: 001
File: EXISTING	Drawn: DBL	Sheet: 2 OF 5

REVISION 001: ADDRESSED TOWN OF CLAYTON PLANNING DEPT. TRC COMMENTS - 4/22/16



- CONSTRUCTION DRAWINGS ARE TO BE SUBMITTED TO THE TOWN OF CLAYTON PUBLIC WORKS ENGINEERING DIVISION FOR REVIEW AND APPROVAL.
- N.C.D.O.T. DRIVEWAY PERMIT APPROVAL IS REQUIRED FOR ROADWAY CONNECTION TO DAYFLOWER AND GREGORY DRIVE.
- FEE-IN-LIEU WILL BE REQUIRED TO MEET RECREATION AND OPEN SPACE REQUIREMENTS.
- NO BUILDINGS MAY OCCUR WITHIN 20' OF RIPARIAN BUFFERS; ROADS AND DRIVEWAYS MAY OCCUR IN THAT 20' AREA.
- NO BUILDING ENVELOPES MAY EXTEND INTO JURISDICTIONAL WETLANDS.
- ALL STREET TREES WILL BE 8' TALL AT TIME OF PLANTING.
- ALL RESOURCE CONSERVATION AREAS AND THE 50' RIPARIAN BUFFER SHALL REMAIN UNDISTURBED IN ACCORDANCE WITH ARTICLE 5 OF THE UNIFIED DEVELOPMENT CODE.

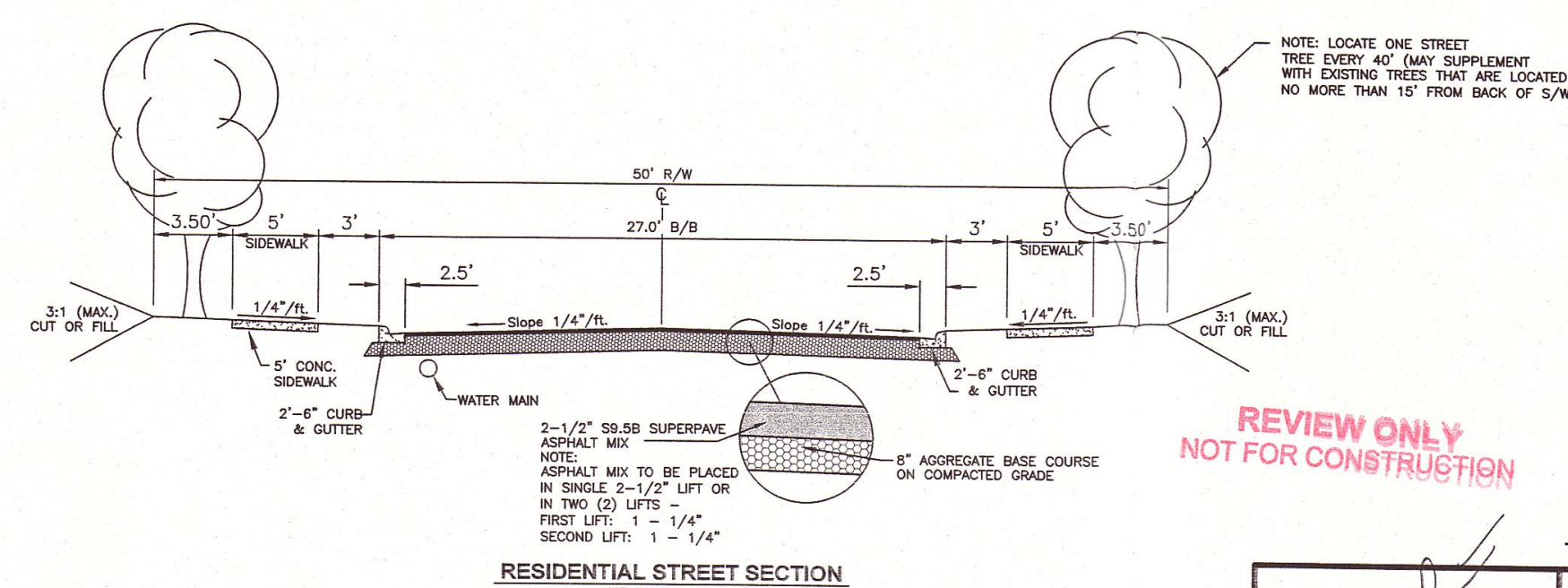
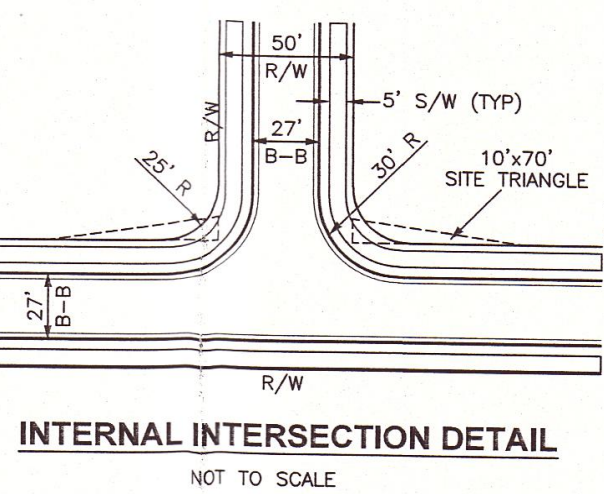
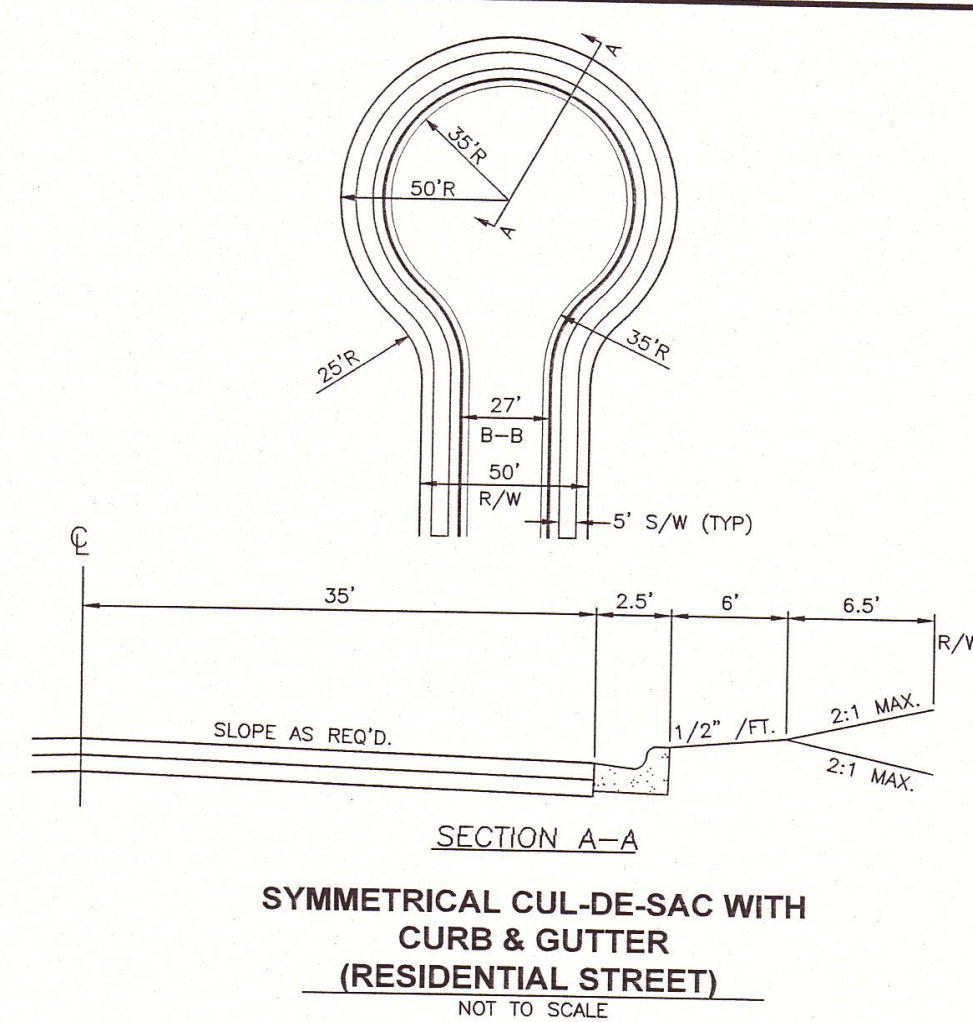
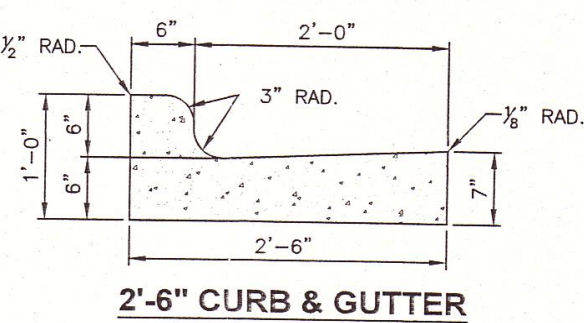
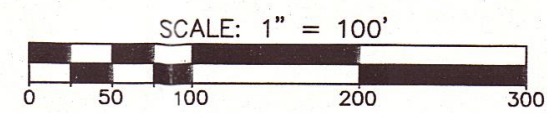
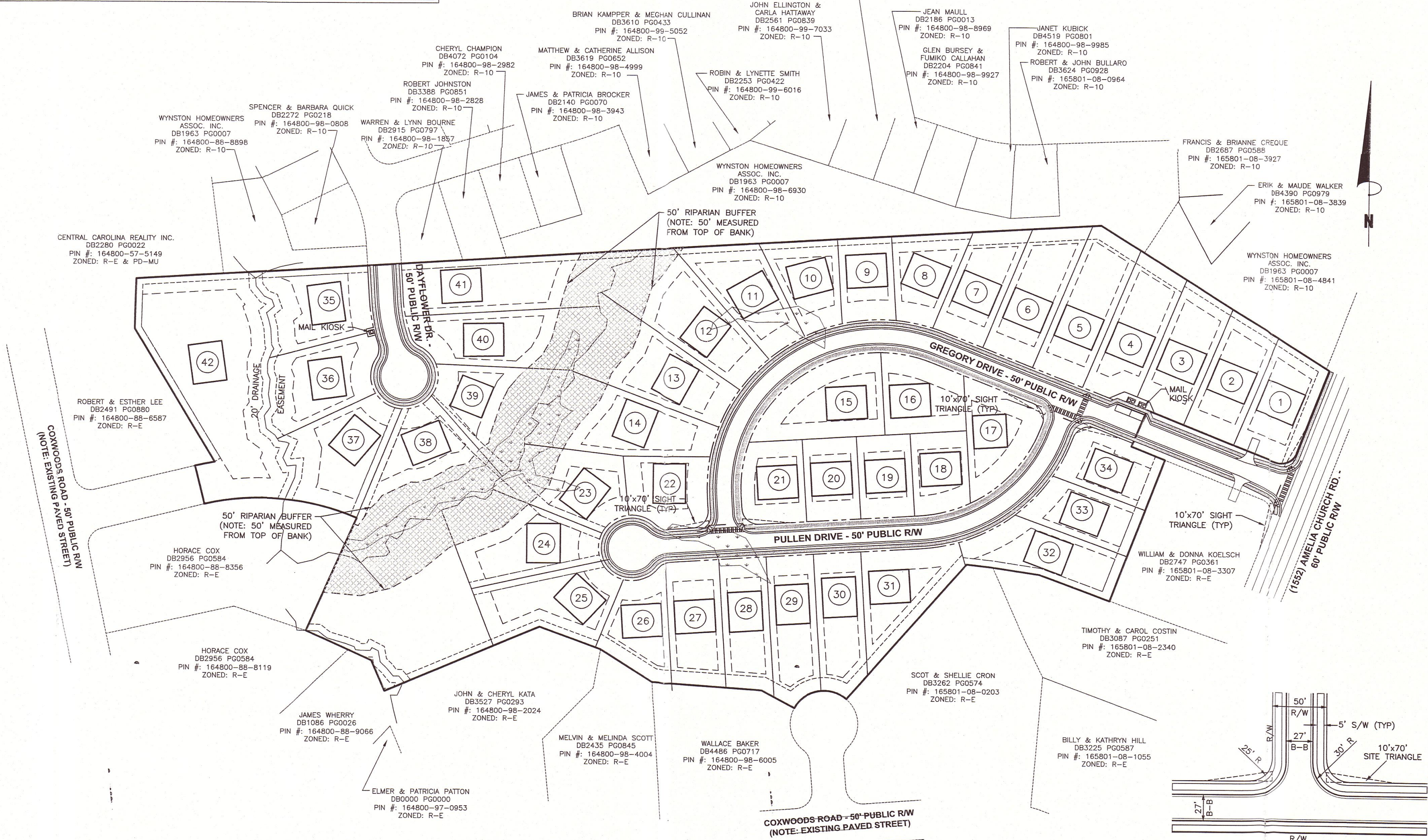
LOT SUMMARY	
LOT NUMBER	
1	15,044
2	14,623
3	15,454
4	16,870
5	18,543
6	17,072
7	14,046
8	12,010
9	10,040
10	11,968
11	15,863
12	17,398
13	15,111
14	15,869
15	18,713
16	13,230
17	14,274
18	10,119
19	10,000
20	10,000
21	11,297
22	12,608
23	11,730
24	16,601
25	18,853
26	13,257
27	15,116
28	14,009
29	15,208
30	14,564
31	16,763
32	16,426
33	11,943
34	12,099
35	17,673
36	17,354
37	19,958
38	13,756
39	10,054
40	16,021
41	19,943
42	52,472

- NOTES:
- A MINIMUM LOT AREA OF 10,000 SF IS REQUIRED.
 - LOT AREA DOES NOT INCLUDE RESOURCE CONSERVATION AREAS.

TOTAL SITE DATA AND IMPERVIOUS AREA CALCULATIONS				
	TOTAL AREA (ACRES)	PERCENTAGE OF TOTAL SITE	IMPERVIOUS AREA (ACRES)	PERCENTAGE IMPERVIOUS SURFACE
RESIDENTIAL LOTS	14.841	74.88%	8.16	55.0%
RIGHT-OF-WAY (includes streets and sidewalks)	2.250	11.35%	1.80	80.0%
TOTAL RESOURCE CONSERVATION AREAS (not in residential lots)	1.986	10.02%	0	0%
AREAS NOT IN ANY OF THE ABOVE CATEGORIES (including undeveloped areas not qualified as Open Space)	0.743	3.75%	.005	0.60%
TOTAL AREA	19.82	100%	9.965	50.03%

RESOURCE CONSERVATION AREA DATA		
	ACRES	*PERCENTAGE
RIPIARIAN BUFFER AREAS	1.774	8.95%
OPEN WATER BODIES AND JURISDICTIONAL WETLANDS	0.588	2.96%
100-YEAR FLOODPLAIN	0	0%
TOTAL RESOURCE CONSERVATION AREAS	**1.986	10.02%

*PERCENTAGE OF TOTAL SITE AREA
**THERE IS AN OVERLAP OF 0.376 ACRES OF WETLANDS/RIPIARIAN BUFFER AREA



- NOTES:
- THE 10'x70' SIGHT TRIANGLES SHALL TAKE PRECEDENCE OVER ANY SIGN EASEMENTS.
 - THE FINAL PLAN WILL ENSURE THAT ALL DRAINAGE EASEMENTS INTERSECT THE PUBLIC RIGHT-OF-WAY ALONG A LOT LINE. DRAINAGE EASEMENTS WITHIN THE INTERIOR OF THE PROJECT MAY OR MAY NOT COMPLETELY CENTER ALONG A LOT LINE.
 - ALL ACCESS TO UTILITY EASEMENTS ALONG THE OUTFALL LINE SHALL HAVE A MAXIMUM SLOPE OF 4:1 (H:V) AND A MAXIMUM CROSS SLOPE OF 4%.

PRELIMINARY SITE PLAN
FOR
UMSTEAD SUBDIVISION
TOWN OF CLAYTON - JOHNSTON COUNTY, NC

REVISION 001: ADDRESSED TOWN OF CLAYTON PLANNING DEPT. TRC COMMENTS - 4/22/16

TOWN OF CLAYTON PLANNING DEPARTMENT PROJECT NUMBER: 2016-54-SD

Dalton Engineering and Associates, P. A.

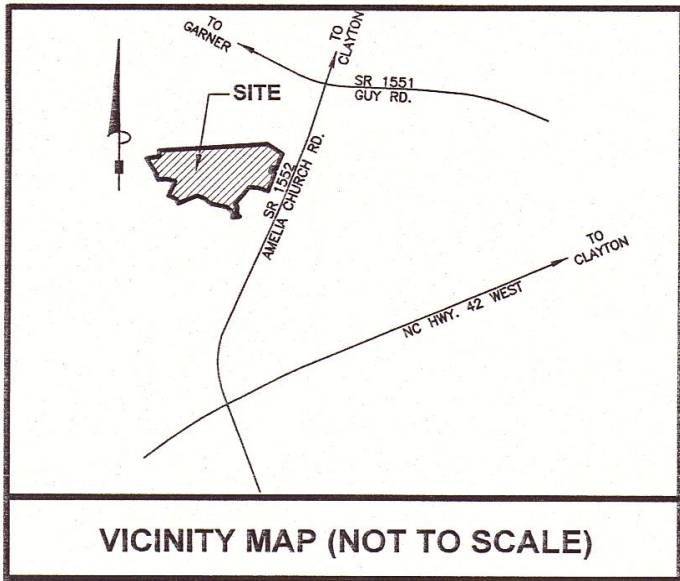
446 East Main Street
P.O. Box 426
Clayton, NC 27520

(919) 550-4740
Fax (919) 550-4741

Job: 15023	Date: 3/1/16	Revision: 001
File: SITE	Drawn: DBL	Sheet: 3 OF 5

SUMMARY INFORMATION

DEVELOPMENT NAME: UMSTEAD SUBDIVISION
PARCEL PIN: 164800-98-6022 & 165801-08-4742
IS PROPERTY TO BE ANNEXED INTO THE TOWN? YES
TOTAL AREA CONTAINED WITHIN TRACT: 19.82 AC
TOTAL FLOOD AREA: 0 AC
NET USABLE LAND: 19.82 AC
MAX DENSITY: 4.0 DWELLING UNITS/ACRE
DENSITY PROPOSED: 2.12 UNITS/ACRE
TOTAL NUMBER OF UNITS PROPOSED: 42
TOTAL 41 SINGLE-FAMILY RESIDENTIAL
MINIMUM LOT AREA: 10,000 S.F.
MIN. LOT WIDTH: 70'
MIN. FRONT SETBACK: 30'
MIN. SIDE INTERIOR SETBACK: 10'
MIN. SIDE STREET: 20'
MIN. REAR SETBACK: 25'
MAX. BUILDING HEIGHT: 35'
MAX. BUILDING LOT COVERAGE: 35%
MAX. IMPERVIOUS PER LOT: 50%
MIN. DWELLING UNIT SIZE: 1,100 S.F.
AREA IN SIDEWALKS: 15,306.38 S.F.
AREA IN PAVEMENT AND C&G: 63,070 S.F.
LINEAR FEET OF STREETS: 2,035 L.F.
TYPE OF WATER SYSTEM PROPOSED: TOWN OF CLAYTON
TYPE OF SANITARY SEWER SYSTEM PROPOSED: TOWN OF CLAYTON
ELECTRICAL SERVICE PROVIDED BY TOWN OF CLAYTON
ZONING DISTRICT: RE
THOROUGHFARE OVERLAY DISTRICT: YES
WATERSHED PROTECTION AREA: NO
PROPOSED ZONING: R-10
INSIDE CITY LIMITS? YES
OWNER AND APPLICANT:
UMSTEAD PARTNERS, LLC
P.O. BOX 189
CLAYTON, NC 27528
PRELIMINARY LAYOUT PREPARED BY:
DALTON ENGINEERING AND ASSOCIATES, PA.
446 EAST MAIN STREET
CLAYTON, NC 27520
(919) 550-4740

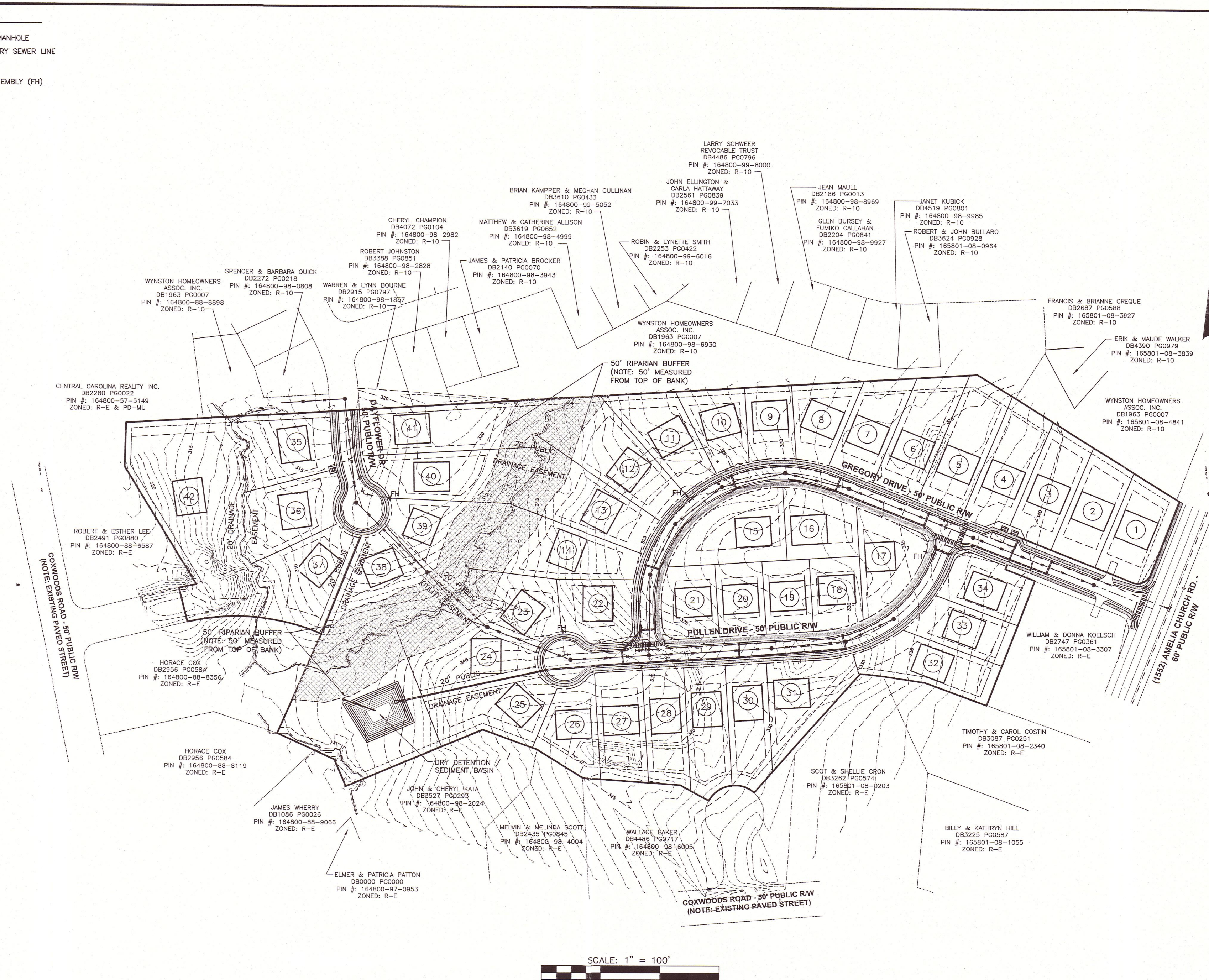


NOTE: INFRASTRUCTURE RELATED CONSTRUCTION WILL BE REVIEWED BY THE ENGINEERING DIVISION OF PUBLIC WORKS.

NOTE: STRUCTURE RELATED DRAWINGS WILL BE PERMITTED, REVIEWED, AND INSPECTED IN ACCORDANCE WITH NORTH CAROLINA BUILDING CODE BY THE TOWN OF CLAYTON BUILDING INSPECTIONS.

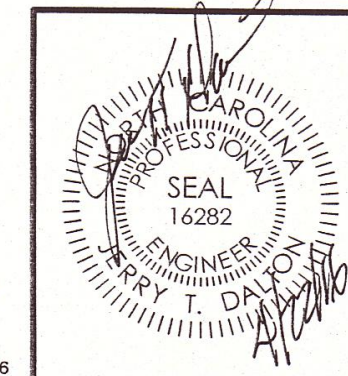
NOTE: NCDOT WILL REVIEW AND APPROVE ROADWAY IMPROVEMENTS.

NOTE: CONSTRUCTION/UTILITY PLANS TO BE REVIEWED AND APPROVED BY THE ENGINEERING DEPARTMENT PRIOR TO CONSTRUCTION.



REVIEW ONLY
NOT FOR CONSTRUCTION

PRELIMINARY UTILITY PLAN
FOR
UMSTEAD SUBDIVISION
TOWN OF CLAYTON - JOHNSTON COUNTY, NC



Dalton Engineering and Associates, P. A.		
446 East Main Street P.O. Box 426 Clayton, NC 27520		
(919) 550-4740 Fax (919) 550-4741		
Job: 15023	Date: 3/1/16	Revision: 001
File: UTILITY	Drawn: DBL	Sheet: 4 OF 5

REVISION 001: ADDRESSED TOWN OF CLAYTON PLANNING DEPT. TRC COMMENTS - 4/22/16

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Umstead Partners, L.L.C.

Location/Date: Location : Dalton Engineering and Assoc., P.A. 446 East Main Street Clayton, NC 27520 Date : 4/14/16

	NAME	ADDRESS
1	Jonathan Barnes	446 East Main Street Clayton, NC 27520
2	Horace & Heasley Cox	2017 Coxwoods Rd 7
3	James H. Wherry	2032 Coxwoods Rd
4	Elmer E Patton	2034 Coxwoods Rd
5	David Bullock	2037 Coxwoods Rd.
6	Carol Coste	1494 Amelia Church Rd
7	Tim Costin	1494 Amelia Church Rd.
8	Melinda Scott	2018 Coxwoods Rd
9	Buckh Scott	"
10	Jeremy + Megan Looney	2052 Coxwoods Rd
11	Shelley + Scot Cron	2002 Coxwoods Rd.
12	Glen Bursey	3005 Winston Way
13	Jean Maull	3009 Winston Way
14	Jim Brocker	2021 Olive Tree Lane
15	Pat Brocker	2021 Olive Tree Lane
16	Pat Patton	2024 Coxwoods Rd
17	ROGER WORTHINGTON	2001 Coxwoods Rd.
18	John KATA	2020 Coxwoods Rd
19	Stephanie & Jim Koester	2049 Coxwoods Rd.
20	Nyght Rowley	2029 Coxwoods Rd.
	Kathy Bramme	2053 Coxwoods Rd

01/06/2016

Page 9 of 17

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Umstead Subdivision

Date of Mailing: 4/4/16

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: Jonathan Barnes

Signature: 

Date of Meeting: 4/14/16

Time of Meeting: 6:30 p.m.

Location of Meeting: Dalton Engineering and Associates, P.A. 446 East Main Street Clayton, NC 27520

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.*

Notes : Several residents of Coxwoods Subdivision were present. Most inquired about the possibility of a roadway connection between Coxwoods Subdivision and Umstead Subdivision. Of those that inquired about that topic, none were in favor of a roadway connection between the two subdivisions. Other items that were inquired about included the location of the proposed stormwater management b.m.p. and the outlet location of the stormwater exiting the pond. The residents of Wynston Subdivision inquired about the area owned by the Wynston Homeowners Association, adjacent to Umstead Subdivision. Their questions included if there were any plans to perform any clearing in that area, and what kind of landscape buffers were required for the project.

Everyone in attendance was asked numerous times to provide written comments, concerns, etc. to our office, and that their comments would be provided to the Town of Clayton Planning Department. At this time, our office has received comments from two landowners, which are attached. Submitted by : Jonathan Barnes - Dalton Engineering and Associates, P.A.

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

City of Clayton
Town Planning Department
Clayton, N. C. 27520

Elmer E. and Patricia A. Patton
2024 Coxwoods Road
Clayton, N.C. 27520

15 April 2016

As home owner of Lot 23 located in the Coxwoods Subdivision, my major concern with the construction of the proposed Umstead Subdivision adjacent to Amelia Church Road, Clayton, N. C. is the drainage easement between Lots 23 and 24. The drainage ditch between Lots 23 and 24 is a natural and a major drainage easement for the Southeastern end of the Coxwoods Subdivision. Any obstruction to this drainage easement from the proposed Umstead Subdivision could result in major flooding to Lots 23 and 24. This concern was address at length on 14 April 2016 at the Area Property Owners meeting. Thank you for your consideration and listening to our concern.


Elmer E. and Patricia A. Patton
Property Owners:

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: 4/4/14

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

Printed Name: Jonathan Barnes

Signature: _____

Date of Meeting: 4/14/16

Time of Meeting: 6:30 p.m.

Location of Meeting: Dalton Engineering and Assoc., P.A. 446 East Main Street Clayton, NC 27520

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

A concern:

We know of a situation in Cary, where a wooded buffer was agreed upon, but when the contractor started clear-cutting, the bulldozers were going far beyond the line where they should have stopped. Contractors have to pay a fine, but they simply pay the fine & go their merry way.

In this case, two of the residents stood there, refusing to allow them to cut beyond the line.

In this situation, somebody needs to monitor what is happening; residents should not have to do this. (They will not even know the time table!)

919-359-1620⁶. Patricia Brocker 2021 Olive Tree Lane

Please write clearly (or submit a typed summary), and use additional sheets if necessary.

01/06/2016

Page 6 of 17



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

AGENDA LOCATION:

Items Scheduled for Regular Meetings

Meeting Date:

June 20, 2016

ITEM TITLE:

Archer Lodge Verizon Tower Special Use Permit - 2016-75-SUP

DESCRIPTION:

The applicant is requesting Special Use Permit approval to install a new 155' (with 9' lightning rod, height totals to 164' total elevation) monopole Verizon telecommunications tower on the site. Per UDC requirements, any new telecommunications facility shall obtain Special Use Permit approval in order to be developed.

POTENTIAL ACTION:

Set Public Hearing

DEPARTMENT:

Planning + Zoning

PRESENTER:

Planning Department

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

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.

Fee: The application fee is \$400.00. 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: Crown Castle "Archers Lodge" Acreage of Property: 106.8
Parcel ID Number: 16103019 Tax ID: _____
Deed Book: _____ Deed Page(s): _____
Address/Location: 3654 East Covered Bridge Road
Clayton, NC 27527
Existing Use: light residential Proposed Use: light residential (tower)
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): Watershed Protection Overlay

OFFICE USE ONLY

Date Received: APR 08 2016 Amount Paid: \$500.00 Permit Number: 2016-75-SUP
TOWN OF CLAYTON
PLANNING DEPARTMENT

PROPERTY OWNER INFORMATION

Name: Louis F. Pourron Life Estate
Mailing Address: 3654 E. Covered Bridge Rd, Clayton, NC 27527
Phone Number: _____ Fax: _____
Email Address: _____

APPLICANT INFORMATION

Applicant: Crown Castle / Tony Stewart
Mailing Address: 60604 Lanford Street, Anderson, SC 29624
Phone Number: 864-915-1122 Fax: _____
Contact Person: Tony Stewart
Email Address: tstewart@telecomsite.com

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a 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>3/8/2016</u>	☒	☐			
2. Review Fee (\$400)	☒	☐			
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) <i>See sample letter and meeting requirements included in this packet</i>	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) <i>Form is included in this packet</i>	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

REQUIRED FINDINGS OF FACT

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

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

The proposed tower will not endanger the public health or safety and all adequate measures have been taken to ensure that the proposed site is in compliance with FCC regulation as it relates to RF exposure. Further, the tower will be constructed per the plans submitted.

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

The proposed application conforms to the standards and practices of sound land use planning and meets all of the required specifications as set forth by the Town of Clayton Code of Ordinances.

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

The proposed tower will not injure the value of adjoining or abutting properties 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 proposed application is in compliance with the adopted plans and policies as set forth by the Town of Clayton and will not violate the character of existing standards for development of the adjacent properties.

EXPLANATION OF PROJECT

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

Install a new 155' monopole tower within a new 80' X 80' lease space (60' X 60' of this space is a fenced compound); install a new equipment shelter on a new concrete pad; add a 200' amp meter service; install landscaping where appropriate per plans

APPLICANT AFFIDAVIT

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

Tony Stewart
Print Name

Jay Stewart
Signature of Applicant

4-1-2016
Date



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
May 23, 2016*

STAFF REPORT

Application Number: 2016-75-SUP

Project Name: Archer Lodge Verizon Tower Special Use Permit

NC PIN/ Tag#: 177000-33-4587 / 16I03019
Town Limits/ETJ: ETJ
Overlay: None
Applicant: Crown Castle
Owners: Louis F. Pourron Life Estate

Neighborhood Meeting: May 4, 2016
Public Noticing: Property posted May 17, 2016
Letters mailed prior to July 6, 2016
Newspaper Ad published July 6, 2016 and July 13, 2016

PROJECT LOCATION: The subject property is located off of Covered Bridge Road.

REQUEST: The applicant is requesting special use permit approval to install a new 155' monopole Verizon telecommunications tower on an 80'x80' leased portion of the subject parcel.



Page 1 of 4

SITE DATA:

Acreage: .1 acres of a total of 98.44 acres of land will be leased for the tower facilities

Zoning: Residential-Estate

Existing Use: Agricultural

DEVELOPMENT DATA:

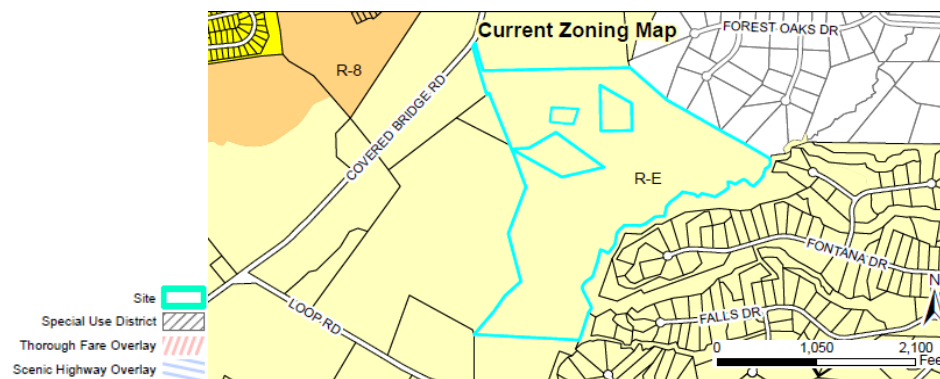
Proposed Uses: 155' monopole Verizon telecommunication tower

Required Parking: Telecommunication towers are exempt from parking requirements as stated within the UDC.

Access/Streets: There is an existing entrance into the property off of Covered Bridge Road. The applicant is proposing a new access road be developed off of the existing driveway to get to the site of the tower.

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-Estate (R-E)	Residential/Agricultural
South	Residential-Estate (R-E)	Residential
East	Single Family Residential District (SFR-1, Archer Lodge Jurisdiction)	Residential
West	Residential-Estate (R-E)	Residential/Agricultural

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

The applicant is requesting Special Use Permit approval to install a new 155' (with 9' lightning rod, height totals to 164' total elevation) monopole Verizon telecommunications tower on the site. Per UDC requirements, any new telecommunications facility shall obtain Special Use Permit approval in order to be developed. The property

owner will lease an 80'x80' space on the subject property to Verizon. This space will accommodate the tower and the equipment shelter. A Major Site Plan has also been submitted to run concurrently with this project. Both of these applications have been reviewed for the Town by Cityscape Consultants.

Balloon Test

As part of the requirements for new telecommunication facilities, the applicant was required to perform a balloon test for the proposed cell tower. This was held on March 24, 2016 and the applicant has provided Photo Sims (renderings) which are included as attachments to the staff report.

Consistency with the 2040 Comprehensive Plan

The proposed development is consistent with the 2040 Comprehensive Plan, which designates this property as agricultural and rural residential.

Consistency with the Unified Development Code

After review by Cityscape Consultants, the proposed development has been determined to be consistent with and meets the applicable requirements of the Unified Development Code (UDC).

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

- The Town Council approves Special Use Permits. Planning Board shall provide a recommendation to Town Council.
-

RECOMMENDATION:

Staff is recommending ***approval with the following conditions*** of the Special Use Permit, in part based upon a recommendation letter from Cityscape Consultants dated May 12, 2016:

1. The applicant shall provide a satisfactory approval from the National Environment Policy Act and the State Historical Office; and,
2. The applicant or Crown Castle International, as owner shall submit a satisfactory statement of Compliance with FCC "Good Engineering Practices" and,
3. A tower with foundation plan for a one hundred fifty-five (155) foot monopole tower with a nine (9) foot attached lightning rod, certified by a North Carolina Professional Engineer stating the structure will meet or exceed EIA/TIA-222-G standards (as amended) to include the Town's desired number of antenna arrays of like design; and,

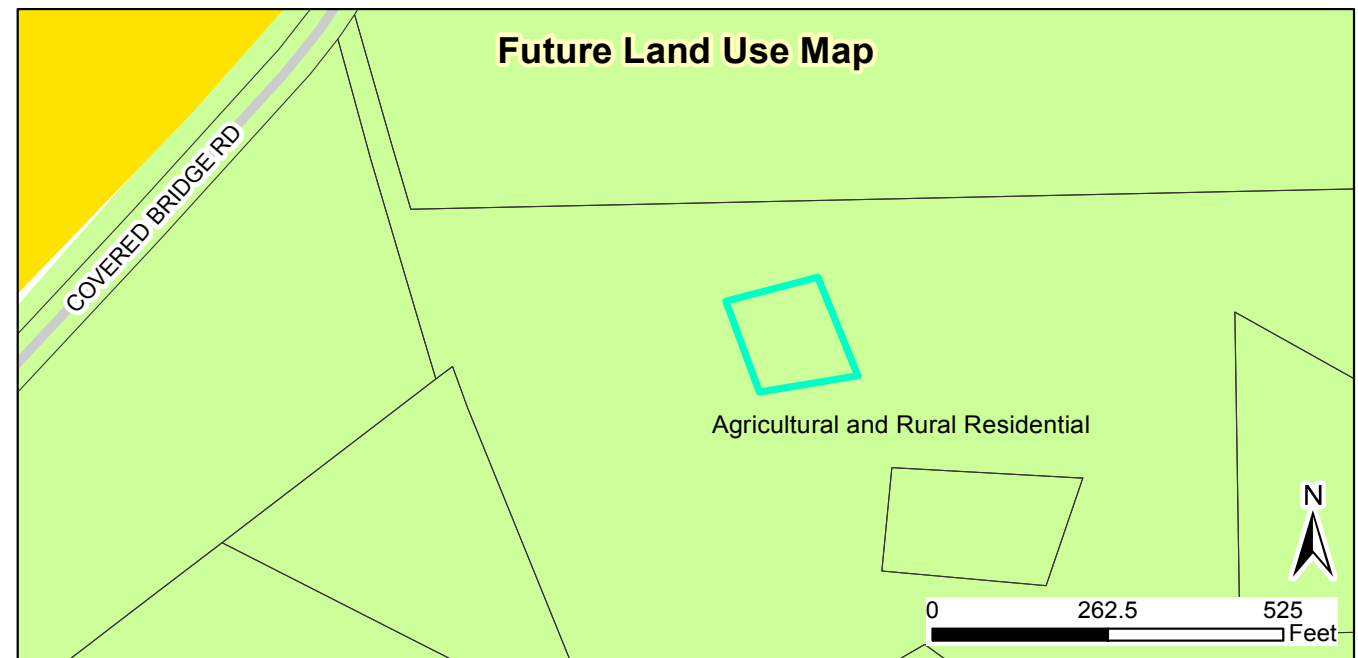
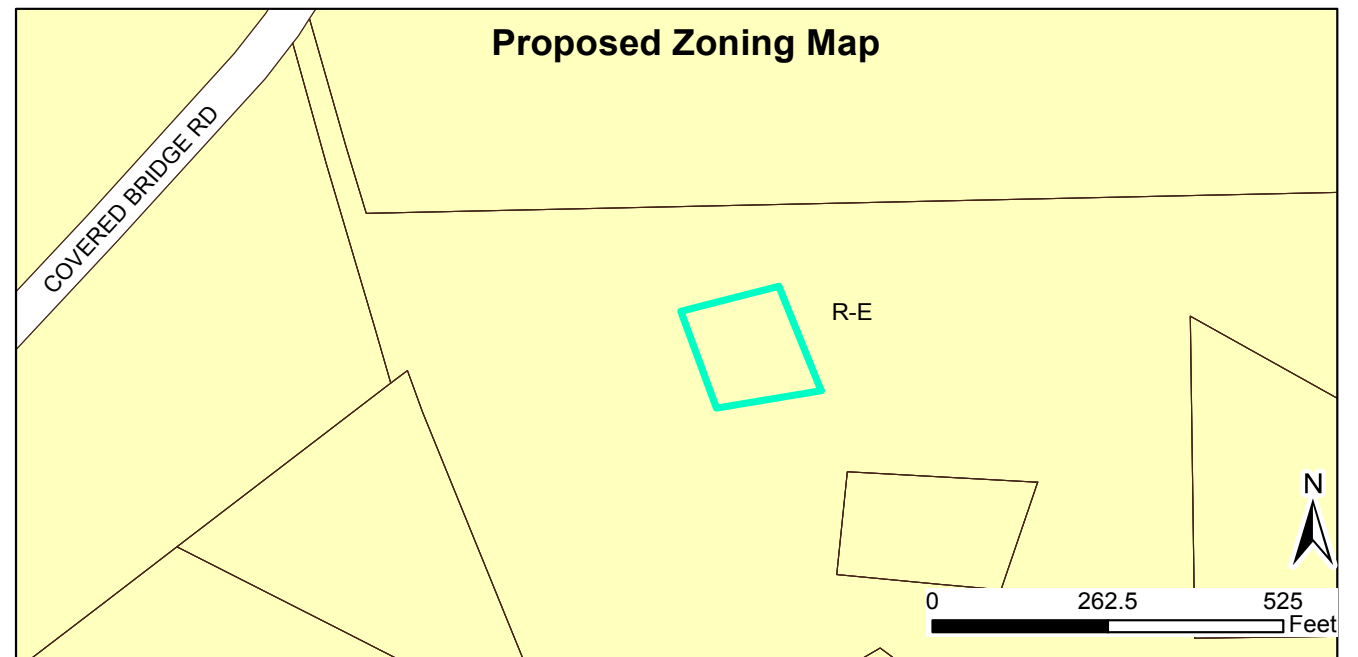
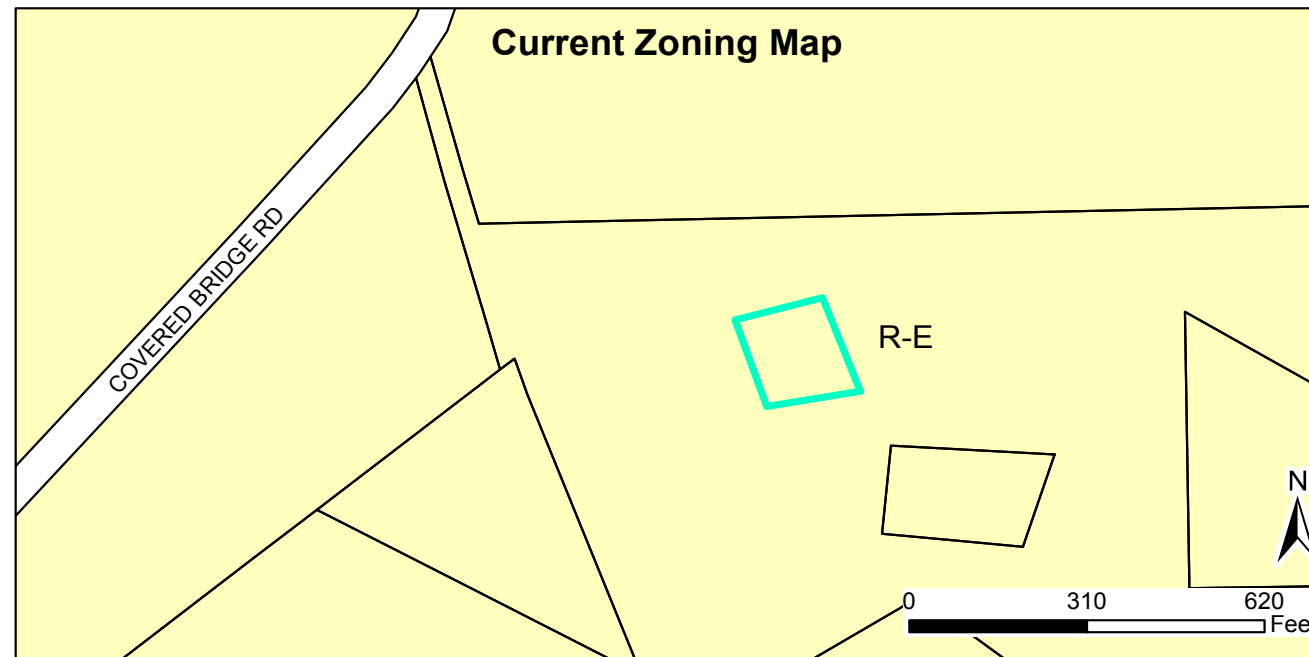
4. The applicant shall confirm that all feed lines, current and future, shall be installed inside the support structure; and,
5. The applicant shall ensure that the monopole structure will be maintained with all ports to remain sealed to prevent habitation by animals.

In addition to the conditions of approval recommended by Cityscape, staff recommends the following conditions:

6. Following Council approval, three final sets of plans shall be delivered to the Planning Department for final approval and recording. The Conditions of Approval for the Special Use Permit and Site Plan (which are identical) shall be recorded on these final plan sets, preferably on the cover page or site plan sheet.
7. The development of the site shall be limited to the approved site plan, and further modifications shall require application through the Planning Department.
8. The site plan shall show the required 10' landscape perimeter buffer around the entire perimeter of the leased area, per §155.310.
9. A successful landscape/site inspection shall be performed by the Planning Department prior to the issuance of a Certificate of Occupancy (or Compliance).
10. All mechanical equipment shall be screened entirely from view, per §155.402((G)(4)(a). This particularly applies to all ground-mounted mechanical equipment (generators, electrical boxes, etc.) within the fenced area. Year-round opaque visual screening is required, which may include dense, evergreen shrubbery.
11. The Special Use Permit shall only apply to the leased area on which the cell tower is to be located, as shown and stated in the site plan and attached lease agreement dated December 18, 2015, and as described in a legal description of the leased area. These area descriptions shall be recorded on the approved site plan.

ATTACHMENTS

- 1) Staff report maps
- 2) Application
- 3) Neighborhood Meeting Materials
- 4) Site Plan
- 5) RF Letter
- 6) Agent Authorization Letter
- 7) Archer Lodge Flush Mount Letter
- 8) Archer Lodge Tower Justification Letter
- 9) Balloon Test Photo Sims 1
- 10) Balloon Test Photo Sims 2
- 11) Lease Agreement
- 12) Sound Level Certification
- 13) Cityscape Consultants Recommendation Letter



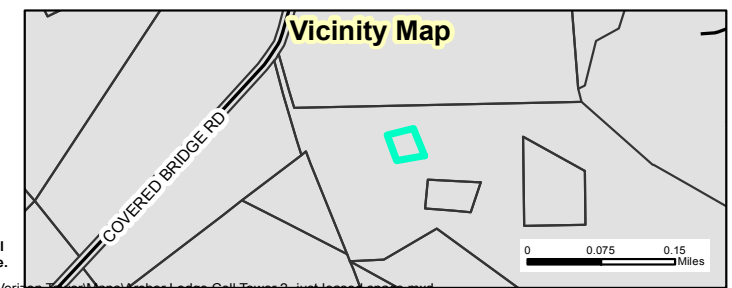
2016-68-SP Archer Lodge Verizon Tower Major Site Plan
2016-75-SUP Archer Lodge Verizon Tower Special Use Permit
Request: To obtain special use approval and major site plan approval to develop a new Verizon cell tower
 Applicant: Tony Stewart, Crown Castle
 Property Owners: Louis F. Pourron Life Estate
 Parcel ID: 177000-33-4587
 Tag #: 4305214

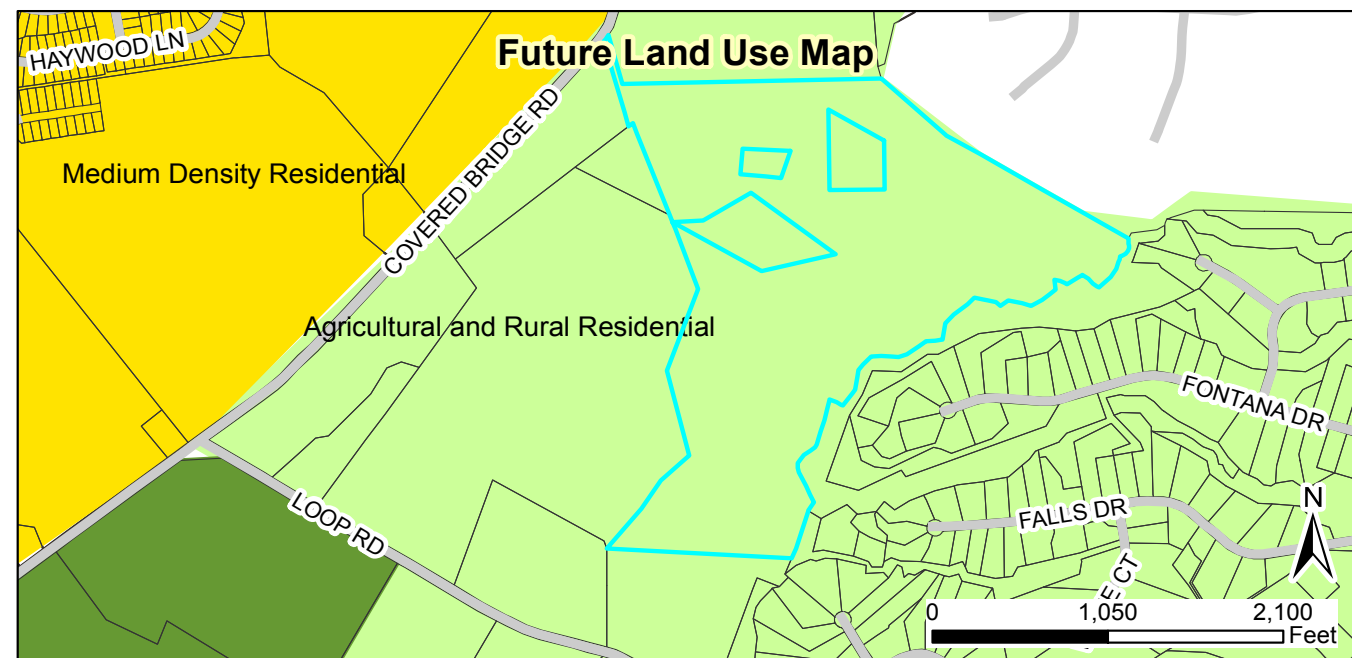
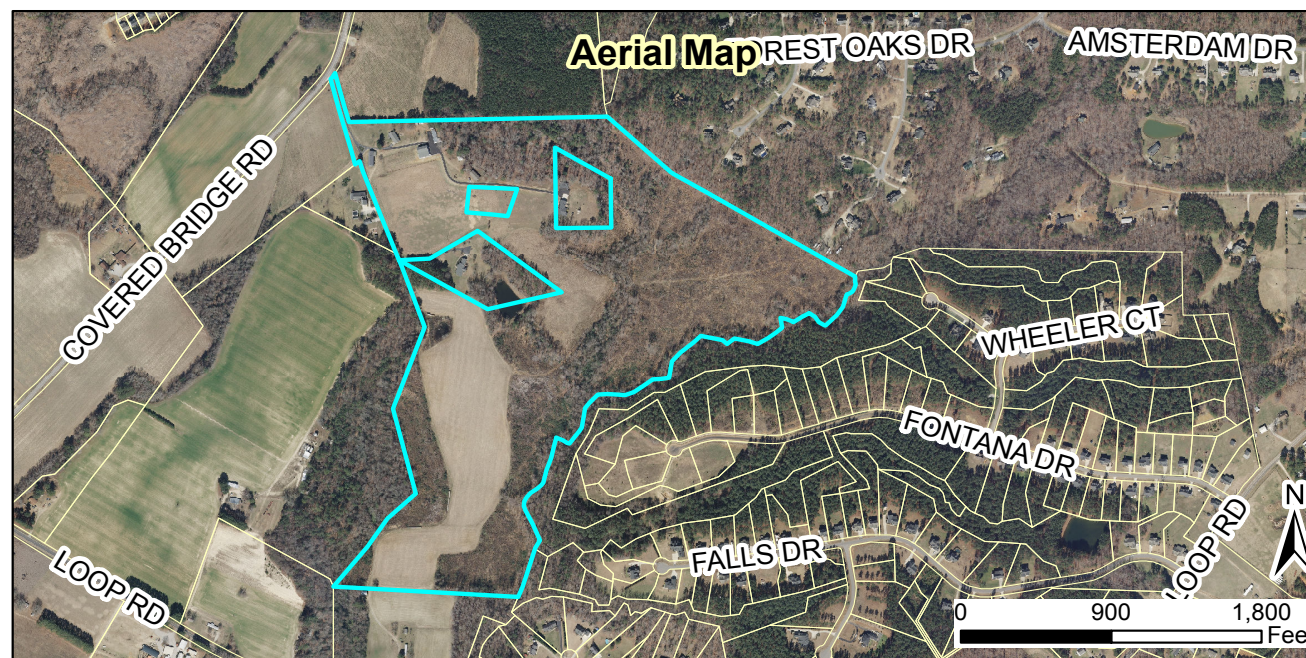
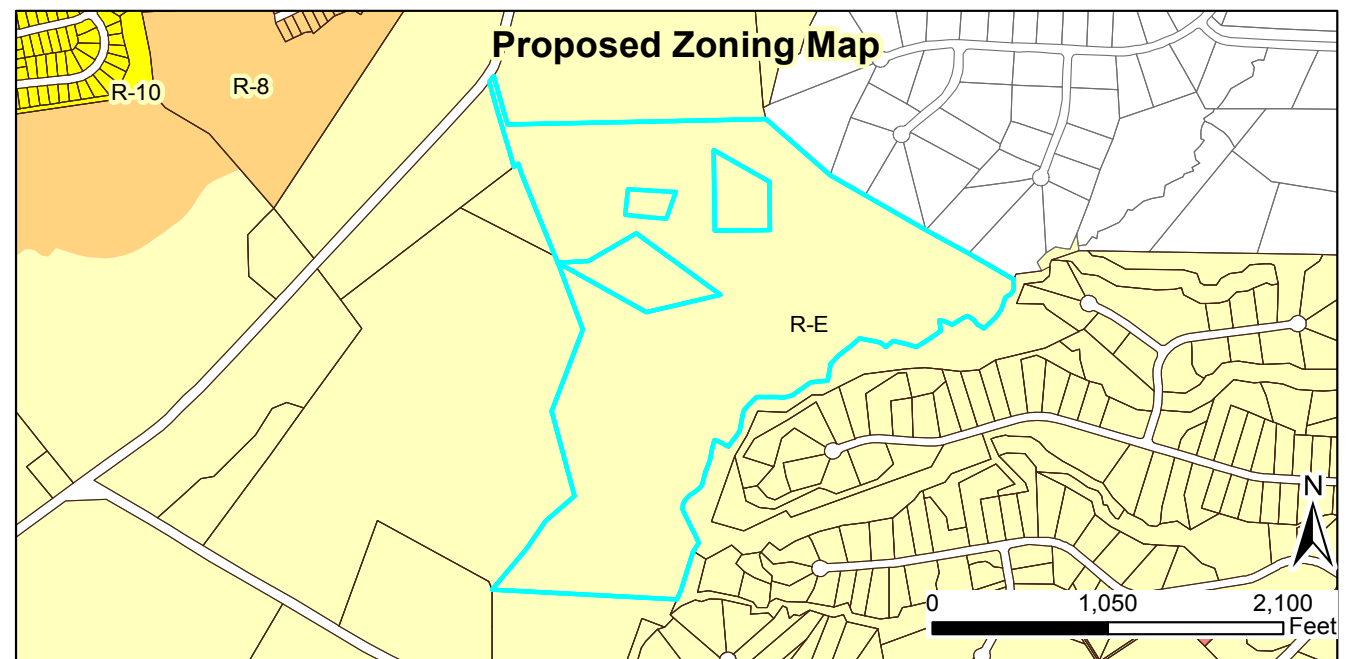
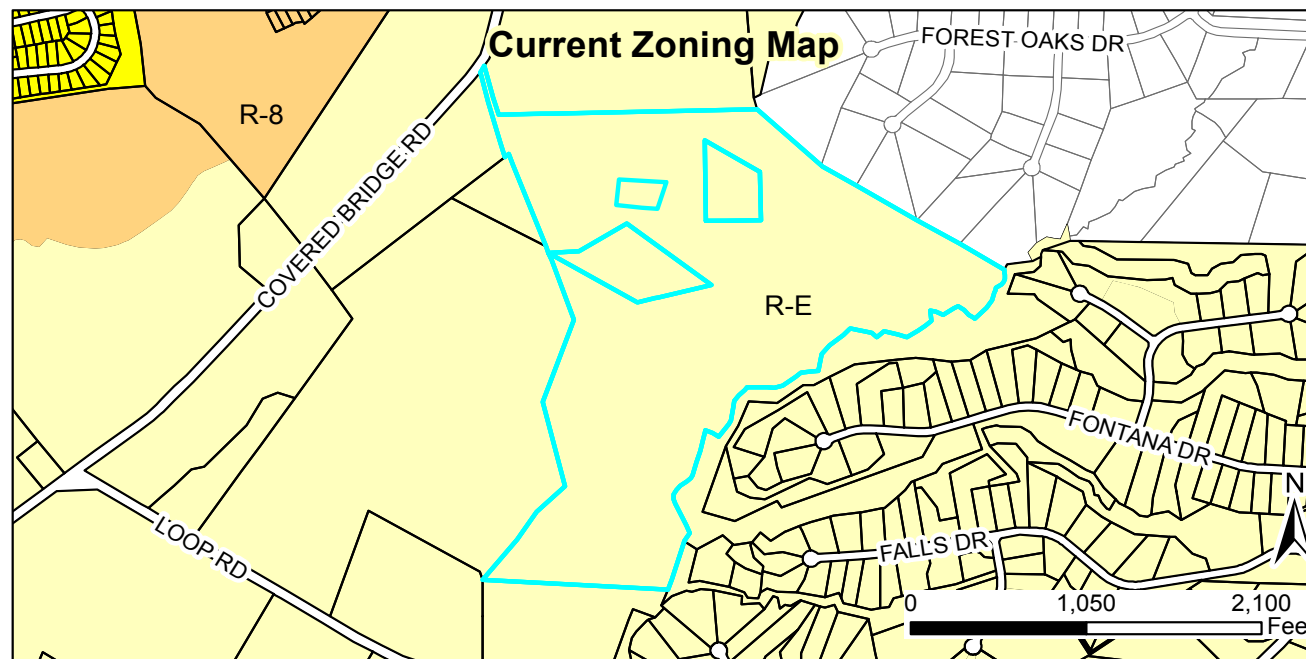


- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay
- Parcels_03202015_All

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

Document Path: O:\PLANNING\SITE PLANS\Major Site Plans\2016\2016-68-SP Archers Lodge Verizon Tower Maps\Archer Lodge Cell Tower 2 - just leased space.mxd





2016-68-SP Archers Lodge Verizon Tower Major Site Plan
2016-75-SUP Archers Lodge Verizon Tower Special Use Permit
Request: To obtain special use approval and major site plan approval to develop a new Verizon cell tower

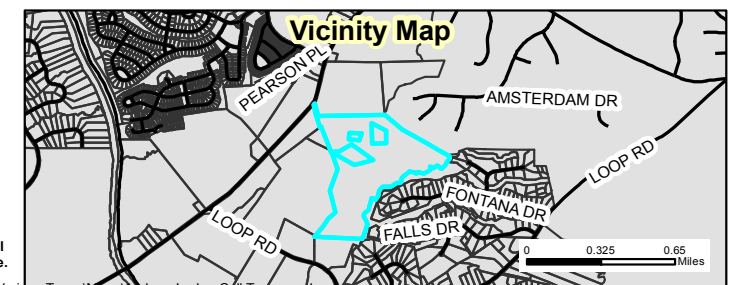
Applicant: Tony Stewart, Crown Castle
 Property Owners: Louis F. Pourron Life Estate
 Parcel ID: 177000-33-4587
 Tag #: 4305214



- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay
- Parcels_03202015_All

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

Document Path: O:\PLANNING\SITE PLANS\Major Site Plans\2016\2016-68-SP Archers Lodge Verizon Tower Maps\Archers Lodge Cell Tower.mxd





Crown Castle
3530 Toringdon Way Suite
300
Charlotte NC 28277

Tel (704) 405-6608
Fax (724) 416-6254
Email jason.mayo@crowncastle.com

April 16, 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 nature of the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: Wednesday, May 4, 2016

Meeting Time: 6:00 p.m.

Meeting Location: 3654 Covered Bridge Road, Clayton, North Carolina

Type of Application: Special Use Permit and Major Site Plan

Project/proposal property address: 3654 Covered Bridge Road, Clayton, North Carolina 27527

Description of project/proposal: Install a new 155' monopole telecommunications tower with associated equipment

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

A copy of the project application

A map at a scale that is appropriate to the project and shows neighboring properties and roads

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 (864) 915-1122. You may also contact the Planning Department at (919) 553-5002.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Stewart'.

Tony Stewart
Agent for Crown Castle

Cc: Town of Clayton Planning Department

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Crown Castle "Archer's Lodge"

Application: _____

Location/Date: 3654 East Covered Bridge Road, Clayton, NC May 4, 2016

	NAME	ADDRESS
1	Tony Stewart, Crown Castle	604 Lanford Street Anderson, SC 29624
2	Wayne Bourdon	2000 Smith Drive Clayton NC 27520
3	Harold + Vicki Satterfield	516 Post Oak Ct Clayton NC 27527
4	Josiah Mayo	10022 Krasnowhough Square Huntersville NC 28127
5	Vic Perdue	3654 Covered Bridge Clayton NC 27527
6	Johnnie Perdue	
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NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Crown Castle "Archers Lodge"
Date of Mailing: April 29, 2016

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: Tony Stewart Signature: Tony Stewart

Date of Meeting: 5-4-2016 Time of Meeting: 6:00 pm
Location of Meeting: 3654 East Covered Bridge Rd, Clayton, NC 27527

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.

A meeting was held at the site. The applicant, property owner, and 1 neighboring residence was the only ones in attendance. The neighbors (Satterfields) only were concerned if the tower would be visible from their residence. After looking at the photo simulations provided by the applicant, they were happy with the tower. They said they would attend the BOA to support our application. The meeting ended at 7:00 pm.

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



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

AGENDA LOCATION:

Items Scheduled for Regular Meetings

Meeting Date:

June 20, 2016

ITEM TITLE:

231 E. Second Street - Rezoning 2016-100-RZ

DESCRIPTION:

The applicant (Town of Clayton) is requesting to rezone a Town owned property from O-1 (Office Institutional) to B-1 (Central Business). The property is located at 231 East Second Street, was recently declared as surplus property by the Town Council. As it is currently zoned, the subject property does not meet the setback requirements stated in the UDC. Rezoning the property to the B-1 zoning category, which has no minimum setback requirements, would bring the site into compliance with the UDC.

POTENTIAL ACTION:

Set Public Hearing

DEPARTMENT:

Planning + Zoning

PRESENTER:

Planning Department

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: Old Town Hall Rezoning Acreage of Property: .178
County Tag Number: 05015051 NC PIN: 166917-02-7136
Address/Location: Corner of Second street and Barbour Street
Existing Zoning District: O-I
Proposed Zoning District: B-1

APPLICANT INFORMATION

Applicant: Town of Clayton
Mailing Address: PO Box 879 Clayton, NC 27528
Phone Number: 919-553-5002 Fax: _____
Contact Person: Planning Department, Haley Hogg
Email Address: hhogg@townofclaytonnc.org

FOR OFFICE USE ONLY

Date Received: 5/9/16 - application on file for Amount Paid: \$0 Town initiated File Number: 2016-100-RZ
May 2, 2016

version 1/6/2016

Page 1 of 11

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

The proposed rezoning is consistent with the adopted plans

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.

It is suitable as it is located within Clayton's Downtown.

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.

The proposed rezoning improves the balance of uses and meets specific demand in Town.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.

Adequate public facilities and services are available for the property.

5. It has been determined that the legal purposes for which zoning exists are not violated.

This is correct; they are not violated

6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.

There will be no adverse effect.

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

This is correct; there will be no detriment to the general public.

APPLICANT AFFIDAVIT

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

Haley Hogg
Print Name
Town Planner

Haley Hogg (on behalf of Town)
Signature of Applicant

5-9-16
Date



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-1545
Fax: 919-553-1720

*Planning Board
May 23, 2016*

STAFF REPORT

Application Number: 2016-100-RZ Project Name: Old Town Hall Rezoning

NC PIN / Tag #: 166917-02-7136 / 05015051
Town Limits/ETJ: Town Limits
Overlay: Downtown Overlay District
Applicant: Town of Clayton
Owner: Town of Clayton
Location: The property is at the western corner of E Second Street and Barbour Street

Public Noticing:

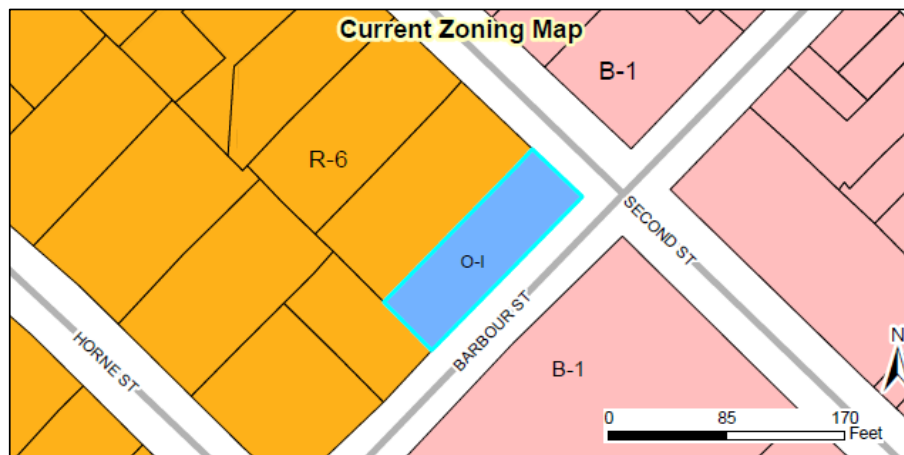
- Neighborhood meeting May 19, 2016
- Sign posted May 17, 2016
- Letters mailed prior to June 28, 2016
- Newspaper ad posted prior to July 6, 2016

REQUEST: Rezoning from Office-Institutional (O-I) to Central Business (B-1).

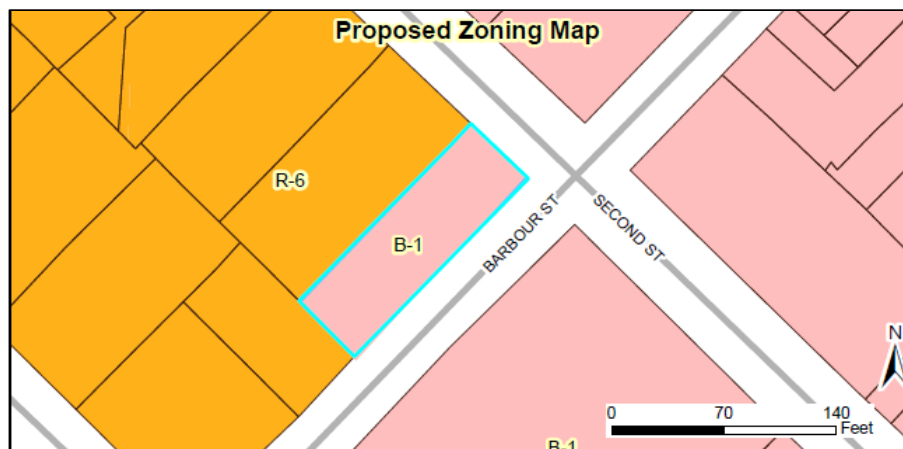


SITE DATA:**Acreage:** .178 acres**Existing Use:** Vacant**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	Residential-6 (R-6), Central Business (B-1)	Residential, Commercial
South	Central Business (B-1)	Town of Clayton Police Department
East	Central Business (B-1)	Commercial
West	Residential-6 (R-6)	Single Family Residential

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

The applicant (Town of Clayton) is requesting to rezone a Town-owned property from O-I (Office Institutional) to B-1 (Central Business). The property is home to the Old Town Hall, was recently declared as surplus property by the Town Council. As it is currently zoned, the subject property does



not meet the setback requirements stated in the Unified Development Code. Rezoning the property to the B-1 zoning category, which has no minimum setback requirements, would bring the site into compliance with the Unified Development Code.

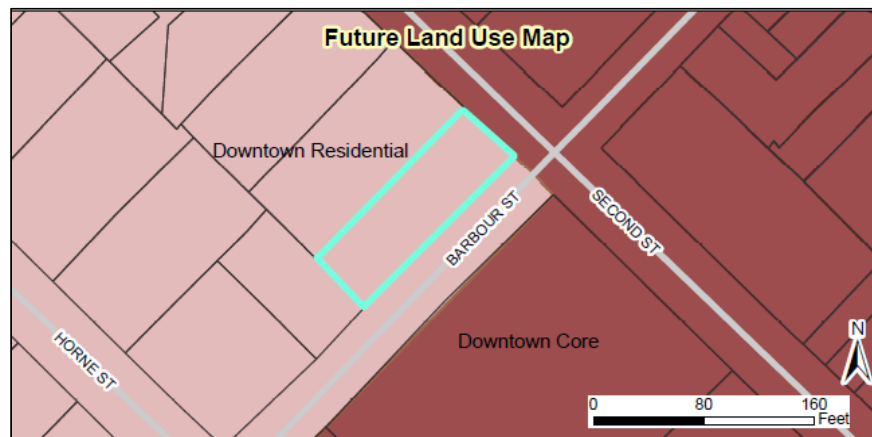
Currently, the parcel is unintentionally spot zoned; a relic of its use as the Town offices, which are a primary use in O-I zoning. A rezoning to B-1 would eliminate the spot zoning status, by making it contiguous with the adjacent B-1 zoning district. A B-1 zoning is more compatible with the physical dimensions of the site as it exists today.

Compatibility with Surrounding Land Uses

The rezoning request is compatible with surrounding land uses, as it is located within Clayton's Downtown, and is bordered on three sides by B-1, and on the fourth side by Residential-6 (R-6). R-6 is the highest density residential zoning district and is often associated with and in proximity to the Town's Central Business District. A zoning of B-1 allows for many uses, generally including but not limited to Upper-story Residence (with commercial or retail on the first floor), Apartments, Townhomes, Financial Services, Offices, Restaurant, and Retail stores.

Consistency with the Comprehensive Plan 2040

The proposed rezoning is consistent with the Comprehensive Plan 2040 – Downtown Residential FLU allows B-1 as an acceptable zoning district. Downtown Residential is seen as generally providing dense development that supports the Downtown Core.



CONSIDERATIONS:

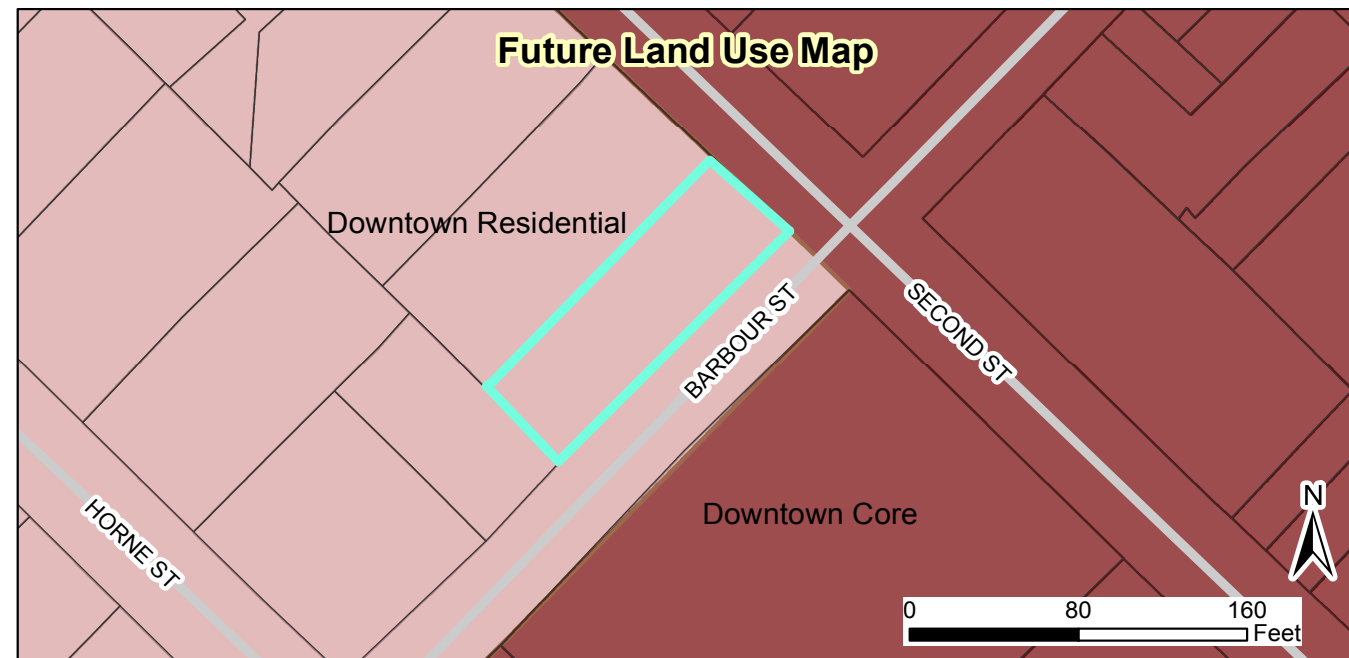
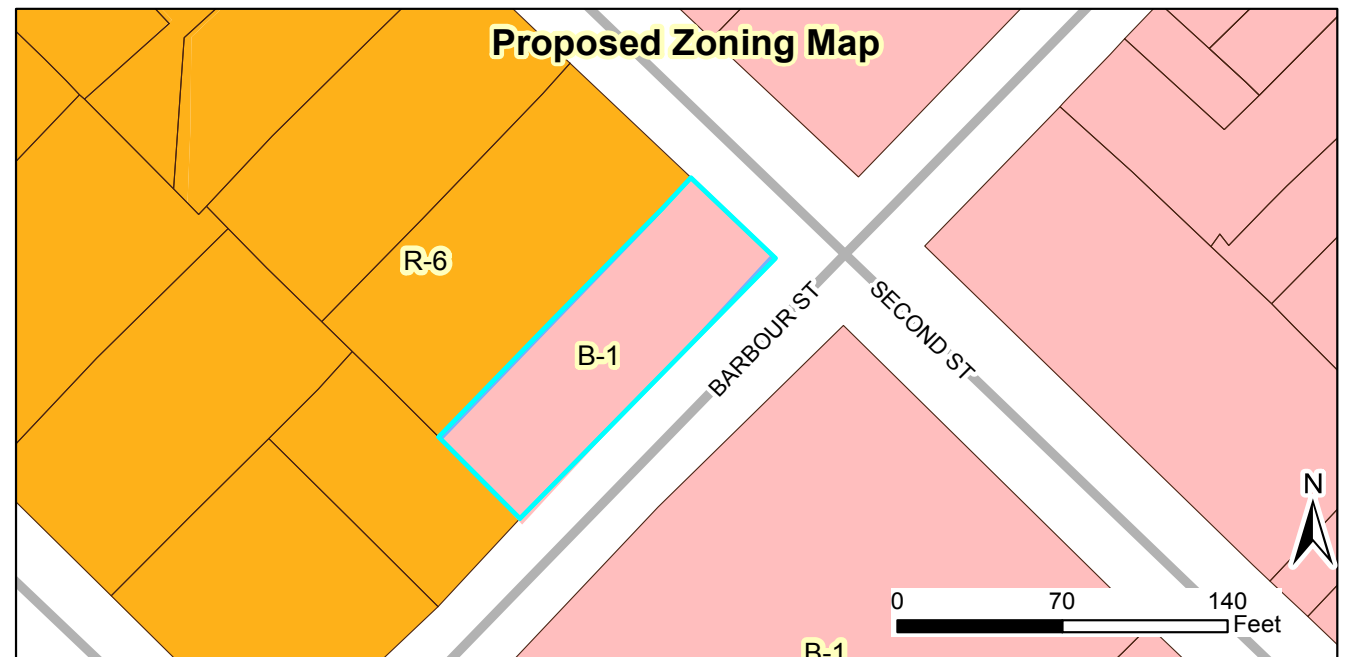
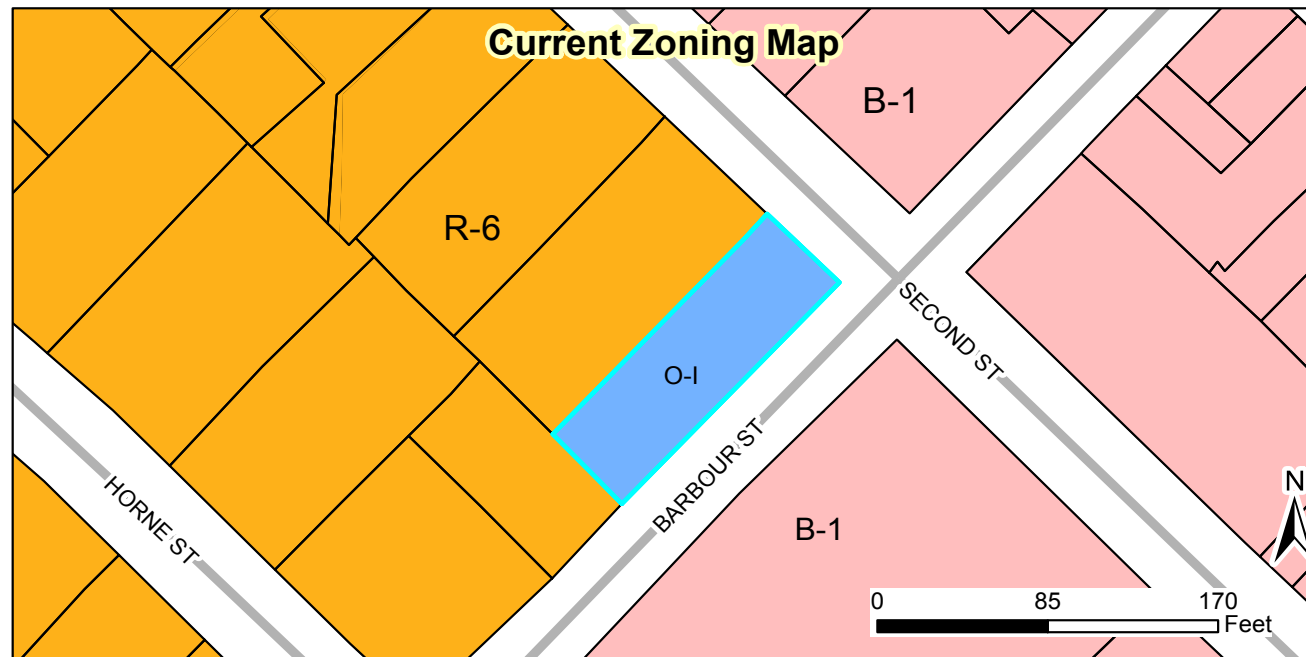
- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
 - When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining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

STAFF RECOMMENDATION:

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

ATTACHMENTS:

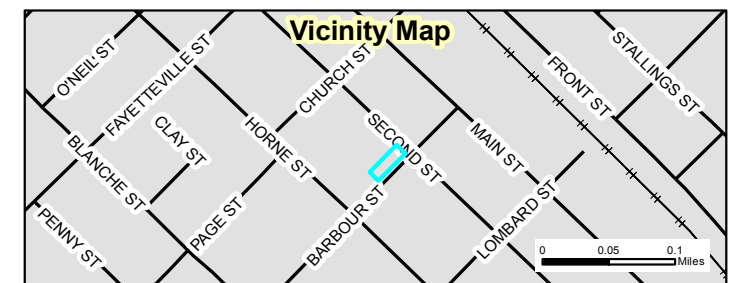
- 1) Staff Report Maps
- 2) Application
- 3) Neighborhood Meeting Materials – to be distributed at the Planning Board meeting.



2016-100-SP Old Town Hall Rezoning
Request: To rezone subject parcel from O-I to B-1
 Applicant: Town of Clayton
 Property Owners: Town of Clayton
 Parcel ID: 166917-02-7136
 Tag #: 05015051



- sde.DBO.ETJ_Roads
- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay
- Railroads



Document Path: O:\PLANNING\REZONING\Rezoning\2016\2016-100-RZ Old Town Hall Rezoning\Maps\StaffReportMap- Old Town Hall Rezoning.mxd

Jody L. McLeod
MAYOR

Bruce Thompson
TOWN ATTORNEY

Steve Biggs
TOWN MANAGER



Bob Satterfield
Art Holder
Jason Thompson
R.S. "Butch" Lawter, Jr.
COUNCIL MEMBERS

Michael Grannis
MAYOR PRO TEM

May 9, 2016

Dear Clayton Area Property Owner:

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

Meeting Date: May 19, 2016

Location: Clayton Center Lobby, Clayton Town Hall 111 E. Second Street, Clayton, NC 27520

Time: 6:00pm

Type of Application: Rezoning

General Description: Rezoning the subject property (Parcel ID: 166917-02-7136) from Office Institutional (O-I) to Central Business (B-1). The property is located at the corner of E Second Street and Barbour Street. Please see attached map.

If you have any questions prior to or after this meeting, you may contact me at 919-553-5002.

Sincerely,

A handwritten signature in black ink, appearing to read "Haley Hogg".

Haley Hogg
Town Planner
Town of Clayton

P. O. Box 879 - Clayton, North Carolina 27528 - Office (919) 553-5002 - Fax (919) 553-8919

ADD CONCRETE ISLAND
AND EXTEND LEFT TURN LANE

EXISTING SIGNALIZED INTERSECTION



OPTIONAL ROUTE FOR REDIRECTED MOVEMENT



CONVERT INTERSECTION TO DIRECTIONAL CROSSOVER

GOLDS
GYM

MOORE ST.



SHOTWELL RD.

DUNKIN
DONUTS

ENTERPRISE DR.

BISCUITVILLE

US-70

US-70

DAIRY
QUEEN

SPEEDWAY

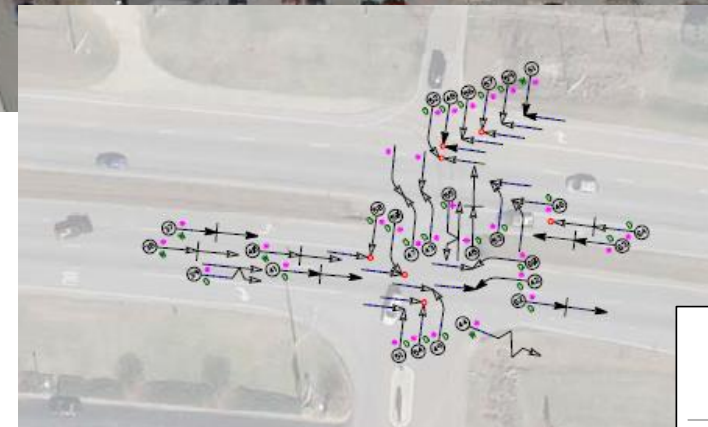
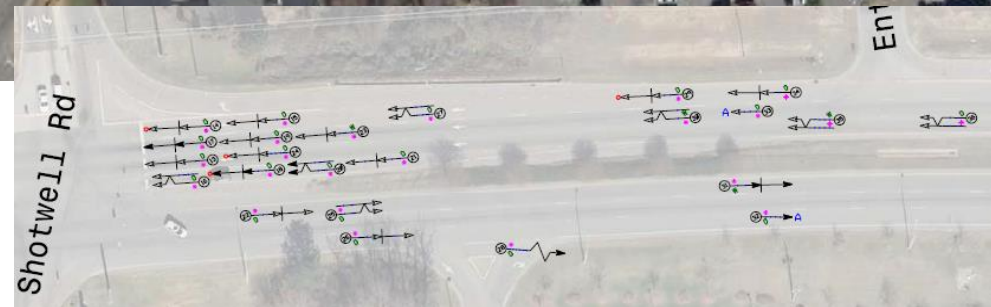
KFC

ROCKIN
COMET

KS BANK

ARBYS

LOWES
FOOD



CRASH DIAGRAM LEGEND

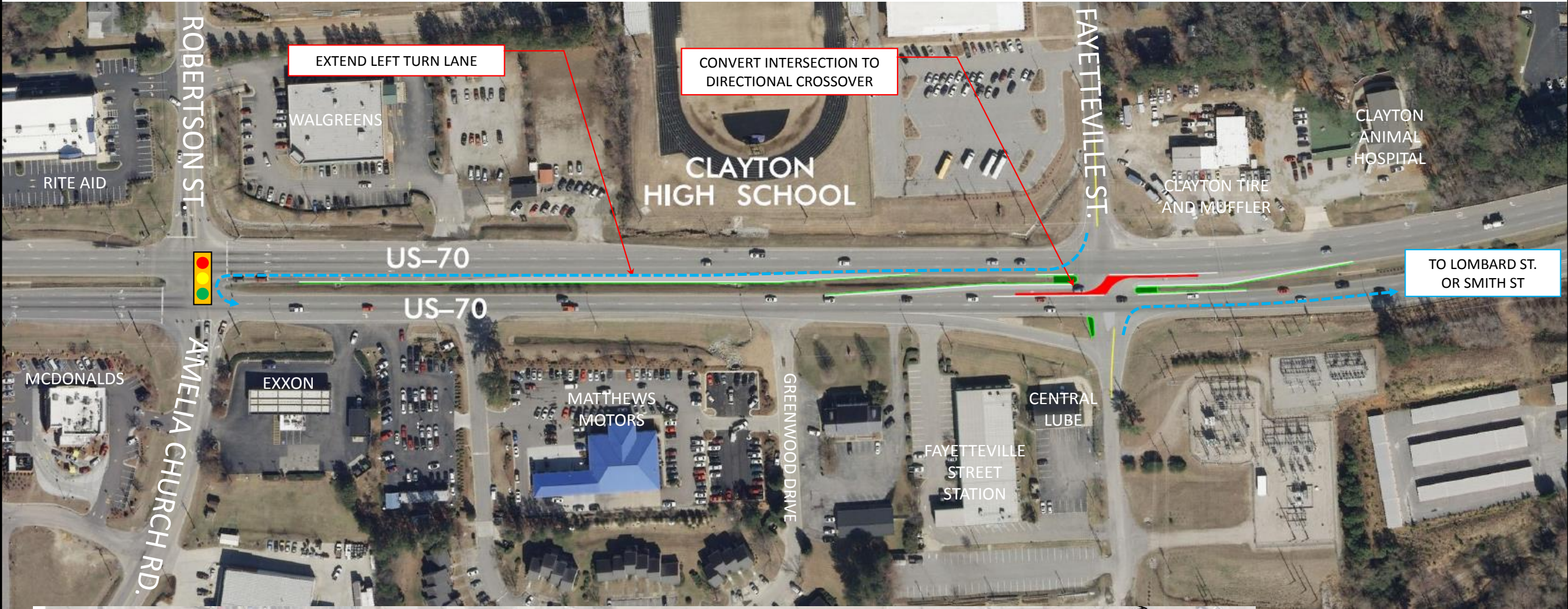
	MOVING VEHICLE		ANGLE		9 MPH OR LESS		MOVABLE OBJECT
	BICYCLE		TURNING		10 MPH TO 19		PEDESTRIAN
	HEAD ON		REAR END		20 MPH TO 29		TRUCK
	BACKING		DAYLIGHT CRASH		30 MPH TO 39		ANIMAL
	SIDESWIPe		DARK CRASH		40 MPH TO 49		VEHICLE FIRE
	RAN OFF ROAD		NIGHT		50 MPH TO 59		DRIVER AT FAULT
			FATALITY		60 MPH TO 69		DRY
					70 AND UP		WET
					SPEED UNKNOWN		ICY OR SNOWY

AREA #2— ROBERTSON STREET / AMELIA CHURCH ROAD TO LOMBARD STREET / NC 42

- CONSTRUCT CONCRETE
MONOLITHIC ISLAND

CONSTRUCT GRASS
MEDIAN
- EXISTING SIGNALIZED INTERSECTION

OPTIONAL ROUTE FOR REDIRECTED MOVEMENT
-



CRASH DIAGRAM LEGEND					
	MOVING VEHICLE		BIKE		HEAD ON
	REAR END		BACKING		SIDESWIBE
	RAN OFF ROAD		ANGLE		TURNING
	DAYLIGHT CRASH		DARK CRASH		TO AND UP
	INJURY		FATALITY		SPEED UNKNOWN
	9 MPH OR LESS		10 MPH TO 19		20 MPH TO 29
	30 MPH TO 39		40 MPH TO 49		50 MPH TO 59
	60 MPH TO 69		70 AND UP		VEHICLE FIRE
	DRIVER AT FAULT		DRY		WET
	ICY OR SNOWY		MO		P
	T		A		VEHICLE FIRE
	DRIVER AT FAULT		DRY		WET
	ICY OR SNOWY				

AREA #3— MAIN STREET /CHAMPION STREET TO
NC 42/ROSE STREET

- CONSTRUCT CONCRETE MONOLITHIC ISLAND
- CONSTRUCT GRASS MEDIAN

- EXISTING SIGNALIZED INTERSECTION
- OPTIONAL ROUTE FOR REDIRECTED MOVEMENT

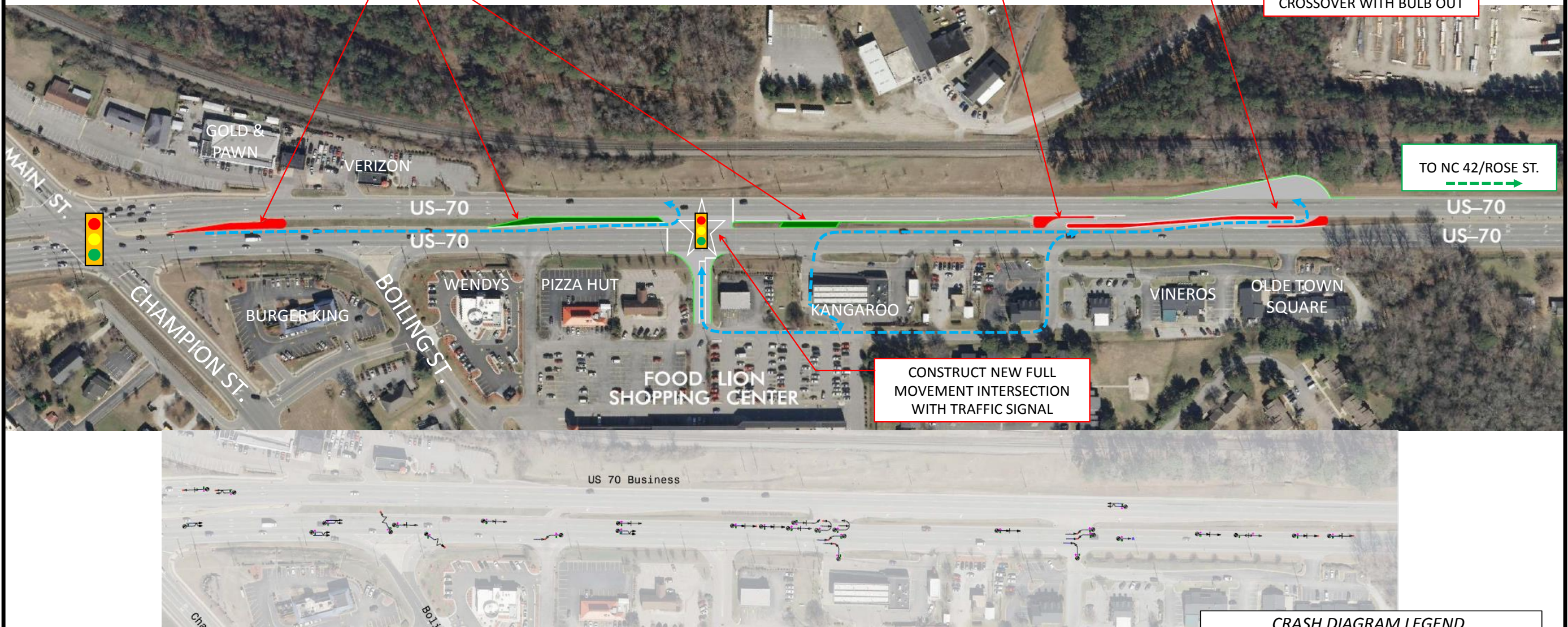
REDIRECT LEFT TURNS TO
NEW TRAFFIC SIGNAL

CONVERT INTERSECTION TO
DIRECTIONAL CROSSOVER

CONSTRUCT DIRECTIONAL
CROSSOVER WITH BULB OUT

CONSTRUCT NEW FULL
MOVEMENT INTERSECTION
WITH TRAFFIC SIGNAL

TO NC 42/ROSE ST.



CRASH DIAGRAM LEGEND									
	MOVING VEHICLE		BIKE		HEAD ON		REAR END		BACKING
	SIDESWIP		RAN OFF ROAD		ANGLE		TURNING		DAYLIGHT CRASH
	DARK CRASH		INJURY		FATALITY		9 MPH OR LESS		10 MPH TO 19
	20 MPH TO 29		30 MPH TO 39		40 MPH TO 49		50 MPH TO 59		60 MPH TO 69
	70 MPH OR MORE		TO AND UP		SPEED UNKNOWN		MO MOVABLE OBJECT		P PEDESTRIAN
	T TRAIN		A ANIMAL		VEHICLE FIRE		DRIVER AT FAULT		D DRY
	W WET		I ICE OR SNOW						

AREA #4-NC 42 TO HARDEE LANE

- CONSTRUCT CONCRETE MONOLITHIC ISLAND
- CONSTRUCT GRASS MEDIAN

- EXISTING SIGNALIZED INTERSECTION
- OPTIONAL ROUTE FOR REDIRECTED MOVEMENT

CONVERT INTERSECTION TO DIRECTIONAL CROSSOVER

CONVERT INTERSECTION TO DIRECTIONAL CROSSOVER

CONSTRUCT DIRECTIONAL CROSSOVER WITH BULB OUT



CRASH DIAGRAM LEGEND

	MOVING VEHICLE			ANGLE		9 MPH OR LESS		MOVABLE OBJECT
	BIKE			TURNING		10 MPH TO 19		PEDESTRIAN
	HEAD ON			DAYLIGHT CRASH		20 MPH TO 29		TRAIN
	REAR END			DARK CRASH		30 MPH TO 39		ANIMAL
	BACKING			INJURY		40 MPH TO 49		VEHICLE FIRE
	SIDESWIP			FATALITY		50 MPH TO 59		DRIVER AT FAULT
	RAN OFF ROAD					60 MPH TO 69		DRY
						70 AND UP		WET
						SPEED UNKNOWN		ICY OR SNOWY

US 70 Business Corridor Improvement Points of Emphasis

Project #1 – Resurfacing

- Limits: Wake County Line to US 70 / Clayton Bypass
- Scope includes resurfacing travel lanes and intersections; installation of long life pavement markings and markers
- Advertised for June let in May of 2016; re-advertising timeline depends upon consideration of Town support for Project #2
- Multi-million dollar project

Project #2 – Median Safety Improvements

- Limits: Shotwell Road to 2000' East of NC 42 (project study area)
- Scope includes median crossover intersection improvements & signal installation
- \$2.5-\$3 million dollar overall estimated cost
- Project will be considered for further funding upon support from the Town
- Comprehensive benefit-cost ratio up to 34; b/c 15 & higher typically receive funding
- Treatments proposed typically reduce crashes local to the intersection between 50% and 90% depending on treatment type
 - Overall 403 crashes occurred & reported in study area in previous 5 year period
 - 116 crashes occurred at the 6 intersections identified for improvement within proposed project limits
 - 182 total Injuries from 87 crashes; 31% of total injuries occurred at study intersections

Project #1 & #2 Combination Benefits

- Creates a comprehensive corridor improvement project not subject to STI prioritization
- Taxpayer cost savings between \$550,000 and \$850,000
- Reduced impact to traveling public associated with multiple construction project & schedules
- Eliminates redundant work along corridor should Project #2 follow Project #1

Case Study - Previously Implemented Projects within Corridor Findings & Results

- W-4703 Completed in 2008
- Project included directional crossovers at Smith Street & Durham Street; new signals installed at Moore Street & John Street
- Crash reduction rates:
 - Moore Street (new signal) 26.3%
 - Smith Street (directional crossover) 56.5%
 - John Street (new signal) 31.8%
 - Durham Street (directional crossover) 79.5%
 - Overall Corridor segmental crash reduction between 18% and 80%

**RESOLUTION IN SUPPORT OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO
CONSTRUCT MEDIAN AND INTERSECTION IMPROVEMENTS ON US 70 BUSINESS**

WHEREAS, the North Carolina Department of Transportation promotes the safety and wellbeing of the traveling public for motorists across the State through new roadways, improvements to existing roadways and continual roadway maintenance; and

WHEREAS, the Clayton Town Council considers the safety of the motoring public along streets and roadways within the town to be of the utmost importance; and

WHEREAS, certain conditions are present at median openings and intersections along US 70 Business that provide concern regarding safe traffic movements and efficient travel along the corridor; and

WHEREAS, the Department of Transportation has requested the Clayton Town Council to support and endorse their efforts to fund and construct improvements to median openings and intersections along US 70 Business between Shotwell Road and Hardee Lane to improve safety of the motorists and citizens utilizing the facility.

NOW THEREFORE BE IT RESOLVED that the Clayton Town Council does hereby support and endorse the North Carolina Department of Transportation efforts to fund a construct median and intersection improvements on US 70 Business between Shotwell Road and Hardee Lane to improve the highway within the Town Limits as proposed.

Duly adopted this 20th day of June, 2016.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk



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

AGENDA LOCATION:

Meeting Date:

June 20, 2016

ITEM TITLE:

Budget Amendments Year End Closeout

DESCRIPTION:

Ordinance #2016-06-02, 03, 04 & 05 will serve as year end closeouts for FY '15-'16. At the time of finalization of agenda, ordinances were not yet complete. Ordinances will be provided to council at or before the June 20 2016 meeting.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Administration

PRESENTER:

Nancy Medlin, Interim Town Manager

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

Town of Clayton
Amendment to the FY 15-16 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON
that the following amendments shall be made to the FY 15-16 Budget:

Fund: General Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Expenditures			
100-40-01-59 05	Misc. Reserve Fund		
	\$67,913	-67,913	\$-
100-40-06-56 33	Legal Fees		
	\$80,000	+205,600	\$285,600
100-41-02-56 00	Professional Services		
	\$60,150	+41,385	\$101,535
100-57-90-57 012	Debt Service – USDA Community Center		
	\$293,600	+174,285	\$467,885
100-57-90-57 013	Debt Service – RBC Community Center		
	\$129,304	+1,515	\$130,819
Revenues			
100-41-02-48 05	Finance Capital		
	\$0	+217,185	\$217,185
100-55-20-43 32	Building Permits		
	\$540,000	+137,687	\$677,687

Amendment necessary to budget the revenues and related expenditures for the following items, which is required for compliance with G.S. 159-15:

1. Higher Building Permit Fees to Cover Legal Fees for Mims Lawsuit – \$205,600
2. Community Center Refinancing: Accrued Interest, Closing Costs, and Principal – \$217,185

Duly adopted this 20th day of June, 2016 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett
Town Clerk

Town of Clayton
Amendment to the FY 15-16 Budget
Allocation of Salary Reserve to Operational Divisions

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA that the following amendment shall be made to the Fiscal Year 15-16 Operating Budget:

<u>Line Item</u>	<u>Description</u>	<u>Original Allocation</u>	<u>Adjustment</u>	<u>Amended Allocation</u>
100-40-00-55 00	Salary Reserve	\$100,000	-78,750	\$21,250
100-40-01-50-00	Legislative Salaries	\$52,270	+804	\$53,074
100-40-02-50-00	Admin Salaries	\$388,268	+5,056	\$393,324
100-40-04-50-00	HR Salaries	\$168,746	+1,426	\$170,172
100-41-02-50-00	Financial Serv Salaries	\$181,779	+2,263	\$184,042
100-41-05-50-00	IT Salaries	\$44,491	+459	\$44,950
100-41-10-50-00	Purch & Warh Salaries	\$78,726	+590	\$79,316
100-41-11-50-00	CS & Collection Salaries	\$241,362	+2,257	\$243,619
100-41-12-50-00	Meter Tech Salaries	\$92,539	+935	\$93,474
100-42-15-50-00	Planning Salaries	\$283,943	+2,775	\$286,718
100-42-16-50-00	Code Enf. Salaries	\$84,448	+845	\$85,293
100-50-02-50-00	Admin Salaries	\$241,625	+2,566	\$244,191
100-50-30-50-00	Investigation Salaries	\$448,022	+5,975	\$453,997
100-50-31-50-00	Patrol Salaries	\$1,240,802	+14,458	\$1,255,260
100-50-32-50-00	Special Ops Salaries	\$526,351	+6,154	\$532,505
100-52-02-50-00	Fire Admin Salaries	\$329,746	+4,070	\$333,816
100-52-40-50-00	Fire Operation Salaries	\$575,692	+7,387	\$583,079
100-55-02-50-00	PW Admin Salaries	\$248,050	+2,964	\$251,014
100-55-20-50-00	PW Bldg Inspect Salaries	\$295,318	+1,575	\$296,893
100-55-51-50-00	PW Engin Salaries	\$243,786	+837	\$244,623
100-55-52-50-00	PW Prop Main Salaries	\$420,620	+3,499	\$424,119
100-55-53-50-00	PW Veh Main Salaries	\$147,950	+1,084	\$149,034
100-55-55-50-00	PW Street Ops Salaries	\$285,273	+3,167	\$288,440
100-60-02-50-00	P&R Admin Salaries	\$174,630	+1,782	\$176,412
100-60-70-50-00	P&R Youth Ath Salaries	\$71,173	+444	\$71,617
100-60-73-50-00	Prog & Classes Salaries	\$43,514	+435	\$43,949
100-60-74-50-00	Facilities Maint Salaries	\$65,333	+379	\$65,712
100-65-02-50-00	Cul Arts Admin Salaries	\$155,223	+2,358	\$157,581
100-65-75-50-00	Facility Ent Salaries	\$46,405	+696	\$47,101

100-68-02-50-00	Library Admin Salaries	\$266,055	+1,510	267,565
300-56-00-55-00	Salary Reserve	\$5,500	-5,500	0
300-56-60-50-00	Operations Salaries	\$357,394	+1,925	\$359,319
300-56-61-50-00	Prevent Maint Salaries	\$198,407	+1,100	\$199,507
300-56-63-50-00	WWTP Salaries	\$283,111	+2,475	\$285,586
310-57-00-55-00	Salary Reserve	\$5,500	-5,500	0
310-57-02-50-00	Admin Salaries	\$184,378	+2,310	\$186,688
310-57-65-50-00	Operations Salaries	\$444,558	+3,190	\$447,748

Duly adopted this 20th day of June, 2016 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett, CMC
Town Clerk

Town of Clayton
Amendment to the FY 15-16 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON
that the following amendments shall be made to the FY 15-16 Budget:

Fund: Water & Sewer Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Expenditures			
300-56-95-58 02	Easement Acquisition \$30,000	+20,000	\$50,000
300-56-95-58 30	Water Line Improvements \$178,403	+141,500	\$319,903
300-56-95-58 31	Sewer Line Improvements \$348,250	+426,000	\$774,250
300-56-97-59 97	Support Services – General Fund \$1,438,636	+48,900	\$1,487,536
Revenues			
300-56-00-44 05	Sale of Water \$4,382,044	+48,900	\$4,430,944
300-56-00-49 07	Water Acreage Fees \$40,000	+141,500	\$181,500
300-56-00-49 08	Sewer Acreage Fees \$325,000	+446,000	\$771,000

Amendment necessary to budget the revenues and related expenditures for the following items, which is required for compliance with G.S. 159-15:

1. Streets Projects – \$411,500
2. Johnston Dr. Sewer Relocation – \$140,500
3. Revised Support Services Chargeback from General Fund – \$48,900
4. Rollingwood Easement Acquisition – \$20,000
5. Glen Laurel #1 & #2 Bypass Pump Installation – \$15,500

Duly adopted this 20th day of June, 2016 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett
Town Clerk

Town of Clayton
Amendment to the FY 15-16 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON
that the following amendments shall be made to the FY 15-16 Budget:

Fund: Electric Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Expenditures			
310-57-95-58 00	Capital Projects \$818,283	-52,000	\$766,283
310-57-97-59 97	Support Services – General Fund \$830,149	+52,000	\$882,149

Amendment necessary to realign the expense budget for the following item, which is required for compliance with G.S. 159-15:

1. Revised Support Services Chargeback from General Fund – \$52,000

Duly adopted this 20th day of June, 2016 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett, CMC
Town Clerk



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

AGENDA LOCATION:

Meeting Date:

June 20, 2016

ITEM TITLE:

Adoption of Proposed FY '16-'17 Budget

DESCRIPTION:

Adoption of the proposed FY '16-'17 budget.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Administration

PRESENTER:

Nancy Medlin, Interim Town Manager

ITEM HISTORY:

Date:

May 16, 2016

Action Taken:

Set Public Hearing for June 6, 2016

Information Provided:

Date:

June 6, 2016

Action Taken:

Placed on June 20, 2016 Agenda for Potential Adoption

Information Provided:

Town of Clayton
Fiscal Year 2016 - 2017
Budget Ordinance

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA that the following shall be the Fiscal Year 2016 - 2017 Budget:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the town government and its activities for the fiscal year beginning July 1, 2016 and ending June 30, 2017 in accordance with the chart of accounts heretofore established for this town:

General Government	\$1,446,788
Financial Services	1,235,942
Community Development Services	887,915
Law Enforcement	4,573,171
Fire Protection	3,296,262
Public Works	5,478,677
Parks & Recreation Services	1,572,837
Cultural & Performing Arts	680,649
Library Operations	586,580
Debt Service	1,688,938
Total =	\$21,447,759

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

REVENUES PENDING

Ad Valorem Taxes	\$9,941,488
State Shared Revenues	4,835,092
Intergovernmental	2,415,432
Permits & Fees	944,107
Sales & Services	1,943,532
Grants & Donations	9,744
Other Financing Sources	493,614
Miscellaneous	328,662
Fund Balance/Cap. Reserve	536,088
Total =	\$21,447,759

Section 3. The following amounts were hereby appropriated in the Water and Sewer Fund for the operation of the water and sewer utilities for the fiscal year beginning July 1, 2016 and ending June 30, 2017 in accordance with the chart of accounts heretofore approved for the Town:

Non-Departmental	\$ 655,500
Operations	3,785,468
Preventive Maintenance	960,034
Wastewater Treatment Plant	2,665,072
Debt Service	875,858
Capital Outlay	2,039,782
Inter-Departmental	1,646,835
Total =	\$12,628,549

Section 4. It is estimated that the following revenues will be available in the Water/Sewer Fund for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

REVENUES PENDING

Permits & Fees	\$ 903,815
Sales & Services	9,195,107
Grants & Donations	0
Other Financing Sources	1,410,152
Miscellaneous	14,285
Fund Balance/Cap. Reserve	1,105,190
Total =	\$12,628,549

Section 5. The following amounts are hereby appropriated in the Electric Fund for the operation of the electric utility for the fiscal year beginning July 1, 2016 and ending June 30, 2017 in accordance with the chart of accounts heretofore approved for the Town:

Non-departmental	\$ 5,500
Administration	289,724
Operations	10,360,892
Debt Service	489,681
Capital Outlay	6,454,375
Inter-departmental	1,392,028
Total =	\$18,992,200

Section 6. It is estimated that the following revenues will be available in the Electric Fund for the fiscal year beginning July 1, 2016 and ending June 30, 2017:

REVENUES PENDING

Permits & Fees	\$ 323,000
Sales & Services	12,185,000
Grants & Donations	0
Other Financing Sources	6,094,217
Miscellaneous	39,215
Fund Balance/Cap. Reserve	350,768
Total =	\$18,992,200

Section 7. There is hereby levied a tax at the rate of fifty-five cents (\$0.55) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2016 for the purpose of raising the revenue listed as “Ad Valorem Taxes” in the General Fund in Section 2 of this ordinance. This rate is based on estimated real property valuation for the purposes of taxation of \$1,665,370,444 and an estimated rate of collection of 99.93%. The estimated rate of collection is based on the fiscal year 2014-2015 collection rate of 99.93%. The estimated vehicle property valuation for the purpose of taxation is \$155,410,900.

Section 8. The Budget Officer is hereby authorized to transfer appropriations with the exception of amounts in line item for Council Contingency as contained herein under the following conditions:

- a. The Budget Officer may transfer amounts between line item expenditures within a department without limitation and without a report being required. These changes should not result in increases in recurring obligations such as salaries.
- b. The Budget Officer may transfer amounts up to \$1,000 between departments, including contingency appropriations, within the same fund. He must make an official report on such transfers at the next regular meeting of the Town Council.
- c. The Budget Officer may not transfer any amounts between funds except as approved by the Town Council in the Budget Ordinance, as amended.
- d. No expenditure or transfer shall be made from line item for Council Contingency without express, prior approval by the Town Council.

Copies of this Budget Ordinance shall be furnished to the Clerk, the Council, the Budget Officer, and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Duly adopted this 20th day of June 2016 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly Moffett, CMC
Town Clerk

**Town of Clayton
Ordinance Establishing Rates and Fees**

Be it hereby adopted by the Town Council for the Town of Clayton, North Carolina that the following fees are established as noted herein:

1. Solid Waste Collection and disposal fee set at \$17.57 per month.
2. All other rates, fees, and charges for FY 16-17 shall remain as indicated in the Town of Clayton Comprehensive List of Fees and Charges for FY 15-16 unless the subject of other action.

Duly adopted this 20th day of June 2016 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly Moffett, CMC
Town Clerk



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

AGENDA LOCATION:

Meeting Date:

June 20, 2016

ITEM TITLE:

2016 Electric System Revenue Bonds

DESCRIPTION:

Requesting approval of Resolution 2016-26. This Resolution is providing for application to the Local Government Commission for approval of electric system revenue bonds.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Administration

PRESENTER:

Nancy Medlin, Interim Town Manager

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

Resolution #2016-26

TOWN COUNCIL
OF THE
TOWN OF CLAYTON, NORTH CAROLINA

Excerpt of Minutes
of Meeting of
June 20, 2016

Present: Mayor McLeod presiding, and Councilmembers _____

Absent: _____

* * * * *

Councilmember _____ introduced the following resolution, the title of which was read:

RESOLUTION PROVIDING FOR APPLICATION TO THE
LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF
ELECTRIC SYSTEM REVENUE BONDS; REQUESTING
LOCAL GOVERNMENT COMMISSION APPROVAL OF
SUCH ELECTRIC SYSTEM REVENUE BONDS; AND
CERTAIN RELATED MATTERS AND FINDINGS

WHEREAS, the Town of Clayton, North Carolina (the "Town") acting by and through its Town Council (the "Council"), is authorized by The State and Local Government Revenue Bond Act of North Carolina, as amended, to issue revenue bonds to provide moneys for the acquisition, construction, reconstruction, extension, improvement or payment of the cost of one or more revenue bond projects, including electric systems or facilities; and

WHEREAS, on June 16, 2008, the Town adopted a Bond Order (the "Bond Order") entitled:

**BOND ORDER AUTHORIZING THE ISSUANCE OF ELECTRIC
SYSTEM REVENUE BONDS TO PROVIDE FUNDS TO CONSTRUCT
IMPROVEMENTS TO THE ELECTRIC SYSTEM; PROVIDING FOR
THE ISSUANCE OF ADDITIONAL REVENUE BONDS; PROVIDING
FOR THE ISSUANCE OF REVENUE BOND ANTICIPATION NOTES IN
ANTICIPATION OF THE ISSUANCE OF REVENUE BONDS;
PROVIDING FOR THE CREATION OF CERTAIN SPECIAL FUNDS;
PLEDGING TO THE PAYMENT OF THE PRINCIPAL OF AND THE
INTEREST ON THE REVENUE BONDS AND NOTES CERTAIN
REVENUES OF THE ELECTRIC SYSTEM; SETTING FORTH THE**

**RIGHTS AND REMEDIES OF HOLDERS; AND SETTING FORTH THE
DETAILS OF CERTAIN RELATED MATTERS**

WHEREAS the Council has determined that it is necessary to make certain capital improvements to the Town's electric system (the "Project"); and

WHEREAS, the Council is considering the issuance of Electric System Revenue Bonds (the "Bonds") as permitted under the Bond Order in an amount not to exceed \$6,000,000 in the aggregate principal amount (the "Bonds") to finance a portion of the cost of the Project; and

WHEREAS, it is anticipated that the Bonds will be sold to a financial institution following a request for proposals at a private sale; and

WHEREAS, the Council wishes the Town Manager and the Town Finance Director to file with the Local Government Commission of North Carolina (the "LGC") an application for its approval of the Bonds, on a form provided by the LGC and make certain findings therefor; and

WHEREAS, the Council wishes to retain McGuireWoods LLP, Raleigh, North Carolina, as bond counsel for the issuance and sale of the Bonds;

NOW, THEREFORE, the Town Council for the Town of Clayton, in a regularly scheduled meeting on June 20, 2016, does hereby resolve:

1. That the Bonds are to be issued by the Town for the purpose of providing funds to finance the costs of the Project and to pay the costs of issuing the Bonds as set out in the Town's application to the LGC;
2. That McGuireWoods LLP shall hereby be retained to serve as bond counsel;
3. That the Town Manager or the Town Finance Director and bond counsel, are hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission for its approval of the issuance of the Bonds;
4. That the Mayor, the Town Manager and the Town Finance Director are each hereby authorized and directed to take all actions in furtherance of the issuance of the Bonds, including issuing a request for proposals to solicit proposals from banks and other financial institutions to purchase the Bonds;
5. In connection with the application to the LGC, the Town Council hereby makes the following findings:
 - a. The Town Council hereby finds that the Bonds are necessary and expedient to finance the cost of the Project.
 - b. The Town Council hereby finds that the Project is feasible.

- c. The Town Council hereby finds that the amount of debt to be incurred in connection with the Project and the fees to be paid in connection therewith are sufficient but not excessive for the purpose of acquiring, constructing and installing the Project by paying debt service on the Bonds.
- d. The Town Council hereby finds that the increase in rates necessary to pay debt service on the Bonds, if any, will not be excessive.
- e. The Town has not defaulted on any debt obligation.
- f. The Town follows the debt management guidelines of the North Carolina Local Government Commission.

6. The Town hereby requests the LGC to sell the Bonds at private sale and without advertisement pursuant to § 159-123 of the North Carolina General Statutes.

7. All actions of the officers of the Town in furtherance of this resolution are hereby ratified and confirmed. This resolution shall take effect immediately.

Councilmember _____ moved the passage of the foregoing resolution and Councilmember _____ seconded the motion and the resolution was passed by the following vote:

Ayes: Councilmembers _____
 Nays: Councilmembers _____
 Not voting: Councilmembers _____

* * * * *

I, Kimberly Moffett, Clerk for the Town of Clayton, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Town Council for the Town at a regular meeting duly called and held on June 20, 2016, and that the proceedings of such meeting are recorded in the Minutes of such Council. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Town Council of the Town is on file in my office.

WITNESS my hand and the official seal of the Town this ____ day of June, 2016.

Clerk
Town of Clayton, North Carolina

(SEAL)