



**The Town Of Clayton
Town Council Work Session Meeting Agenda
Monday, August 15, 2016 @ 6:30 PM
Council Chambers**

1. CALL TO ORDER

- a. Pledge of Allegiance and Invocation
 - Boy Scout Troop #124 of Horne Memorial United Methodist Church will lead the Pledge.

2. ADJUSTMENT OF THE AGENDA

- a. Motion to Suspend Rule in Order to Take Action at Work Session
POTENTIAL ACTION: Motion to Suspend Rule

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
[Cover - Draft Minutes](#)
[August 1 2016 DRAFT Minutes](#)
POTENTIAL ACTION: Approval of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

- a. Warranty Acceptance - Public Water
 - Edward Jones Site & Glen HavenWarranty Acceptance - Public Utilities
 - Sheetz Hwy 70 & Rose StreetWarranty Acceptance - Public Water, Sewer, Associated Storm Drainage Utilities & All Pertinent Easement
 - RWAC, Ravens Ridge 8C1 & 8C2Warranty Acceptance - Asphalt
 - RWAC, Ravens Ridge 8C1 & 8C2[Warranty Acceptance - Edward Jones Site & Glen Haven](#)
[Warranty Acceptance - Sheetz Hwy 70 & Rose](#)
[Warranty Acceptance - RWAC Ravens Ridge 8C1 and 8C2](#)
[Warranty Acceptance Asphalt - RWAC Ravens Ridge 8C1 and 8C2](#)

POTENTIAL ACTION: Place on September 6, 2016 Consent Agenda

- b. 2016 Constitution Week Proclamation Request
Presenter: Kimberly Moffett, Town Clerk
[Cover - Constitution Week Proclamation Request](#)
[Constitution Week Proclamation](#)

POTENTIAL ACTION: Place on September 6, 2016 Consent Agenda

- c. Recommendation for Appointment - Parks & Rec Advisory Board
[Cover - Recommendation for Appointment to Parks & Rec. Advisory Application - M. Kornegay](#)

POTENTIAL ACTION: Place on Consent Agenda

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Recognition Town of Clayton Parks & Recreation Tennis Team
Presenter: Stacy Beard, Public Information Officer
[Cover - Tennis Team Recognition](#)
- b. Recognition of Advanced Firefighter Certification to:
- Firefighter Joshua Holloman
 - Firefighter Matthew Sutphin
- Presenter:* Stacy Beard, Public Information Officer

6. PUBLIC HEARINGS

7. ITEMS SCHEDULED FOR THE REGULAR MEETING

- a. Weatherization Loan Program Restructure
Presenter: Ann Game
[Cover - Weatherization Loan Program](#)
[Weatherization Loan Program](#)

POTENTIAL ACTION: Place on September 6, 2016 Consent Agenda

- b. Rezoning - 2016-121-RZ - Performance Glass - 2840 NC Hwy 42W
- Requesting Rezoning from Residential-Estate to Highway Business
- Presenter:* Planning Department
[Cover - Rezoning 2016-121-RZ Performance Glass](#)
[Application - Performance Glass - Rezoning 2016-121-RZ](#)
[Staff Report - Performance Glass - Rezoning 2016-121-RZ](#)
[Staff Map - Performance Glass - Rezoning 2016-121-RZ](#)
[Neighborhood Meeting Materials - Performance Glass - Rezoning 2016-](#)

[121-RZ](#)

POTENTIAL ACTION: Set Public Hearing for September 6, 2016

- c. Special Events Policy
Presenter: David DeYoung, Planning Director
[Cover - Special Events Policy](#)
[Special Events Policy](#)

POTENTIAL ACTION: Place on September 6, 2016 Consent Agenda

- d. CDDA Christmas Village & Tree Lighting - December 1, 2016
• Requesting Closure of Streets from 5-9 p.m. to include NCDOT Streets
Presenter: Kaitlin Russo, Downtown Development Coordinator
[Cover - CDDA Christmas Village & Tree Lighting](#)
[2016-14 - Christmas Village and Tree Lighting - 12-1-2016](#)
[Christmas Village](#)

POTENTIAL ACTION: Place on September 6, 2016 Consent Agenda

8. ITEMS CONTINGENT FOR THE REGULAR MEETING

9. ITEMS REQUIRING ACTION

- a. CDDA Movie Nights - August 26, September 23, & October 28, 2016
• Requesting Closure of Town Square and Parking Lot from 6-10 p.m. on above dates
Presenter: Kaitlin Russo, Downtown Development Coordinator
[Cover - CDDA Movie Nights](#)
[2016-15 - CDDA Movie Nights - 8-26 9-23 10-28-2016](#)
[CDDA Movie Nights](#)

POTENTIAL ACTION: Approval of Closure of Town Square & Parking Lot

- b. Issuance of Electric System Revenue Bond - Northside Substation
Presenter: Robert McKie, Finance Director
[Clayton Electric System 2016 - Series Resolution](#)

POTENTIAL ACTION: Approval of Resolution # 2016-31

10. ITEMS FOR DISCUSSION

11. OLD BUSINESS

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:

August 15, 2016

ITEM TITLE:

Draft Minutes

DESCRIPTION:

Draft minutes from August 1, 2016 regular meeting are presented for approval. Also presented are minutes from August 1, August 4, August 5 and August 8, 2016 closed sessions. Closed Session 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:



**The Town Of Clayton
Regular Town Council Meeting Minutes
Monday, August 1, 2016 @ 6:30 PM
Council Chambers**

COUNCIL PRESENT:

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

STAFF PRESENT:

Nancy Medlin, Interim Town Manager
Merrick Parrish, Town Attorney
Kimberly Moffett, Town Clerk
David DeYoung, Planning Director
Jay McLeod, Senior Planner
Stacy Beard, Public Information Officer
John Hamlin, A/P Public Information Officer

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:41 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

3 CONSENT AGENDA

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

- a) Draft Minutes
- June 20, 2016 - Regular Session
 - July 18, 2016 & July 25, 2016 - Closed Sessions
- b) Warranty & Pertinent Easement Acceptances
- Parkview
 - Elegant Events
 - Chandlers Ridge
- c) Recommendations for Appointment - Town Advisory Boards
- Board of Adjustment
 - Planning Board
- d) Code of Ordinance Amendment - Chapter 50 - Acreage and Capacity Fees
- e) Customer Service Policy Amendment - Return Check Policy

ACTION: Approval of Consent Agenda as Presented

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

4 INTRODUCTIONS AND SPECIAL PRESENTATIONS

5 PUBLIC HEARINGS

- a) 231 E. Second Street - Rezoning 2016-100-RZ
Presenter: David DeYoung, Planning Director

Mr. DeYoung presented this item, which is a staff initiated request to rezone from O-I (Office-Institutional) to B-1 (Central Business). This property is town owned, was home to the old Town Hall and was recently declared as surplus property. This request is compatible with the surrounding land use and is consistent with the 2040 comprehensive plan. Planning Board and staff recommend approval.

This was noted as a public hearing and opened at 6:43 p.m. Mayor McLeod stated that anyone wishing to speak should step forward and provide their name for the clerk.

Ms. Mary Sauls of 221 E. Second Street came forward and stated she was not sure what the plans were for this building but it was her hope that the town would be able to keep the building. She stated he would like to see the building use for library space and possibly as a museum. She stated it was a place that held much history and many special memories.

With no one further coming forward, the item was turned over the Council for their deliberation and consideration at 6:45 p.m.

Council Member Thompson shared that personally he would also like to see the building stay as part of Clayton and its history. He also addressed the cost of renovation and whether that was a cost the town could afford. He stated he felt torn, as he understands there is a business side and decision that need to be made as well as feeling nostalgic about the the building.

Mayor McLeod stated as elected officials everyone understands how important a landmark this building is. However, in all fairness to tax dollars and the cost of renovation to up fit the building, which is not in very good shape, the investment to the town would be significant. He further stated with demands on Clayton, keeping this building did not make the cut and the best option was to find someone who could take this building and turn it into something that would add to the quality of life for all the folks who live here. Financially, keeping the building was not a reality for Clayton.

Ms. Sauls stated she wondered if there was a way for the community to raise the money for saving the building. Mayor McLeod stated all options were thoroughly explored and the cost would be between \$5 and \$7,000,000.

ACTION: Adoption of Ordinance #2016-08-03 Rezoning from O-I to B-1

Motion: Council Member Satterfield
Second: Council Member Lawter

Vote: 4-1

In Favor: Council Members Grannis, Satterfield, Lawter & Holder

Opposed: Council Member Thompson

b) First Street Tavern - Special Use Permit - 2016-88-SUP

Presenter: Jay McLeod, Senior Planner

The Town Attorney stated the Special Use Permit Public Hearing is quasi-judicial. The attorney provided information regarding the types of testimony that could be provided and considered. Attorney further stated that anyone providing testimony must do so under oath.

Those wishing to offer testimony were administered the oath by the town clerk.

Mr. McLeod provided information regarding this special use permit. This property is located at 115 First Street and request is to use premise as a tavern. He further stated that any drink establishment wishing to be located in a B-1 zoning district requires a special use permit. Mr. McLeod shared details regarding the layout of the inside of the premise as well as the parking area. Mr. McLeod stated there is a parking agreement with Four Oaks Bank for shared use of their parking lot. Mr. McLeod stated that the request is consistent with the comprehensive plan, the unified development code and the applicant has addressed the findings of fact.

The Planning Board recommended approval with conditions as listed in staff report. Staff recommended approval with conditions to include amendment to condition #5 as below:

Prior to any expansion of the tavern or cocktail lounge use beyond the approved 32 seats, expansion of outdoor seating areas, or increase of intensity of the food service component, additional review shall be required as appropriate per §155.711(K) "Modifications to approved Special Use Permits", §155.707 "Site Plan Review", and/or the Johnston County Health Department.

Mayor Pro Tem Grannis had questions regarding the parking area and asked if the Town had a lease with the railroad regarding this property right of way. Mr. McLeod stated we did. There were questions regarding engineering requirements and plans. Mr. McLeod stated that this was presented to the Technical Review Committee and the applicant was informed that any uses above residential would require structural re-enforcement and this would move on to building inspection. There was also a question regarding grease traps and Mr. McLeod stated this issue would fall under Johnston County Health Inspections.

Council Member Thompson stated there was discussion at previous meeting regarding a concern about handicap parking and wondered if there was anything prevent a handicap space from being installed in the NC Railroad Right of Way. Mr. McLeod stated that could be a possibility.

Mr. Dave Schearer of 124 Pine Drive, Clayton, is the applicant and stated he was

happy to answer any questions.

Mayor Pro Tem Grannis stated he wanted to be sure the applicant understood the requirements regarding the architectural renderings. The applicant stated he did understand. Mayor Pro Tem Grannis stated he had some concerns regarding the applicant's answers to the findings of fact.

He asked the applicant if he had any concerns regarding safety should there be any possible altercations. He questioned if there would be any on site security. The applicant stated he didn't feel on site security was necessary based the target client being 35+ years of age.

Mayor Pro Tem Grannis asked the applicant to share additional information regarding findings of fact #4. and having any adverse impact on adjacent properties. The applicant stated that the properties on both sides of this business operated on different hours of operation and this business would not impede those locations.

Mayor Pro Tem Grannis also stated he wanted to ensure the applicant would be providing additional lighting would be required as per the health department correspondence. Applicant stated he understood. Mayor Pro Tem Grannis asked that the applicant provide a signed document regarding self-closing doors.

With there being nothing further, the public hearing was closed at 7:09 p.m. and turned over to council for deliberation.

ACTION: Approval of Special Use Permit #2016-88-SUP with amended condition as above

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

6 OLD BUSINESS

7 NEW BUSINESS

8 STAFF REPORTS

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

David DeYoung, Planning Director

- 231 E. Second Street RFP Response
- 220 E. Main Street Update

Mr. DeYoung provided an update regarding the RFP for 231 E. Second Street RFP. He spoke about the goals and adaptive reuse to attract a private investor for downtown while maintaining the historic integrity of the outside of the

building. The RFP was posted for a total of 30 days and we have received one qualified bid. This bid has shared minimum qualifications. The qualified bidder was Community Smith. Mr. DeYoung shared information regarding this company and many similar projects they have completed. The proposed total investment in the property is \$2.4 million. An aggressive schedule would require that renovations be completed by December of 2017. Proposed are 12 loft apartments and a commercial space, with possible space for a history room if ADA access can be provided.. Staff was requesting authorization to proceed with negotiations with developer. After negotiations, staff would come back to council for final approval of project.

Mayor Pro Tem Grannis stated he is most notably excited about maintaining exterior as close as possible as it is today.

Council Member Lawter asked if parking issues would be addressed in the developers agreement. Mr. DeYoung stated it would be addressed.

Mayor McLeod said he was very encouraged and stated the developers have a track records of doing excellent projects.

Mr. DeYoung provided an update regarding renovations to 220 East Main Street. The building is now in much better condition that it was when purchased. The plan now is to put out another RFP and it is desired that the owners of 218 East Main Street collaborate.

Mr. McLeod shared citizen concerns regarding landfill located on Shotwell Road and future request of this landfill to have ability to accept increased capacity from 250 tons to 1000 tons on a daily basis. This increase would mean increased traffic from large commercial trucks bring waste to the site. It would also increase odor in the area of the landfill. Mr. McLeod stated this request would require a special use permit from Wake County. Council directed staff to draft a letter to Wake County Commissioners expressing our concerns and opposition to this request.

ACTION: Approval for Staff to Move Forward with Negotiations - 231 E. Second Street

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

9 OTHER BUSINESS

a) Informal Discussion & Public Comment

Ms. Sauls stated she is not thrilled with the proposed project at 231 East Second Street. She has concerns about parking. Mayor McLeod stated he believed the developer understood the need to being a good neighbor.

Ms. Deborah Johnson of 32 Yadkin Street which is located in the Creekside Subdivision offered her thanks and appreciation to the council for their

assistance in getting the issue regarding sinking grounds addressed. She stated that KB Homes has stepped up to the plate and are assisting with the problem. She also offered her appreciation and thanks to the Police Department for their increased patrols in the area. Ms. Johnson also offered her thanks and appreciation to Council Member Lawter for coming out to the site personally.

b) Council Comments

10 ADJOURNMENT

a)

With there being nothing further, the meeting was adjourned at 7:45 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Satterfield

Second: Council Member Thompson

Vote: Unanimous

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator *CR*

Copy: Jonathan Barnes, Dalton Engineering
David DeYoung, Planning Director

Date: July 18, 2016

Subject: Edward Jones Site @ Glen Haven

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

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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 

Copy: Dave DeYoung, Planning Director
Dwight Vernelson, Rivers & Associates

Date: August 1, 2016

Subject: Sheetz Store #596 @ Hwy. 70 & Rose Street

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

TOWN OF CLAYTON OPERATIONS CENTER

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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: Donnie Adams, DC Adams Engineering
David DeYoung, Planning Director

Date: August 1, 2016

Subject: RWAC, Ravens Ridge 8C1 & 8C-2

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

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, DC Adams Engineering
David DeYoung, Planning Director

Date: August 1, 2016

Subject: RWAC, Ravens Ridge 8C1 & 8C-2

The asphalt pavement has been installed within the subject phase. Please schedule Council action for the acceptance of this work subject to a five-year warranty. Subsequent to the warranty period, pavement and base course conditions will be evaluated with any faults corrected by the developer prior to final acceptance.



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

AGENDA LOCATION:

Administrative Items

Meeting Date:

August 15, 2016

ITEM TITLE:

2016 Constitution Week Proclamation Request

DESCRIPTION:

A request has been received by Mary Aker who serves as the Regent and Constitution Week Chairperson for the Smith-Bryan Chapter of the National Society Daughters of the American Revolution. 2016 Constitution Week will take place September 17 - 23, 2016.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Administration

PRESENTER:

Kimberly Moffett, Town Clerk

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

ROCLAMATION

Constitution Week 2016

Whereas, September 17, 2016 marks the two hundred and twenty-ninth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

Whereas, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

Whereas, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE, I, Jody McLeod, Mayor of the Town of Clayton on behalf of the Clayton Town Council, do hereby proclaim September 17 – September 23, 2016 be recognized as **CONSTITUTION WEEK** in Clayton.

Duly adopted this 6th day of September, 2016 while in regular session.

Jody L. McLeod

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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

AGENDA LOCATION:

Administrative Items

Meeting Date:

August 15, 2016

ITEM TITLE:

Recommendation for Appointment - Parks & Rec Advisory Board

DESCRIPTION:

Mr. Marty Kornegay has applied and been interviewed with regard to the Parks & Recreation Advisory board. Following interview, it is recommended that he be appointed to a current vacancy on the board with a term expiration of 12/31/18

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Parks + Recreation

PRESENTER:

Larry Bailey, Parks & Recreation Director

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



ADVISORY BOARD CANDIDATE APPLICATION

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

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

CHOOSE ONE:

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

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

Please type or use dark ink.

Name: Marty Kornegay

Mailing Address: 101 Swann Trail, Clayton, NC 27527

Physical HOME Address: (see above)

Phone Number (HOME): 919-534-6777 (WORK) 336-529-4411

FAX Number: _____ Mobile Number: 919-534-6777

Email Address: kornegma@gmail.com

*Female ☐ *Male ☒

*Race African-American

Employer: M+W Americas, Inc.

Occupation: IT Systems Administrator/IT Asset Manager

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

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

Length of residence in Clayton: 5 years

Do you live in the Clayton? Corporate Limits: Yes ☒ No ☐ ETJ: Yes ☐ No ☐

How did you find out about this board or committee? Facebook ☐ Website ☒ TV ☐

Newspaper ☐ Email ☐ Twitter ☐ Mail ☐ Other _____

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

I served on Non-Profit Board for 6 years

I love Clayton and how it has benefited my family and I want to be involved in the decisions that move our community forward.

I have seen the impact that the Clayton community has had on my children, and they are my legacy and I want to bring ideas and thoughts to the decision making process, and to work with others that want the best for all of our citizens.

State why you would be an asset to this board or committee. _____

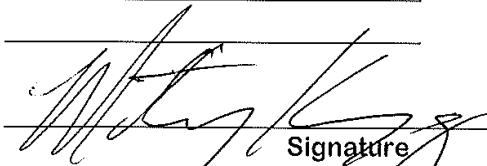
I have excellent leadership skills, I work best giving fair and goal forwarding input to team decisions.

My perspectives will help to drive towards the goals of all citizens in the area

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

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

Boards/Committees/Civic	From	To
Winston-Salem Urban League	5/2005	11/2011
_____	_____	_____
_____	_____	_____
_____	_____	_____


Signature

8/2/2016
Date

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

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



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

AGENDA LOCATION:

Introductions & Special Presentations

Meeting Date:

August 15, 2016

ITEM TITLE:

Recognition Town of Clayton Parks & Recreation Tennis Team

DESCRIPTION:

The Town is delighted to recognize a first for Town of Clayton Parks & Recreation Department! Our very own Clayton Bobcats Junior Team Tennis took 2nd in the state last month in the Under 14 Division at the United States Tennis Association's North Carolina Championship tournament. For just more than a year, Coach Cliff Joyner, with assistance from Coach David Choi, worked with these young men and women on the courts at Clayton Community Park. At the tournament, held just north of Charlotte at Lake Norman, the team played 16 matches, putting in 8-9 hours on the court with temperatures in the 90s. To come home as runners-up in the N.C. State Championship is a true achievement for both the players and coaches! The Town Council would like to formally congratulate Coach Joyner & Coach Choi and their talented team of Patrick Buckler, Kristan Carson, Cassidy Joyner, Neil Patel, Alexis Perry, Gianna Pettit, Quincy Sandaire and Boone Williams.

POTENTIAL ACTION:

DEPARTMENT:

Administration

PRESENTER:

Stacy Beard, Public Information Officer

ITEM HISTORY:

Date:

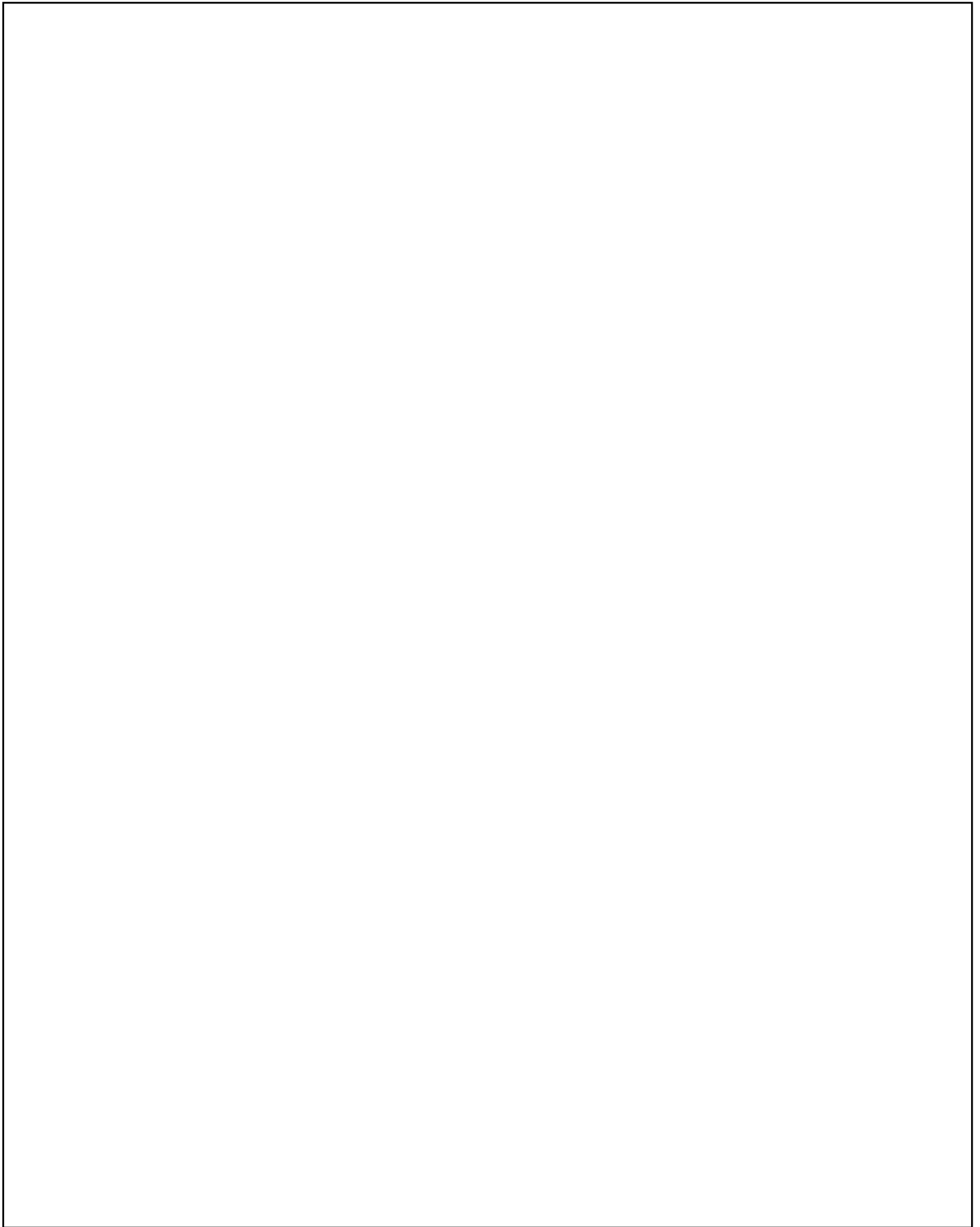
Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:





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

AGENDA LOCATION:

Items Scheduled for Regular Meetings

Meeting Date:

August 15, 2016

ITEM TITLE:

Weatherization Loan Program

DESCRIPTION:

This is an interest free energy efficiency loan program. This program is designed for residential customers. This is a request to restructure this loan program.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Customer Service Department

PRESENTER:

Ann Game, Customer Service Director

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



Interest Free Energy Efficiency Loan Program

Proposal for Improvements
August 15, 2016

What is the program?

- Adopted by Council in August 2002
- Designed to support the efforts of residential electric customers to reduce energy consumption through the operating efficiencies in their homes
- Zero interest with a payback of up to 36 months
- Participating customers see the itemized charge on their monthly utility bill

Current Participation

- 10 customers utilizing program
- **All** replaced Heat Pumps
- Several inquiries regarding doing more than one project (replacing all windows with energy efficient windows)

Updated Program

Current Program: customer can borrow for 1 project

- Qualifying Projects
 - Heat Pump Replacement \$3500
 - Windows \$1000
 - Doors \$375
 - Weather Stripping \$50
 - Insulation
 - Floor \$300
 - Ceiling \$300
 - Walls \$300

Proposed: Min. \$500 loan with maximum borrowed of \$5000

- Qualifying Projects
 - Heat Pump Replacement
 - High Efficiency Air Conditioning Units
 - Hot Water Heater Replacement
 - Insulation
 - Installation of Energy Efficient Doors/Windows
 - Duct Work Repair/Replacement

How would this benefit customers?

- Customers could borrow up to \$5000 to complete multiple projects to improve energy efficiency.
 - Replace old heat pump and duct work
 - Replace windows & doors
 - Replace old hot water heater

Request

- *Update Weatherization Loan Program to allow customer's to borrow up to \$5000 to complete projects at their homes that would improve their energy efficiency.*

Questions?





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

AGENDA LOCATION:

Items Scheduled for Regular Meetings

Meeting Date:

August 15, 2016

ITEM TITLE:

Rezoning 2016-121-RZ - Performance Glass

DESCRIPTION:

Rezoning request located at 2840 NC HWY 42 West. Existing zoning district is Residential Estate proposed zoning district is Highway Business.

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: Performance Glass Inc. Acreage of Property: 3.33
County Tag Number: 05F02018E NC PIN: _____
Address/Location: 2840 NC HWY 42 WEST CLAYTON NC 27520
Existing Zoning District: Residential Estate
Proposed Zoning District: Highway Business

APPLICANT INFORMATION

Applicant: J4 Holdings Group LLC.
Mailing Address: 303 Federal Rd. Benson NC. 27504
Phone Number: 919-625-1676 Fax: 919-783-8494
Contact Person: Lisa Johnson
Email Address: lisajohnson@performanceglassinc.com

FOR OFFICE USE ONLY

Date Received: JUN 08 2016 Amount Paid: \$600.00 File Number: 2016-121-122

version 1/6/2016

Page 1 of 1

PROPERTY OWNER INFORMATION

Name: J4 Holdings Group LLC.

Mailing Address: 303 Federal Rd. Benson NC. 27504

Phone Number: 919-625-1676

Fax: 919-783-8494

Email Address: lisajohnson@performanceglassinc.com

EXPLANATION OF PROJECT

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

The property line was redrawn so the plot #164800-32-0072, belonging to Johnny Smith wouldn't be come land lock. There is approximately 32' x 343' down the West side of the property that was add to Mr. Smiths property. At the same time there was approximately 32' x 361' across the North side of the property (that was Mr. Smiths') was added to plot #164800-41-0562, now belonging to J4 Holdings Group LLC. We are needing to have the small strip rezoned B-3.

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

To be completed by the applicant:			For staff use only:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>5/9/16</u>	☒	☐			
2. Review Fee (\$500 for standard rezoning <u>OR</u> \$1,000 + \$5.00/acre for Planned Developments) and Advertisement Fee (\$100)	☒				
3. Completed application	☒				
4. Owner's Consent Form <i>Required if applicant is not property owner.</i>	☐	☒			
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).	☒				
6. <i>If property to be rezoned is a portion of a parcel:</i> - Property legal description typed (10 pt. font or greater, and also submitted electronically in MS Word format.) - Plat showing property to be rezoned, matching legal description.	☐ ☒	☒ ☐			
7. Adjacent property owners list	☒	☐			
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>	☒				
9. Neighborhood meeting summary form (1 copy) <i>Included in this packet</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				
10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set) <i>This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.</i>	☒				

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

Yes

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

Yes

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

Yes

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.

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

Yes

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.

Yes

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.

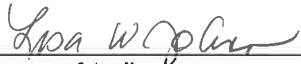
Yes

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.

Lisa W. Johnson

Print Name



Signature of Applicant

06/06/16

Date



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

Planning Board
July 25, 2016

STAFF REPORT

Application Number: 2016-121-RZ
Project Name: Performance Glass Rezoning

NC PIN / Tag #: 164800-41-0562 / 05F02018E
Town Limits/ETJ: ETJ
Overlay: Scenic Highway Overlay
Applicant: J4 Holdings Group LLC (c/o Lisa Johnson, Jamie Johnson, Russell Rawlins)
Owner: J4 Holdings Group LLC
Location: Off of NC 42 HWY W, west of the intersection of NC 42 and Government Road

Public Noticing:

- Neighborhood meeting: June 3, 2016
- Signs Posted prior to July 15, 2016
- Letters mailed to adjacent property owners prior to August 26, 2016
- Newspaper ad noticed August 24, 2016 and August 31, 2016

REQUEST: Request to rezone the split-zoned parcel from B-3 and R-E to B-3.

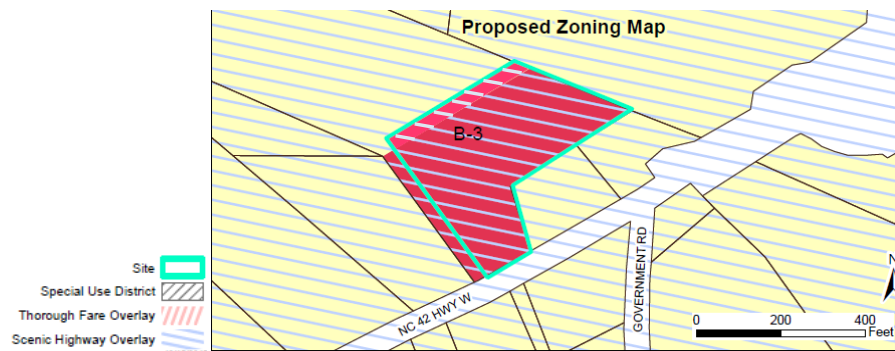
SITE DATA:

Acreage: ±0.51 acres of a 3.06 acre parcel
Existing Uses: Contractor's Office with outdoor storage as an accessory use



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-Estate	Vacant
South	Residential-Estate	Residential
East	Residential-Estate	Residential
West	Residential-Estate, Highway Business	Vacant

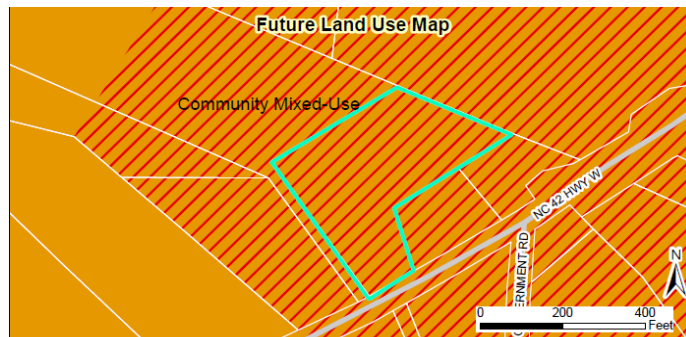


STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting to rezone the subject parcel, which is currently split-zoned, from Residential-Estate (R-E) and Highway Business (B-3) to Highway-Business (B-3). After this property was brought into Clayton's ETJ, the property owners swapped a western portion of the parcel for a portion of land to the north. Because of this, the parcel lines changed but the zoning for these portions of land did not which caused the property to be split-zoned. The applicant is now requesting that the parcel be rezoned to Highway Business (B-3) so that the entire parcel of land has the same zoning.

The current use of the site is considered to be a contractor's office, with outdoor storage as an accessory use. The facility focuses on the fabrication of glass for buildings, offices, and homes. All operations take place indoors, with some outdoor storage of materials and fleet vehicles. This use is permitted in the Highway-Business (B-3) zoning district.



Compatibility with Surrounding Land Uses

The zoning of the property is currently Residential-Estate (R-E) and Highway-Business (B-3), but the site has been operating with a commercial use since before the property was brought into the Town's ETJ. The majority of the property is zoned Highway Business currently, and the existing use of the property will not be changing due to the rezoning. Therefore, rezoning the property so that it is entirely zoned Highway-Business would not change the compatibility the site has with surrounding land uses.

Consistency with the 2040 Comprehensive Plan

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

CONSIDERATIONS:

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

APPROVAL CRITERIA:

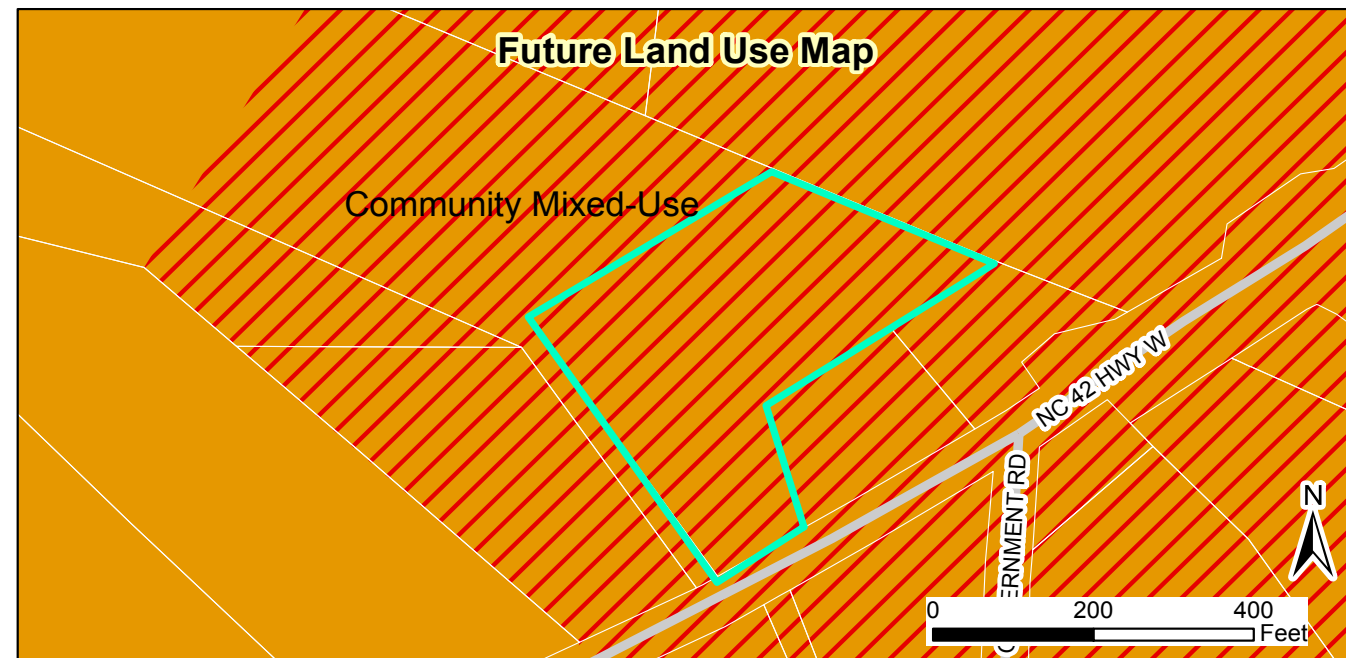
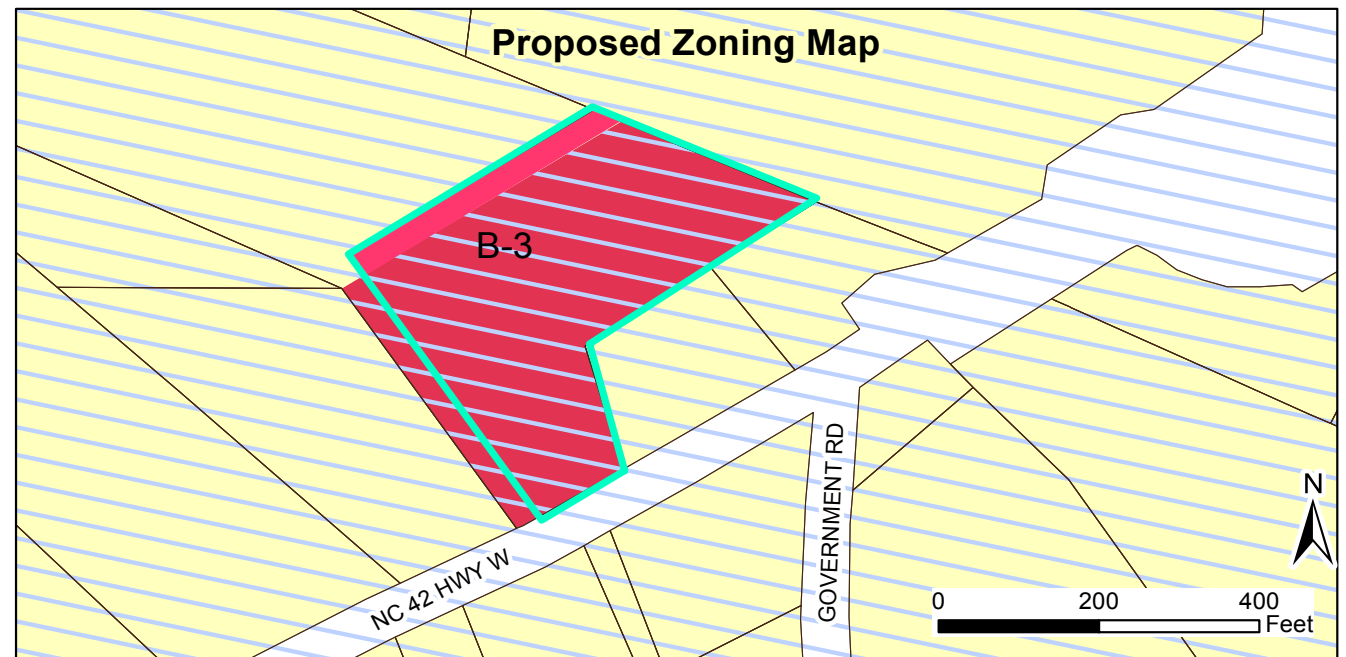
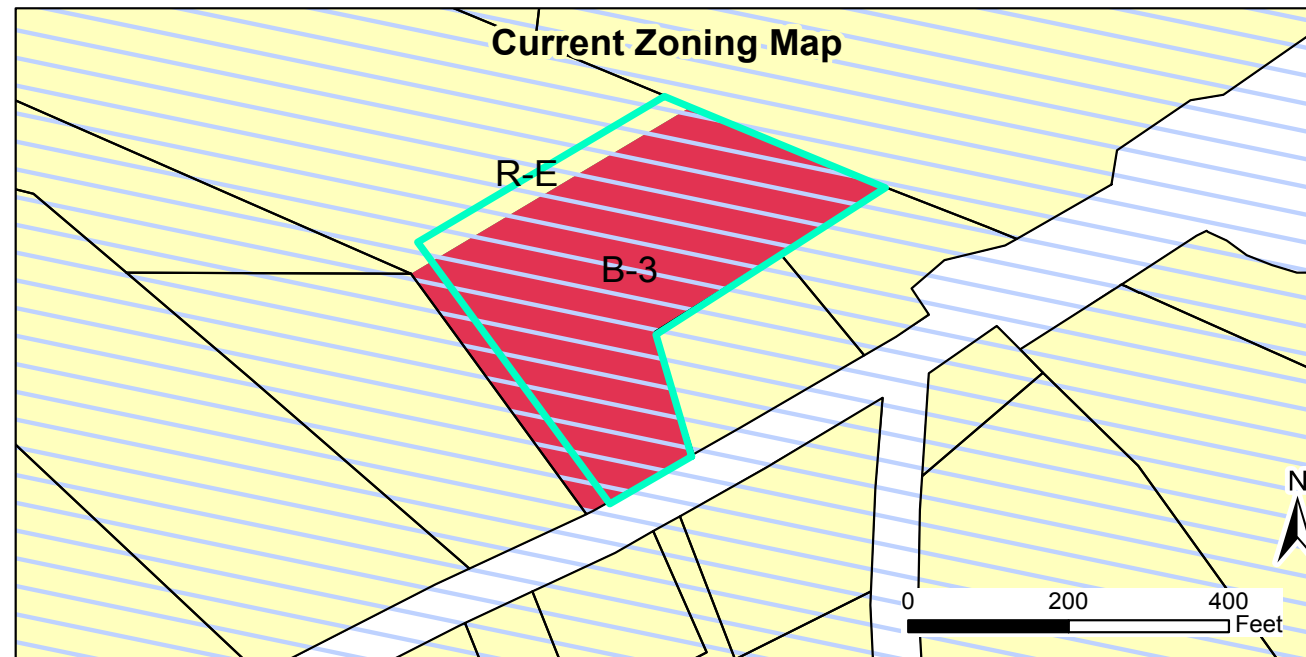
The applicant has addressed the Rezoning Approval Criteria outlined in §155.704. The applicant's responses are incorporated as an attachment to the Staff Report.

STAFF RECOMMENDATION:

Staff is recommending approval of the rezoning request.

ATTACHMENTS:

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

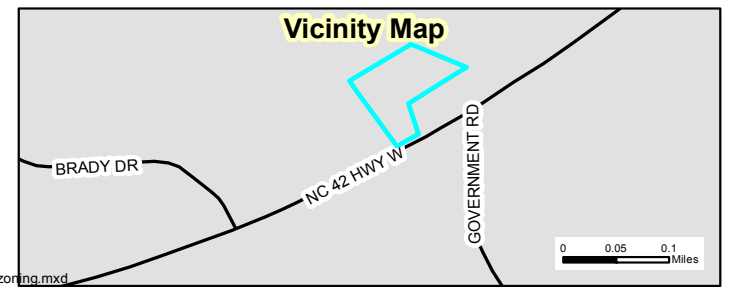


2016-121-RZ Performance Glass Rezoning
Request: To rezone a portion of the property from R-E to B-3
2016-120-SP Performance Glass Major Site Plan
Request: Major Site Plan for building expansion and outdoor storage expansion

Applicant: J4 Holdings Group LLC, Lisa Johnson
 Property Owners: J4 Holdings Group LLC
 Parcel ID: 164800-41-0562
 Tag #: 05F02018E



- Railroads —+—+
- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay
- Parcels_03202015_All



Document Path: O:\PLANNING\REZONING\Rezoning\2016\2016-121-RZ Performance Glass\Maps\2016-121-RZ Performance Glass Rezoning.mxd

NEIGHBORHOOD MEETING INFORMATION

Purpose:

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

Meeting Date:

The meeting must be held at least ten (10) calendar days prior to the Planning Board meeting.

Meeting Time & Location:

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

Meeting Notice Mailing requirements:

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

Information provided at the Neighborhood Meeting:

At a minimum, the following materials must be present for inspection at a Neighborhood Meeting:

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

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined. Planning staff may attend the Neighborhood Meeting to answer process/code questions.

Deliver the following items to the Planning Department at least ten (10) calendar days prior to the Planning Board meeting in electronic or hard copy format:

- ☒ Adjacent Property Owner's List (aka "mailing list")
- ☒ Copy of the letter mailed
- ☒ Attendance Roster (aka "sign-in sheet")
- ☒ Neighborhood Meeting Summary Form with minutes (see below)

ADJACENT PROPERTY OWNERS LIST

Project Name: Rezoning/Fence Relocation & Potential Building Expansion

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

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

PARCEL NUMBER	NAME	ADDRESS
05F02018E	J4 HOLDINGS GROUP, LLC	2840 NC HWY 42 W, CLAYTON, NC 27520
05F02018C	JOHNNY BRIAN SMITH	2850 NC HWY 42 W, CLAYTON, NC 27520
05F02018B	DIANNE SMITH STARLING	2900 NC HWY 42 W, CLAYTON, NC 27520
05F02039A	CLEE B JOHNSON LIVING TRUST	2740 NC HWY 42 W, CLAYTON, NC 27520
05F02017	BROOKS DENMARK LLC	2104 BREEZE ROAD, RALEIGH, NC 27608-1436
05F02019C	PHILLIP AND DIANNE STARLING	2900 NC HWY 42 W, CLAYTON, NC 27520
05F02019B	JOHNNY SMITH & DIANNE STARLING	2900 NC HWY 42 W, CLAYTON, NC 27520
05G03021A	HAYWOOD AND PHYLLIS JOHNSON	257 JOHNSON ESTATE ROAD, CLAYTON, NC 27520
05F02018D	PHILLIP AND DIANNE STARLING	2900 NC HWY 42 W, CLAYTON, NC 27520
05F02019E	PHILLIP AND DIANNE STARLING	2900 NC HWY 42 2, CLAYTON, NC 27520

PERFORMANCE GLASS, INC.
2840 NC HWY 42 WEST | CLAYTON | NC | 27520
919.782.8001 Ext 1

May 24, 2016

Dear Adjacent 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: 6/3/16

Meeting Time: 7:30 PM

Meeting Location: 2840 NC Hwy 42 West. Clayton NC. 27520

Type of Application: Rezoning/Fence Relocation & Potential Building Expansion

Project/proposal property address: 2840 NC Hwy 42 West. Clayton NC. 27520

Description of project/proposal: Major Modification to an approved site plan

Relocation of fence & possible future building expansion

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

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

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

If you have any questions prior to or after this meeting, you may contact us at **919-782-8001 ext 1** and ask to speak with Lisa Johnson . You may also contact the Planning Department at 919-553-5002.

Sincerely,

Lisa W. Johnson
President/Owner

Cc: Town of Clayton Planning Dept.

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Rezoning/Fence Relocation & Potential Building Expansion

Application: Major Site Plan

Location/Date: 2840 NC HWY 42 West. Clayton NC 27520 6/3/16

	NAME	ADDRESS
1	Benjamin B. Johnson	303 Federal Rd Benson, NC 27504
2		
3		
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20		

NEIGHBORHOOD MEETING SUMMARY FORM

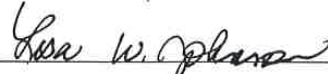
FILL OUT THE FOLLOWING:

Application: J4 Holdings Group LLC

Date of Mailing: 5/24/16

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: Lisa Johnson

Signature: 

Date of Meeting: 6/3/16

Time of Meeting: 7:30 PM

Location of Meeting: 2840 NC Hwy 42 West 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.*

No one showed up for meeting.

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

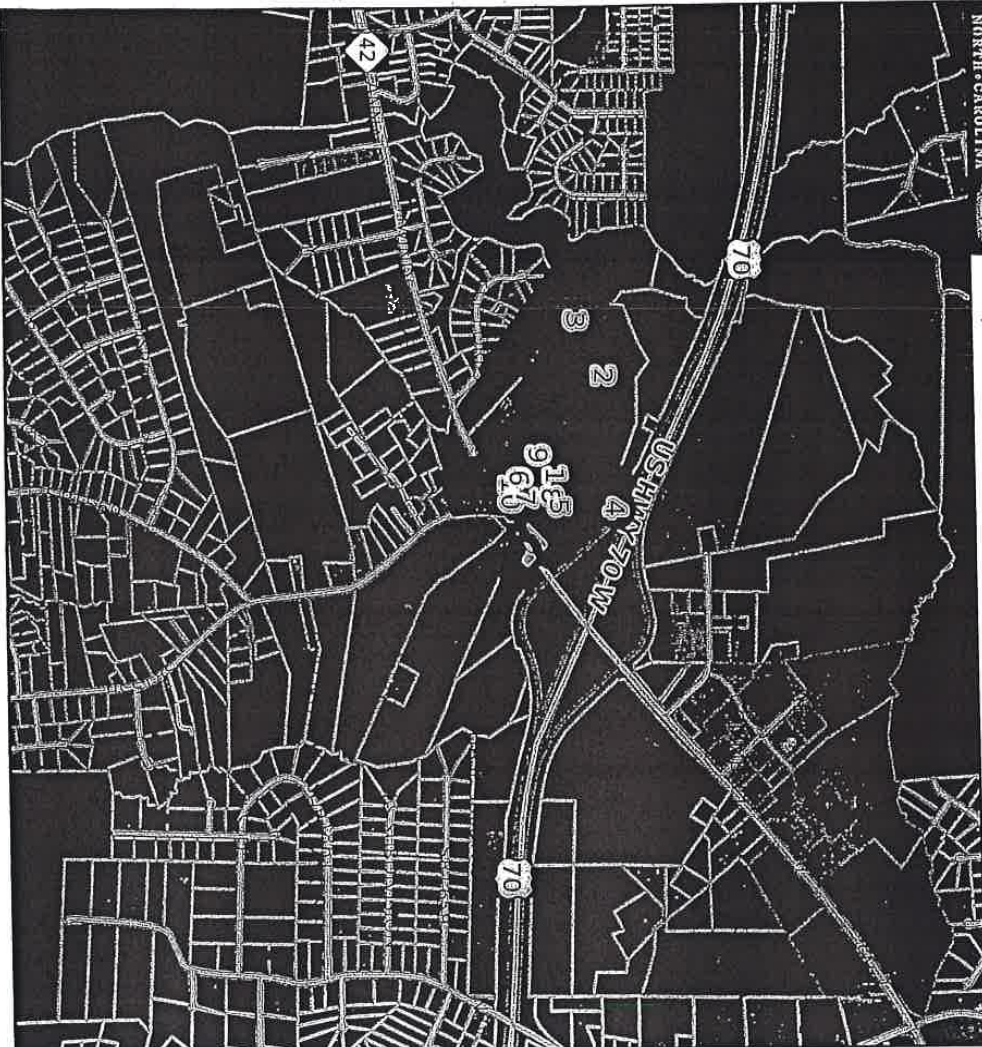
*** DISCLAIMER ***
Johnston County assumes no legal responsibility for the information represented here.

Result 1

id: 05F02018E
Tag: 05F02018E
Tax Unique Id: 4277805
Owner Name 1: J4 HOLDINGS GROUP LLC
Owner Name 2:
Mail Address 1: 303 FEDERAL RD
Mail Address 2:
Mail Address 3: BENSON, NC 27504-8341
Book: 04567
Page: 0129

Result 2

id: 05F02018C
Tag: 05F02018C
Tax Unique Id: 4425942
Owner Name 1: SMITH, JOHNNY BRIAN
Owner Name 2:
Mail Address 1: 2850 NC 42 WEST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520
Book: 03527
Page: 0874



Scale: 1:20120 - 1 in. = 1676.66 feet
(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)



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Result 3

id: 05F02018B
Tag: 05F02018B
Tax Unique Id: 4410649
Owner Name 1: STARLING, DIANNE SMITH
Owner Name 2: STARLING, PHILLIP D
Mail Address 1: 2900 NC HWY 42 W
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 01484
Page: 0563

Result 4

id: 05F02039A
Tag: 05F02039A
Tax Unique Id: 4370870
Owner Name 1: CLEE B JOHNSON LIVING
TRUST
Owner Name 2: DENMARK, BROOKS
REMAINDER
Mail Address 1: 2740 NC HWY 42 WEST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03979
Page: 0089

Result 5

id: 05F02017
Tag: 05F02017
Tax Unique Id: 4316708
Owner Name 1: BROOKS DENMARK LLC
Owner Name 2:
Mail Address 1: 2104 BREEZE RD
Mail Address 2:
Mail Address 3: RALEIGH, NC 27608-1436
Book: 03339
Page: 0379

Result 6

id: 05F02019C
Tag: 05F02019C
Tax Unique Id: 4316713
Owner Name 1: STARLING, PHILLIP D
Owner Name 2: STARLING, DIANNE S
Mail Address 1: 2900 N C 42 W
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-8356
Book: 00833
Page: 0087

Result 7

id: 05F02019B
Tag: 05F02019B
Tax Unique Id: 4316712
Owner Name 1: SMITH, JOHNNY BRIAN
Owner Name 2: STARLING, DIANNE SMITH
Mail Address 1: 2900 NC HIGHWAY 42 W
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-9229
Book: 01441
Page: 0044

Result 8

id: 05G03021A
Tag: 05G03021A
Tax Unique Id: 4317951
Owner Name 1: JOHNSON, HAYWOOD
ARTHUR
Owner Name 2: JOHNSON, PHYLLIS PEARL
Mail Address 1: 257 JOHNSON ESTATE ROAD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 01374
Page: 0083



*** DISCLAIMER ***

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

Result 9

id: 05F02018D
Tag: 05F02018D
Tax Unique Id: 4316702
Owner Name 1: STARLING, DIANNE SMITH
Owner Name 2: STARLING, PHILLIP D
Mail Address 1: 2900 NC HWY 42 W
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 01441
Page: 0046

Result 10

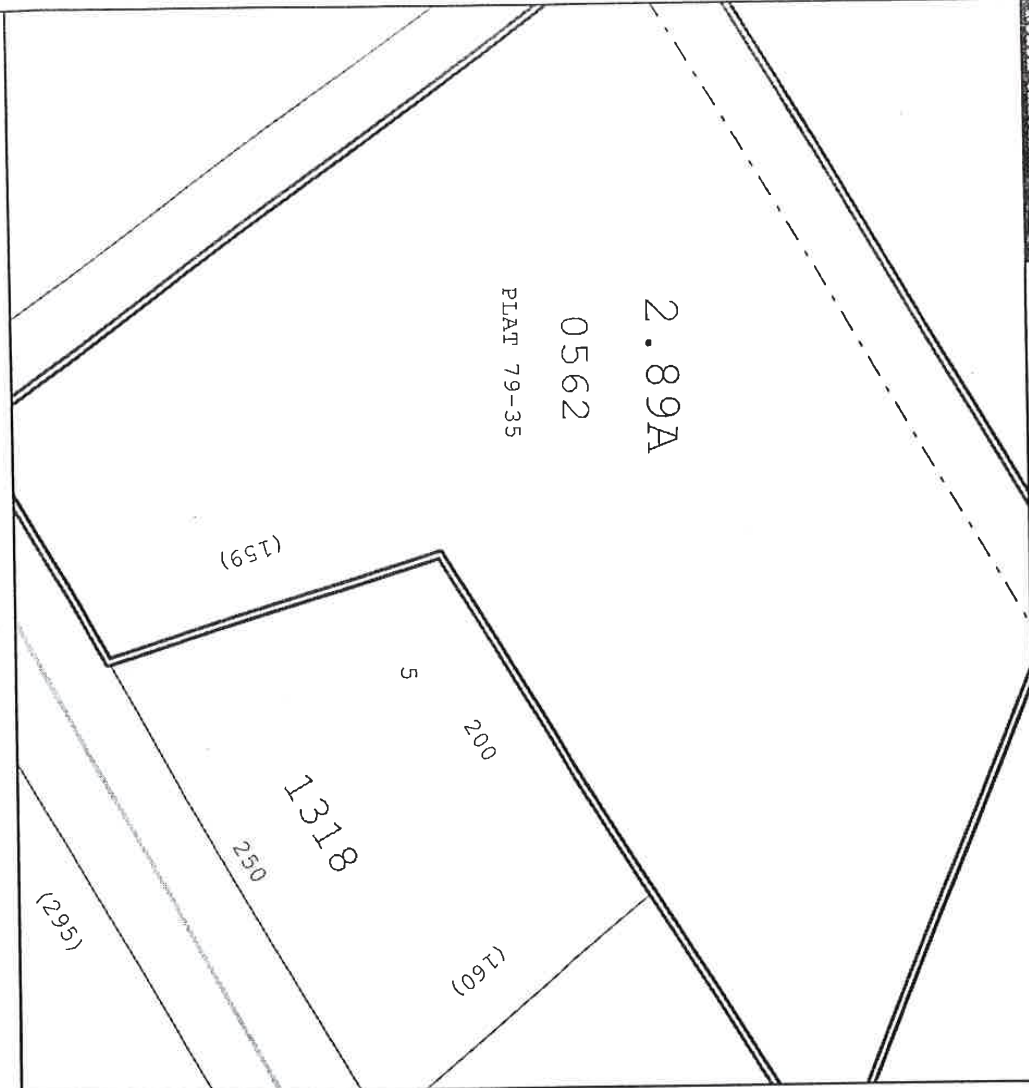
id: 05F02019E
Tag: 05F02019E
Tax Unique Id: 4360011
Owner Name 1: STARLING, DIANNE SMITH
Owner Name 2: STARLING, PHILLIP D
Mail Address 1: 2900 NC HWY 42 W
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 01484
Page: 0563



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

Parcel Report

X Coordinate: 2144119.211427
Y Coordinate: 681683.01233762
id: 05F02018E
Tag: 05F02018E
Tax Unique Id: 4233993
NCPin: 164800-41-0562
Mapsheet No: 1648
Owner Name 1: GOOFOFF LLC
Owner Name 2:
Mail Address 1: 2800 ROWLAND RD
Mail Address 2:
Mail Address 3: RALEIGH, NC 27615-5633
Site Address 1: 2840 NC 42 HWY
Site Address 2: CLAYTON, NC 27520-
Book: 04363
Page: 0342
Market Value: 702950
Assessed Acreage: 2.89
Calc. Acreage: 3.06
Sales Price: 850000
Sale Date: 2013-10-02
Township: Clayton
Water District: Clayton Water District
ETJ: Clayton
City Limits: N/A
Town Zoning: B-3
County Zoning: N/A
Overlay Zoning: N/A



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



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

AGENDA LOCATION:

Items Scheduled for Regular Meetings

Meeting Date:

August 15, 2016

ITEM TITLE:

Special Events Policy

DESCRIPTION:

This item was originally presented to Council on April 18, 2016. At that time after lengthy discussion it was placed on the May 16, 2016 agenda. Council requested additional information from staff and that time. Mr. DeYoung will provide requested information and updated draft policy.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

April 18, 2016

Action Taken:

Placed on May 16, 2016 Agenda

Information Provided:

Information & Policy

Date:

May 16, 2016

Action Taken:

Additional information from staff is required. Staff will bring back to council at a later date.

Information Provided:

Information & Policy

TOWN OF CLAYTON

Special Events Support Policy

A. Purpose

Special events provide opportunities to improve quality of life, build a sense of community, showcase local and regional talent, enrich cultural opportunities, draw first-time visitors to the Town of Clayton and contribute to the local economy.

This policy outlines a process for facilitation of special events in the Town of Clayton. It further aids in identification of resources required and cost allocation for the provision of those resources.

It is the policy of the Town of Clayton that any approved special event should not result in the expenditure of excessive public resources.

This policy is intended to work in concert with all other applicable rules, regulations, laws, and ordinances of the Town of Clayton and the State of North Carolina.

This policy does NOT apply to rental or use of The Clayton Center. In general this policy does NOT apply to the rental or use of Town parks, however the Parks and Recreation Department may at their discretion require applicants to submit to the Special Event process if the proposed event is deemed to have significant impact on Town resources.

B. Definitions

Event Organizer: Any individual, firm, or organization proposing a special event on public property or property controlled by the Town of Clayton.

Public Property: Refers to all Town and State-owned property, squares, streets, sidewalks, rights-of-way and greenways.

Special Event: An event, public or private, occurring on public property as defined above. This includes, but is not limited to road races, public gatherings, demonstrations, competitions, concerts, festivals, neighborhood events, fund raisers, and entertainment/amusement events. If the special event is on private property, the Town reserves the right to require event organizers to submit a special event permit application pursuant to this policy if the nature and scope of the event requires Town services and/or resources.

Private Event: Activities where the general public is not invited, events such as weddings or family reunions that occur on Town Square, Horne Square, Town parks or greenways or similar spaces are required to submit a Special Event permit application or temporary use permit application as determined by the Planning Department.

Road Race: Organized activity involving running, biking, walking or other means of transportation, with three or more participants and utilizing a fixed course/route that involves the use or obstruction of Town street rights-of-way, Town sidewalks, Town parks or greenways.

Parade/Demonstration: An organized activity involving movement of or gathering of a group, with three or more participants and utilizing a fixed route or destination over Town street rights-of-way, Town sidewalks, parks, greenways or squares. These events require a parade/demonstration permit to be issued by the Clayton Police Department.

Neighborhood Block Party: Organized, small-scale activity that closes or blocks public streets or sidewalks. These small-scale gatherings are initiated by and are intended to attract only local residents who live on or in close proximity to the street being closed. They are not intended for the general public.

Video Production: Organized activity involving video and/or still photography production that necessitates

closure or blocking public streets, sidewalks or spaces.

Special Event Permit Application: An application required by the Town of Clayton of an event organizer to utilize public property and/or public resources for a special event. The application will be submitted to the Planning Department. Upon approval by the Special Events Committee and meeting all conditions, a Special Event Permit and/or a parade/demonstration permit will be issued granting use of public facilities for a Special Event.

Special Events Committee: The Town of Clayton Special Events Review Committee.

Support Services: Services provided by the Town of Clayton to ensure that a special event is conducted in a safe and healthy manner with protection of people and property. When appropriate each Department Director or designee shall estimate the Town Support Service requirements and related costs for each special event. This includes manpower, equipment, supplies, and consumables required to service the special event.

Town-Sponsored / Partnered Special Event: An event that originates from within a Town of Clayton department such as Downtown Development, Parks & Recreation, and Library or any affiliated individual, group or organization which has an agreement and/or a budgeted allocation with the Town of Clayton to offer special events. Support offered by the Town of Clayton for Sponsored/Partnered Special Events will be consistent with the terms and conditions of the agreement.

Staff Hours: The total number of hours dedicated by any Town staff-person involved in the planning, organizations, promotion, and execution of a Special Event, but not inclusive of time associated with processing a Special Event Application.

C. Categories of Special Events (See Appendix A for List of Known Events)

Category A: A special event that that meets either of the following criteria (excludes road races/walks):

- a) May require 80 or more extra staff hours by Town employees, or
- b) Is expected to draw approximately 5,000 or more spectators/participants.
 - Up to 6 Class A special events will be permitted each year
 - No more than two Class A special events can occur within 60 days of each other

Category B: A special event that meets either of the following criteria (excludes road races/walks):

- a) May require 24 to 80 extra staff hours by Town employees, or
- b) Is expected to draw approximately up to 5,000 spectators/participants.
 - No more than 10 Class B special events will be permitted each year
 - No more than two Class B special event can occur within 30 days of each other

Category C: A special event that that meets either of the following criteria (excludes road races/walks):

- a) Does not exceed 24 staff hours by Town employees, or
- b) Is expected to draw approximately 500 or less spectators/participants within a consecutive 24 hour period
 - No more than 25 Class C special events will be permitted each year
 - There is no limit to the number of Class C events in a 30 day period, however, the Special Events Committee can require alternate dates based on the scheduling of other events and the amount of staff time and Town resources required or available.

Category R: Road Races/Walks

- No more than 2 Class R special events will be permitted each year per neighborhood, park or greenway. No more than one Class R special event may occur within 30 days of each other regardless of the route. The Special Events Committee can require alternative dates based on the scheduling of other events and

the amount of staff time required.

The Special Events Committee will consider exceeding any of the above Class limits if an event organizer has the ability to pay for all Town expenses required of that event.

D. Special Events Permit Process

- a) **Pre-Application Meeting:** Prior to any Special Event Application submittal, the Event Organizer must schedule and hold a meeting with a Planning Department/Special Events Committee staff member to review the Application.
- b) **Application:** Special Event organizers must submit a Special Event Application and pay all applicable fees no later than 60 days prior to an event, or 120 days if the event involves the closure of an NCDOT street/road. Applications are due the first Wednesday of each month, without exceptions. Special Event Application forms are available on the Town of Clayton website (www.townofclaytonnc.org) or in the Planning Department.
- c) **Reservation of Dates:** Dates for events will be reserved on a first-come, first-serve basis by the Planning Department. The following restrictions shall apply:
 - Recurring events will be given first priority.
 - Conflicts will be resolved by the Planning Department/Special Events Committee.
- d) **Special Events Committee Review:** The Special Events Committee and the applicant must meet to review the application. The committee may make specific recommendations concerning the proposed location, scope, date and time for the special event. They will also evaluate the type, amount and anticipated Town resources needed for the special event. Costs will be calculated based on the current Town of Clayton Fee Schedule (Appendix B) or an analysis of time expected necessary to support the event.

The criteria for evaluating Special Event Permit Applications are as follows:

- Completeness of application and event layout
 - Impact and cost of the event on public health, welfare and safety
 - Impact and cost of the event on Town support services
 - Impact of the event on the environment
 - Frequency of the same or similar event(s) as well as potential conflicts with previously approved events
 - Impact on the surrounding businesses or residences
 - Ability for the public place to remain open to other users, unless a street closure permit has been issued
 - Perceived benefit of event for Town of Clayton
 - Likelihood of participation by Town of Clayton residents
 - Previous history of event organizer in facilitating successful special events
 - Ability of event organizer to achieve goals set forth for special events
- e) **Town Council Review:** The Special Events committee will submit a tentative events calendar to Town Council annually to support event planning and notice. The Town Council will review for approval requests to use/close Public Properties and/or streets for Special Events. Town Council will receive periodic updates of upcoming approved Special Events.
 - Presentation to Council**
 - a. For special events requiring road closures or use of Town resources, the applicant is required to attend the Council meeting and is required to make a formal presentation to Council regarding the event. Presentations should provide information about planned event activities and should address projected numbers of attendees. Failure to make a presentation to Council may place the special event in jeopardy

of being denied a permit.

- b. Town staff shall be responsible for presenting requested road closures and an analysis of the projected use of Town resources to the Council.
- f) **Post Event Review:** Following a Special Event, the Special Events Committee will review all events for consistency with town goals, public safety, and appropriateness. The Committee reserves the right to reject future Special Event Applications for events failing to meet Town goals or standards.
- g) **Notice Requirements:** In an effort to improve communications and keep impacted citizens, businesses and other establishments fully informed of all Special Events, the Special Events Committee requires the following notice:
 - **Notice Components:** All notices must include the information listed below. Postcards, door hangers and flyers should be black ink on brightly colored yellow paper. The Planning Department will provide a list of the addresses identified by the Special Events Committee that lie within the appropriate notice zone. Event organizers are reminded it is a Federal offense to place materials in or on mailboxes.
 1. Name of Event
 2. Name of sponsoring organization
 3. Date and timeframe of event
 4. Description of associated road closures and the timeframe of road closures, if different than timeframe of event
 5. Description of event and information about the noise impacts of event, such as music or fireworks, and their timeframe
 6. Name and contact information of event organizer (including a phone number and email address)
 7. Website associated with event, if applicable
 8. Statement that this notice is placed in accordance with requirements of the Town of Clayton.

- **Road Races/Walks:**

APPROXIMATELY 6 WEEKS OUT FROM EVENT:

- Communicate event details via door hanger or mass phone contact (Town service – fee applies) with each business, church or school located along the event route or side street along the event route.
- Share the text of the communications with the Planning Department.

AT LEAST 15 DAYS OUT FROM EVENT:

- Communicate event details via door hanger or mass phone contact (Town service – fee applies) with all residents located along the event route or side street along the event route.
- Share the text of the communications with the Planning Department.
- In the event of a large apartment or business complex with one main lobby, it is acceptable to hang (with the building owner/manager's permission) a flyer notification in a highly visible main area. Otherwise information must be distributed to each unit in the complex.

- **Neighborhood Block Parties:**

At Least 15 DAYS OUT FROM EVENT: Event Organizers must notify every resident, business, place of learning or worship within the area of the road closure or in close enough proximity that they will be inconvenienced by the road closures and/or noise impacts associated with the event. The event organizer can use any form of communication, provided that the notification covers all required components and notifies all residents and establishments at least 15 days prior to the event.

- **Filming/Commercial Video Production:**

Approximately 72 HOURS FROM EVENT: Event Organizers must notify every resident, business,

and place of learning and worship located within the area of the road closure or in close enough proximity that they may be inconvenienced by the road closures and/or noise impacts associated with the activities. The event organizer can use any form of communication, provided that the notification covers all required components and notifies all establishments and residents at least 72 hours prior to the event.

- **Other Special Events:**

Generally, other special events will not be required to notify adjacent property owners. At the sole discretion of the Special Events Committee, however, other special events may be deemed subject to the notification requirements if the event will be unusually disruptive to the surrounding property owners.

NOTE: News, public and community oriented videography is exempted from these requirements.

- h) **Evaluation of Notice.** Failure to comply with these requirements will result in a reduced event evaluation score and may affect an event organizer's ability to host events in the future. Event organizers are solely responsible for the costs associated with compliance with the notice requirements. The Special Events Committee shall determine the notice requirements based on the nature and impact of the event.
- i) **Denial & Appeal:** A Special Event Permit application may be denied if it is found that it's granting would not be in the public interest. Any applicant denied a Special Event Permit shall receive a written notice for the denial. The applicant may appeal the decision to the Town Council within fifteen working days (15) of the notice. The findings and the determination of the Town Council shall be final.
- j) **Payment of Fees:** All Special Event fees must be paid no later than thirty (30) days prior to the event. No Special Event permits shall be issued until all fees are paid.
- k) **Issuance of Event Permit:** No Special Event shall take place without a Town issued Special Event Permit. The Permit must be available for inspection on site at the event at all times.
- l) **Permit Revocation:** The Town may revoke a Special Event Permit issued pursuant to this section if the applicant or operator of the special event has:
 - 1. Misrepresented or provided false information in the Application; or
 - 2. Violated any provision of the Town of Clayton Unified Development Code or Johnston County Health Department regulations; or
 - 3. Violated any local, State or Federal law, or
 - 4. Operated the Special Event in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety or welfare, specifically including failure to keep the Town of Clayton owned property clean and free of refuse; or
 - 5. Failed to pay all Special Event fees.
- m) **Day of Event Requirements:** The event organizer or their designee must be on site at all times. The special event permit must be available for inspection on site at all times.

E. Special Event Fees

Special Event Fees are listed in the Comprehensive List of Fees and Charges ("List") and in Appendix B. The List is updated periodically by the Town Council and can be found on the Town's website (www.townofclaytonnc.org). Special event fees must be paid in advance or the Special Event will be cancelled and the Special Event Permit will become void.

F. Event Rejection/Cancellation/Refund of Fees

If the special event is rejected or cancelled after the payment of fees because of conditions beyond the control of the event organizer, the Town may consider a partial refund of fees paid, however application fees are not

refundable. The Special Events Committee will assess any costs already incurred by the Town and coordinate with the affected Department Directors to calculate the amount of refund.

G. Rules and Prohibitions

- a) **Adherence to Town Ordinances and Rules:** All applicants must adhere to all Town ordinances and Town Square and Horne Square rules of use.
- b) **Alcohol:** Event organizers must acquire all required permits from the North Carolina Alcohol Beverage Commission. Alcohol sales, consumption and possession are prohibited on Town property, unless the following criteria is met:
 - A copy of the approved NCABC permit is submitted with the Special Events Permit Application
 - Off-duty Town of Clayton police officers must be hired for security during permitted times of alcohol sales or consumption. The number of officers is determined by the Special Events Committee.
- c) **Alterations to Public Property:** Alterations to public property including the attachment or installation of decorations or displays are prohibited unless advance permission has been granted by the Town.
- d) **Repairs.** Repairs necessary due to damage to any structure, irrigation system, landscaping, or infrastructure will be billed to the event organizers at replacement cost plus a fifteen percent premium on labor. The Town reserves the right to regulate placement and method of placement of items or structures on any public property. Please reference the rules and procedures regarding damage Rules of Use Policy for Town Square and Horne Square.
- e) **Signage:** Banners and signs promoting the event are allowed in a limited number of areas within Town limits as provided in the Special Event Signage and Banner Application Permit Process.
- f) **Event Equipment and Layout:** A layout of the event area, including locations of all tables, chairs, tents, stages, vendor set-up, portable restrooms, road closures, parking plans, and other equipment must be submitted with the application. No event equipment will be provided by the Town of Clayton. Organizers are not permitted to drive stakes into the ground on any Town of Clayton property.
- g) **Town of Clayton Promotion of an Event:** A special event may be promoted via the Town of Clayton's various communication tools if the event organizer submits a brief, written description of the event by electronic means to the Public Information Office no less than one week prior to the event. The description should cover Who, What, When, Where, Why, and a photograph, flyer, and link to a website or other online location for more event details. Commercial events/activities will not be promoted on the Town of Clayton website unless the event is in partnership with the Town. Event promotion will be performed on a time available basis and will be secondary to other public information office functions.
- h) **Food Sales:** Any intention to sell food must comply with any and all State Sanitation laws. Copies of any State required permits must be supplied to the Planning Department prior to the event. Fire Code requires a fire extinguisher at each cooking location.
- i) **Safety, Security, Medical:** The event organizer may be required to hire off-duty Town of Clayton police officers to provide security to ensure public safety.
- j) **Parking:** Participants must adhere to all parking regulations established by the Town of Clayton. Event organizers are prohibited from charging patrons for parking in public spaces without the express written consent of the Town of Clayton. Event organizers must secure adequate on or off site parking for large events. When off-site parking is utilized use of shuttles for transport must be approved by Special Events Committee. Likewise a pedestrian circulation plan may be required.
- k) **Resource Estimates:** The Special Events Committee reserves the right to be the final authority in estimates of attendance, need for additional staff hours, and/or assignment of manpower and equipment to special events.

- l) **Restroom Facilities:** For all events which are 4-hours duration or longer, portable toilets may be required. The Special Events Committee will assist the event organizer in determining the number and placement of toilets needed, although a ratio of one toilet per 100 attendees can be used as a guide. In compliance with the Americans with Disabilities Act, the event organizer must provide sufficient handicap accessible portable toilets. It is the event organizer's responsibility to make all arrangements (contacting, reserving, coordinating drop-off, pumping during the event, and pick-up) and pay any rental fees.
- m) **Sanitation:** Garbage and recycling carts, if deemed necessary by the Special Events Committee, Planning Department or Streets Department, must be rented from the Town of Clayton. Fees will be charged to the event organizer at the prevailing rate from the Town's contracted solid waste vendor. The Special Events Committee will assist the event organizer to determine the number and placement of garbage and recycling carts required for the event. It is the event organizer's responsibility to collect any garbage and recycling and ensure the carts are returned to their original drop-off location on site following the event in order to ensure return of the deposit.
- n) **Clean-up & Damage:** It is the event organizer's responsibility to ensure the event location is returned to its original condition following an event. The event site will be inspected after an event and any work needed to clean-up or repair will be charged to the event organizer and may result in forfeiture of deposit and revocation of future event privileges.
- o) **Noise:** All events must be in compliance with the [Town of Clayton Noise Ordinance 98.01](#). Sound system equipment is not provided by the Town of Clayton. The event organizer must indicate on the Special Event Permit Application of any intended use of a sound system or any amplified sound during the event.
- p) **Utilities:** Specific requirements for the use of electricity and water must be submitted with the application. Electricity and water are not available without permission from the Town. A flat utility fee will be charged for events less than one day. Events exceeding one day will be required to establish a utility account and pay for consumed utilities.

H. Insurance

For events on Town of Clayton property, applicants must provide proof of General Liability insurance coverage in amounts at least equal to those carried by the Town. The Town must be named as an "additional insured" and a certificate showing such must be provided prior to the issuance of the Special Event Permit.

I. Release and Indemnity

Each event organizer must execute a release and indemnity agreement as included in the Special Event Permit Application. Event organizers must demonstrate that they are either personally or organizationally responsible for liability and will guarantee orderly behavior/will underwrite any damage of the premises. Liability is assumed by the applicant in regard to any personal or property damage rising out of activities of the applicant. It is the responsibility of the event organizer to read the application form completely and understand fully his/her responsibilities.

J. Assignment

The event organizer shall be prohibited from assigning any rights under this agreement or use of the premises to any other party.

K. Discrimination

The applying organization, association, or entity shall not discriminate or advocate discrimination on account of race, color, religion, creed, national origin, age, gender, sexual orientation or disability.

APPENDIX A

Month	Town Sponsored/Partnered Event	Event Class	Attendance	Staff Hours								Organizer	Street Closures?
				Public Works	Police	PD Off Duty	Fire	Electric	Planning	Parks & Rec	Total		
July	July 4th Celebration	A	10,000	2.00	160.00	-	30.00	4.00	2.00	100.00	298.00	Parks & Rec	Yes
Sept	Harvest & Music Festival	A	20,000	28.00	252.00	-	28.00	10.00	3.00	-	321.00	Chamber of Commerce	Yes
December	Christmas Village & Tree Lighting	A	5,000	58.00	80.00	-	11.00	1,500.00	60.00	-	1,709.00	CDDA	Yes
December	Christmas Parade	A	10,000	32.00	150.00	-	20.00	6.00	20.00	-	228.00	Chamber of Commerce	Yes
May	Halloween Parade	B	300	28.00	30.00	-	-	2.00	2.00	20.00	82.00	Parks & Rec	No
May	Concert Series	B	1,000	19.00	0.20	6.00	-	2.00	60.00	-	87.20	CDDA	No
June	Concert Series	B	1,000	19.00	0.20	6.00	-	2.00	60.00	-	87.20	CDDA	No
July	Concert Series	B	1,000	19.00	0.20	6.00	-	2.00	60.00	-	87.20	CDDA	No
August	Concert Series	B	1,000	19.00	0.20	6.00	-	2.00	60.00	-	87.20	CDDA	No
September	Concert Series	B	1,000	19.00	0.20	6.00	-	2.00	60.00	-	87.20	CDDA	No
Mar	Easter Egg Hunt	C	300	-	-	-	6.00	2.00	2.00	10.00	20.00	Parks & Rec	No
April	Flag of Truce	C	1,000	8.00	-	-	-	2.00	2.00	-	12.00	Library/CHA	No
May/August	Movie Nights	C	600	10.00	-	-	-	2.00	40.00	-	52.00	CDDA	No
May	Clayton Road Race	R	500	36.00	75.00	-	10.00	2.00	-	30.00	153.00	Parks & Rec	Yes
Subtotal				297.00	748.00	30.00	105.00	1,540.00	431.00	160.00	3,311.00		

Month	Known Private Events	Event Class	Attendance	Staff Hours								Organizer	Street Closures?
				Public Works	Police	PD Off Duty	Fire	Electric	Planning	Parks & Rec	Total		
June	Mondo Roots Music & Art Faire (formerly Millstock)	B	1,200	36.00	-	-	-	4.00	3.00	-	43.00	Clayton Visual Arts	Yes
October	Squealin' On the Square	B	200	18.00	0.50	6.50	-	4.00	2.00	-	31.00	Chamber of Commerce	Yes
October	The Shindig	B	1,500	24.00	0.50	6.50	-	2.00	3.00	-	36.00	Mid-Day Rotary	Yes
October	CHS Homecoming Parade	C	800	-	12.00	-	-	2.00	2.00	-	16.00	Clayton High School	Yes
October	Truck or Treat	C	100	5.00	-	-	-	2.00	2.00	-	9.00	Horne UMC	No
December	Community Christmas Eve Service	C	100	-	-	-	-	2.00	2.00	-	4.00	Greater Heights UMC	No
December	Santa Baby Road Race	R	200	36.00	5.00	32.00	-	2.00	2.00	-	77.00	Reciprocity Events	Yes
March	Run for the Rockets	R	200	20.00	1.00	2.00	-	2.00	2.00	-	27.00	Cooper PTA	Yes
May	Heart Chase	R	300	8.00	1.00	2.00	-	2.00	2.00	-	15.00	American Heart Association	Yes
May	AlzNC - Johnston County Walk	R	200	8.00	-	-	-	2.00	2.00	-	12.00	Alzheimer's NC	No
September	Kid's Bubble Run	R	200	8.00	-	-	-	2.00	2.00	-	12.00	Little Believers Academy	No
Subtotal				163.00	20.00	49.00	-	26.00	24.00	-	282.00		
Grand Total				460.00	768.00	79.00	105.00	1,566.00	455.00	160.00	3,593.00		

Note: Specific events listed are for illustrative purposes and do not imply or guarantee a reservation. All events are subject to the Special Events Permitting process.

APPENDIX B

Special Event Fees	Town of Clayton Taxpayer	Non-Town of Clayton Taxpayer
Application Fee	\$100	\$200
Sanitation Deposit <i>Deposit is refundable within 30 days of the end of an event provided a post event inspection finds no unsatisfactory conditions.</i>	Class A = \$250 Class B = \$125 Class C = \$50 Class R = \$50	Class A = \$500 Class B = \$250 Class C = \$100 Class R = \$100
Rental of Town/Horne Square	\$25/day	\$50/day
Street Closure (including electronic message board)	\$50/day	\$100/day
Type III Barricade Rental	\$5/barricade/day	\$10/barricade/day
Police Detail Fee <i>Number of officers dependent on security needs/length of street closures and alcohol sales</i>	\$35/officer/hour (3 hour minimum)	\$35/officer/hour + \$100 administration fee (3 hour minimum)
Rental of Garbage/Recycling Containers <i>4 roll-out container minimum - 2 garbage/2 recycling</i>	\$13/container/day (\$52 minimum)	\$13/container/day + \$50 administration fee (\$102 minimum)
Electricity/Water fee <i>Events that are more than one day shall pay metered consumption. All other events are charged a flat rate.</i>	\$10/utility	\$20/utility
Generating Notice Addresses	\$25/hour (1 hour minimum)	\$50/hour (1 hour minimum)
Code Red Call/Mass Phone Contact	\$50	\$100

NOTE: Town sponsored events are exempt from all fees.



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

AGENDA LOCATION:

Items Scheduled for Regular Meetings

Meeting Date:

August 15, 2016

ITEM TITLE:

CDDA Christmas Village & Tree Lighting

DESCRIPTION:

Christmas tree lighting will be held on December 1, 2016.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Planning + Zoning

PRESENTER:

Kaitlin Russo, Downtown Development
Coordinator

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 EVENT PERMIT APPLICATION

Pursuant to Article 7, Section 155.712 of the Unified Development Code, a property owner/business owner within the jurisdiction of the Town (or a duly authorized agent) may apply for a Special Event Permit from the Planning Department. Special Event Permits are valid for a maximum 30 days within a one year time period.

Applications must be accompanied by one (1) copy of a site plan depicting the special event location, an Owner's Consent Form and the \$100.00 application fee (if applicable). All fees are due when the application is submitted. NOTE: If the event is to be held on public property, approval to use the property must be obtained from Town Council; therefore the application must be submitted 90 days prior to the event.

A special event is a non-routine happening or social activity such as a festival, concert, sporting event, parade, walk or run bringing people together in a defined area on Town property, right of way, or private property. Special events generally require Town services to ensure safety and coordination.

Applications and events are prioritized based on a first come-first served basis and the Town may approve or disapprove an event's requested date based on availability of resources. Events that occur on an annual basis will receive priority the following year.

APPLICANT INFORMATION

Name of Event: Christmas Village & Tree Lighting
Applicant Name and Title: Kaitlin Russo, Downtown Development Coordinator
Organization: Clayton Downtown Development Association, Inc.
Mailing (Billing) Address: PO Box 879
City: Clayton State: NC Zip Code: 27528
Daytime Phone: (919)359-9349 Cell: (919)452-3758 Email: krusso@townofclaytonnc.org

EVENT INFORMATION

Event Location: Main St. from Community Garden (439 E. Main) to Town Square
Event Address: Main St./Horne Square/Town Square Parcel ID : _____
Date(s) of Event: December 1, 2016
Event Start Time: 5:00 p.m. Event End Time: 8:30 p.m.
Will roads need to be closed: ☒ Yes ☐ No
Set Up Begins: Noon Clean Up Ends: 9:30 p.m.
Estimated Attendance: 5,000+
Description of Event: _____

TOWN OF CLAYTON STAFF USE ONLY

Date Received: 6/21/16 Amount Paid: NA Permit Number: 2016-14

April 2014

ORGANIZATION INFORMATION

Please complete the following information if the Special event is benefitting an organization or check the box if not applicable: ☒ N/A

Is the Organization a 501(c) 3? ☒ Yes ☐ No

	Yes	No
1. Is the Special Event being held by or for the benefit of an organization?	☒	☐
2. Is the organization a 501(C)3	☒	☐

Briefly describe the purpose of the organization: _____

Name of Organization: Clayton Downtown Development Association

Organization Address: 111 E. Second Street, Clayton, NC 27528

Organization Contact Name: Kaitlin Russo Phone Number: (919)359-9349

Organization Email: krusso@townofclaytonnc.org

Federal Identification Number: _____

TENTS & MEMBRANE STRUCTURES

**** A TENT is a structure, enclosure, or shelter, with or without sidewalls or drops****

To be completed by the applicant:			To be completed by staff: Permit/Inspections Required?	
	Yes	No	Yes	No
1. Will tents be used at the event?	☒	☐		
2. How many tents will be used?	2-3 Info Tents			
3. What is the size of the tents being used? <i>Please note that tents greater than 240 square feet in size require a building permit and associated inspections.</i>	10X10			
4. Are there multiple tents without sidewalls being placed side by side? <i>Please note that 12 feet of separation is required between all tents larger than 700 square feet. .</i>	☐	☒		

**** A MEMBRANE structure is an air-inflated or air supported structure ****

To be completed by the applicant:			To be completed by staff: Permit/Inspections Required?	
	Yes	No	Yes	No
1. Will a membrane structure(s) be used at the event?	☐	☒		
2. How many membrane structures will be used?				

April 2014

POWER SOURCES

To be completed by the applicant:	Yes	No	Staff Notes
1. Will you use electric generators?	☐	☐	
2. Will you use a Town of Clayton power source?	☐	☐	

PLEASE NOTE: NO direct wiring to any power source is permitted.

VOICE/MUSIC AMPLIFICATION

	Yes	No	Staff Notes
1. Are there any musical entertainment features related to your event? (If no, proceed to next section)	☒	☐	
If yes, state the number of bands:			
2. Will a temporary stage be utilized?	☒	☐	
If yes, please state the number of stages	2		
3. Will the event use amplified sound?	☒	☐	
If yes, please list start time and finish time.	Start Time 5:00 p.m.	Finish Time 8:30 p.m.	

HAZARDOUS MATERIALS

	Yes	No	Staff Notes
1. Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks? <i>If yes, note that all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.</i>	☐	☒	
2. Will there be any portable heaters?	☐	☒	
3. Will there be any deep fat fryers?	☐	☒	
4. Will there be any fireworks, lasers, torches, candles or pyrotechnics? <i>If yes, please contact the Fire Marshall for more 919-553-1520 information.</i>	☐	☒	

ALCOHOL

	Yes	No	Staff Notes
1. Will alcoholic beverages be served? <i>If yes, an ABC permit is required.</i>	☐	☒	
2. Will alcoholic beverages be sold? <i>If yes, an ABC permit is required.</i>	☐	☒	
3. What type of alcohol will be served?			
Draft Beer	☐		
Can/Bottle Beer	☐		
Wine	☐		
Liquor	☐		
4. Who will be serving the alcohol? <i>Please identify on the site plan the locations within event site where alcohol will be served.</i>			
5. List times that alcohol will be served	Start Time	Finish Time	
6. Copies of the ABC permit should be submitted upon receipt to the Planning Department.			

VENDORS

	Yes	No	Staff Notes
1. Will the event include mechanical rides, or other similar attractions? <i>Applicants contracting with amusement ride companies are required to provide the Town of Clayton with a certificate of insurance, naming applicant and the Town of Clayton (if applicable) as additional insured on general liability.</i>	☒	☒	
2. Please list/describe rides and attractions: Trackless train			
3. Does the event have food vendors?	☐	☒	
If yes, check all that apply:			
Served	Sold	Free	Catered
☐	☐	☐	☐
4. If the event includes food concessions and/or cooking areas: <i>Event organizers are required to submit a Temporary Food Event Sponsor form with Johnston County Environmental Health (919-989-5180) at least 14 days prior to the event. A copy of the application must be submitted to the Planning Department at the same time. Fire Code requires a fire extinguisher at each cooking location.</i>	☐	☐	

TOWN SERVICES

The Town of Clayton does not provide amenities such as portable washrooms, sound systems, tables, chairs, tents, canopies or other equipment. The applicant is responsible for arranging and providing services such as solid waste, wastewater, event clean up, traffic control, etc.

TRASH RECEPTICLES/ROLL-OUT CARTS	Yes	No	Staff Notes
1. Does the event require roll-out carts?	☒	☐	
2. What types of trash will be discarded?			
Aluminum Cans	Glass Bottles / Jars	Plastic Bottles / Cups	Paper Cups / Plates
☒	☐	☒	☐
3. How many trash roll-out carts are needed?	Number		
	4		
4. How many recycle roll-out carts are needed?	4		
5. Delivery location?	2 @ Home Sq. & 2 @ Town Sq.		
6. Date rollout carts are to be delivered\picked up?	Delivered	Picked-up	
PUBLIC PROPERTY CLEAN-UP		Yes	No
7. Will portable toilets be used during the event?		☐	☐
8. Date portable toilets will be delivered/and removed?		Delivered	Picked-up
9. What is the clean-up plan for the event?			
<i>Applicants are responsible for cleaning and restoring the site after the event. Please pick up all trash including paper, plastic, bottles, cans and event marketing signs. Any cost incurred by the Town due to the failure of an applicant to clean and/or restore the site following the event will be borne by the applicant. If you believe that no litter will be generated during your event, please state this in your plan.</i>			

April 2014

SAFETY AND SECURITY				Yes	No	
10. Will security be used during the event?				☐	☒	
11. Will overnight security be used?				☐	☒	
12. How many off duty officers will be used?				Clayton PD		
13. Please check the type(s) of security that will be used:						
Alcohol Security	Stage Security	Event Area Security	Gate Security	Money Handling Security	Other	
☐	☐	☐	☐	☐	☐	
14. Date(s) and time(s) security will be on site:						
Applicant may be required to hire off-duty Town of Clayton police officers to provide security to insure public safety. The Town of Clayton Police Department will determine the number of security personnel required on site.						

SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. The plan should include the following information (if applicable):

- Location of the event/activity on the property. Showing adjacent streets/roads and boundaries.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, alcohol sales, etc.
- Identify location of all cooking devices and open flames. (Grills only)
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.
- Identify location of any generators and fuel storage.

SITE PLAN SKETCH

(Note: you may sketch site plan here or attach a drawing to the application.)

April 2014

EVENT BOUNDARY AND ROAD TRAFFIC PLAN

EVENT TYPE						Yes	No	Staff Notes
1. Will the event include use of public streets?						☒	☐	
2. How will the route be utilized?								
Parade	March or Walk	Vehicles Only	Vendors	Foot/Bicycle Race	Other			
☐	☐	☐	☐	☐	☒			
3. How many participants are expected?						Number		
						5000+		
4. How many floats will participate?						0		
5. How many vehicles will participate?						0		
						Yes	No	
6. Will animals participate in the event?						☒	☐	
7. If yes, please list the types of animals:								
Animals associated with the live nativity (donkeys, sheep, etc.)								
EVENT BOUNDARIES								
Please describe the event boundaries. If event is a road event then include route below. If there is more than one segment to the event, include start and finish times for each segment. (Example: The "GENERIC AWARENESS RUN" may include a 5K, a 10K, and a Fun Run).								
Main St. from O'Neil to Smith								

ROAD CLOSURE REQUESTS

All road closure requests are reviewed by the Town of Clayton. Approval, denial, or modification of road closure requests is at sole discretion of the Town, including but not limited to the route, placement and number of all barricades, signs and police/volunteer locations. If your event involves road closures, please attach a Route and Traffic Plan. Include the required information (listed below) and any additional information that you believe applies to your event.

ROAD CLOSURE			Staff Notes
1. List the street(s) and times in which street(s) will need to be closed (Please note that NC and US roadways require approval from the North Carolina Department of Transportation):			
Street(s):	Begins	Ends	
Main St. from O'Neil St. to Smith St.	5:00 pm	9:00 pm	
Fayetteville from Main to Second	5:00 pm	9:00 pm	
Church St. from Main to Second	5:00 pm	9:00 pm	
Lombard St. from Main to Second	5:00 pm	9:00 pm	
2. How many participants are expected?			
Number			
5,000 +			
EVENT ROUTE			Staff Notes
DESCRIBE THE EVENT ROUTE BELOW. IF THERE IS MORE THAN ONE SEGMENT TO AN EVENT, INCLUDE START AND FINISH TIMES FOR EACH SEGMENT. (Example: The "GENERIC AWARENESS RUN" may include a 5K, a 10K, and a Fun Run).			
n/a			
Please note that <u>white temporary water-base paint</u> can be used to mark the route on the street pavement (May be purchased at common hardware stores such as Lowes, Home Depot, etc.).			

April 2014

ROAD CLOSURE/DETOUR PLAN

Illustrate a plan to include roads that you are requesting to be closed to vehicular or other traffic for your event. Include all proposed locations for barricades, signs and police/volunteers. Identify the proposed locations for emergency access lanes (Minimum 20' width) throughout the event site. Describe planned arrangements to resolve conflicts with people trying to reach businesses, their own residences, places of worship and public facilities including public transportation.

(Note: you may sketch site plan here or attach a drawing to the application.)

SPECIAL EVENT PROCESSING

The applicant must follow the steps below in chronological order to ensure successful processing of the Special Event request:

1. Request a pre-application meeting with the Planning Department to discuss the scope of the Special Event. If the event is downtown, the meeting must include the Downtown Development Coordinator.
2. Submit a completed application with any important supplemental information.
3. Provide proof of \$1,000,000 General Liability Insurance. Certificate naming Town of Clayton as Additional Insured may be required.
4. Meet with the Special Events Committee to review the request, receive comments and a recommendation of approval for the event.
5. If Special Events Committee approves, a staff request will be made to the Town Clerk in order to be placed on a Town Council agenda if Town services or road closures are necessary.
6. Upon agenda scheduling, applicant will present the Special Event request to Town Council to receive authorization.

April 2014

7. If the event will utilize Horne Square, a \$250.00 deposit is required following approval.
8. Prior to the Event, a meeting to review the incident action plan (IAP) is required

Upon completion of the steps above, the Planning Department will issue a Special Event Permit approval (with or without Conditions), or notify the applicant in writing that the request is denied.

DO NOT ASSUME, ADVERTISE, OR PROMOTE YOUR EVENT UNTIL YOU HAVE A SIGNED PARADE PERMIT FROM THE TOWN OF CLAYTON POLICE DEPARTMENT. CONFLICTS DO ARISE AND CHANGES TO THE REQUEST MAY BE NECESSARY.

USE OF TOWN OWNED PROPERTY

	Yes	No
1. Use policies and procedures obtained and submitted for use of any Town owned property or streets.	☒	☐

DENIAL OR REVOCATION OF PERMIT

Denial

A Special Event Permit application may be denied if it is found that its granting would not be in the Town of Clayton's or the public's interest. Any applicant denied a permit to utilize Town-owned property for a special event shall receive a written statement outlining the grounds on which the denial is based. The applicant may appeal the denial of the application to the Town Council within fifteen working days of the written denial and the Town Council may take such corrective action as it shall find necessary. The findings and the determination of the Town Council shall be final.

Permit Revocation

The Town may revoke a permit issued pursuant to this section if the applicant or operator of the special event has:

1. Misrepresented or provided false information in the permit application;
2. Violated any provision of the Town of Clayton Unified Development Code or Johnston County Health Department regulations;
3. Violated any law, regulation or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances; or
4. Operated the special event in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety or welfare, specifically including failure to keep the Town of Clayton owned property clean and free of refuse.

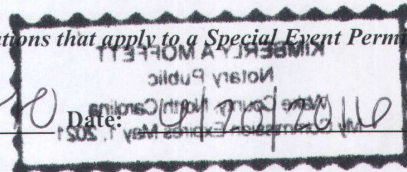
APPLICANT'S AFFIDAVIT

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

The undersigned does understand and agree to the rules and regulations that apply to a Special Event Permit.

Applicant's Signature: _____

[Handwritten Signature]



Date: _____

[Handwritten Date: 04/20/14]

April 2014

NORTH CAROLINA
JOHNSTON COUNTY



INDEMNIFICATION AGREEMENT

I, Kaitlin Russo have submitted an application for a Special Event Permit for Town Square and Horne Square on property owned by the Town of Clayton. As the authorized applicant/authorized representative for the Special Event, I hereby agree to indemnify and hold the Town of Clayton, its officers, agents and employees, harmless from all claims, liabilities, demands, expenses, of any nature or kind, expresses or implied, whether sounding in tort or in contract that may be asserted against the Town, its officials, agents and employees by any person, firm, or corporation, that may arise out of any acts or omissions, active or passive, related to operating an event on the Town's property.

Kaitlin Russo

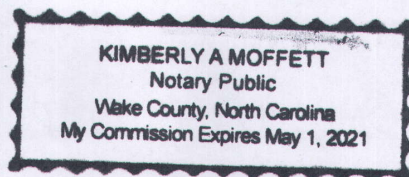
Signature of Applicant & Authorized Representative of Event

Sworn to (or affirmed) and subscribed before me this the 20th day of June, 2016.

(Official Seal)
Kimberly A. Moffett
Official Signature of Notary

Kimberly A. Moffett, Notary Public
Notary's printed or typed name

My commission expires: 5/1/2021





USE POLICIES & PROCEDURES FOR TOWN SQUARE & HORNE SQUARE

PURPOSE

The purpose of this policy is to establish guidelines for the use of Town Square, located at 110 W. Main Street at its intersection with Fayetteville Street and Horne Square, located at 348 E. Main Street at its intersection with Lombard Street. Town Square and Horne Square are public spaces that may be used to help further the vision of downtown Clayton as a 'regional center for artistic expression and destination where people, businesses, and the arts thrive.'

ELIGIBLE USES

Subject to approval, and in compliance with the guidelines listed herein, the following uses may be permitted in Town Square or Horne Square:

- Established non-profit, civic, and similar organizations may, from time to time, make use of Town Square or Horne Square as approved by the Town of Clayton in compliance with these guidelines.
- Eligible public uses of Town Square or Horne Square include cultural, arts-related, educational and other non-commercial uses.
- Other uses deemed appropriate by Town Council.

Ineligible uses include, but are not limited to:

- Yard sales, private or ticketed events.

The Town of Clayton may refuse use of the property to any group that it deems as failing to meet the criteria or purposes stated herein, at its sole discretion.

GENERAL POLICIES AND PROCEDURES

To use Town Square or Horne Square, the following policies and procedures must be followed.

- A. A **Special Event Application**, for a Special Event Permit, must be submitted to Town of Clayton Planning Department at least 30 days prior to event; if request includes street closures, a minimum of 90 days is required.
- B. All users must adhere to all ordinances of the Town of Clayton, including securing Town of Clayton Sign Permits prior to issuance of Special Events Permit. (Planning, Zoning & Inspections Office located on Floor G2 of The Clayton Center/Town Hall.)
- C. The property shall not be used for commercial or "for profit" purposes except as a fundraiser in support of an established non-profit organization and as approved by the Town of Clayton.
- D. The primary purpose of Horne Square is to provide parking for visitors to Downtown Clayton. Whenever possible, use of the property for special events shall be located on the property so as to

accommodate its primary purpose as a public parking lot.

- E. No organization may use the property more than two (2) times per calendar year.
- F. The parking lot at Horne Square shall not be closed to public use more than six (6) times per year.
- G. No ground stakes may be used by the user or any agent of the user for any purpose including securing tents, signage, staging, etc.
- H. No vehicles of any kind allowed on Town Square for any purpose, with the exception of mobile stages. No vehicles are allowed on Horne Square pavers, unless conditional considerations are noted on the Special Events Application and Permit.
- I. Due to fire and safety regulations, no fireworks or open fires are allowed.
- J. *Children attending events should be supervised at all times due to proximity of busy roads and traffic.*
- K. The user agrees to protect and hold harmless the Town of Clayton and all employees from and against any claims, actions, damages, injury or loss that occurs in relation to event. *Event holders shall carry General Liability Insurance in the amount of \$1,000,000 combined limit policy for bodily injury and property damage, and include the Town, its officers, employees and agents as additional insured's under the policy.*
- L. Upon completion of the event, all banners, signs, decoration and other materials must be completely removed from the premises.
- M. All users shall leave the property in a clean and safe condition restored to the state and condition which existed prior to their use.
- N. All activities must be planned and conducted in a safe, healthy, and orderly fashion. The Town of Clayton reserves the right to immediately cancel, without compensation or other consideration, any event not conducted in a safe, healthy and orderly fashion.

ALCOHOL POLICY

In order for alcohol to be served during an event on Horne Square, the following applies:

- A. User must indicate the intent to serve/sell alcohol in the Special Event Application.
- B. State law requires that an ABC Special Use Permit be secured from the NC ABC Commission by the user for any event serving unfortified beer and/or wine if the event is ticketed and/or if wine/beer is sold or transacted via donations *unless* the user is using a licensed caterer to provide and serve it. The Town of Clayton requires this permit to be on file with the Planning Department no later than 1 week prior to event date.
- C. State law requires that, in order to serve fortified wine and liquor at any event (whether ticketed or not), an ABC Special Use Permit must be secured via the NC ABC Commission *unless* the user is using a fully licensed and insured caterer to serve it.

- D. The Town of Clayton *requires Event Holders to carry* General Liability Insurance with \$2,000,000 *liquor liability coverage* at events where alcohol is served *unless* liability is covered by a fully licensed and insured caterer. In *both* cases, the Town of Clayton must be added *as an "Additional Insured"* specifying event date and time. *A copy of the certificate* for the file is required 1 week prior to event. The Town of Clayton waives all liability for illness or injury related to the consumption of alcohol on premises.
- E. All alcohol must be bartended. No self-service alcohol by attendees is permitted. Kegs are allowed, but only as managed by the bartender(s).
- F. At events where minors are present and alcohol is served, the user is responsible to establish a system of checking ID's and identifying minors with bartender(s)/caterer.
- G. At events where alcohol is served, The Town of Clayton requires the user to employ a Security Officer thru the Town of Clayton Police Department for the duration of the event at an hourly rate of \$25 with a 3-hour minimum. Payment is to be paid directly to the Security Officer on the date of contracted event. (Assigned officer's name communicated to user by Police Department within 5 days of event.)

DAMAGE DEPOSIT POLICY

A discretionary \$250.00 Damage/Cleanup Deposit may be required for any use, refundable after 15 days of event date provided Town Square/Horne Square suffers no damage as a result of event. Should damages occur, an itemized statement of repairs will be provided to the user along with a refund of the remaining deposit. If damages exceed \$250.00, an invoice will be sent to the user with an itemized statement of repairs.

If Town Square/Horne Square is not adequately cleared of event-related debris, including signage, within 12 hours of the event, a \$150 clean up fee will be either deducted from Damage Deposit or invoiced post-event and due within 2 weeks of receipt.

As a potential user of Town Square or Horne Square, I fully understand and agree to the policies and procedures listed herein.

User Signature:

Kaitlin Russo

Date:

10/20/14

Print Name:

Kaitlin Russo

Special Events

Christmas Village & Tree Lighting

Special Events

Christmas Village & Tree Lighting

Christmas Village & Tree Lighting

December 1, 2016 between 5 p.m. and 9 p.m.

- **Horne Square Closure:**
- **Town Square Closure:**
- **Town Square Parking Lot Closure:**
- **NCDOT Road Closure:**
 - Main Street from O'Neil to Smith Street
 - Lombard Street from Main to Second Street
- **Town Road Closure:**
 - Fayetteville Street from Main to Second Street
 - Church Street from Main to Second Street



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

AGENDA LOCATION:

Items Contingent for Regular Meetings

Meeting Date:

August 15, 2016

ITEM TITLE:

CDDA Movie Nights

DESCRIPTION:

Movie nights event will be held at Town Square on August 26th, September 23rd and October 28, 2016.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

Kaitlin Russo, Downtown Development
Coordinator

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 EVENT PERMIT APPLICATION

Pursuant to Article 7, Section 155.712 of the Unified Development Code, a property owner/business owner within the jurisdiction of the Town (or a duly authorized agent) may apply for a Special Event Permit from the Planning Department. Special Event Permits are valid for a maximum 30 days within a one year time period.

Applications must be accompanied by one (1) copy of a site plan depicting the special event location, an Owner's Consent Form and the \$100.00 application fee (if applicable). All fees are due when the application is submitted. NOTE: If the event is to be held on public property, approval to use the property must be obtained from Town Council; therefore the application must be submitted 90 days prior to the event.

A special event is a non-routine happening or social activity such as a festival, concert, sporting event, parade, walk or run bringing people together in a defined area on Town property, right of way, or private property. Special events generally require Town services to ensure safety and coordination.

Applications and events are prioritized based on a first come-first served basis and the Town may approve or disapprove an event's requested date based on availability of resources. Events that occur on an annual basis will receive priority the following year.

APPLICANT INFORMATION

Name of Event: CDDA Movie Nights
Applicant Name and Title: Kaitlin Russo, Downtown Development Coordinator
Organization: Clayton Downtown Development Association
Mailing (Billing) Address: PO Box 879
City: Clayton State: NC Zip Code: 27528
Daytime Phone: (919)359-9349 Cell: (919)452-3758 Email: krusso@townofclaytonnc.org
Description of Event: Free public movie with inflatable big screen and sound system, bounce house and food vendors. Movies are targeted toward families with children 5-13 years of age

EVENT INFORMATION

Event Location: Town Square
Event Address: 110 West Main St., Clayton
Date(s) of Event: August 26th, September 23rd, October 28th
Event Start Time: 6:00pm Event End Time: 10:00pm
Will roads need to be closed: ☐ Yes ☒ No
Set Up Begins: 5:00pm Clean Up Ends: 10:30pm
Estimated Attendance: 500-800

TOWN OF CLAYTON STAFF USE ONLY

Date Received: 6-21-16 Amount Paid: N/A Permit Number: 2016-15

TENTS & MEMBRANE STRUCTURES

** A TENT is a structure, enclosure, or shelter, with or without sidewalls or drops**

To be completed by the applicant:			To be completed by staff: Permit/Inspections Required?	
	Yes	No	Yes	No
1. Will tents be used at the event?	☒	☐		
2. How many tents will be used?	2-5			
3. What is the size of the tents being used? <i>Please note that tents greater than 240 square feet in size require a building permit and associated inspections.</i>	10x10			
4. Are there multiple tents without sidewalls being placed side by side? <i>Please note that 12 feet of separation is required between all tents larger than 700 square feet. .</i>	☐	☒		

** A MEMBRANE structure is an air-inflated or air supported structure **

To be completed by the applicant:			To be completed by staff: Permit/Inspections Required?	
	Yes	No	Yes	No
1. Will a membrane structure(s) be used at the event?	☒	☐		
2. How many membrane structures will be used?	2			

POWER SOURCES

To be completed by the applicant:	Yes	No	Staff Notes
1. Will you use electric generators?	☐	☒	
2. Will you use electric power from an existing source?	☒	☐	
PLEASE NOTE: NO direct wiring to any power source is permitted.			

VOICE/MUSIC AMPLIFICATION

	Yes	No	Staff Notes
1. Are there any musical entertainment features related to your event? (If no, proceed to next section)	☐	☒	
If yes, state the number of bands:			
2. Will a temporary stage be utilized?	☐	☒	
If yes, please state the number of stages			
3. Will the event use amplified sound?	☒	☐	
If yes, please list start time and finish time.	Start Time 6:00pm	Finish Time 10:00 pm	

HAZARDOUS MATERIALS

	Yes	No	Staff Notes
1. Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks? <i>If yes, note that all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.</i>	☐	☒	
2. Will there be any portable heaters?	☐	☒	
3. Will there be any deep fat fryers?	☐	☒	
4. Will there be any fireworks, lasers, torches, candles or pyrotechnics? <i>If yes, please contact the Fire Marshall for more 919-553-1520 information.</i>	☐	☒	

ALCOHOL

	Yes	No	Staff Notes								
1. Will alcoholic beverages be served? <i>If yes, an ABC permit is required.</i>	☐	☒									
2. Will alcoholic beverages be sold? <i>If yes, an ABC permit is required.</i>	☐	☒									
3. What type of alcohol will be served?											
<table border="1" style="width: 100%;"> <tr> <td style="width: 25%;">Draft Beer</td> <td style="width: 25%;">Can/Bottle Beer</td> <td style="width: 25%;">Wine</td> <td style="width: 25%;">Liquor</td> </tr> <tr> <td style="text-align: center;">☐</td> <td style="text-align: center;">☐</td> <td style="text-align: center;">☐</td> <td style="text-align: center;">☐</td> </tr> </table>	Draft Beer	Can/Bottle Beer	Wine	Liquor	☐	☐	☐	☐			
Draft Beer	Can/Bottle Beer	Wine	Liquor								
☐	☐	☐	☐								
4. Who will be serving the alcohol? <i>Please identify on the site plan the locations within event site where alcohol will be served.</i>											
5. List times that alcohol will be served	Start Time	Finish Time									
6. Copies of the ABC permit should be submitted upon receipt to the Planning Department.											

VENDORS

	Yes	No	Staff Notes												
1. Will the event include mechanical rides, or other similar attractions? <i>Applicants contracting with amusement ride companies are required to provide the Town of Clayton with a certificate of insurance, naming applicant and the Town of Clayton (if applicable) as additional insured on general liability.</i>	☐	☒													
2. Please list/describe rides and attractions:															
3. Does the event have food vendors?	☒	☐													
If yes, check all that apply:															
<table border="1" style="width: 100%;"> <tr> <td style="width: 16.6%;">Served</td> <td style="width: 16.6%;">Sold</td> <td style="width: 16.6%;">Free</td> <td style="width: 16.6%;">Catered</td> <td style="width: 16.6%;">Served Outdoors</td> <td style="width: 16.6%;">Other</td> </tr> <tr> <td style="text-align: center;">☐</td> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> <td style="text-align: center;">☐</td> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	Served	Sold	Free	Catered	Served Outdoors	Other	☐	☒	☐	☐	☒	☐			
Served	Sold	Free	Catered	Served Outdoors	Other										
☐	☒	☐	☐	☒	☐										
4. If the event includes food concessions and/or cooking areas: <i>Event organizers are required to submit a Temporary Food Event Sponsor form with Johnston County Environmental Health (919-989-5180) at least 14 days prior to the event. A copy of the application must be submitted to the Planning Department at the same time. Fire Code requires a fire extinguisher at each cooking location.</i>	☒	☐													

TOWN SERVICES

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TRASH RECEPTICLES/ROLL-OUT CARTS					Yes	No	Staff Notes
1. Does the event require roll-out carts?					☒	☐	
2. What types of trash will be discarded?							
Aluminum Cans	Glass Bottles / Jars	Plastic Bottles / Cups	Paper Cups / Plates	Styrofoam Cups / Plates	Other		
☒	☐	☒	☒	☒	☐		
3. How many trash roll-out carts are needed?					Number		
					5		
4. How many recycle roll-out carts are needed?					3		
5. Delivery location?					Town Square		
6. Date rollout carts are to be delivered/picked up?					Delivered	Picked-up	
PUBLIC PROPERTY CLEAN-UP					Yes	No	
7. Will portable toilets be used during the event?					☒	☐	
8. Date portable toilets will be delivered/and removed? Friday to Monday					Delivered	Picked-up	
9. What is the clean-up plan for the event?							
Event volunteers will police the area and pick up trash following the event							
<i>Applicants are responsible for cleaning and restoring the site after the event. Please pick up all trash including paper, plastic, bottles, cans and event marketing signs. Any cost incurred by the Town due to the failure of an applicant to clean and/or restore the site following the event will be borne by the applicant. If you believe that no litter will be generated during your event, please state this in your plan.</i>							
SAFETY AND SECURITY					Yes	No	
10. Will security be used during the event?					☐	☒	
11. How many security officers will be used?							
12. Please check the type(s) of security that will be used:							
Alcohol Security	Stage Security	Event Area Security	Gate Security	Money Handling Security	Other		
☐	☐	☐	☐	☐	☐		
13. Will overnight security be used?					☐	☐	
14. Date(s) and time(s) security will be on site:							
<i>Applicant may be required to hire off-duty Town of Clayton police officers to provide security to insure public safety. The Town of Clayton Police Department will determine the number of security personnel required on site.</i>							

SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. The plan should include the following information (if applicable):

- Location of the event/activity on the property. Showing adjacent streets/roads and boundaries.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, alcohol sales, etc.

- Identify location of all cooking devices and open flames. (Grills only)
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.
- Identify location of any generators and fuel storage.

SITE PLAN SKETCH

(Note: you may sketch site plan here or attach a drawing to the application.)

EVENT BOUNDARY AND ROAD TRAFFIC PLAN

EVENT TYPE					Yes	No	Staff Notes
15. Will the event include use of public streets?					☐	☒	
16. How will the route be utilized?							
Parade	March or Walk	Vehicles Only	Vendors	Foot/Bicycle Race	Other		
☐	☐	☐	☐	☐	☐		
17. How many participants are expected?					Number		
18. How many floats will participate?							
19. How many vehicles will participate?							
					Yes	No	
20. Will animals participate in the event?					☐	☐	
21. If yes, please list the types of animals:							
EVENT BOUNDARIES							
<i>Please describe the event boundaries. If event is a road event then include route below. If there is more than one segment to the event, include start and finish times for each segment. (Example: The "GENERIC AWARENESS RUN" may include a 5K, a 10K, and a Fun Run).</i>							

ROAD CLOSURE REQUEST

All road closure requests are reviewed by the Town of Clayton. Approval, denial, or modification of road closure requests is at sole discretion of the Town, including but not limited to the route, placement and number of all barricades, signs and police/volunteer locations. If your event involves road closures, please attach a Route and Traffic Plan. Include the required information (listed below) and any additional information that you believe applies to your event.

ROAD CLOSURE			Staff Notes
1. List the street(s) and times in which street(s) will need to be closed (<i>Please note that NC and US roadways require approval from the North Carolina Department of Transportation</i>):			
Street(s):	Begins	Ends	
2. How many participants are expected?	Number		
EVENT ROUTE			Staff Notes
DESCRIBE BELOW THE EVENT ROUTE. IF THERE IS MORE THAN ONE SEGMENT TO AN EVENT, INCLUDE START AND FINISH TIMES FOR EACH SEGMENT. (Example: The "GENERIC AWARENESS RUN" may include a 5K, a 10K, and a Fun Run).			

Please note that white temporary water-base paint can be used to mark the route on the street pavement (May be purchased at common hardware stores such as Lowes Home, Home Depot, etc.).

ROAD CLOSURE/DETOUR PLAN

Illustrate a plan to include roads that you are requesting to be closed to vehicular or other traffic for your event. Include all proposed locations for barricades, signs and police/volunteers. Identify the proposed locations for emergency access lanes (Minimum 20' width) throughout the event site. Describe planned arrangements to resolve conflicts with people trying to reach businesses, their own residences, places of worship and public facilities including public transportation.

(Note: you may sketch site plan here or attach a drawing to the application.)

N/A

SPECIAL EVENT PROCESSING

The applicant must follow the steps below in chronological order to ensure successful processing of the Special Event request:

1. Request a pre-application meeting with the Planning Department to discuss the scope of the Special Event. If the event is downtown, the meeting must include the Downtown Development Coordinator.
2. Submit a completed application with any important supplemental information.
3. Provide proof of \$1,000,000 General Liability Insurance. Certificate naming Town of Clayton as Additional Insured may be required.

4. Meet with the Special Events Committee to review the request, receive comments and a recommendation of approval for the event.
5. If Special Events Committee approves, a staff request will be made to the Town Clerk in order to be placed on a Town Council agenda if Town services or road closures are necessary.
6. Upon agenda scheduling, applicant will present the Special Event request to Town Council to receive authorization.
7. If the event will utilize Horne Square, a \$250.00 deposit is required following approval.
8. Prior to the Event, a meeting to review the incident action plan (IAP) is required

Upon completion of the steps above, the Planning Department will issue a Special Event Permit approval (with or without Conditions), or notify the applicant in writing that the request is denied.

DO NOT ASSUME, ADVERTISE, OR PROMOTE YOUR EVENT UNTIL YOU HAVE A SIGNED PARADE PERMIT FROM THE TOWN OF CLAYTON POLICE DEPARTMENT. CONFLICTS DO ARISE AND CHANGES TO THE REQUEST MAY BE NECESSARY.

DENIAL OR REVOCATION OF PERMIT

Denial

A Special Event Permit application may be denied if it is found that its granting would not be in the Town of Clayton's or the public's interest. Any applicant denied a permit to utilize Town-owned property for a special event shall receive a written statement outlining the grounds on which the denial is based. The applicant may appeal the denial of the application to the Town Council within fifteen working days of the written denial and the Town Council may take such corrective action as it shall find necessary. The findings and the determination of the Town Council shall be final.

Permit Revocation

The Town may revoke a permit issued pursuant to this section if the applicant or operator of the special event has:

1. Misrepresented or provided false information in the permit application;
2. Violated any provision of the Town of Clayton Unified Development Code or Johnston County Health Department regulations;
3. Violated any law, regulation or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances; or
4. Operated the special event in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety or welfare, specifically including failure to keep the Town of Clayton owned property clean and free of refuse.

ORGANIZATION INFORMATION

Please complete the following information if the Special event is benefitting an organization or check the box if not applicable: ☐ N/A

Is the Organization a 501(c) 3?

☒ Yes

☐ No

	Yes	No
1. Is the Special Event being held by or for the benefit of an organization?	☐	☒
2. Is the organization a 501(C)3	☒	☐

Briefly describe the purpose of the organization: _____

Name of Organization: Clayton Downtown Development Association

Organization Address: PO Box 879

Clayton, NC 27528

Organization Contact Name: Kaitlin Russo

Phone Number: (919)359-9349

Organization Email: krusso@townofclaytonnc.org

Federal Identification Number: 56-1844302

USE OF TOWN OWNED PROPERTY

	Yes	No
1. Use policies and procedures obtained and submitted for use of any Town owned property or streets.	☒	☐

APPLICANT'S AFFIDAVIT

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

The undersigned does understand and agree to the rules and regulations that apply to a Special Event Permit.

Applicant's Signature: _____ Date: 6/10/16

NORTH CAROLINA
JOHNSTON COUNTY



INDEMNIFICATION AGREEMENT

I, Kaitlin Russo have submitted an application for a Special Event Permit for ODD A MOVIE NIGHTS on property owned by the Town of Clayton. As the authorized applicant/authorized representative for the Special Event, I hereby agree to indemnify and hold the Town of Clayton, its officers, agents and employees, harmless from all claims, liabilities, demands, expenses, of any nature or kind, expresses or implied, whether sounding in tort or in contract that may be asserted against the Town, its officials, agents and employees by any person, firm, or corporation, that may arise out of any acts or omissions, active or passive, related to operating an event on the Town's property.

Kaitlin Russo

Signature of Applicant & Authorized Representative of Event

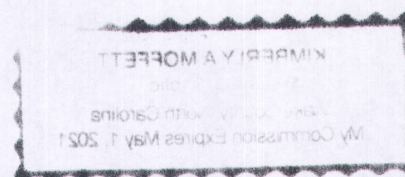
Sworn to (or affirmed) and subscribed before me this the 20th day of June, 2016.

(Official Seal)
Kimberly A. Moffett
Official Signature of Notary



Kimberly A. Moffett, Notary Public
Notary's printed or typed name

My commission expires: 5/1/2021



USE POLICIES & PROCEDURES FOR TOWN SQUARE & HORNE SQUARE

PURPOSE

The purpose of this policy is to establish guidelines for the use of Town Square, located at 110 W. Main Street at its intersection with Fayetteville Street and Horne Square, located at 348 E. Main Street at its intersection with Lombard Street. Town Square and Horne Square are public spaces that may be used to help further the vision of downtown Clayton as a 'regional center for artistic expression and destination where people, businesses, and the arts thrive.'

ELIGIBLE USES

Subject to approval, and in compliance with the guidelines listed herein, the following uses may be permitted in Town Square or Horne Square:

- Established non-profit, civic, and similar organizations may, from time to time, make use of Town Square or Horne Square as approved by the Town of Clayton in compliance with these guidelines.
- Eligible public uses of Town Square or Horne Square include cultural, arts-related, educational and other non-commercial uses.
- Other uses deemed appropriate by Town Council.

Ineligible uses include, but are not limited to:

- Yard sales, private or ticketed events.

The Town of Clayton may refuse use of the property to any group that it deems as failing to meet the criteria or purposes stated herein, at its sole discretion.

GENERAL POLICIES AND PROCEDURES

To use Town Square or Horne Square, the following policies and procedures must be followed.

- A. A **Special Event Application**, for a Special Event Permit, must be submitted to Town of Clayton Planning Department at least 30 days prior to event; if request includes street closures, a minimum of 90 days is required.
- B. All users must adhere to all ordinances of the Town of Clayton, including securing Town of Clayton Sign Permits prior to issuance of Special Events Permit. (Planning, Zoning & Inspections Office located on Floor G2 of The Clayton Center/Town Hall.)
- C. The property shall not be used for commercial or "for profit" purposes except as a fundraiser in support of an established non-profit organization and as approved by the Town of Clayton.
- D. The primary purpose of Horne Square is to provide parking for visitors to Downtown Clayton. Whenever possible, use of the property for special events shall be located on the property so as to

accommodate its primary purpose as a public parking lot.

- E. No organization may use the property more than two (2) times per calendar year.
- F. The parking lot at Horne Square shall not be closed to public use more than six (6) times per year.
- G. No ground stakes may be used by the user or any agent of the user for any purpose including securing tents, signage, staging, etc.
- H. No vehicles of any kind allowed on Town Square for any purpose, with the exception of mobile stages. No vehicles are allowed on Horne Square pavers, unless conditional considerations are noted on the Special Events Application and Permit.
- I. Due to fire and safety regulations, no fireworks or open fires are allowed.
- J. *Children attending events should be supervised at all times due to proximity of busy roads and traffic.*
- K. The user agrees to protect and hold harmless the Town of Clayton and all employees from and against any claims, actions, damages, injury or loss that occurs in relation to event. *Event holders shall carry General Liability Insurance in the amount of \$1,000,000 combined limit policy for bodily injury and property damage, and include the Town, its officers, employees and agents as additional insured's under the policy.*
- L. Upon completion of the event, all banners, signs, decoration and other materials must be completely removed from the premises.
- M. All users shall leave the property in a clean and safe condition restored to the state and condition which existed prior to their use.
- N. All activities must be planned and conducted in a safe, healthy, and orderly fashion. The Town of Clayton reserves the right to immediately cancel, without compensation or other consideration, any event not conducted in a safe, healthy and orderly fashion.

ALCOHOL POLICY

In order for alcohol to be served during an event on Horne Square, the following applies:

- A. User must indicate the intent to serve/sell alcohol in the Special Event Application.
- B. State law requires that an ABC Special Use Permit be secured from the NC ABC Commission by the user for any event serving unfortified beer and/or wine if the event is ticketed and/or if wine/beer is sold or transacted via donations *unless* the user is using a licensed caterer to provide and serve it. The Town of Clayton requires this permit to be on file with the Planning Department no later than 1 week prior to event date.
- C. State law requires that, in order to serve fortified wine and liquor at any event (whether ticketed or not), an ABC Special Use Permit must be secured via the NC ABC Commission *unless* the user is using a fully licensed and insured caterer to serve it.

- D. The Town of Clayton *requires Event Holders to carry* General Liability Insurance with \$2,000,000 *liquor liability coverage* at events where alcohol is served *unless* liability is covered by a fully licensed and insured caterer. In *both* cases, the Town of Clayton must be added *as an "Additional Insured"* specifying event date and time. *A copy of the certificate* for the file is required 1 week prior to event. The Town of Clayton waives all liability for illness or injury related to the consumption of alcohol on premises.
- E. All alcohol must be bartended. No self-service alcohol by attendees is permitted. Kegs are allowed, but only as managed by the bartender(s).
- F. At events where minors are present and alcohol is served, the user is responsible to establish a system of checking ID's and identifying minors with bartender(s)/caterer.
- G. At events where alcohol is served, The Town of Clayton requires the user to employ a Security Officer thru the Town of Clayton Police Department for the duration of the event at an hourly rate of \$25 with a 3-hour minimum. Payment is to be paid directly to the Security Officer on the date of contracted event. (Assigned officer's name communicated to user by Police Department within 5 days of event.)

DAMAGE DEPOSIT POLICY

A discretionary \$250.00 Damage/Cleanup Deposit may be required for any use, refundable after 15 days of event date provided Town Square/Horne Square suffers no damage as a result of event. Should damages occur, an itemized statement of repairs will be provided to the user along with a refund of the remaining deposit. If damages exceed \$250.00, an invoice will be sent to the user with an itemized statement of repairs.

If Town Square/Horne Square is not adequately cleared of event-related debris, including signage, within 12 hours of the event, a \$150 clean up fee will be either deducted from Damage Deposit or invoiced post-event and due within 2 weeks of receipt.

As a potential user of Town Square or Horne Square, I fully understand and agree to the policies and procedures listed herein.

User Signature:

Kaitlin Russo

Date:

6/10/14

Print Name:

Kaitlin Russo

2016

West Main Street

Fayetteville Sr

MOVIE
SCREEN

Main
Power
Water

landscaping

Volunteer Parking

East Second Street

Vendor
Vendor

Vendor
Vendor

landscaping

Bouncy
House

Portable
toilets

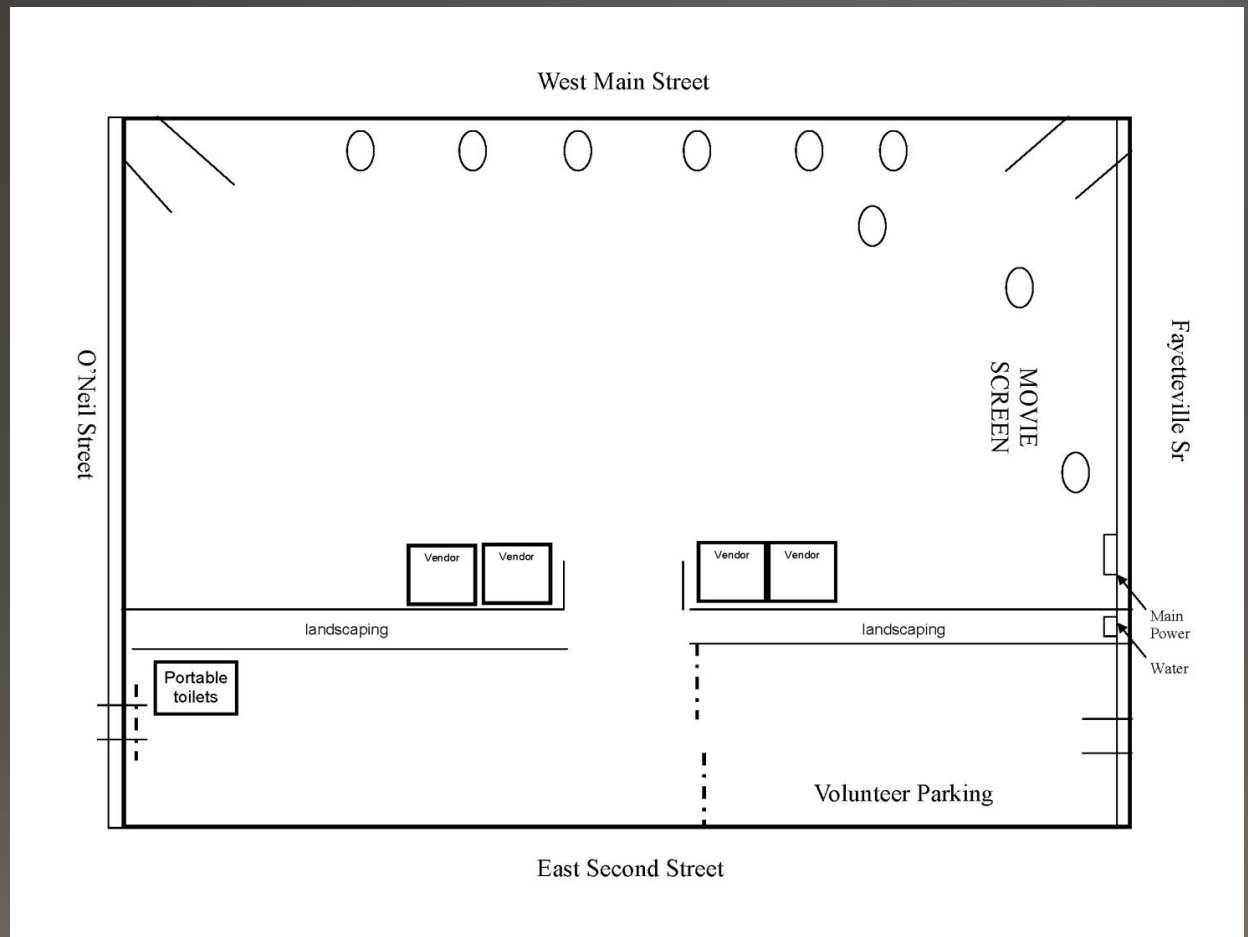
O'Neil Street

Special Events

CDDA Movie Nights

Special Events

CDDA Movie Nights



Special Events

CDDA Movie Nights

August 26th, September 22nd, and October 28th between 6 p.m. and 10 p.m.

- Town Square Closure:
- Town Square Parking Lot Closure

**SERIES RESOLUTION PROVIDING FOR THE ISSUANCE OF A
\$5,364,000 ELECTRIC SYSTEM REVENUE BOND, SERIES 2016**

WHEREAS, the Town of Clayton, North Carolina (the “Issuer”) has determined that the issuance of the bonds herein authorized to finance the cost of the construction of a new substation (the “Project”) will benefit and be in the best interests of the Issuer; and

WHEREAS, on June 16, 2008, the Governing Body (the “Governing Body”) of the Issuer adopted a bond order (the “Original 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; and**

WHEREAS, on June 1, 2015, the Governing Body of the Issuer adopted a First Supplement to Bond Order amending certain provisions of the Original Bond Order (such Original Bond Order, as amended and supplemented by the First Supplement to Bond Order, referred to herein as the “Bond Order”); and

WHEREAS, the Bond Order authorizes the issuance of Additional Bonds (as defined in the Original Bond Order) in accordance with Section 3.02 thereof in order to finance System Improvements (as defined in the Bond Order); and

WHEREAS, the Governing Body of the Issuer proposes issuing Additional Bonds in order to finance the Project, which constitutes System Improvements;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Issuer:

**ARTICLE I
DEFINITIONS**

Section 1.01. Meaning of Words and Terms. Unless otherwise required by the context, capitalized words and terms used herein which are defined in the Bond Order shall have the meanings assigned to them therein, and the following capitalized words and terms shall have the following meanings:

“Bond Order” means the Bond Order adopted by the Governing Body on June 16, 2008, together with the First Supplement to Bond Order adopted by the Governing Body on June 1, 2015, and all orders amendatory thereof and all orders supplemental thereto as therein permitted.

“Bond Registrar” means the Finance Officer of the Issuer, as designated by Section 2.01.

“Business Day” means a day that is not a Saturday or a Sunday and is a day that the Bond Registrar is open for the conducting of business.

“Closing” means the delivery of and payment for the Series 2016 Bond.

“Closing Date” means the date of the Closing.

“Interest Payment Date” means each March 1 and September 1, beginning March 1, 2017.

“Principal Payment Date” means each September 1, beginning September 1, 2017.

“Project Fund” means the fund created and held by Branch Banking and Trust Company under the Project Fund Agreement, as set forth in Section 4.02.

“Project Fund Agreement” means the Project Fund Agreement dated as of September 21, 2016, between the Issuer and the Purchaser.

“Purchaser” means Branch Banking and Trust Company.

“Rate Adjustment Event” means any determination by the Internal Revenue Service, any federal administrative agency or any court (a) that the Issuer has taken an action, or failed to take an action, with the result that the interest on the Series 2016 Bond is includable in gross income of the owners thereof for federal income tax purposes, or (b) that the Series 2016 Bond is not a “qualified tax-exempt obligation” within the meaning of Section 265 of the Code as a result of (i) any action the Issuer takes, or fails to take, or (ii) any representation made by the Issuer being a misrepresentation.

“Regular Record Date” means the Business Day next preceding any Interest Payment Date.

“Series 2016 Bond” means the \$5,364,000 Town of Clayton, North Carolina Electric System Revenue Bond, Series 2016 issued pursuant to the Bond Order and this Series Resolution.

Section 1.02. Rules of Construction. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, words used herein shall include the plural as well as the singular number. References herein to particular articles or sections are references to articles or sections of this Series Resolution unless some other reference is indicated.

ARTICLE II
AUTHORIZATION, FORM, ISSUANCE AND DELIVERY OF THE SERIES 2016 BOND

Section 2.01. Authorization and Issuance of Series 2016 Bond. The Issuer hereby authorizes the issuance of the Series 2016 Bond designated “Town of Clayton, North Carolina Electric System Revenue Bond, Series 2016” in the aggregate principal amount of \$5,364,000 for the purpose of providing funds, together with any other available funds, to (a) pay the costs of the Project and (b) pay the other costs and expenses incurred in connection with the issuance of the Series 2016 Bond. The Series 2016 Bond shall be issued under and pursuant to the Constitution and the laws of the State, including the Act, the Bond Order and this Series Resolution, subject to the conditions set forth herein and therein. The Series 2016 Bond constitutes an Additional Bond under the Bond Order.

The Finance Officer of the Issuer is hereby appointed as Bond Registrar for the Series 2016 Bond pursuant to the provisions of the Bond Order and this Series Resolution.

Section 2.02. Form of Series 2016 Bond. The definitive Series 2016 Bond shall be initially issued as one fully registered bond without coupons numbered R-1 in the aggregate principal amount of \$5,364,000, and shall be initially registered in the name of the Purchaser. The definitive Series 2016 Bond shall be substantially in the form set forth in Exhibit A attached hereto and made a part hereof, with such appropriate variations, omissions and insertions as are permitted or required by the Bond Order or this Series Resolution. Notwithstanding anything in the Bond Order to the contrary, the Series 2016 Bond may be transferred in the manner specified in the Bond Order, but may not be exchanged for any denomination other than the outstanding principal amount thereof.

Notwithstanding any other provisions of the Bond Order or this Series Resolution to the contrary, the Bond Registrar shall not register the transfer of the Series 2016 Bond to any person other than a bank, insurance company or similar financial institution unless such transfer has been previously approved by the Commission. The provisions of this paragraph may not be amended without the prior written consent of the Commission.

Section 2.03. Details of Series 2016 Bond. The Series 2016 Bond shall be dated the Closing Date, shall bear interest at a rate of 2.09% per annum (computed on the basis of a 360-day year consisting of twelve 30-day months), except as provided below, with interest being payable semi-annually in arrears on each Interest Payment Date, and principal payable annually on each Principal Payment Date, with all unpaid principal and accrued interest due and payable on September 1, 2031 (the “Maturity Date”) (subject to the right of prior redemption), all as set forth in the form of the Series 2016 Bond included in Exhibit A attached hereto and made a part hereof.

From and after a Rate Adjustment Event, the annualized interest rate used to calculate the interest on the Series 2016 Bond shall change to such rate as the then current Holder of the Series 2016 Bond may reasonably determine shall be appropriate to provide such Holder with the same tax equivalent yield as it enjoyed prior to the Rate Adjustment Event; provided, however, that such Holder shall provide to the Issuer a description of the methodology used to determine such tax equivalent yield. Upon each Rate Adjustment Event, the schedule for payment of principal

interest on the Series 2016 Bond shall be adjusted from and after the date of such Rate Adjustment Event to reflect level annual debt service payments for the remaining term of the Series 2016 Bond based on the new interest rate to be borne by the Series 2016 Bond. The Issuer shall additionally pay to such Holder or to any prior Holder any taxes, interest, penalties or other charges assessed against or payable by such Holder or prior Holder and attributable to a Rate Adjustment Event, notwithstanding the repayment of the entire principal amount of the Series 2016 Bond or any transfer or assignment of the Series 2016 Bond.

Both principal of and interest on the Series 2016 Bond shall be paid by wire transfer of immediately available funds or by check mailed to the Holder thereof in the manner specified by the Holder of the Series 2016 Bond to the Issuer.

Section 2.04. Terms and Condition for Issuance of Series 2016 Bond. The Series 2016 Bond shall be executed substantially in the form and in the manner herein and in the Bond Order set forth and shall be deposited with the Bond Registrar for authentication, but before the Series 2016 Bond shall be authenticated and delivered to the State Treasurer for redelivery to the Purchaser, there shall be filed with the Bond Registrar and the Purchaser, in addition to the items required to be delivered pursuant to Section 3.02 of the Bond Order, the following:

- (a) a certified copy of this Series Resolution;
- (b) a certificate of the Commission approving the sale of the Series 2016 Bond and confirming the interest rates thereof;
- (c) an opinion of bond counsel to the Issuer to the effect that the Series 2016 Bond has been validly issued in accordance with the provisions of the Bond Order and this Series Resolution in form and substance satisfactory to the Purchaser;
- (d) a certificate, signed by an Issuer Representative stating that, to his or her knowledge, no event of default shall have occurred and be continuing under the Bond Order; and
- (e) a certificate, signed by an Issuer Representative, stating that the sum of (i) Net Revenues for each of the two complete Fiscal Years next preceding the issuance of the proposed Additional Bonds and (ii) 20% of the Unrestricted Net Position of the System as of the last day of the corresponding two complete Fiscal Years next preceding the issuance of the proposed Additional Bonds were equal to at least 120% of the Debt Service Requirement on all Bonds then outstanding during each such Fiscal Years; and
- (f) a statement, signed by an Issuer Representative, to the effect that the sum of the (i) estimated Net Revenues for each of the two complete Fiscal Years next following the date of issuance of the proposed Additional Bonds and (ii) 20% of the estimated Unrestricted Net Position of the System as of the last day of each of the corresponding two complete Fiscal Years next following the date of issuance of the proposed Additional Bonds will be at least 120% of the Debt Service Requirements on all outstanding Bonds and the proposed Additional Bonds for each such Fiscal Year; and
- (g) When the documents mentioned in Section 3.02 of the Bond Order and subsections (a) to (f), inclusive, of this Section shall have been filed with the Bond Registrar and

the Purchaser, and when the Series 2016 Bond shall have been executed and authenticated as required by the Bond Order and this Series Resolution, the Series 2016 Bond shall be delivered to or upon the order of the State Treasurer for redelivery to or upon the order of the Purchaser, but only upon the deposit with the Bond Registrar of the purchase price of the Series 2016 Bond.

ARTICLE III REDEMPTION OF SERIES 2016 BOND

Section 3.01. Redemption of Series 2016 Bond.

(a) The principal installment of the Series 2016 Bond shall not be subject to redemption prior to its maturity or payment dates except as provided in this Article and in Article IV of the Bond Order.

(b) The principal installments of the Series 2016 Bond are subject to redemption prior to their stated payment dates, at the option of the Issuer, from any moneys that may be available for such purpose, in whole on any Interest Payment Date occurring on or after September 1, 2023, at a redemption price equal to 100% of the principal amount of the Series 2016 Bond to be redeemed, plus accrued interest to the redemption date.

(c) In connection with any partial redemption of the principal installments of the Series 2016 Bonds in accordance with this Section, such redemption shall be applied in inverse order of the maturing principal installments unless otherwise agreed to by the Holder in writing, and the schedule for payment of principal and interest on the Series 2016 Bond shall be modified accordingly from and after the redemption date to reflect such partial redemption.

Section 3.02. Redemption Notice. At least ten (10) days but not more than sixty (60) days prior to the redemption date of any principal amount of the Series 2016 Bond to be redeemed, the Bond Registrar shall cause a notice of any such redemption signed by the Bond Registrar to be mailed, first class, postage prepaid, to the Holder of the Series 2016 Bond. A copy of such notice shall also be given by first class mail, postage prepaid, to the Commission; provided, however, that failure to give such notice to the Commission or any defect therein shall not affect the sufficiency of the proceedings for redemption.

Each such notice shall set forth the designation and date of the Series 2016 Bond, the date fixed for redemption, the principal installments and amounts of the Series 2016 Bond to be redeemed, the Redemption Price to be paid, the address and phone number of the Bond Registrar and the date of the redemption notice.

Any notice of redemption may state that the redemption to be effected is conditioned upon the receipt by the Bond Registrar on or prior to the redemption date of moneys sufficient to pay the principal of and premium, if any, and interest on the principal installments of the Series 2016 Bond to be redeemed and that if such moneys are not so received such notice shall be of no force or effect and such principal installments of the Series 2016 Bond shall not be required to be redeemed. In the event that such notice contains such a condition and moneys sufficient to pay the principal of and premium, if any, and interest on such principal installments of the Series 2016 Bond to be redeemed are not received by the Bond Registrar on or prior to the redemption date, the redemption shall not be made, and the Bond Registrar shall within a reasonable time

thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received.

ARTICLE IV ACCOUNTS, REVENUES AND FUNDS; OTHER COVENANTS

Section 4.01. Payment of Series 2016 Bonds. The Issuer shall, subject to the provisions of Section 5.04 of the Bond Order, cause the Net Revenues deposited in the Revenue Fund to be used to pay the principal of, premium, if any, and interest on the Series 2016 Bond on each Interest Payment Date or any redemption date for the Series 2016 Bond.

Section 4.02. Establishment of Project Fund; Deposit of Series 2016 Bond Proceeds to the Disbursement of Money in Project Fund. Simultaneously with the Closing, the Purchaser will deposit the purchase price for the Series 2016 Bond in the Project Fund held by Branch Banking and Trust Company under the Project Fund Agreement. Money deposited in the Project Fund shall be applied to pay the costs of the Project and the costs and expenses incurred in connection with the issuance of the Series 2016 Bond. If the moneys held in the Project Fund and any other moneys provided by the Issuer are insufficient to pay all of the costs of the Project and costs and expenses incurred in connection with the issuance of the Series 2016 Bond, the Issuer shall provide any balance of the funds needed to complete the acquisition, construction and equipping of the Project. Any moneys remaining in the Project Fund after completion of the acquisition, construction and equipping of the Project, as evidenced by a written certificate of completion executed by an Issuer Representative and delivered to the Purchaser stating that the Project has been completed and there are no mechanic's or other liens against the Project for labor or materials furnished in connection with the Project, may be applied on the next Interest Payment Date to repayments of interest and principal installments of the Series 2016 Bond until such time as such moneys are expended.

Section 4.03. Investment of Money. Money held for the credit of the Project Fund shall be continuously invested and reinvested by the Issuer in Qualified Investments to the extent practicable. Any such Qualified Investments shall mature not later than the dates when the money held for the credit of the Project Fund will be required for the purposes intended. The Issuer shall sell or reduce to cash in a commercially reasonable manner a sufficient amount of such Qualified Investments whenever it is necessary to do so in order to provide money to make any payment from the Project Fund.

Section 4.04. Payment of Principal, Interest and Premium and Pledge of Net Revenues. The Issuer covenants that it will promptly pay the principal of and the interest on the Series 2016 Bond issued under the provisions of this Series Resolution at the place, on the dates and in the manner provided herein and in the Series 2016 Bond, and any premium required for the retirement of the Series 2016 Bond in whole or in part by purchase or redemption, according to the true intent and meaning thereof. The Issuer further covenants that it will faithfully perform at all times all of its covenants, undertakings and agreements contained in this Series Resolution and the Bond Order, or in any Series 2016 Bond executed, authenticated and delivered hereunder or in any proceedings of the Issuer pertaining thereto. The Issuer represents and covenants that it is duly authorized under the Constitution and laws of the State, particularly the Act, to issue the Series 2016 Bond authorized hereby and to pledge the Net Revenues in the manner and to the

extent herein and in the Bond Order set forth; that all action on its part for the issuance of the Series 2016 Bond has been duly and effectively taken; and that such Series 2016 Bond in the hands of the Holders thereof is and will be a valid and binding special obligation of the Issuer payable according to its terms. The Series 2016 Bond shall be secured pari passu as to the pledge of Net Revenues and shall be entitled to the same benefit and security under the Bond Order as all other Bonds issued or incurred thereunder and then outstanding.

ARTICLE V OTHER COVENANTS

Section 5.01. Tax Covenants. The Issuer covenants to do and perform all acts and things permitted by law in order to assure that interest paid on the Series 2016 Bond which was excludable from the gross income of its Holders for federal income taxes on the date of its issuance shall continue to be so excludable.

The Issuer hereby represents that it reasonably expects that the Issuer, all entities issuing obligations on behalf of the Issuer and all subordinate entities of the Issuer will not issue in the aggregate more than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined by the Code and refunding bonds described in Section 265(b)(3)(C)(ii) of the Code) during the calendar year that the Series 2016 Bond is being issued. The Issuer hereby designates the Series 2016 Bond as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code.

ARTICLE VI THE TRUSTEE

Section 6.01. Designation of Trustee. The Issuer may at any time, with the approval of the Commission, appoint a Trustee to administer the provisions of the Bond Order and this Series Resolution and may adopt such supplements to the Bond Order and this Series Resolution as shall be necessary or desirable to effectuate such appointment.

ARTICLE VII SUPPLEMENTAL RESOLUTIONS

Section 7.01. Modification Without Consent of Holders. The Issuer may, from time to time and at any time, without the consent of any Holders of the Bonds, execute and deliver such resolutions supplemental hereto (which supplemental resolutions shall thereafter form a part hereof) as shall be substantially consistent with the terms and provisions of this Series Resolution and shall not materially and adversely affect the interest of the Holders:

(a) to cure any ambiguity or formal defect or omission, to correct or supplement any provision herein that may be inconsistent with any other provision herein, to make any other provisions with respect to matters or questions arising under this Series Resolution or to modify, alter, amend, add to or rescind, in any particular manner, any of the terms or provisions contained in this Series Resolution, as is substantially consistent with the terms and provisions of this Series Resolution and does not materially and adversely affect the interest of the Holders;

(b) to grant or to confer upon the Holders any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the Holders;

(c) to add to the covenants and agreements of the Issuer in this Series Resolution other covenants and agreements thereafter to be observed by the Issuer or to surrender any right or power herein reserved to or conferred upon the Issuer; or

(d) to permit the qualification of this Series Resolution under any federal statute now or hereafter in effect or under any state blue sky laws, and, in connection therewith, if the Issuer so determines, to add to this Series Resolution or any supplemental series resolution such other terms, conditions and provisions as may be permitted or required by such federal statute or blue sky laws.

At least thirty (30) days prior to the execution and delivery of any supplemental series resolution for any of the purposes of this Section, the Bond Registrar shall cause a notice of the proposed supplemental series resolution to be mailed first-class, postage prepaid, to the Commission and to the Holder of the Series 2016 Bond. Such notice shall briefly set forth the nature of the proposed supplemental series resolution and shall state that copies thereof are on file at the principal office of the Bond Registrar for inspection by the Holders of the Series 2016 Bond. A failure on the part of the Bond Registrar to mail the notice required by this Section shall not affect the validity of such supplemental series resolution.

Section 7.02. Modification of Series Resolution With Consent of Holder. Subject to the terms and provisions contained in this Section, and not otherwise, the Holder of the Series 2016 Bond shall have the right, from time to time, anything contained in this Series Resolution to the contrary notwithstanding, to consent to and approve the adoption by the Issuer of such supplemental series resolutions as shall be deemed necessary or desirable by the Issuer for the purpose of modifying, altering, amending, adding to or rescinding, in any particular, any of the terms or provisions contained in this Series Resolution or in any supplemental series resolution. Nothing herein contained, however, shall be construed as making necessary the approval by the Holder of the Series 2016 Bond of the execution and delivery of any supplemental series resolution as authorized in Section 601.

The Bond Registrar shall, at the expense of the Issuer, such expense to be paid from the Revenue Fund or from any other available moneys, cause notice of the proposed supplemental series resolution to be mailed, postage prepaid, to the Commission and the Holder of the Series 2016 Bond as of the date such notice is mailed. Such notice shall briefly set forth the nature of the proposed supplemental series resolution and shall state that copies thereof are on file at the principal office of the Bond Registrar for inspection by such Holder.

Whenever, at any time after the date of the mailing of such notice, the Issuer receives an instrument in writing purporting to be executed by the Holder of the Series 2016 Bond, which instrument shall refer to the proposed supplemental series resolution described in such notice and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice, thereupon, but not otherwise, the Issuer may adopt such supplemental series resolution in substantially such form, without liability or responsibility to such Holder.

If the Holder of the Series 2016 Bond has consented to and approved the adoption thereof as herein provided, to the extent permitted by law, the Holder shall have no right to object to the adoption of such supplemental series resolutions, to object to any of the terms and provisions contained therein or the operation thereof, to question the propriety of the adoption thereof, or enjoin or restrain the Issuer from adopting the same or from taking any action pursuant to the provisions thereof.

Upon the adoption of any supplemental series resolution pursuant to the provisions of this Section or Section 601, this Series Resolution shall be and be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations under this Series Resolution of the Issuer, the Bond Registrar and the Holder of the Series 2016 Bond shall thereafter be determined, exercised and enforced in all respects pursuant to the provisions of this Series Resolution, as so modified and amended.

Section 7.03. Responsibilities of Issuer Under this Article. The Issuer shall be entitled to exercise its discretion in determining whether or not any proposed supplemental series resolution or any term or provision therein contained is desirable, after considering the purposes of such instrument, the needs of the Issuer and the rights and interests of the Holder of the Series 2016 Bond.

ARTICLE VIII MISCELLANEOUS PROVISIONS

Section 8.01. Manner of Giving Notice. All notices, demands and requests to be given to or made hereunder by the Issuer, the Commission or the Bond Registrar shall be given or made in writing and shall be deemed to be properly given or made if sent by United States registered or certified mail, return receipt requested, addressed as follows:

- (a) As to the Issuer or Bond Registrar

Town of Clayton, North Carolina
Post Office Box 879
Clayton, North Carolina 27528-0879
Attention: Finance Officer

- (b) As to the Local Government Commission

North Carolina Local Government Commission
3200 Atlantic Avenue, Longleaf Building
Raleigh, North Carolina 27604
Attention: Secretary

- (c) As to the Purchaser

5130 Parkway Plaza Boulevard, Building 9
Charlotte, North Carolina 28217

Any such notice, demand or request may also be transmitted to the appropriate above-mentioned party by telegram or telephone and shall be deemed to be properly given or made at the time of such transmission if, and only if, such transmission of notice shall be confirmed in writing and sent as specified above.

Any of such addresses may be changed at any time upon written notice of such change sent by United States registered or certified mail, postage prepaid, to the other parties by the party effecting the change.

Section 8.02. Substitute Mailing. If, because of the temporary or permanent suspension of postal service, the Issuer, the Commission or the Bond Registrar shall be unable to mail any notice required to be given by the provisions of this Series Resolution, such party shall give notice in such other manner as in the judgment of such party shall most effectively approximate mailing, and the giving of notice in such manner shall for all purposes of this Series Resolution be deemed to be in compliance with the requirement for the mailing thereof.

Section 8.03. Issuer, Bond Registrar and Holder Alone Have Rights Under Series Resolution. Except as herein otherwise expressly provided, including, without limitation, nothing in this Series Resolution, express or implied, is intended or shall be construed to confer upon any person, firm or corporation, other than the Issuer, the Bond Registrar and the Holder of the Series 2016 Bond, any right, remedy or claim, legal or equitable, under or by reason of this Series Resolution or any provision being intended to be and being for the sole and exclusive benefit of the Issuer, the Bond Registrar and the Holder of the Series 2016 Bond.

Section 8.04. Effect of Partial Invalidity. In case any one or more of the provisions of this Series Resolution or the Series 2016 Bond shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Series Resolution or the Series 2016 Bond, but this Series Resolution and the Series 2016 Bond shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. In case any covenant, stipulation, obligation or agreement contained in this Series Resolution or the Series 2016 Bond shall for any reason be held to be in violation of law, then such covenant, stipulation, obligation or agreement shall be deemed to be the covenant, stipulation, obligation or agreement of the Issuer to the full extent permitted by law.

Section 8.05. Effect of Covenants; Governing Law. All covenants, stipulations, obligations and agreements of the Issuer contained in this Series Resolution shall be deemed to be covenants, stipulations, obligations and agreements of the Issuer to the full extent permitted by the Constitution and laws of the State. This Series Resolution is executed and delivered with the intent that the laws of the State shall govern this construction.

Section 8.06. Headings. Any heading preceding the text of the several articles hereof, any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Series Resolution, nor shall they affect its meaning, construction or effect.

Section 8.07. Further Authority. The officers, attorneys, employees and other agents of the Issuer are hereby authorized to do all acts and things required of them by this Series Resolution for the full, punctual and complete performance of all of the terms, covenants and agreements contained in the Series 2016 Bond and this Series Resolution.

The Mayor, the Town Manager, the Finance Officer and the Clerk, or any of them or their deputies, are further authorized and directed (without limitation except as expressly provided herein) to take such action and to execute and deliver such documents, certificates, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by the Bond Order and this Series Resolution. The Mayor, the Town Manager, the Finance Officer and the Clerk are authorized and directed to make such modifications to the form of the Series 2016 Bond and the provisions of this Series Resolution as may be required by the Purchaser; provided that the interest rate shall not exceed 2.35%, the term shall be not later than 2036, and the amount of the Series 2016 Bond shall be not more than \$5,364,000.

Section 8.08. Payment Due on Holidays. If the date for making any payment or the last day for performance of any act or the exercising of any right as provided in this Series Resolution is not a Business Day, such payment may be made or act performed or right exercised on the next Business Day with the same force and effect as if done on the date provided in this Series Resolution.

Section 8.09. Multiple Counterparts. This Series Resolution may be executed in multiple counterparts, each of which shall be regarded for all purposes as an original, and such counterparts shall constitute but one and the same instrument.

Section 8.10. Series Resolution Effective. This Series Resolution shall take effect upon its adoption.

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

Ayes: _____

Nays: _____

Not voting: _____

* * * * *

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 August 15, 2016, as it relates in any way to the resolution hereinabove referenced and that such proceedings are recorded in Minute Book ____ of the minutes of the Town Council. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Town Council for the Town is on file in my office.

WITNESS my hand and the common seal of the Town, this ____ day of August, 2016.

Kimberly Moffett, Clerk
Town of Clayton, North Carolina

(SEAL)

EXHIBIT A

FORM OF SERIES 2016 BOND

R-1

\$5,364,000

United States of America
State of North Carolina

TOWN OF CLAYTON, NORTH CAROLINA
ELECTRIC SYSTEM REVENUE BOND
SERIES 2016

The Town of Clayton, North Carolina (the “Issuer”), a municipal corporation in existence under the laws of the State of North Carolina, for value received, hereby promises to pay, but solely from the sources and in the manner hereinafter provided, to Branch Banking and Trust Company, or registered assigns or legal representative, the principal sum of FIVE MILLION THREE HUNDRED SIXTY-FOUR THOUSAND DOLLARS (\$5,364,000) in annual installments of principal on the days and in the years and amount set forth in Schedule A attached hereto and made a part hereof, and to pay, but solely from such sources, interest from the date hereof on the unpaid portion of such principal sum until payment thereof (computed on the basis of a 360-day year consisting of twelve 30-day months) at the rate of 2.09% per annum (subject to adjustment as provided below), such interest being payable semiannually in arrears on March 1 and September 1 of each year, beginning March 1, 2017, as set forth in Schedule A attached hereto (each such date being an “Interest Payment Date”).

Payment of the final installment of principal shall be made only upon the presentation and surrender hereof at the principal office of the Finance Officer of the Issuer (the “Bond Registrar”). The interest so payable and punctually paid or duly provided for on any Interest Payment Date will be paid to the person in whose name this bond is registered at the close of business on the Regular Record Date for such interest, which shall be the Business Day next preceding such Interest Payment Date. Any such interest not so punctually paid or duly provided for shall forthwith cease to be payable to the registered owner on such Regular Record Date, and may be paid to the person in whose name this bond is registered at the close of business on a special record date for the payment of such defaulted interest to be fixed by the Bond Registrar, notice whereof being given to the registered owners not less than ten (10) days prior to such special record date, or may be paid at any time in any other lawful manner not inconsistent with the requirements of any securities exchange on which the Bonds (hereinafter mentioned) may be listed and upon such notice as may be required by such exchange, or as more fully provided in the Bond Order (hereinafter defined). All such payments shall be made in such coin or currency of the United States of America as at the time of payment is legal tender for payment of public and private debts. Both principal of and interest on this bond shall be paid by wire transfer of immediately available funds or by check mailed to the Holder thereof in the manner specified by the Holder of this bond.

From and after a Rate Adjustment Event, the annualized interest rate used to calculate the interest on this bond shall change to such rate as the then current Holder of this bond may

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reasonably determine shall be appropriate to provide such Holder with the same tax equivalent yield as it enjoyed prior to the Rate Adjustment Event; provided that such Holder shall provide to the Issuer a description of the methodology used to determine such tax equivalent yield. Upon each Rate Adjustment Event, the schedule for payment of principal interest on this bond shall be adjusted from and after the date of such Rate Adjustment Event to reflect level annual debt service payments for the remaining term of this bond based on the new interest rate to be borne by this bond. The Issuer shall additionally pay to such Holder or to any prior Holder of this bond any taxes, interest, penalties or other charges assessed against or payable by such Holder or prior Holder and attributable to a Rate Adjustment Event, notwithstanding the repayment of the entire principal amount of the Series 2016 Bond or any transfer or assignment of this bond.

This bond is a duly authorized revenue bond of the Issuer designated “Town of Clayton, North Carolina Electric System Revenue Bond, Series 2016” issued under and pursuant to the Constitution and laws of the State of North Carolina, including the Act, an order of the Issuer adopted on June 16, 2008, and supplemented on June 1, 2015 (as amended, the “Bond Order”), and a Series Resolution adopted on August 15, 2016 (the “Series Resolution”), authorizing the issuance of this bond. This bond is being issued for the purpose of providing funds, together with any other available funds, to (a) pay the costs of acquiring, constructing and equipping the Project (as defined in the Bond Order and the Series Resolution) and (b) pay the costs and expenses incurred in connection with the issuance of this bond. Capitalized terms used herein and not otherwise defined have the meanings given such terms in the Bond Order and the Series Resolution.

The Bond Order provides for the issuance or incurrence from time to time under the conditions, limitations and restrictions set forth therein of additional bonds, notes or other evidences of indebtedness secured pari passu as to the pledge of Net Revenues with this bond and any additional bonds, notes or other evidences of indebtedness issued or incurred pursuant to the Bond Order.

This bond is a special obligation of the Issuer secured by a pledge, charge and lien upon Net Revenues on a pari passu basis with any Outstanding Bonds issued or incurred pursuant to the Bond Order. The Issuer is not obligated to pay the principal of or the interest on this bond except as provided in the Bond Order from Net Revenues or certain other monies made available therefor under the Bond Order, and neither the faith and credit nor the taxing power of the State of North Carolina or any political subdivision thereof or the Issuer is pledged to the payment of the principal of and the interest on this bond.

Reference is made to the Bond Order and the Series Resolution for a more complete statement of the provisions thereof and of the rights of the Issuer and the registered owner of this bond. Copies of the Bond Order and the Series Resolution are available for inspection by the registered owner of this bond at all reasonable times at the principal office of the Bond Registrar. By the purchase and acceptance of this bond, the registered owner hereof signifies assent to all of the provisions of the Bond Order and the Series Resolution.

The Bond Registrar shall keep at its principal office books for the registration of transfer of this bond. The transfer of this bond may be registered only upon such books and as otherwise provided in the Bond Order upon the surrender hereof to the Bond Registrar together with an

assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond registered in the name of the transferee in an aggregate principal amount equal to the principal amount of this bond, containing the same principal installments and bearing interest at the same rate. This bond may not be exchanged for any denomination other than the outstanding principal amount thereof.

Notwithstanding any other provisions of the Bond Order or the Series Resolution to the contrary, the Bond Registrar shall not register the transfer of this bond to any person other than a bank, insurance company or similar financial institution unless such transfer has been previously approved by the Commission.

The principal installments of this bond are subject to redemption prior to their stated payment dates, at the option of the Issuer, from any moneys that may be available for such purpose, in whole or in part on any Interest Payment Date occurring on or after September 1, 2023, at a redemption price equal to 100% of the principal amount hereof to be redeemed, plus accrued interest to the redemption date, without penalty or premium.

In connection with any partial redemption of the principal installments of this bond, such prepayment shall be applied in inverse order of the maturing principal installments unless otherwise agreed to by the Holder in writing, and the schedule for payment of principal interest on this bond shall be modified from and after the redemption date to reflect such partial redemption.

At least ten (10) days but not more than sixty (60) days prior to the redemption date of any principal amount of the Bonds to be redeemed, the Bond Registrar shall cause a notice of any such redemption signed by the Bond Registrar to be mailed, first class, postage prepaid, to the registered owner of this bond.

Any notice of redemption may state that the redemption to be effected is conditioned upon the receipt by the Bond Registrar on or prior to the redemption date of moneys sufficient to pay the principal of and premium, if any, and interest on the principal installments of this bond to be redeemed and that if such moneys are not so received such notice shall be of no force or effect and such principal installments shall not be required to be redeemed. In the event that such notice contains such a condition and moneys sufficient to pay the principal of and premium, if any, and interest on such principal installments of this bond to be redeemed are not received by the Bond Registrar on or prior to the redemption date, the redemption shall not be made, and the Bond Registrar shall within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received.

On the date designated for redemption, notice having been given as aforesaid, the portion of the principal installment of this bond so called for redemption shall become due and payable at the redemption price provided for redemption of such principal installments on such date plus accrued interest to such date.

The registered owner of this bond shall have no right to enforce the provisions of the Bond Order or to institute action to enforce the covenants therein, or to take any action with

respect to any event of default under the Bond Order, or to institute, appear in or defend any suit or other proceeding with respect thereto, except as provided in the Bond Order.

Modifications or alterations of the Bond Order and the Series Resolution or in any supplement series resolution thereto may be made only to the extent and in the circumstances permitted by the Bond Order and the Series Resolution, as the case may be.

This bond, notwithstanding the provisions for registration of transfer stated herein and contained in the Bond Order and the Series Resolution, at all times shall be, and shall be understood to be, an investment security within the meaning of and for all the purposes of Article 8 of the Uniform Commercial Code of North Carolina. This bond is issued with the intent that the laws of the State of North Carolina shall govern its construction.

All acts, conditions and things required to happen, exist and be performed precedent to and in the issuance of this bond and the execution and delivery of the Bond Order and the Series Resolution have happened, exist and have been performed as so required.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Order or the Series Resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the Town of Clayton, North Carolina, by order duly passed by its Governing Body, has caused this bond to be manually signed by the Interim Town Manager and the Town Clerk and its official seal to be impressed hereon, all as of the ____ day of September, 2016.

[SEAL]

Interim Town Manager

Town Clerk

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The State and Local Government Revenue Bond Act.

Secretary, Local Government Commission

CERTIFICATE OF AUTHENTICATION

This bond is a bond of the series designated therein and issued under the provisions of the within mentioned Bond Order and Series Resolution.

By: _____
Bond Registrar

Date of authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____

PLEASE INSERT SOCIAL SECURITY NUMBER
OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS OF TRANSFEREE

_____ the within bond and all right thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

In the presence of:

NOTICE: Signature must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

SCHEDULE A

Payment Date	Principal Amount	Interest	Total Payment	Balance
03/01/2017		\$50,137.01	\$50,137.01	\$5,364,000.00
09/01/2017	\$357,600.00	56,053.80	413,653.80	5,364,000.00
03/01/2018		52,316.88	52,316.88	5,006,400.00
09/01/2018	357,600.00	52,316.88	409,916.88	5,006,400.00
03/01/2019		48,579.96	48,579.96	4,648,800.00
09/01/2019	357,600.00	48,579.96	406,179.96	4,648,800.00
03/01/2020		44,843.04	44,843.04	4,291,200.00
09/01/2020	357,600.00	44,843.04	402,443.04	4,291,200.00
03/01/2021		41,106.12	41,106.12	3,933,600.00
09/01/2021	357,600.00	41,106.12	398,706.12	3,933,600.00
03/01/2022		37,369.20	37,369.20	3,576,000.00
09/01/2022	357,600.00	37,369.20	394,969.20	3,576,000.00
03/01/2023		33,632.28	33,632.28	3,218,400.00
09/01/2023	357,600.00	33,632.28	391,232.28	3,218,400.00
03/01/2024		29,895.36	29,895.36	2,860,800.00
09/01/2024	357,600.00	29,895.36	387,495.36	2,860,800.00
03/01/2025		26,158.44	26,158.44	2,503,200.00
09/01/2025	357,600.00	26,158.44	383,758.44	2,503,200.00
03/01/2026		22,421.52	22,421.52	2,145,600.00
09/01/2026	357,600.00	22,421.52	380,021.52	2,145,600.00
03/01/2027		18,684.60	18,684.60	1,788,000.00
09/01/2027	357,600.00	18,684.60	376,284.60	1,788,000.00
03/01/2028		14,947.68	14,947.68	1,430,400.00
09/01/2028	357,600.00	14,947.68	372,547.68	1,430,400.00
03/01/2029		11,210.76	11,210.76	1,072,800.00
09/01/2029	357,600.00	11,210.76	368,810.76	1,072,800.00
03/01/2030		7,473.84	7,473.84	715,200.00
09/01/2030	357,600.00	7,473.84	365,073.84	715,200.00
03/01/2031		3,736.92	3,736.92	357,600.00
09/01/2031	357,600.00	3,736.92	361,336.92	357,600.00