The Town Of Clayton
Town Council Work Session Meeting Agenda
Monday, April 18, 2016 @ 6:30 PM
Council Chambers

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1. CALL TO ORDER

a. Pledge of Allegiance and Invocation

b. Special Performance of the National Anthem by Clayton High School Members of the North Carolina All-State Choir

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
Cover - Draft Minutes
March 21 2016 Draft Minutes
April 4 2016 DRAFT Minutes

POTENTIAL ACTION: Approval of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

a. Warranty Acceptance - Summerlyn, The Meadows, Phase 5, 6, & 7
Cover - Warranty Acceptance - Summerlyn, The Meadows Phases 5,6&7
Warranty Acceptance - Summerlyn

POTENTIAL ACTION: Place on May 2, 2016 Consent Agenda

b. National Police Week 2016 Proclamation
Cover - National Police Week Proclamation
2016 Police Week Proclamation

POTENTIAL ACTION: Place on May 2, 2016 Consent Agenda

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. North Carolina All-State Choir
Cover - North Carolina All-State Choir

b. Arthritis Study - UNC
Presenter(s): Larry Bailey, Parks & Recreation Director and Chris Mygrant, WE-CAN Osteoarthritis Study
Cover - Arthritis Study

c. Public Art Advisory Board - Sculpture Tour
Presenter: Jason Hardy, Public Arts Advisory Board Chair
Cover - Public Art Sculpture Tour

d. Proclamation Request - National Day of Prayer
Presenter: Angela Williams, Interstate Ministries of Clayton
Cover - Proclamation Request - National Day of Prayer
National Day of Prayer Proclamation

POTENTIAL ACTION: Place on May 2, 2016 Consent Agenda

e. Pay and Classification Study
Presenter: Becky Veazey, MAPS Group
Cover - MAPS Study

f. Clayton Police Department Annual Report
Presenter: Chief R.W. Bridges, Clayton Police Department
Cover - Police Department Annual Report

g. Community Development/Planning Annual Report
Presenter: David DeYoung, Planning Director
Cover - Community Development Annual Report

h. 540 Route Selection Update
Presenter: David DeYoung, Planning Director

6. PUBLIC HEARINGS

7. ITEMS SCHEDULED FOR THE REGULAR MEETING

a. Malt Beverage Committee Report
Presenters: Nancy Medlin, Deputy Town Manager and Ruth Anderson, Committee Member
Cover - Malt Beverage Committee Report

POTENTIAL ACTION: Place on May 2, 2016 Agenda

b. Special Events Policy
Presenter: Nancy Medlin, Deputy Town Manager
Cover - Special Events Policy
Special Events Policy Final Draft

POTENTIAL ACTION: Review and Place on May 16, 2016 Agenda for Follow Up Discussion

c. Special Use Permit - 222 E Main Street - Proposed Cocktail Lounge - 2016-38-SUP
Presenter: Planning Department
Cover - Special Use Permit - 222 E. Main Street - Proposed Cocktail Lounge - 2016-38-SUP
Application - 2016-38-SUP
Staff Report - 2016-38-SUP
Staff Report Map - 2016-38-SUP
Site Plan - 2016-38-SUP
Neighborhood Meeting - 2016-38-SUP
Neighborhood Meeting Minutes - 2016-38-SUP
Adjacent Property Letter 2016-38-SUP
Newspaper Ad - 2016-38-SUP

POTENTIAL ACTION: Set Public Hearing for May 2, 2016

8. ITEMS CONTINGENT FOR THE REGULAR MEETING

a. Declare Annex Building (231 E. Second Street) as Surplus Property
Presenter: Steve Biggs, Town Manager

POTENTIAL ACTION: Place on May 2, 2016 Agenda

9. ITEMS FOR DISCUSSION

10. OLD BUSINESS

11. ITEMS REQUIRING ACTION

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

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

POTENTIAL ACTION: Motion to Suspend Rule

b. Resolution - Issuance and Sale of Water & Sewer Revenue Bond Anticipation Notes
Presenter: Robert McKie, Finance Director
Cover - Water & Sewer Resolution
Bid Summary - Clayton Water & Sewer
Resolution - Clayton Water & Sewer

POTENTIAL ACTION: Approval/Disapproval of Resolution #2016-13

12. STAFF REPORTS

a. Town Manager
- Update - April 2, 2016 Front Street Accident

b. Town Attorney

c. Town Clerk

d. Other Staff

- Planning Department
  - SUD Zoning Status Update

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:
April 18, 2016

ITEM TITLE:
Draft Minutes

DESCRIPTION:
Draft Minutes from the March 21, 2016 Work Session and April 4, 2016 Regular Session are presented for approval.

POTENTIAL ACTION:

DEPARTMENT:
Clerks

PRESENTER:
Kimberly Moffett, Town Clerk

ITEM HISTORY:

Date: **Action Taken:**

Information Provided:

Date: **Action Taken:**

Information Provided:

The Town Of Clayton
Town Council Work Session Meeting Minutes
Monday, March 21, 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:
Town Manager, Steve Biggs
Deputy Town Manager, Nancy Medlin
Town Attorney, Merrick Parrott
Planning Director, David DeYoung
Electric System Director, Dale Medlin
Public Works Director, Tim Simpson
Planner, Jay McLeod
Public Information Officer, Stacy Beard
Public Information Assistant, John Hamlin
Deputy Town Clerk, Christy Anastasi

1 CALL TO ORDER
Pledge of Allegiance and Invocation

a) Mayor McLeod called the meeting to order at 6:33 p.m. The Mayor led everyone in the Pledge as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA
No adjustments to the agenda.

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

a) Draft Minutes - March 7, 2016

b) Budget Amendments
- Fund 300 - Vinson Road
- Fund 612
- General Fund & Special Revenue - PED Connector

ACTION: Approval of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) Hazard Mitigation Plan Adoption and Resolution
Presented By: Kevin Madsen, Emergency Management Coordinator

Mr. Madsen provided additional information regarding the Hazard Mitigation Plan and stated this plan is part of the Domestic Preparedness Region that will help increase Emergency Management efforts. Adoption of a Resolution, which would include Clayton as part of the Cape Fear Regional Hazard Mitigation Plan, was requested. Johnston County Emergency Services has collaborated between four other counties to include; Moore, Lee, Harnett and Chatham. A five county regional project would allow for additional state funding. The last update for the mitigation plan was May 6, 2011 and the next due date for the plan is May 6, 2016. Being a participant in the Cape Fear Regional Hazard Mitigation Plan means the possible availability of FEMA funds.

ACTION: Placed on April 4, 2016 Consent Agenda

b) Gregory Poole Plaque Presentation
Presented By: Paul Calton, Territory Sales Manager

Mr. Calton provided background regarding a recent article. The article was featured in "Governmental Solutions" magazine. This article highlighted the partnership efforts between local business and local government. Mr. Calton presented a framed copy of the featured article to Mayor McLeod. Article will be hung in Town Hall.

c) Introduction of New Employees
Presented By: Dale Medlin, Electrical Systems Director & David DeYoung, Planning Director

Mr. DeYoung introduced three new employees in the Planning Department; Laura Gray, Administrative Support Specialist, Katilin Russo Downtown Development Coordinator, and Paralee Smith, Development Services Coordinator.

Mr. Dale Medlin introduced Wesley Harris, Electric Lineman in the Electric Department.

d) Mondo Roots Cultural Arts & Music Festival Presentation - June 4, 2016
Presented By: Dave Brown - Mondo Roots Representative

Mr. Brown of Earthplow Productions, and in conjunction with Clayton Visual Arts, provided information on the Mondo Roots Cultural Arts & Music Festival. He stated it is the hope this will be a "true cultural arts & music festival" for Clayton. Mr. Brown shared a short video that highlighted three of the bands that are scheduled to perform. He stated many types of music would be provided as well as a variety of artistry. Some of the art stations planned include spray paint art and chainsaw art. Additionally, Mr. Brown state he is working Johnston-UNC Healthcare and the Archway Foundation as sponsors of this event. Mayor McLeod stated he is excited that Clayton will be home to this new and exciting diverse blend of art and music coming together in one large festival.

6 ITEMS SCHEDULED FOR THE REGULAR MEETING

a) **Mondo Roots Request for Street Closure**
Presented By: **David DeYoung, Planning Director**

Mr. DeYoung, requested street closures for the Mondo Roots Festival, which is scheduled to be held on June 4, 2016. Mr. DeYoung stated the following streets are to be closed: Main Street between O'Neil Street & Church Street along with Fayetteville Street, between Second Street & First Street during the hours of 8:00 a.m. - 10:00 p.m.

ACTION: **Placed on April 4, 2016 Consent Agenda**

b) **2016 DDA Concert Series - Resolution to Amend Concert Dates**
Presented By: **David DeYoung, Planning Director**

Mr. DeYoung, requested an amendment to Resolution #2016-05. This amendment is requested as two of the Downtown Development (DDA) Concert series dates have changed. Saturday - June 18, 2016 was changed to Thursday - June 16, 2016 & Thursday - August 18, 2016 changed to Saturday - August 20, 2016. An amended Resolution is necessary to advise NCDOT of date changes to temporary road closures.

ACTION: **Placed on April 4, 2016 Consent Agenda**

c) **Request for Suspension of Rule**

At this time David DeYoung, Planning Director, requested that action be taken on two previous items. He stated that action was necessary due to time constraints and notification to NCDOT regarding temporary street closures.

ACTION: **Suspend Rule in Order to Take Action at Work Session**

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

ACTION: **Approval of Mondo Root Street Closure (Item 6a)**

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

ACTION: **Approval of DDA 2016 Concert Series Date Changes (Item 6b)**

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

d) **Clayton Road Race Presentation & Request for Street Closure - May 14, 2016**
Presented By: **Matt Lorion, Program Supervisor**

Matt Lorion, Program Director stated this year would be the 33rd annual Road Race. The race is part of the Eastern Carolina Corporate Series and Clayton will be the last location for a race in this series. The course was changed last year when it became certified. A sanctioned and certified course now allows Clayton to be part of the Eastern Carolina Series and this type of race traditionally attracts additional runners. Neighborhoods that will be affected by the race are being notified. The race will be held on Saturday, May 14, 2016

from 8:00 a.m. - 11:00 a.m. Mr. Lorion stated the event will start and end at The Clayton Center. Resolution would need adoption to notify NCDOT of a temporary road closure.

ACTION: Approval of Resolution# 2016-10

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

e) Master Site Plan: 2015-82-SP Novo Nordisk Bright Sky & Special Use Permit: 2016-20-SUP Novo Nordisk Bright Sky Building Height
Presented By: David DeYoung, Planner Director

Mr. DeYoung, Planning Director stated he would present both the Novo Nordisk Major Site Plan (SP) 2015-82-SP and Novo Nordisk Special Use Permit (SUP) 2016-20-SUP together. He provided information regarding the reason for the Major Site Plan being brought to Council. He stated the Major Site Plan is acting as the Master Site Plan. Normal procedure would dictate that whenever an individual building, surrounding infrastructure, landscaping or parking project was presented, it would be brought to the Planning Board for approval. Staff is requesting that rather than each item having to go to the Planning Board that Planning Staff be granted authority for approval of these items.

The Special Use Permit was requested to allow a maximum building height of 90' for the buildings that will be part of the new production facility. While the tallest building is requested to be 90', the majority of all other buildings will be 60'. The facility will be located on Powhatan Road and is 180 acres. The property is currently surrounded by agricultural or vacant properties. The required neighborhood meeting was held on February 9, 2016 with no major concerns raised. Information was provided regarding the construction phase. A construction and employee entrance will be located off of Powhatan Road and a new NCDOT road will be constructed off of Gordon Road over the RR tracks. Signage is being worked out with NCDOT to ensure that ample signage is provided to direct folks to the correct road entrance. Novo Nordisk is considering a batch plant on site which will help to limit the amount of trucks entering and exiting the property. Several canteens will be on site so that construction workers will not have the need leave during the day. Novo Nordisk is doing everything possible to minimize impact to wetlands. They are also working very closely with the Fire Department to ensure that all safety factors are taken into consideration regarding the increased building height.

Plan is consistent with the 2040 Comprehensive Plan. Planning Board recommend approval at the February 22, 2016 meeting. Staff also recommended approval with conditions as listed in Staff Report.

f) Special Use Permit: 2016-20-SUP Novo Nordisk Bright Sky Building Height
Presented By: Jay McLeod, Planner

ACTION: Set Public Hearing for April 4, 2016

g) Rezoning: 2015-84-RZ - Clayton Northside Substation
Presented By: David DeYoung, Planning Director

Mr. DeYoung stated this 79.1 acre property is owned by The Town of Clayton. Currently this property is zoned Residential Estate (R-E) and requested to rezone to Public Facilities (PF). This property is located at 1200 N O'Neil Street, but is physically located east of the approved Ashcroft subdivision, west of the Sam's Branch greenway, south of the Neuse River. A portion of this property is being used as a shooting range for the police department and a lift station is also located on the property.

Proposed rezoning is compatible with Surrounding Land Uses and 2040 Comprehensive Plan. The Findings of Fact have been addressed. The Planning Board recommended approval at the February 22, 2016 meeting. Staff has also recommended approval of rezoning.

ACTION: **Set Public Hearing for April 4, 2016**

h) Rezoning: 2016-13-RZ - 3900 Powhatan Road
Presented By: **David DeYoung, Planning Director**

Mr. DeYoung, stated requested rezoning will correct a clerical error made at the time the parcel was brought into the ETJ. This property is located at 3900 Powhatan Road and is currently zoned Highway Business (B3) & Residential-Estate (R-E). Requested to be zoned Industrial- Light (I-1). The required neighborhood meeting was held on February 3, 2016. The request is consistent with the Surrounding Land Use and 2040 Comprehensive Plan. Staff recommended approval of the rezoning.

ACTION: **Set Public Hearing for April 4, 2016**

i) Rezoning: 2016-24-RZ - Cameron Way
Presented By: **Jay McLeod, Planner**

Mr. McLeod, stated requested rezoning is for property located east of Shotwell Road, along Cameron Way, Enterprise Drive, and Mechanical Drive. Requested zoning is from Business-Special Use (B-3-SUD) to Highway Business (B-3). Neighborhood meeting was held, with no one other than staff in attendance. The proposed zoning change is compatible with Surrounding Land Use and 2040 Comprehensive Plan.. Planning Board recommended approval at the February 22, 2016 meeting. Staff recommended approval of the rezoning.

ACTION: **Set Public Hearing for April 4, 2016**

j) Text Amendments - Unified Development Code
Presented By: **Jay McLeod, Planner**

Mr. McLeod, requested amendments to the text of the Unified Development Code (UDC). These amendments seek to either update the Code based on recent state legislative changes, correct typos, text, or references, relocate text to more appropriate sections, and/or otherwise make minor changes to the Code to clarify language, intent or definitions. It addresses a few small use regulations. Landscaping for dumpster enclosures by clarifying plant material. The Planning Department originally had a provision to change the major subdivision process from quasi-judicial to legislative however, this request will be changed at a later date. Mayor McLeod stated he would like more clarification on landscaping for dumpster enclosures. There was a brief discussion regarding dumpster enclosures and materials to be used.

ACTION: Set Public Hearing for April 4, 2016

7 ITEMS CONTINGENT FOR THE REGULAR MEETING

a) Report on Calendar Year 2016 Street Improvements
Presented By: Tim Simpson, Public Works/Utilities Director

Mr. Simpson stated a bid for the calendar year 2016 street project was held on March 15, 2016. The four streets included in this project are 1)Fayetteville Street from Second Street to Whitaker Street, 2)Horne Street from Robertson Street to Charles Street, 3)Barbour Street from Main Street to Second Street, 4)Church Street from Main Street to Front Street. Mr. Simpson stated the bid amount for all work activities include grading, paving, sidewalks, streets, water and sewer. The bid amount was $1,569,462.00. A letter of recommendation will be provided at the April 4, 2016 meeting. Councilmember Lawter asked who the lowest bidder was Mr. Simpson stated it was T.A. Loving Company.

8 ITEMS FOR DISCUSSION

9 OLD BUSINESS

10 STAFF REPORTS

a) Town Manager

Mr. Biggs stated there are support issues with removal of the window frames. Many of the windows that have been removed are missing supporting lintels. The Town is working with a Structural Engineer to get a design for replacement of the lintels. The Town is negotiating a cost with the contractor. A full report will be provided when final pricing for repairs is available.

Mr. Biggs provided an update regarding the recently discussed re-financing. Currently awaiting additional information regarding financial results. A Public Hearing will be held on April 4, 2016 with regard to this matter.

b) Town Attorney

c) Town Clerk

d) Other Staff

11 OTHER BUSINESS

a) Informal Discussion & Public Comment

b) Council Comments

Council Member Lawter requested an update from Mr. Smith with regard to the paving at Riverwood. Mr. Smith stated this work would occur within the next 30 +/- days. Mr. Smith also stated he is working with Mr. Biggs on Lions Gate roads.

Council Member Lawter stated there was a Special Needs Dance held last Saturday at the Recreation Center and it was a great event.

Council Member Lawter stated it was nice to see young people that have grown up in Clayton, gone off to school and return to Clayton to live and work in their hometown.

12 ADJOURNMENT

a)

With there being nothing further the meeting was adjourned at 7:25 p.m.

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

Duly adopted this 18th day of April while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

The Town Of Clayton
Regular Town Council Meeting Minutes
Monday, April 4, 2016 @ 6:30 PM
Council Chambers

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

STAFF PRESENT:
Steve Biggs, Town Manager
Nancy Medlin, Deputy Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Stacy Beard, Public Information Officer
David DeYoung, Planning Director
Jay McLeod, Planner
Robert McKie, Finance Director

COUNCIL ABSENT:
Mayor McLeod

1 CALL TO ORDER

a) Mayor Pro Tem Grannis called the meeting to order at 6:33 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

a) Request was made to remove Draft Minutes of the March 21, 2016 Town Council Meeting from the Consent Agenda and placed on April 18, 2016 Consent 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) Hazard Mitigation Plan Adoption and Resolution

ACTION: Approval of Consent Agenda as Presented

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

4 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) Government Finance Officers Association Award of Financial Reporting Achievement

Presenter: **Mayor Pro Tem Grannis**

Mayor Pro Tem Grannis presented this prestigious award to Robert McKie, Finance Director in recognition of his outstanding leadership in the field of Finance.

b) Junior Girl Scout Troop #1797 - Parks & Recreation "Garden Art" Project
Presenter: **Stacy Beard, Public Information Officer**

Stacy Beard, Public Information Officer, provided background on the Garden Art Project. Provided were photos of the project. All projects were made from recycled items and included frogs, caterpillars and lady bugs. These art items will be part of the Garden at the Clayton Community Center.

Mayor Pro Tem Grannis presented each of the girls with a Certificate of Appreciation. He thanked and acknowledged the amount of hard work and creativity that went into the project.

5 ADMINISTRATIVE ITEMS

a) Master Site Plan - 2015-82-SP - Novo Nordisk
Presenter: **Planning Department**

David DeYoung introduced Mr. Gary Lohr of Novo Nordisk, who provided information regarding logistics and site execution plans for this projects. He stated there will be approximately 700 permanent employees in place by 2020. He shared site layout plans as well as sharing a virtual tour of the project.

Mr. Bailey Forrest who is the Site Manager/Construction Director shared information regarding the Main Site Plan as well as plans to manage construction personnel. He stated there will be numerous canteens and a nursing/first aid area within the project site. He stated a traffic study has been completed and accepted by NCDOT. Traffic at the site will be managed and will include a separate gate entrance for management and contractors. He also addressed the intent for parking and shuttles from parking area to the project site. Also addressed was construction of a new road with a targeted completion date for the end of 2017. He stated the peak number of employees will occur in 2017-2018, so prior to the completion of the road only approximately 300 of employee would be in place.

Mr. DeYoung stated he would be requesting two actions regarding this item. The first would be approval of the Master Plan and the second would be authorization for staff to review individual building/site plans as they are received for this project. Mr. DeYoung stated this project is located on a 300 acre site and surrounding use is agricultural or vacant. The required neighborhood meeting was held with no negative feedback. All requirements have been met and no special intensity will be required. The project is consistent with the Comprehensive Plan and Unified Development Code.

Staff recommended approval with conditions as listed within the staff report.

ACTION: Approval of Master Plan

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

ACTION: Authorize Staff to Review Individual Building/Site Plans

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

6 PUBLIC HEARINGS

a) Special Use Permit - 2016-20-SUP - Novo Nordisk Building Height
Presenter: Planning Department

Mayor Pro Tem Grannis opened the Public Hearing at 7:00 p.m. Those wishing to offer testimony were issued the Oath via Affirmation by the Town Clerk.

Mr. DeYoung, provided information regarding the request for a Special Use Permit. Applicant is requesting allowance of maximum building height of 90' for buildings at new production facility which is located on Powhatan Road. It was noted that the tallest building is requested to be 90', however majority of other buildings will be 60'. It was noted that applicant has worked closely with the Fire Department to ensure all safety factors were considered regarding increased building height.

Applicant held required Neighborhood Meeting and addressed Findings of Fact.

Staff recommended approval with conditions as listed in Staff Report.

With there being no questions for staff or applicant, the Public Hearing was closed and item was turned over to Council for deliberation.

ACTION: Approval of Special Use Permit

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

b) Refinance of Two Existing Finance Agreements
Presenter: Robert McKie, Finance Director

Mayor Pro Tem Grannis opened the Public Hearing and Mr. McKie provided information regarding the two refinance agreements. These refinancings will

use the Clayton Community Center and the Law Enforcement Center as collateral. Significant savings will be realized with these refinancings, with a projected savings in excess of $1,000,000. It is estimated the closings would take place in June and July of this year.

The floor was opened for comments, with there being none, the Public Hearing was closed and item was turned over to Council for deliberations.

ACTION: Approval of Resolution 2016-12 Authorizing Collateralization of Clayton Community & Law Enforcement Centers

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

c) Rezoning - 2015-84-RZ - Clayton Northside Substation
Presenter: Planning Department

Mayor Pro Tem Grannis opened the Public Hearing and Mr. DeYoung provided information. This property which is located along Sam's Branch Greenway is owned by the Town of Clayton. The property is currently zoned R-E (Residential Estate). Requested to be rezone to P-F (Public Facilities. The town recently adopted the P-F zoning district for public property.

The rezoning is consistent with the Comprehensive Plan and Surround Land Use.

Staff recommended approval of the rezoning.

With no one coming forward, the Public Hearing was closed and the item turned over to Council for deliberation.

ACTION: Approval/Disapproval of Rezoning (Ord. #2016-04-01)

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

d) Rezoning - 2016-13-RZ - 3900 Powhatan Road
Presenter: Planning Department

Mayor Pro Tem Grannis opened the Public Hearing and Mr. DeYoung provided information and stated the town initiated this rezoning on behalf of the property owner to correct a clerical error made when the parcel was brought into the ETJ. Currently the parcel has split zoning of both Highway-Business (B-3) and Residential-Estate (R-E). Request to rezone to Industrial-Light (I-1) would fix the split zoning issue as well as rezoning the parcel to be compatible with the existing use and surrounding properties

Staff recommended approval of requested rezoning.

The applicant, Jim Lee of the Walthom Group is in agreement with the requested rezoning and was satisfied with above information as provided by staff.

With there being no questions, the Public Hearing was closed and the item turned over to Council for deliberation.

ACTION: **Approval/Disapproval of Rezoning (Ord. #2016-04-02)**

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

e) Rezoning 2016-24-RZ - Cameron Way
Presenter: **Planning Department**

Mayor Pro Tem opened the Public Hearing and Mr. Jay McLeod presented information regarding this requested rezoning. Property is located east of Shotwell Road, along Cameron Way, Enterprise Drive and Mechanical Drive. The applicant is Corporate Developers, LLC. Current zoning of Highway Business-Special Use District (B-3 SUD) and request to remove the SUD and rezone parcel as Highway-Business (B-3).

The required neighborhood meeting was held. The requested rezoning is consistent with Comprehensive Plan and Surrounding Land Uses.

Planning Board and Staff recommended approval of rezoning request.

Mr. Biggs inquired if there were other properties with the zoning designation of Highway Business-Special Use District (B-3 SUD). Mr. McLeod stated there were. Council was asked if they would like to see a full listing of those parcels with stated designation. It was the pleasure of the Council to receive that information. Planning staff will prepare said list and provide to Council.

The applicant, Greg Nelson, stated the requested rezoning would allow for a restaurant to be located at this site.

With no one further coming forward and no further questions, the Public Hearing was closed and item turned over to Council for deliberation.

ACTION: **Approval/Disapproval of Rezoning (Ord. #2016-04-03)**

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

f) Text Amendments Unified Development Code
Presenter: **Planning Department**

Mayor Pro Tem Grannis opened the Public Hearing. Mr. McLeod provided information regarding text amendments in the Unified Development Code. The amendments sought to update the Code based on recent state legislative changes, correct typos, text or references, relocate text to a more appropriate section of the Code and/or otherwise make minor changes to clarify language, intent or definitions.

With no questions for staff and no one further coming forward to speak, the Public Hearing was closed and the item was turned over to Council for deliberation.

ACTION: Approval of Text Amendments

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

7 OLD BUSINESS

8 NEW BUSINESS

9 STAFF REPORTS

a) Town Manager

An update regarding the Street Improvements Project was provided. Mr. Biggs stated this overall project will be broken into smaller projects to bring more value to the town as well as being as minimally disruptive as possible. Mayor Pro Tem Grannis asked if there were any streets were presently in need. Mr. Biggs stated there were not and those street already under contract were on track to be completed by the end of this fiscal year.

b) Town Attorney

c) Town Clerk

d) Other Staff

10 OTHER BUSINESS

a) Informal Discussion & Public Comment

Ms. Joanne McKinnon who resides at 225 Oakdale Avenue stated she had concerns regarding speeding. She stated her dog was killed last year by someone speeding in her neighborhood. She requested that speed bumps be installed. She also stated she would like to see more cultural inclusion and diversity at festivals in the community. She also stated she had concerns regarding over development in Clayton. She felt all the trees were disappearing and she stated she understood the need for development but felt additional consideration be given to saving trees. She stated she wanted to see Clayton retain the quaintness that drew her to live her. -

Mr. Biggs spoke about the speed indication projects and request from neighborhood. Mr. Biggs requested that Ms. McKinnon provide her information to Stacy Beard, Public Information Officer and she would be happy to provide details and guidelines. It was stated that a speed trailer had been previously placed in the neighborhood.

Ms. Virginia Hinton who resides at 236 East Front Street stated she was had returned to Council to address issues along Front Street. She would like to see the speed limit reduced on Front Street. It is currently 35 MPH and she would like to see it reduced to 25 MPH. She stated surrounding streets are set at 25 MPH. She spoke about a recent vehicle roll over and has serious concerns about the safety of children along Front Street. She also shared her concerns about the lack of maintenance of properties in this area. She stated she understood that a large percentage of properties were rental and it seemed the owners did not maintain the properties well. She would like to see fines issue to owners who did not keep the properties in good shape. She thanked the Council and stated she would continue to share her concerns.

b) Council Comments

11 ADJOURNMENT

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

Duly adopted this 18th day of April, 2016 while in regular session.

_____

Jody L. McLeod
Mayor

ATTEST:

_____

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

AGENDA LOCATION:
Administrative Items

Meeting Date:
April 18, 2016

ITEM TITLE:
Warranty Acceptance - Summerlyn, The Meadows, Phase 5, 6, & 7

DESCRIPTION:
Final lift of asphalt pavement has been installed within the reference roadway Acceptance is requested with one-year warrant and upon expiration of warranty period, pavement and base course condition will be inspected and any identified faults corrected by the developer prior to final acceptance.

POTENTIAL ACTION:
Place on Consent Agenda

DEPARTMENT:
Engineers/Inspection

PRESENTER:
Chris Rowland, Construction Project Administrator

ITEM HISTORY:

Date: **Action Taken:**

Information Provided:

Date: **Action Taken:**

Information Provided:

TOWN OF CLAYTON
OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530

"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator

Copy: David DeYoung, Planning Director
Stewart Marlowe, Granite Land & Timber

Date: February 25, 2016

Re: Summerlyn, The Meadows Phases 5, 6 & 7

The final lift of asphalt pavement has been installed within the referenced roadway(s). Please schedule Council action for the acceptance of this work, subject to a one-year warranty. Upon expiration of the warranty period, pavement and base course condition will be inspected and any identified faults corrected by the developer prior to final acceptance.

653 Highway 42 West • P.O. Box 879 • Clayton, North Carolina 27520 • (919) 553-1530 • Fax (919) 553-1541

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

AGENDA LOCATION:
Administrative Items

Meeting Date:
April 18, 2016

ITEM TITLE:
National Police Week 2016 Proclamation

DESCRIPTION:
The Town of Clayton wishes to recognize National Police week and to honor the service and sacrifice of law enforcement officers killed in the line of duty while protecting our communities.

POTENTIAL ACTION:
Place on Consent Agenda

DEPARTMENT:
Administration

PRESENTER:
Kimberly A. Moffett, Town Clerk

ITEM HISTORY:

Date: **Action Taken:**

Information Provided:

Date: **Action Taken:**

Information Provided:

Proclamation

National Police Week 2016

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Clayton Police Department;

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including Patrol Officer Charles Lee, Patrol Officer Ray Gilmore and Lieutenant Monica Carey of the Clayton Police Department;

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.;

WHEREAS, 252 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring;

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

THEREFORE, BE IT RESOLVED that the Town of Clayton formally designates May 15-21, 2016, as Police Week in Clayton, North Carolina, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

Duly adopted this 2nd day of May, 2016 while in regular session.

_____

Jody L. McLeod
Mayor

ATTEST:

_____

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

AGENDA LOCATION:
Introductions & Special Presentations

Meeting Date:
April 18, 2016

ITEM TITLE:
North Carolina All-State Choir

DESCRIPTION:
Clayton High School has seven (7) students that are members of this prestigious Choir. High Schools from around the state hold tough auditions for the NC All-State Choir. Those who are selected rehearse countless hours before and after school as well as attending regional rehearsals that involve approximately 900 students. The Choir will perform on the stage of the Memorial Auditorium later this month.

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:
Introductions & Special Presentations

Meeting Date:
April 18, 2016

ITEM TITLE:
Arthritis Study - UNC

DESCRIPTION:
UNC will be conducting an Arthritis Study over the next few years across the state and Clayton has been selected as one of the sites. It is hoped that the study will begin in June with a diet and exercise program. It is anticipated advertising for participants will begin in late April.

POTENTIAL ACTION:

DEPARTMENT:
Parks + Recreation

PRESENTER:
Larry Bailey

ITEM HISTORY:

Date: **Action Taken:**

Information Provided:

Date: **Action Taken:**

Information Provided:

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

AGENDA LOCATION:
Introductions & Special Presentations

Meeting Date:
April 18, 2016

ITEM TITLE:
Public Art Advisory Board - Sculpture Tour

DESCRIPTION:
Jason Hardy who serves as Chair for the Public Art Advisory Board will offer a presentation on the newest selections for the 2016-2017 Clayton Sculpture Tour.

POTENTIAL ACTION:

DEPARTMENT:
Administration

PRESENTER:
Jason Hardy & Stacy Beard

ITEM HISTORY:

Date: **Action Taken:**

Information Provided:

Date: **Action Taken:**

Information Provided:

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

AGENDA LOCATION:
Introductions & Special Presentations

Meeting Date:
April 18, 2016

ITEM TITLE:
Proclamation Request - National Day of Prayer

DESCRIPTION:
Ms. Angela Williams of Interstate Ministries of Clayton will be present to request a Proclamation recognition May 5, 2016 as National Day of Prayer

POTENTIAL ACTION:
Place on Consent Agenda

DEPARTMENT:
Administration

PRESENTER:
Kimberly A. Moffett, Town Clerk

ITEM HISTORY:

Date: **Action Taken:**

Information Provided:

Date: **Action Taken:**

Information Provided:

Proclamation

2016 National Day of Prayer

WHEREAS, the 65th observance of the National Day of Prayer will be held on Thursday, May 5, 2016, with the theme "Wake Up America"; and

WHEREAS, A National Day of Prayer has been part of our heritage since it was declared by the First Continental Congress in1775 and the United States Congress in 1952 approved a Joint Resolution setting aside a day each year to pray in our nation; and

WHEREAS, The United States Congress, by Public Law 100-307, in 1988, as amended, affirms that it is essential for us as a nation to pray and directs the President of the United States to set aside and proclaim the first Thursday of May annually as a National Day of Prayer; and

WHEREAS, leaders and citizens of our nation are afforded the privilege of prayer, affirming our spiritual heritage and the principles upon which our nation was founded; and

WHEREAS, recognizing the love and power of God, we unite with fellow citizens to exercise the freedom we have to gather in prayer with thankfulness while seeking guidance, provision, protection and purpose for the benefit of every individual and our state as a whole; and

WHEREAS, we specifically thank God for those who defend our freedoms and ask for peace throughout our state, nation and world.

NOW, THEREFORE, The Clayton Town Council does hereby proclaim, May 5, 2016, be recognized as the National Day of Prayer.

Duly adopted this 2nd day of May, 2016 while in regular session

_____

Jody L. McLeod
Mayor

ATTEST:

_____

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

AGENDA LOCATION:
Introductions & Special Presentations

Meeting Date:
April 18, 2016

ITEM TITLE:
Pay and Classification Study

DESCRIPTION:
Becky Veazey, President of MAPS Group will present the results of latest Pay and Classification Study.

POTENTIAL ACTION:

DEPARTMENT:
Administration

PRESENTER:
Catherine Whitley, HR Director

ITEM HISTORY:

Date: **Action Taken:**

Information Provided:

Date: **Action Taken:**

Information Provided:

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

AGENDA LOCATION:
Introductions & Special Presentations

Meeting Date:
April 18, 2016

ITEM TITLE:
Clayton Police Department Annual Report

DESCRIPTION:
Chief Bridges will present the Police Department Annual Report.

POTENTIAL ACTION:

DEPARTMENT:
Police Department

PRESENTER:
Chief Bridges

ITEM HISTORY:

Date: **Action Taken:**

Information Provided:

Date: **Action Taken:**

Information Provided:

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

AGENDA LOCATION:
Introductions & Special Presentations

Meeting Date:
April 18, 2016

ITEM TITLE:
Community Development/Planning Annual Report

DESCRIPTION:
Mr. David DeYoung will present the Community Development Annual Report.

POTENTIAL ACTION:

DEPARTMENT:
Planning + Zoning

PRESENTER:
David DeYoung, Planning Director

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:
April 18, 2016

ITEM TITLE:
Malt Beverage Committe Report

DESCRIPTION:
Nancy Medlin and Ruth Anderson will provide a report regarding recommendation(s) of the recently formed Malt Beverage Committee.

POTENTIAL ACTION:

DEPARTMENT:
Administration

PRESENTER:
Nancy Medlin, Deputy Town Manager

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:
April 18, 2016

ITEM TITLE:
Special Events Policy

DESCRIPTION:
Nancy Medlin will provide presentation of the updated Special Events Policy.

POTENTIAL ACTION:

DEPARTMENT:
Administration

PRESENTER:
Nancy Medlin, Deputy Town Manager

ITEM HISTORY:

Date: **Action Taken:**

Information Provided:

Date: **Action Taken:**

Information Provided:

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: Public Works	Police	PD Off Duty	Fire	Electric	Planning	Parks & Rec	Total	Organizer	Street Closures?
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: Public Works	Police	PD Off Duty	Fire	Electric	Planning	Parks & Rec	Total	Organizer	Street Closures?
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 *Deposit is refundable within 30 days of the end of an event provided a post event inspection finds no unsatisfactory conditions.*	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 *Number of officers dependent on security needs/length of street closures and alcohol sales*	$35/officer/hour *(3 hour minimum)*	$35/officer/hour + $100 administration fee *(3 hour minimum)*
Rental of Garbabe/Recycling Conatiners *4 roll-out container minimum - 2 garbage/2 recycling*	$13/container/day *($52 minimum)*	$13/container/day + $50 administration fee *($102 minimum)*
Electricity/Water fee *Events that are more than one day shall pay metered consumption. All other events are charged a flat rate.*	$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:
April 18, 2016

ITEM TITLE:
Special Use Permit - 222 E Main Lounge - 2016-38-SUP

DESCRIPTION:
Applicant is request Special Use Permit for a cocktail lounge to be located at 222 E. Main Street.

POTENTIAL ACTION:
Set Public Hearing

DEPARTMENT:
Planning + Zoning

PRESENTER:
David DeYoung, Planning Director

ITEM HISTORY:

Date: **Action Taken:**

Information Provided:

Date: **Action Taken:**

Information Provided:

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

SPECIAL USE APPLICATION

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

Fee: The application fee is $400.00. All fees are due when the application is submitted.
A Site Plan application (major or minor, as applicable) and fee is required for all new / modified development.

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

APPLICATION TYPE

☒ **New Special Use Permit** ☐ **Major Modification to an approved SUP**
Permit Modified: _____

SITE INFORMATION

Name of Project: 222 & 224 East Main **Acreage of Property:** .1
Parcel ID Number: 166913-12-0660 **Tax ID:** 05015075
Deed Book: 4692 **Deed Page(s):** 749
Address/Location: 222 and 224 East Main Street Clayton NC 27520

Existing Use: vacant office **Proposed Use:** lounge / high end bar
Is project within a Planned Development? ☒ No ☐ Yes
Planned Development District (if applicable): _____
Is project within an Overlay District: ☐ No ☒ Yes
Overlay District (if applicable): Down Town overlay

OFFICE USE ONLY

RECEIVED
FEB 08 2016
TOWN OF CLAYTON
PLANNING DEPARTMENT

Date Received: FEB 08 2016 Amount Paid: $400.00 + $100 Ad Fee Permit Number: 2016-38-SUP

PROPERTY OWNER INFORMATION

Name: J & B Real Estate

Mailing Address: 328 East Main Street Clayton NC 27520

Phone Number: 919.422.4704 **Fax:**

Email Address: James@myHTR.com

APPLICANT INFORMATION

Applicant: J & B Real Estate

Mailing Address: 328 East Main Street Clayton NC 27520

Phone Number: 919.422.4704 **Fax:**

Contact Person: James Lipscomb

Email Address: James@myHTR.com

REQUIRED INFORMATION (*to be submitted with the application*)

The following items must accompany a Special Use Permit (CUP) application.

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

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

REQUIRED FINDINGS OF FACT

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

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

   Proposed use is a lounge / high end bar. The location is in the central business district of DownTown Clayton and is well buffered from single family residential uses. The proposed use will help to contintiue to the build on the momentum of bringing more entertainment venues to DownTown. There will be no material endangerment to the public health or safety.

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

   The proposed lounge / high end bar use meets all specs of The Town of Clayton and will be a positive addition to the mix of businesses that is needed to help DownTown Clayton grow into a destination for arts, entertainment, high end retail and culinary offerings. The hours of operation of the bar will help keep DownTown an active area after 9 to 5 business hours which is desperately needed for the future growth of DownTown. The bar will also be offered for private parties and meetings on an as requested basis.

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

   The approval of the requested special use permit will allow for the complete renovation of both store fronts and a complete interior renovation of both structures. There will be over $100,000.00 spent on the remodeling process resulting in a positive impact on the values of the surrounding properites and DownTown Clayton as a whole.

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

   The use as proposed is in keeping with the adopted plans and policies of the Town of Clayton and will not violate any existing standard of development of the adjacent properties.

EXPLANATION OF PROJECT

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

The appoval of the Special Use Permit for operation of a lounge / upscale bar will spark the complete renovation of the structures at 222 and 224 East Main Street Clayton NC 27520. The renovations will include development of the alley way to the west of the property to include a concrete walking surface with landscaping and area lighting and the renovations of the currently boarded up window on the front and back of the building. There will be a 16 foot x 24 foot covered patio added onto the back of the building and new water and sewer connections made to the building. The store fronts will be completely re-imagined in an effort to develop a historic look opening up the transom windows and hopfullly incorporating operabale windows in the store front. The interiors of the structures will be completely renovated including new heat and air units, new plumbing, lighting and exposing the original interior features of the building that include exposed brick wall in 222 East Main and exposing original plaster and stamped tin ceiling in 224 East Main. We plan on using the entire lot, buildings and alleyway as space avilable to the bar patrons, we hope that we can develop outdoor sidewalk seating in conjunction with the Town of Clayton and NCDOT. We sincerely hope that this facility will be a catalyst for other redevelopment projects in DownTown and will help Main Street continue to grow into a eclectic, active, accepting and supportive business enviroment that serves the need of the entire Clayton area.

APPLICANT AFFIDAVIT

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

James Lipscomb		1.29.2016
Print Name	***Signature of Applicant***	***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

OWNER'S CONSENT FORM

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

Project Name: 222 & 224 E. Main Lounge **Address or PIN #:** _____

AGENT/APPLICANT INFORMATION:

J & B REAL ESTATE LLC
BY JAMES LIPSCOMB
(Name - type, print clearly)

328 EAST MAIN STREET
(Address)
CLAYTON NC 27520
(City, State, Zip)

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

SPECIAL USE PERMIT

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

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

J & B REAL ESTATE LLC
OWNER AUTHORIZATION:

BY JAMES LIPSCOMB
(Name - type, print clearly)

328 EAST MAIN STREET
(Address)
CLAYTON NC 27520
(City, State, Zip)

(Owner's Signature)

STATE OF North Carolina
COUNTY OF Wake

Sworn and subscribed before me Teresa Byrd, a Notary Public for the above State and County, this the 28th day of February, 20 14.

SEAL

Notary Public

My Commission Expires: 11-28-17

October 2013

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
March 28, 2016

STAFF REPORT

Application Number:	2016-38-SUP (Special Use Permit)
Project Name:	222 & 224 E Main Street Lounge
NC PIN/ Tag#:	166913-12-0660 / 05015075
Town Limits/ETJ:	Town Limits
Overlay:	Downtown
Applicant:	James Lipscomb c/o J&B Real Estate
Owners:	James Lipscomb c/o J&B Real Estate
Neighborhood Meeting:	Held March 10, 2016
Public Noticing:	Property posted March 18, 2016

PROJECT LOCATION: The project is located at 222 and 224 East Main Street, between the old ABC Plumbing building and Primo's Pizza.

REQUEST: The applicant is requesting special use permit approval for a Cocktail Lounge.

SITE DATA:

Acreage:	±0.1 acres
Zoning:	Central Business (B-1)
Existing Use:	Commercial/vacant

DEVELOPMENT DATA:

Proposed Uses:	Cocktail Lounge
Buildings:	Two buildings, 1,584 square feet
Number of Stories:	One story (max height of 15'4")
Impervious Surface:	±3,300 square feet (approx. 77%)
Required Parking:	17 spaces (1 space per 3 seats)
Capacity/seating:	49 seats
Proposed Parking:	Common downtown parking areas will be utilized
Fire Protection:	Town of Clayton Fire Department.
Access/Streets:	The main entrance to the building will be on Main St. There is no parking lot or driveway associated with this project.

ADJACENT ZONING AND LAND USES:

North: Zoning: Central Business (B-1)
Use: Vacant (planned parking)

South: Zoning: B-1
Use: Commercial

East: Zoning: B-1
Use: Commercial, Restaurant

West: Zoning: B-1
Use: Vacant (Commercial)

STAFF ANALYSIS AND COMMENTARY:

Overview
The applicant is requesting site plan approval for a 49 seat, 1,584 square foot cocktail lounge. The project represents an investment of approximately $100,000 in an existing historic downtown building on Main Street in the heart of the central business district. In addition to full interior renovation, there will be a façade upgrades to the building and an outdoor patio installed in the rear.

Associated Site Plan
Pursuant to §155.711(D)(1), concurrent with request for a special use permit, an applicant shall submit a site plan for review and approval. The site plan layout (as an in-line building on Main Street) is provided as an attachment to this staff report; highlights include façade enhancement, interior renovation, opening previously bricked-in side windows, and addition of a rear patio.

Consistency with the Comprehensive Plan
The proposed development is consistent with the Comprehensive Plan, which encourages these uses and intensities in the downtown.

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

Landscaping and Buffering
B-1 zoning district allows 100% impervious surface. Buffering is not needed based on surrounding zoning.

Signs
Signage will be governed by the Downtown Overlay District and shall require separate sign process and permits.

Site Design
The site is on Main Street. No major exterior renovations are proposed, except for the patio area in the rear. Setbacks and impervious area restrictions in the B-1 zoning district are very forgiving, and this development stays within those requirements.

Multi-Modal Access
The building will meet handicapped accessibility requirements and a bicycle rack is required for bicycle parking.

Architecture
The building interior and exterior are undergoing substantial renovation, including restoring some historical architectural features that have been uncovered. The proposed changes will fit well with surrounding buildings.

Waivers/Deviations/Variances from Code Requirements
None.

FINDINGS

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

CONSIDERATIONS

- The Town Council approves Special Use Permits.

RECOMMENDATION:

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

1. The development of the site is limited to the site design and uses approved by the Planning Board. Modifications to the approved site plan shall require review and approval in accordance with Section 155.707 of the Unified Development Code.

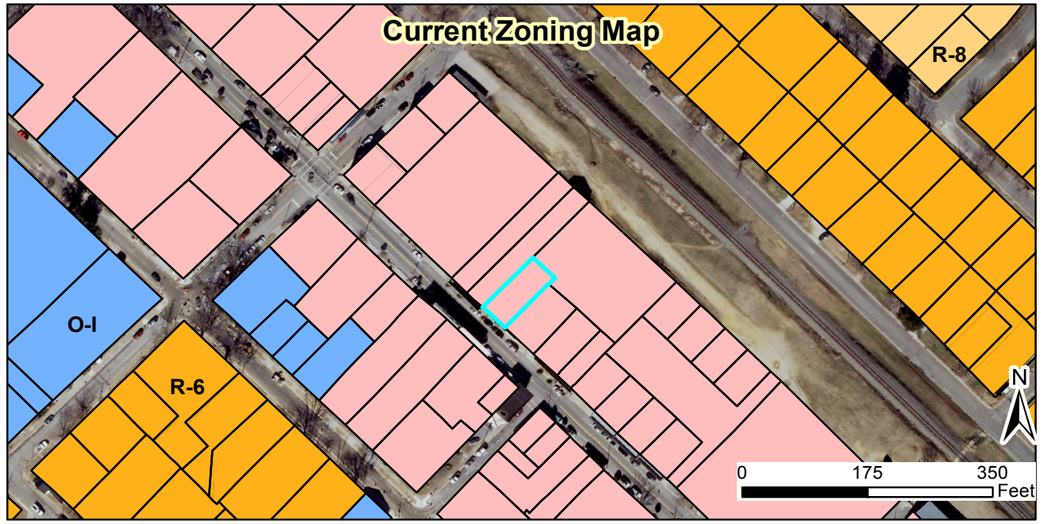
2. Following Board approvals, three copies of the Final Site Plan, Landscape Plan and Architectural Elevations meeting the requirements of the Conditions of Approval and displaying the Conditions of Approval shall be submitted to Planning Department for final approval.

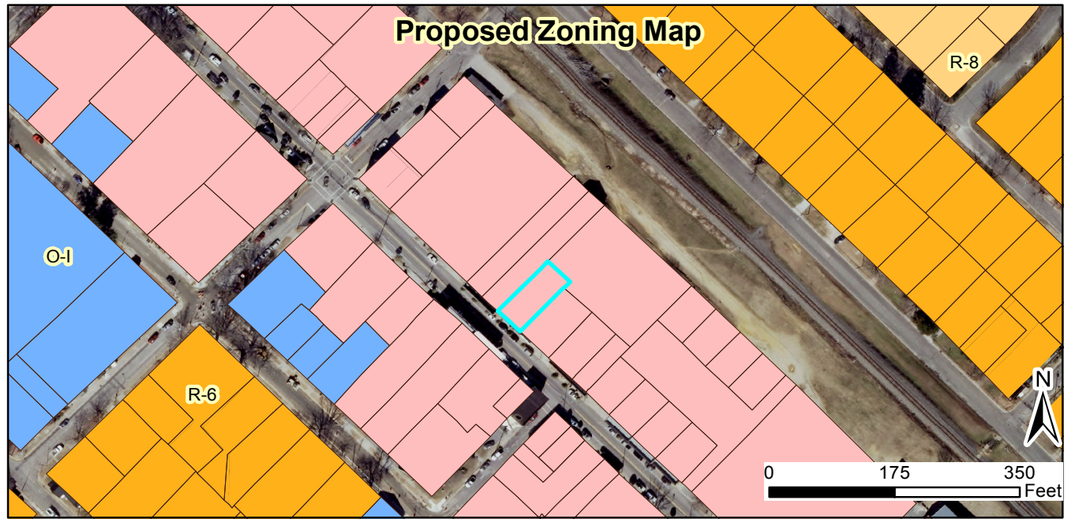
3. All roof mounted and ground mechanic equipment must be completely screened from view.

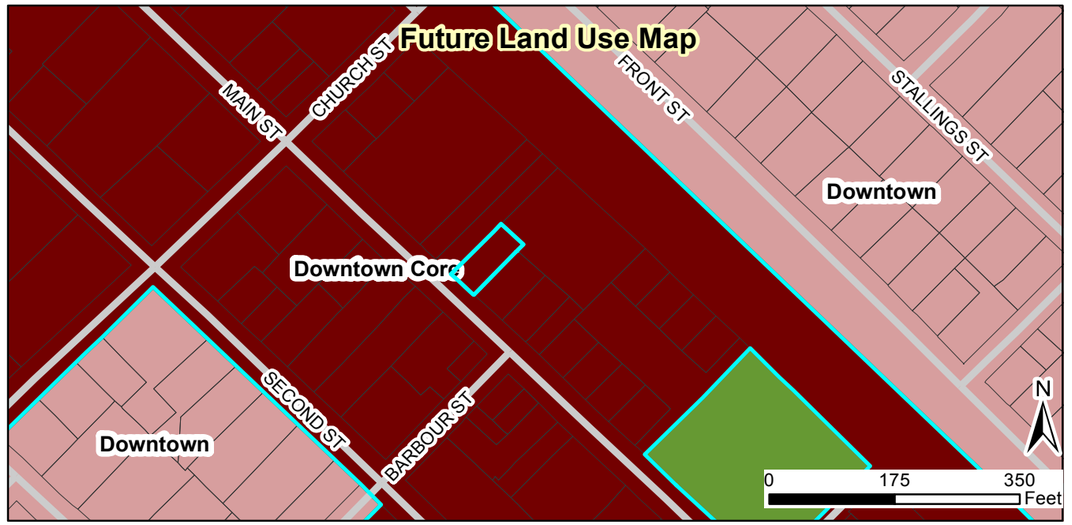
4. Utility fees shall be paid to the Town prior to issuance of any building permits.

5. A final landscape/site inspection shall be performed by the Planning Department prior to the issuance of a Certificate of Occupancy.

ATTACHMENTS
1) Findings of Fact
2) Application
3) Neighborhood Meeting Materials
4) Associated Site Plan and Elevations







2016-38-SUP: 222 and 224 E Main St Cocktail Lounge

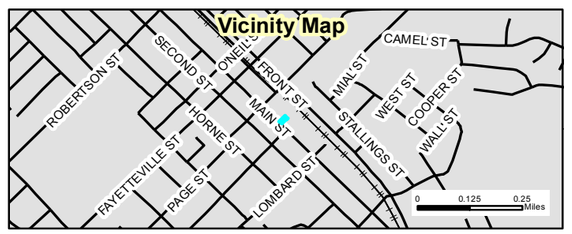
Applicant: J & B Real Estate c/o James Lipscomb
Property Owners: J & B Real Estate
Parcel ID: 166913-12-0660
Tag #: 05015075

N

Site
Special Use District
Thorough Fare Overlay
Scenic Highway Overlay

03/22/2016
Produced by: TOC Planning
Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.

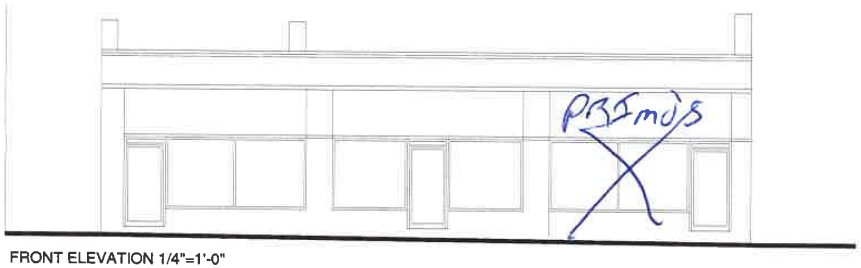
Document Path: O:\PLANNING\SPECIAL USE\2016\2016-38-SUP 222 & 224 E. Main Lounge\Maps\StaffReportMap- 222 E Main Cocktail Lounge.mxd



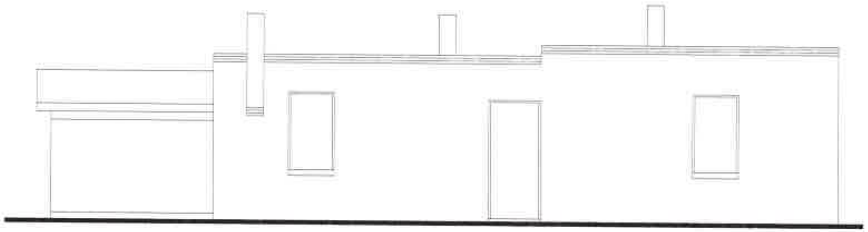
TONY JOHNSON ARCHITECT

VINSON BUILDING

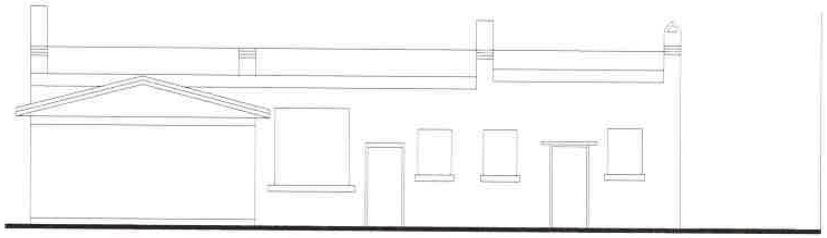
222-226 WEST MAIN STREET



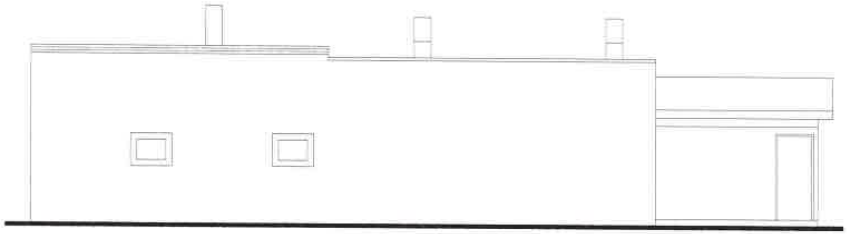
FRONT ELEVATION 1/4"=1'-0"



LEFT ELEVATION 1/4"=1'-0"



REAR ELEVATION 1/4"=1'-0"



RIGHT ELEVATION 1/4"=1'-0"

not for construction

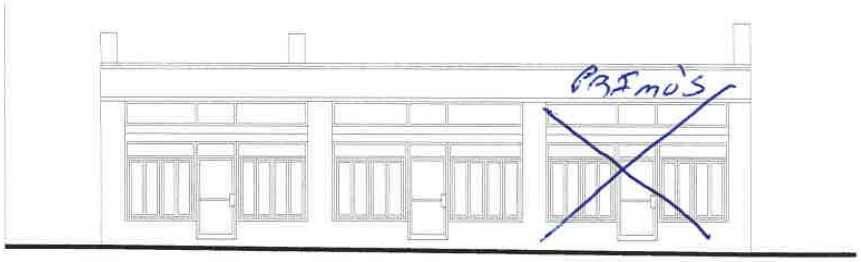
REVISIONS

VINSON BUILDING
222-226 WEST MAIN STREET
CLAYTON, NORTH CAROLINA

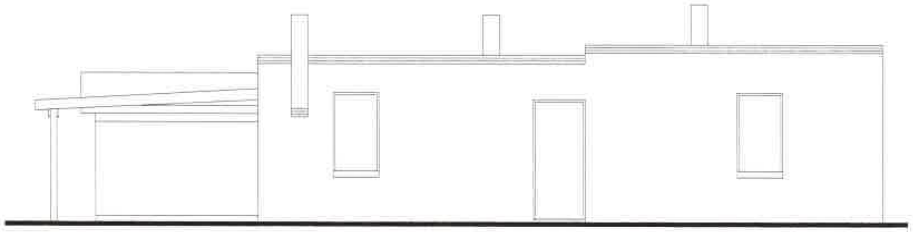
TONY JOHNSON ARCHITECT
919.550.7772
2006 E. CLAYTON CT
CLAYTON, NC 27520

DATE 12-23-2015

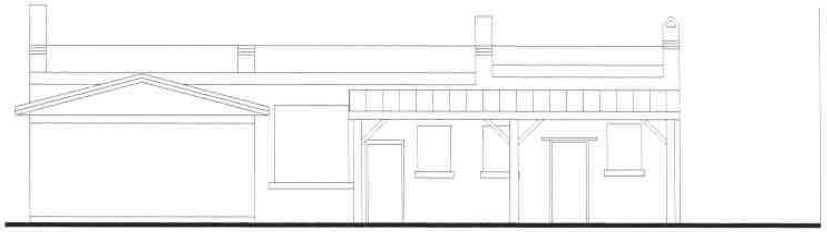
SHEET A-1



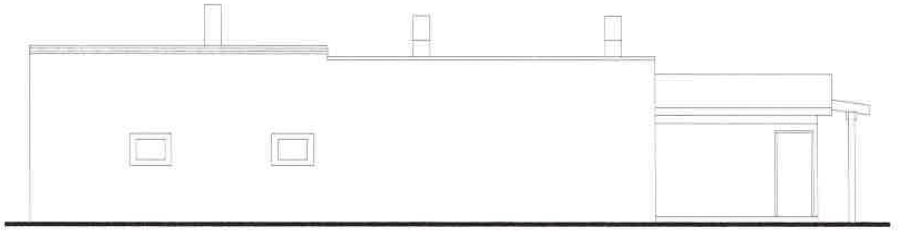
FRONT ELEVATION 1/4"=1'-0"



LEFT ELEVATION 1/4"=1'-0"



REAR ELEVATION 1/4"=1'-0"



RIGHT ELEVATION 1/4"=1'-0"

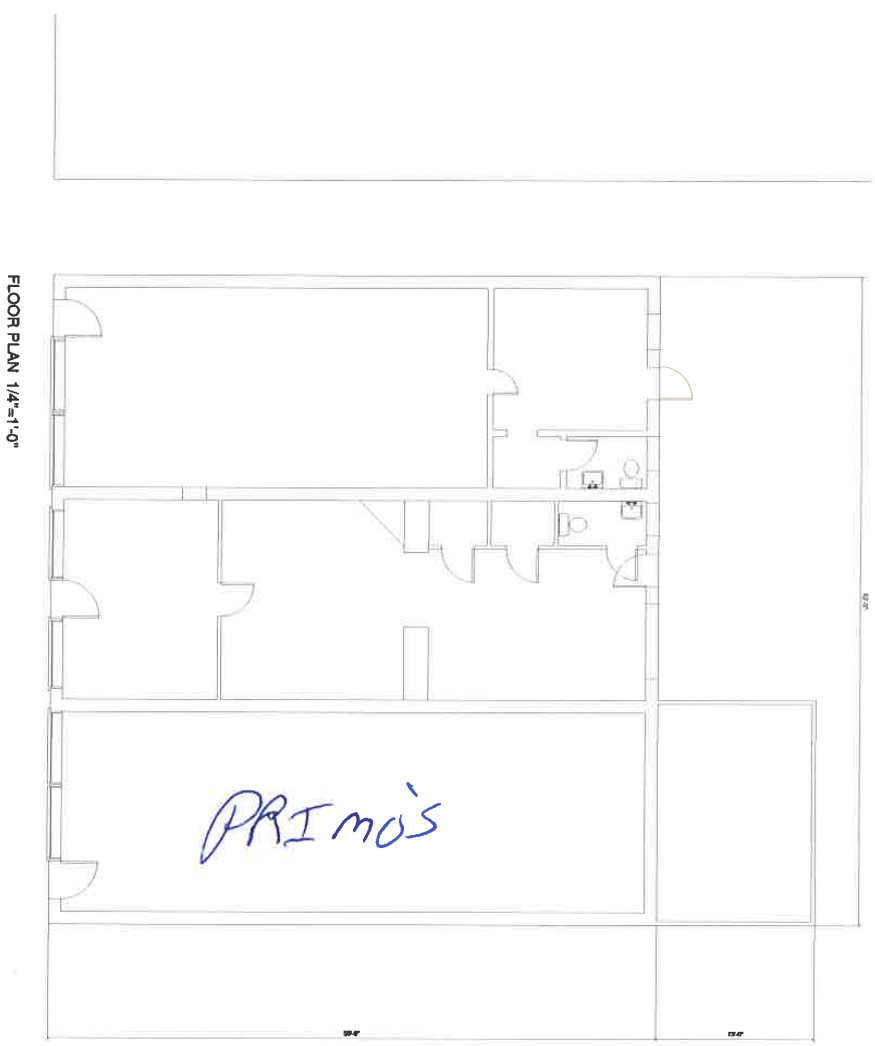
not for construction

VINSON BUILDING
222-226 WEST MAIN STREET
CLAYTON, NORTH CAROLINA

TONY JOHNSON ARCHITECT
919-550-7717

DATE 12-23-2015

SHEET A-2



FLOOR PLAN 1/4"=1'-0"

not for construction

A-3

12-22-2016

TONY JOHNSON ARCHITECT

919-550-7717

2008 ELIZABETH COURT
CLAYTON, NC 27520

VINSON BUILDING
222-226 WEST MAIN STREET
CLAYTON, NORTH CAROLINA

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: February 18th, 2016

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

Printed Name: James Lipscomb Signature: _____

Date of Meeting: March 10th, 2016 Time of Meeting: 6:00 pm

Location of Meeting: HomeTowne Realty Meeting Room 328 E. Main St. Clayton NC 27520

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

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

ADJACENT PROPERTY OWNERS LIST

Project Name: 222 and 224 East Main

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
see attached list		

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: J & B Real Estate

Location/Date: HomeTowne Realty Meeting Room 328 E. Main St. Clayton NC 27520

	NAME	ADDRESS
1		
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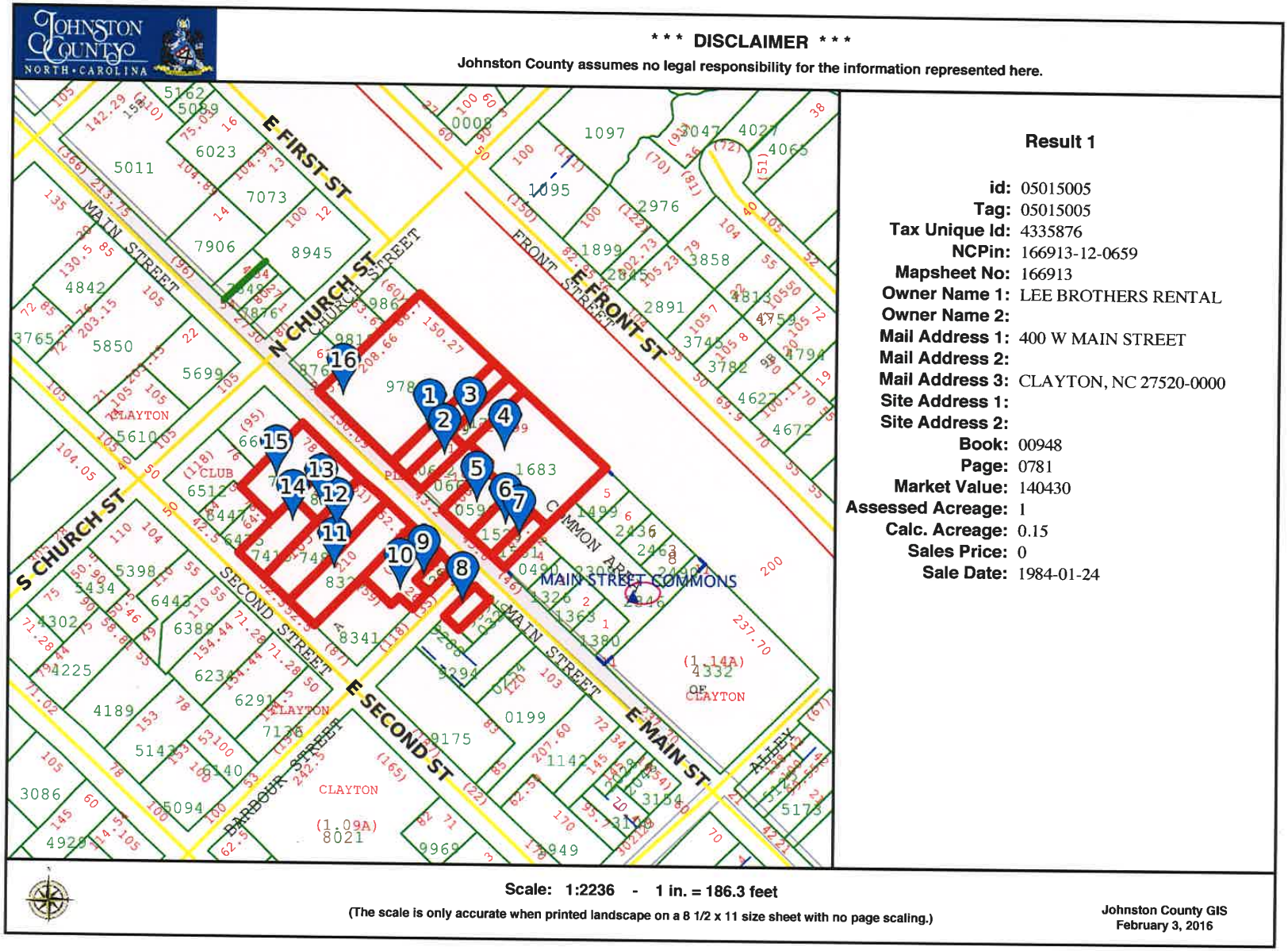

Result 1

id:	05015005
Tag:	05015005
Tax Unique Id:	4335876
NCPin:	166913-12-0659
Mapsheet No:	166913
Owner Name 1:	LEE BROTHERS RENTAL
Owner Name 2:	
Mail Address 1:	400 W MAIN STREET
Mail Address 2:	
Mail Address 3:	CLAYTON, NC 27520-0000
Site Address 1:	
Site Address 2:	
Book:	00948
Page:	0781
Market Value:	140430
Assessed Acreage:	1
Calc. Acreage:	0.15
Sales Price:	0
Sale Date:	1984-01-24

JOHNSTON COUNTY NORTH•CAROLINA

*** DISCLAIMER ***

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

Result 2

id: 05015004
Tag: 05015004
Tax Unique Id: 4427553
NCPin: 166913-12-0632
Mapsheet No: 166913
Owner Name 1: TOWN OF CLAYTON
Owner Name 2:
Mail Address 1:
Mail Address 2: P O BOX 879
Mail Address 3: CLAYTON, NC 27528-0000
Site Address 1:
Site Address 2:
Book: 04555
Page: 0046
Market Value: 96730
Assessed Acreage: 0.06
Calc. Acreage: 0.06
Sales Price: 150000
Sale Date: 2015-02-06

Result 3

id: 05015004A
Tag: 05015004A
Tax Unique Id: 4427563
NCPin: 166913-12-1700
Mapsheet No: 166913
Owner Name 1: TOWN OF CLAYTON
Owner Name 2:
Mail Address 1:
Mail Address 2: P O BOX 879
Mail Address 3: CLAYTON, NC 27528-0000
Site Address 1:
Site Address 2:
Book: 04555
Page: 0046
Market Value: 19610
Assessed Acreage: 0.08
Calc. Acreage: 0.08
Sales Price: 150000
Sale Date: 2015-02-06

Result 4

id: 05015003
Tag: 05015003
Tax Unique Id: 4335897
NCPin: 166913-12-1683
Mapsheet No: 166913
Owner Name 1: CANADY, JOYCE LIPSCOMB
Owner Name 2:
Mail Address 1: 315 CRESCENT DRIVE
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book:
Page:
Market Value: 133190
Assessed Acreage: 1
Calc. Acreage: 0.47
Sales Price: 0
Sale Date:

Result 5

id: 05015003A
Tag: 05015003A
Tax Unique Id: 4288673
NCPin: 166913-12-0596
Mapsheet No: 166913
Owner Name 1: MCADAMS, LINDA M
Owner Name 2:
Mail Address 1: 611 BARBOUR ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2713
Site Address 1: 226 E MAIN ST
Site Address 2: CLAYTON, NC 27520-
Book: 04596
Page: 0829
Market Value: 72300
Assessed Acreage: 0.11
Calc. Acreage: 0.11
Sales Price: 0
Sale Date: 2015-05-14

*** DISCLAIMER ***

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Result 6

id: 05015003C
Tag: 05015003C
Tax Unique Id: 4354593
NCPin: 166913-12-1523
Mapsheet No: 166913
Owner Name 1: LIPSCOMB, JAMES H
Owner Name 2: LIPSCOMB, JOHN V
Mail Address 1: 107 STONE LANE
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book: 02311
Page: 0150
Market Value: 86020
Assessed Acreage: 0.09
Calc. Acreage: 0.09
Sales Price: 0
Sale Date: 2002-10-17

Result 7

id: 05015003B
Tag: 05015003B
Tax Unique Id: 4377019
NCPin: 166913-12-1551
Mapsheet No: 166913
Owner Name 1: AUSTERMUEHLE, EDWARD W III
Owner Name 2: AUSTERMUEHLE, DEBRA JEANETTE
Mail Address 1: 139 LAKE POINT DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27527-5217
Site Address 1:
Site Address 2:
Book: 03063
Page: 0756
Market Value: 82260
Assessed Acreage: 0.05
Calc. Acreage: 0.05
Sales Price: 0
Sale Date: 2006-02-09

Result 8

id: 05015035
Tag: 05015035
Tax Unique Id: 4373639
NCPin: 166917-02-9392
Mapsheet No: 166917
Owner Name 1: CHAMBER OF COMMERCE
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 246
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book: 01435
Page: 0041
Market Value: 184730
Assessed Acreage: 1
Calc. Acreage: 0.044
Sales Price: 0
Sale Date: 1995-03-30

Result 9

id: 05015034
Tag: 05015034
Tax Unique Id: 4335898
NCPin: 166917-02-9358
Mapsheet No: 166917
Owner Name 1: WHITE, GLORIA BROWN
Owner Name 2:
Mail Address 1: 1413 WESTCHESTER RD
Mail Address 2:
Mail Address 3: RALEIGH, NC 27610-0000
Site Address 1:
Site Address 2:
Book: 02211
Page: 0861
Market Value: 86860
Assessed Acreage: 1
Calc. Acreage: 0.033
Sales Price: 0
Sale Date: 2002-04-04

JOHNSTON COUNTY NORTH • CAROLINA

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Result 10

id: 05015033
Tag: 05015033
Tax Unique Id: 4335845
NCPin: 166917-02-9309
Mapsheet No: 166917
Owner Name 1: BLACKLEY, ERNEST L
Owner Name 2: BLACKLEY, JOYCE L
Mail Address 1: 229 E MAIN ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2449
Site Address 1:
Site Address 2:
Book: 01043
Page: 0573
Market Value: 208990
Assessed Acreage: 1
Calc. Acreage: 0.167
Sales Price: 54500
Sale Date: 1987-02-01

Result 11

id: 05015031
Tag: 05015031
Tax Unique Id: 4335899
NCPin: 166917-02-8329
Mapsheet No: 166917
Owner Name 1: ELMORE`S OF DUNN INC
Owner Name 2:
Mail Address 1: 225 E MAIN ST CLAYTON NC
Mail Address 2: P O BOX 668
Mail Address 3: DUNN, NC 28334-0000
Site Address 1:
Site Address 2:
Book: 01227
Page: 0205
Market Value: 270870
Assessed Acreage: 1
Calc. Acreage: 0.25
Sales Price: 75000
Sale Date: 1991-10-22

Result 12

id: 05015030
Tag: 05015030
Tax Unique Id: 4373607
NCPin: 166917-02-7482
Mapsheet No: 166917
Owner Name 1: WAKE DEVELOPMENT GROUP LLC
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 495
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1: 217 E MAIN ST
Site Address 2: CLAYTON, NC 27520-
Book: 02235
Page: 0303
Market Value: 515230
Assessed Acreage: 0.24
Calc. Acreage: 0.249
Sales Price: 95000
Sale Date: 2002-05-24

Result 13

id: 05015029
Tag: 05015029
Tax Unique Id: 4335867
NCPin: 166913-02-8501
Mapsheet No: 166913
Owner Name 1: WAKE DEVELOPMENT GROUP LLC
Owner Name 2:
Mail Address 1:
Mail Address 2: P O BOX 495
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book: 02409
Page: 0282
Market Value: 112930
Assessed Acreage: 1
Calc. Acreage: 0.099
Sales Price: 0
Sale Date: 2003-03-21

JOHNSTON COUNTY NORTH CAROLINA

*** DISCLAIMER ***

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Result 14

id: 05015028
Tag: 05015028
Tax Unique Id: 4330762
NCPin: 166917-02-7413
Mapsheet No: 166917
Owner Name 1: BARBOUR, LINWOOD O
Owner Name 2: BARBOUR, VIOLET
Mail Address 1: 787 COOPER BRANCH RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book: 00969
Page: 0423
Market Value: 97020
Assessed Acreage: 1
Calc. Acreage: 0.132
Sales Price: 0
Sale Date: 1984-01-01

Result 15

id: 05015026
Tag: 05015026
Tax Unique Id: 4335871
NCPin: 166913-02-7544
Mapsheet No: 166913
Owner Name 1: WAKE DEVELOPMENT GROUP LLC
Owner Name 2:
Mail Address 1:
Mail Address 2: P O BOX 495
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book: 02584
Page: 0788
Market Value: 101340
Assessed Acreage: 0.22
Calc. Acreage: 0.209
Sales Price: 0
Sale Date: 2003-11-12

Result 16

id: 05015006
Tag: 05015006
Tax Unique Id: 4428452
NCPin: 166913-02-9785
Mapsheet No: 166913
Owner Name 1: HOMETOWNE INVESTMENTS LLC
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 133
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book: 03302
Page: 0500
Market Value: 373610
Assessed Acreage: 1
Calc. Acreage: 0.73
Sales Price: 210000
Sale Date: 2007-03-12

J and B Real Estate LLC
328 East Main Street
Clayton NC 27520

February 18th, 2016

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed with the Town of Clayton for a land use 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:	Thursday March 10th, 2016
Location:	HomeTowne Realty Meeting Room 328 East Main Street Clayton NC 27520
Time:	6:00 pm
Type of Application:	Special Use Permit

General Description:

Complete remodeling of the structures located at 222 and 224 East Main Street to include development of alley way on the right side of the building to include concrete sidewalk with landscaping and lighting to provide an outside entertaining area to be used in conjunction with the Lounge High End Bar and to provide access to Main Street from the open area located behind the building. The remodeling of the building will include new storefronts, replacing the currently boarded windows on the side and rear of the building with operable windows, new heating and air conditioning, covered patio on rear of building, new awnings, new plumbing and complete remodeling of the interiors in an attempt to uncover the historical significant features that have been covered up in previous remodels of the buildings.

If you have any questions prior to or after this meeting, you may contact James Lipscomb at ***919.422.4704***

Sincerely,

James Lipscomb, Partner

J & B Real Estate

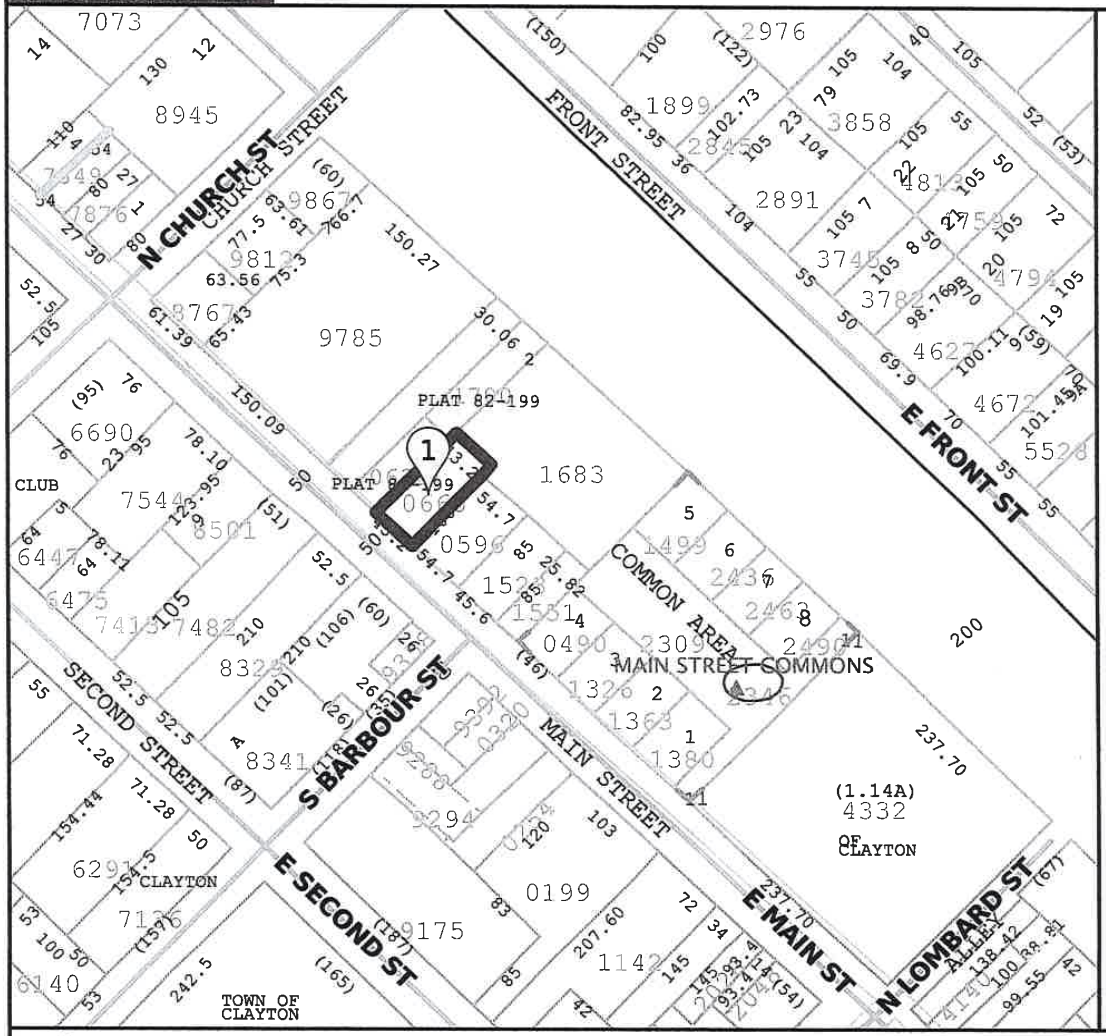
cc: Clayton Planning Dept.

PROPOSED LOCATION

JOHNSTON COUNTY NORTH CAROLINA

***** DISCLAIMER *****

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



Result 1

Id:	05015075
Tag:	05015075
Tax Unique Id:	4421969
NCPin:	166913-12-0660
Mapsheet No:	166913
Owner Name 1:	J AND B REAL ESTATE LLC
Owner Name 2:	
Mail Address 1:	328 E MAIN ST
Mail Address 2:	
Mail Address 3:	CLAYTON, NC 27520-2464
Site Address 1:	222 E MAIN ST
Site Address 2:	CLAYTON, NC 27520-
Book:	04692
Page:	0749
Market Value:	80430
Assessed Acreage:	0.1
Calc. Acreage:	0.1
Sales Price:	76000
Sale Date:	2015-12-09

Scale: 1:1744 - 1 in. = 145.34 feet

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

Johnston County GIS
February 7, 2016

Thursday, March 10, 2016

Neighborhood Meeting

Special Use Permit for 222 and 224 East Main St

- Location of meeting was moved from 328 East Main Street to 222 East Main Street.
- Meeting began at 6:00 pm. Three people were present: Mr. and Mrs. Elmore and Reid Smith.
- Representative James Lipscomb was present to discuss the plans to convert the two buildings into a Martini Bar. Topics covered included renovations to the buildings, the alley way, addition of a covered back patio, landscaping, lighting, and parking improvements.
- Everyone supported the project and were excited about the positive impact it can bring to the downtown community.
- There was no opposition from anyone present.
- Meeting adjourned at 7:00 pm

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

April 11, 2016

NOTICE

SUBJECT: **Project #:** 2016-38-SUP 222 East Main Lounge Special Use Permit
Parcel #: 166913-12-0660
Tag #: 05015075
Applicant: J & B Estate c/o James Lipscomb

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold an evidentiary hearing on Monday, May 2, 2016 at 6:30 PM at Town Hall, 111 E Second Street, to consider the above referenced special use permit request for the 222 East Main Lounge. The applicant is requesting a special use permit in order to have a cocktail lounge at the referenced location. Please see the map on the back of this letter.

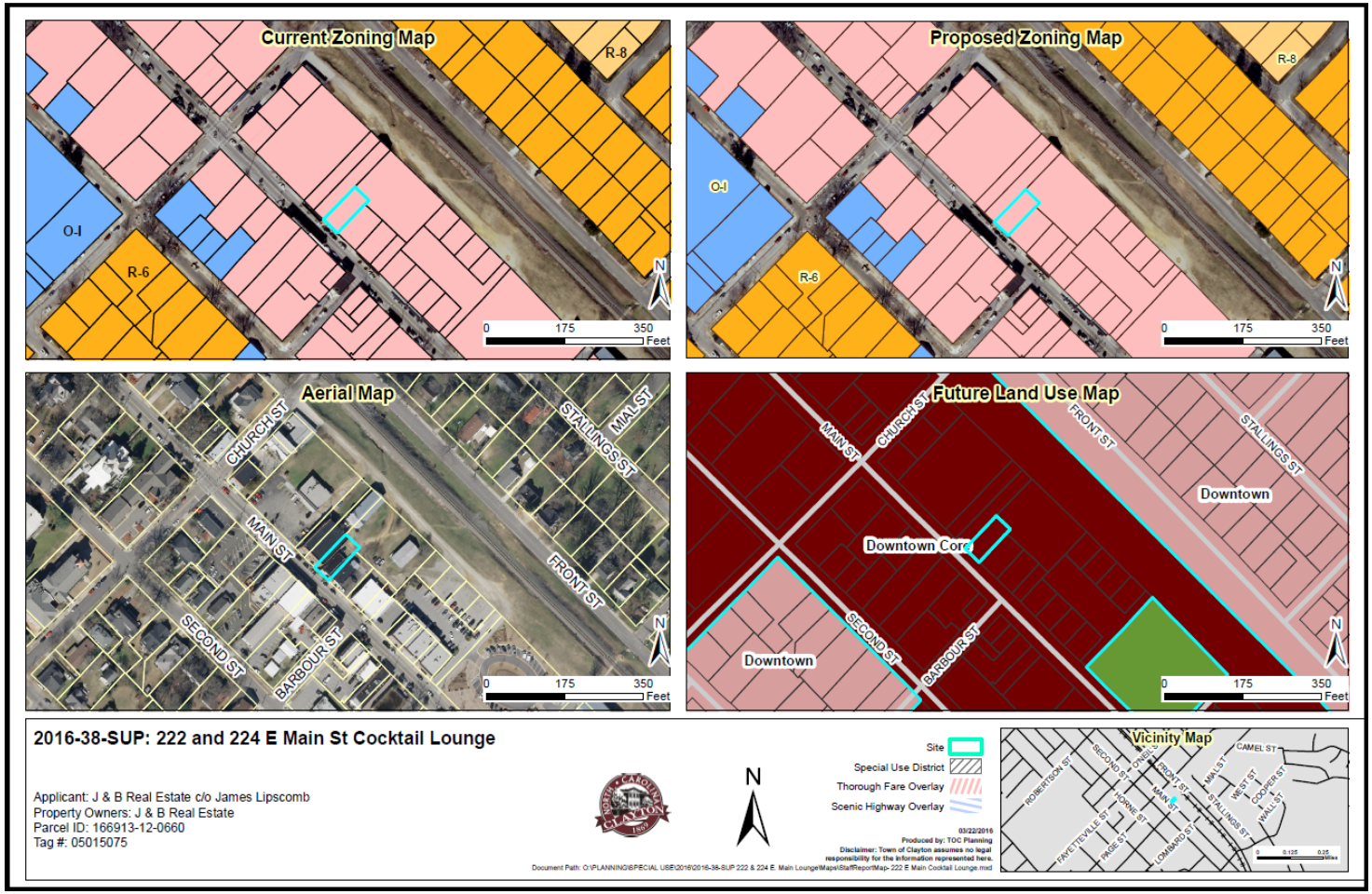
During an evidentiary hearing, the Clayton Town Council must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. This is an open meeting and the public is invited to attend.

If you should need additional assistance or information, please contact Haley Hogg in the Town of Clayton Planning Department at 919-359-2102, or email me at hhogg@townofclaytonnc.org.

Sincerely,

Haley Hogg CZO
Planner

cc: 2016-38-SUP 222 E Main Lounge Special Use Permit File
Kimberly Moffett, Town Clerk


Current Zoning Map
R-8
O-I
R-6
N
0 175 350 Feet
Proposed Zoning Map
R-8
O-I
R-6
N
0 175 350 Feet
Aerial Map
CHURCH ST
STALLINGS ST
MAIN ST
MAIN ST
FRONT ST
SECOND ST
BARBOUR ST
N
0 175 350 Feet
Future Land Use Map
MAIN ST
CHURCH ST
FRONT ST
STALLINGS ST
Downtown
Downtown Core
Downtown
SECOND ST
BARBOUR ST
N
0 175 350 Feet
2016-38-SUP: 222 and 224 E Main St Cocktail Lounge
Applicant: J & B Real Estate c/o James Lipscomb
Property Owners: J & B Real Estate
Parcel ID: 166913-12-0660
Tag #: 05015075
N
Site
Special Use District
Thorough Fare Overlay
Scenic Highway Overlay
03/22/2016
Produced by: TOC Planning
Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.
Document Path: O:\PLANNING\SPECIAL USE\2016\2016-38-SUP 222 & 224 E. Main Lounge\Maps\StaffReportMap- 222 E Main Cocktail Lounge.mxd
Vicinity Map
CAMEL ST
ROBERTSON ST
SECOND ST
CHURCH ST
MAIN ST
MAIN ST
WEST ST
COOPER ST
WALL ST
STALLINGS ST
FAYETTEVILLE ST
PAGE ST
HORNE ST
LOMBARD ST

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold an evidentiary hearing on Monday, May 2, 2016, at 6:30 PM at Town Hall, 111 East Second Street, to consider the following special use application:

- **222 E Main Lounge Special Use Permit, 2016-38-SUP. The request is to obtain special use approval to operate a cocktail lounge at a property located within the B-1 zoning district. Per Unified Development Code, the use of cocktail/lounge in a B-1 zoning district requires a Special Use Permit. Parcel number 166913-12-0660; TAG ID 05015075.**

During an evidentiary hearing, the Clayton Town Council must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath.

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

Haley Hogg, Planner
919-553-5002

_____
The Clayton News Star

Please advertise on the following dates:
April 20, 2016
April 27, 2016

Affidavit of publication required.

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

AGENDA LOCATION:
Other Business

Meeting Date:
April 18, 2016

ITEM TITLE:
Resolution - Financing Agreement - Water & Sewer Revenue Bond Anticipation Note

DESCRIPTION:
Mr. McKie will present information regarding the Resolution and bid results for the Water & Sewer related to construction of sewer force main from Clayton to Raleigh.

POTENTIAL ACTION:
Approval/Disapproval

DEPARTMENT:
Finance Department

PRESENTER:
Robert McKie, Finance Director

ITEM HISTORY:

Date: **Action Taken:**

Information Provided:

Date: **Action Taken:**

Information Provided:

Town of Clayton
Water & Sewer System
Revenue Bond Anticipation Note RFP
Bid Results Summary

18-Month Term	BB&T	Carter Bank & Trust	First Citizens Bank
Principal	$ 5,097,000	$ 5,097,000	$ 5,097,000
Interest Rate	1.69%	1.85%	1.77%
Fees	$ 2,900	$ -	$ 3,000
Prepay Penalty	0.00%	0.00%	N/A

Resolution # 2016-13

TOWN COUNCIL
OF THE
TOWN OF CLAYTON, NORTH CAROLINA

Excerpt of Minutes
of Meeting of April 18, 2016

Present: Mayor McLeod presiding, and

Councilmembers: _____

Absent: _____

* * * * * * * * * *

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

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF WATER AND SEWER SYSTEM REVENUE BOND ANTICIPATION NOTES OF THE TOWN OF CLAYTON, NORTH CAROLINA IN THE AGGREGATE PRINCIPAL AMOUNT OF $5,097,000

WHEREAS, the Town of Clayton, North Carolina (the "Town") acting by and through its Town Council (the "Town Council") has determined that the issuance of bonds to finance improvements to its water and sewer system including, but not limited to, the construction of a sewer line between the Town and the City of Raleigh, North Carolina (the "2016 Project") will benefit and be in the best interests of the Town; and

WHEREAS, on February 20, 2012, the Town Council for the Town adopted a bond order (the "Bond Order") entitled:

"**BOND ORDER OF THE TOWN OF CLAYTON, NORTH CAROLINA AUTHORIZING THE ISSUANCE OF WATER AND SEWER SYSTEM REVENUE BONDS TO PROVIDE FUNDS TO CONSTRUCT IMPROVEMENTS TO ITS WATER AND SEWER SYSTEM, INCLUDING CONSTRUCTION OF AN ELEVATED WATER STORAGE TANK; PROVIDING FOR THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR VARIOUS PURPOSES; 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 WATER AND SEWER SYSTEM; SETTING FORTH THE RIGHTS AND REMEDIES OF HOLDERS; AND SETTING FORTH THE DETAILS OF CERTAIN RELATED MATTERS"; and

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

WHEREAS, the Town Council of the Town proposes issuing Additional Bonds in order to finance the 2016 Project, which constitutes System Improvements;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town:

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 Town Council on February 20, 2012, authorizing and securing the issuance of Bonds, including the Notes, together with all orders amendatory thereof and all orders supplemental thereto as herein permitted.

"Bond Registrar" means the Finance Director of the Town, 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 Notes.

"Closing Date" means the date of the Closing.

"Interest Payment Date" means the date of final maturity of the Notes, which is October 26, 2017.

"Notes" means the $5,097,000 Town of Clayton, North Carolina Water and Sewer System Revenue Bond Anticipation Notes, Series 2016 issued pursuant to the Bond Order and this Series Resolution.

"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 April 26, 2016, between the Town and the Purchaser.

"Purchaser" means Branch Banking and Trust Company, as the original purchaser of the Notes.

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

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 NOTES

Section 2.01. Authorization and Issuance of the Notes. The Town hereby authorizes the issuance of the Notes designated "Town of Clayton, North Carolina Water and Sewer System Revenue Bond Anticipation Notes, Series 2016" in the aggregate principal amount of $5,097,000 for the purpose of providing funds, together with any other available funds, to (a) pay the costs of the 2016 Project and (b) pay the other costs and expenses incurred in connection with the issuance of the Notes. The Notes 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 Notes constitute Additional Bonds under the Bond Order.

The Finance Director of the Town is hereby appointed as Bond Registrar for the Notes pursuant to the provisions of the Bond Order and this Series Resolution.

Section 2.02. Form of Notes. The definitive Notes shall be initially issued as one fully registered note without coupons numbered R-1 in the aggregate principal amount of $5,097,000, and shall be initially registered in the name of the Purchaser. The definitive Notes 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 Notes 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 Notes 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 Notes. The Notes shall be dated the Closing Date, shall bear interest at a rate of 1.69% per annum (computed on the basis of a 360-day year consisting of twelve 30-day months), except as provided below, such principal and interest being payable on the final maturity date of October 26, 2017, all as set forth in the form of the Notes included in Exhibit A attached hereto and made a part hereof.

Principal of and interest on the Notes are payable, to such account in the United States as the Holder may designate, by wire transfer or other immediately available funds delivered on the payable date.

Section 2.04. Terms and Condition for Issuance of Notes. The Notes 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 Notes 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, the following:

(a) copies, certified by the Clerk to be true and correct copies, of the Bond Order and this Series Resolution;

(b) a certificate authorizing the award of the Notes;

(c) an opinion of bond counsel to the Town to the effect that the Notes have 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) an opinion of the counsel to the Town in form and substance satisfactory to the Purchaser and bond counsel to the Town; and

(e) such other documentation or opinions as may reasonably be requested by the Bond Registrar, the Purchaser or bond counsel.

When the documents mentioned in Section 3.02 of the Bond Order and subsections (a) to (d), inclusive, of this Section shall have been filed with the Bond Registrar and the Purchaser, and when the Notes shall have been executed and authenticated as required by the Bond Order and this Series Resolution, the Notes 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 Notes.

ARTICLE III
REDEMPTION OF NOTES

Section 3.01. Redemption of Notes. The Notes shall not be subject to redemption prior to maturity.

ARTICLE IV
ACCOUNTS, REVENUES AND FUNDS; OTHER COVENANTS

Section 4.01. Payment of Notes. The Town 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 Notes on each Interest Payment Date or any redemption date for the Notes.

Section 4.02. Establishment of Project Fund; Deposit of Note Proceeds to the Project Fund; Disbursement of Money in Project Fund. Simultaneously with the Closing the Purchaser

will deposit the purchase price for the Notes in the Project Fund held by Branch Banking and Trust Company under the Project Fund Agreement. Such funds will be disbursed to pay costs of the Project in accordance with the Project Fund Agreement. If the moneys held in the Project Fund and any other moneys provided by the Town are insufficient to pay all of the costs of the Project and costs and expenses incurred in connection with the issuance of the Notes, the Town 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 a Town 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 to the repayment of interest on the maturity date of the Notes.

Section 4.03. Investment of Money. Money held for the credit of the Project Fund shall be continuously invested and reinvested by the Town 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 Town 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 and Interest and Premium and Pledge of Net Revenues. The Town covenants that it will promptly pay the principal of and the interest on the Notes issued under the provisions of this Series Resolution at the place, on the dates and in the manner provided herein and in the Notes and any premium required for the retirement of the Notes in whole or in part by purchase or redemption of the Notes, according to the true intent and meaning thereof. The Town 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 Notes executed, authenticated and delivered hereunder or in any proceedings of the Town pertaining thereto. Pursuant to NCGS Section 159-163, the Town hereby pledges as security for the Notes, and grants a charge and lien on, the proceeds of Bonds issued for the 2016 Project, and agrees to take such action as may be required to issue the Bonds in order to provide funds to pay the principal of the Notes upon maturity. The Town represents and covenants that it is duly authorized under the Constitution and laws of the State, particularly the Act, to issue the Notes authorized hereby and to pledge the proceeds of Bonds and 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 Notes has been duly and effectively taken; and that such Notes in the hands of the Holders thereof are and will be valid and binding special revenue obligations of the Town payable according to their terms. The Notes shall also 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.

The Town covenants, for the benefit of the owners of the Notes, to act with due diligence and commercial reasonableness in undertaking the 2016 Project, and will take such actions as may be reasonably required so that the Bonds are issued in a timely manner.

ARTICLE V
THE TRUSTEE

Section 5.01. Designation of Trustee. The Town may at any time, with the approval of the Commission and the Holder, 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. Such Trustee shall meet the requirements set forth in Section IX of the Bond Order.

ARTICLE VI
SUPPLEMENTAL RESOLUTIONS

Section 6.01. Modification Without Consent of Holders. The Town may, from time to time and at any time, without the consent of any Holders of the Notes, 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 Town in this Series Resolution other covenants and agreements thereafter to be observed by the Town or to surrender any right or power herein reserved to or conferred upon the Town; 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 Town 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 Holders of the Notes. 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 Notes. 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.

Notwithstanding the foregoing or anything contained in the Bond Order, so long as Branch Banking and Trust Company is the sole owner of the Notes, the Town shall not amend or supplement this Series Resolution without the consent of Branch Banking and Trust Company.

Section 6.02. Modification of Series Resolution With Consent of Holders. Subject to the terms and provisions contained in this Section, and not otherwise, the Holders of the Notes 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 Town of such supplemental series resolutions as shall be deemed necessary or desirable by the Town 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 Holders of the Notes of the execution and delivery of any supplemental series resolution as authorized in Section 601.

The Bond Registrar shall, at the expense of the Town, 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 Holders of the Notes 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 Holders.

Whenever, at any time after the date of the mailing of such notice, the Town receives an instrument in writing purporting to be executed by the Holders of the Notes, 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 Town may adopt such supplemental series resolution in substantially such form, without liability or responsibility to such Holders.

If the Holders of the Notes have consented to and approved the adoption thereof as herein provided, to the extent permitted by law, the Holders 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 Town 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 Town, the Bond Registrar and the Holders of the Notes shall thereafter be determined, exercised and enforced in all respects pursuant to the provisions of this Series Resolution, as so modified and amended.

Section 6.03. Responsibilities of Town Under this Article. The Town 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 Town and the rights and interests of the Holders of the Notes.

ARTICLE VII
MISCELLANEOUS PROVISIONS

Section 7.01. Manner of Giving Notice. All notices, demands and requests to be given to or made hereunder by the Town, the Commission or the Bond Registrar shall be given or made in writing and shall be deemed to be properly given if sent by United States registered or certified mail, return receipt requested, or by national overnight delivery service addressed as follows:

(a) As to the Town or Bond Registrar --

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

(b) As to the Local Government Commission --

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

(c) As to the Purchaser –

Branch Banking and Trust Company
5130 Parkway Plaza Boulevard
Charlotte, North Carolina 28217
Attention: Governmental Finance – Account Administration

Any such notice, demand or request shall be deemed to be properly given on the date such notice, demand or request is received, as evidenced by the receipt or other tracking information provided by the U.S. Postal Service or the overnight delivery service.

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 7.02. Reserved.

Section 7.03. Town, 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 Town, the Bond Registrar and the Holder of the Notes, 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 Town, the Bond Registrar and the Holder of the Notes.

Section 7.04. Application to the Commission. The Local Government Commission of North Carolina is hereby requested to sell the Notes at private sale and without advertisement pursuant to G.S. 159-123 to the Purchaser.

Section 7.05. Effect of Partial Invalidity. In case any one or more of the provisions of this Series Resolution or the Notes 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 Notes, but this Series Resolution and the Notes 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 Notes 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 Town to the full extent permitted by law.

Section 7.06. Effect of Covenants; Governing Law. All covenants, stipulations, obligations and agreements of the Town contained in this Series Resolution shall be deemed to be covenants, stipulations, obligations and agreements of the Town 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 7.07. 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 7.08. Further Authority. The officers, attorneys, employees and other agents of the Town 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 Notes and this Series Resolution.

The Mayor, the Town Manager, the Finance Director 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.

Section 7.09. 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 7.10. Series Resolution Effective. This Series Resolution shall take effect upon its adoption.

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

Ayes: Councilmembers _____

Nays: Councilmembers _____

Not voting: Councilmembers _____

* * * * * * *

I, Kimberly Moffett, Clerk for the Town of Clayton, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted by the Town Council of the Town at a regular meeting duly called and held on April 18, 2016, and that the proceedings of such meeting are recorded in the Minutes of the Town. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Town Council of the Town is on file in my office.

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

_____
Clerk
Town of Clayton, North Carolina

(SEAL)

EXHIBIT A

FORM OF NOTES

R-1 $5,097,000

United States of America
State of North Carolina

TOWN OF CLAYTON, NORTH CAROLINA
WATER AND SEWER SYSTEM REVENUE BOND ANTICIPATION NOTE
SERIES 2016

The Town of Clayton, North Carolina (the "Town"), a municipal corporation validly organized and existing 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 NINETY-SEVEN THOUSAND DOLLARS ($5,097,000) in a single payment of principal due on the date of maturity which is October 26, 2017 (the "Maturity Date"), and to pay, but solely from said sources, interest from the date hereof on the unpaid portion of said principal sum until payment thereof (computed on the basis of a 360-day year consisting of twelve 30-day months) at the rate of 1.69% per annum (subject to adjustment as provided below), such interest being payable on the Maturity Date.

The interest so payable and punctually paid or duly provided for on the Maturity Date will be paid to the person in whose name this note is registered at the close of business on the Regular Record Date for such interest, which shall be the Business Day next preceding such 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 note is registered at the close of business on a special record date for the payment of such defaulted interest to be fixed by the Finance Director of the Town (the "Bond Registrar"), notice thereof 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 notes (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. Principal of and interest on this are payable, to such account in the United States as the Holder may designate, by wire transfer or other immediately available funds delivered on the payable date. Upon payment in full of principal and interest on this note, the Holder shall mark this note paid in full and shall deliver the note so marked to the Bond Registrar.

This note is a duly authorized revenue bond anticipation note of the Town designated "Town of Clayton, North Carolina Water and Sewer System Revenue Bond Anticipation Notes, Series 2016" (the "Notes") issued under and pursuant to the Constitution and laws of the State of North Carolina, including the Act, an order of the Town adopted on February 20, 2012 (the

"Bond Order"), and a Series Resolution adopted on April 18, 2016 (the "Series Resolution"), authorizing the issuance of the Notes. The Notes are being issued in anticipation of the issuance of Bonds issued for the purpose of providing funds, together with any other available funds, to (a) pay the costs of acquiring, constructing and equipping the 2016 Project (as defined in the Series Resolution) and (b) pay the costs and expenses incurred in connection with the issuance of the Bonds. Capitalized terms used herein and not otherwise defined have the meanings given such terms in the Bond Order and the Series Resolution.

The Town has previously issued its $1,604,000 Water and Sewer System Revenue Bond, Series 2013 (the "2013 Bond") pursuant to the Bond Order. The Bond Order provides for the issuance or incurrence from time to time under the conditions, limitations and restrictions set forth therein of bonds, notes or other evidences of indebtedness secured by a pledge of Net Revenues. The Notes are a special revenue obligation of the Town secured by a pledge, charge and lien on the proceeds of Bonds to be issued for the 2016 Project and by a pledge of Net Revenues on a pari passu basis with the 2013 Bond and any other Outstanding Bonds hereafter issued or incurred pursuant to the Bond Order. Pursuant to NCGS Section 159-163, the Town hereby pledges as security for the Notes, and grants a charge and lien on, the proceeds of Bonds issued for the 2016 Project. The Town is not obligated to pay the principal of or the interest on the Notes except as provided in the Bond Order from the proceeds of Bonds, 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 Town is pledged to the payment of the principal of and the interest on the Notes.

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 Town and the registered owner of the Notes. Copies of the Bond Order and the Series Resolution are available for inspection by the registered owner of the Notes at all reasonable times at the principal office of the Bond Registrar. By the purchase and acceptance of the Notes, 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 the Notes. The transfer of the Notes 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 the Notes a new bond registered in the name of the transferee in an aggregate principal amount equal to the principal amount of the Notes, containing the same principal installments and bearing interest at the same rate. The Notes 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 the Notes 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 of the Notes is not subject to redemption prior to the stated maturity.

The registered owner of the Notes 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.

The Notes, 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. The Notes are issued with the intent that the laws of the State of North Carolina shall govern their construction.

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

The Notes 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 Note to be manually signed by the Town Manager and the Town Clerk and its official seal to be impressed hereon, all as of the ___ day of April, 2016.

_____
Town Manager

[SEAL]

_____
Town Clerk

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

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

_____
Secretary, Local Government Commission

CERTIFICATE OF AUTHENTICATION

The Note is a bond anticipation note 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: _____

L.G.C. No. _____

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 note and all right thereunder, and hereby irrevocably constitutes and appoints _____ _____, attorney, to transfer the within note 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.