

Jody L. McLeod
MAYOR

Bruce Thompson
TOWN ATTORNEY

Steve Biggs
TOWN MANAGER



Bob Satterfield
Michael Grannis
Alex Harding
R.S. "Butch" Lawter, Jr.
COUNCIL MEMBERS

Robert Ahlert
MAYOR PRO TEM

TOWN COUNCIL MEETING

APRIL 20, 2009

AGENDA

MAYOR AND TOWN COUNCIL

**MAYOR JODY L. MCLEOD
MAYOR PRO TEM ROBERT J. AHLERT
COUNCILMAN BOB SATTERFIELD**

**COUNCILMAN ALEX HARDING
COUNCILMAN MICHAEL GRANNIS
COUNCILMAN R.S. "BUTCH" LAWTER, JR.**

TOWN STAFF

**STEVE BIGGS, TOWN MANAGER
SHERRY L. SCOGGINS, TOWN CLERK
BRUCE THOMPSON II, TOWN ATTORNEY**

AGENDA
THE WORK SESSION MEETING OF THE CLAYTON TOWN COUNCIL

MONDAY, APRIL 20, 2009
7:30 PM

THE CLAYTON CENTER
COUNCIL CHAMBERS

1. CALL TO ORDER

Pledge of Allegiance
Invocation – Mayor Jody L. McLeod

2. ADJUSTMENT OF THE AGENDA

3. ACTION AGENDA

- a. Draft minutes from the April 6, 2009, regular meeting.
- b. Proclamation for “Week of the Young Child.”
- c. Proclamation for “Litter Sweep” 2009 Roadside cleanup.

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Introduction of new Town of Clayton employee(s).
- b. Recognition of Rochelle Bolyard.
- c. Presentation of road closure request for ninth annual MillStock Music & Arts Faire for Saturday, June 6, 2009.

5. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA

- a. Continuation of evidentiary hearing for special use permit SUP 08-05, for Caterpillar located at 1123 NC 42 HWY East (continued from March 16, 2009).
- b. Presentation of rezoning request RZ 09-01 for HS&R Management Services for property located at the corner of O’Neil Street and Front Street.
- c. Presentation of request to modify the buffer design for Summerlyn Subdivision (SUB 04-08 approved March 21, 2005).
- d. Presentation of reimbursement resolutions for the following projects:
 - o Generator for water and sewer operations, \$250,000;
 - o Rolling stock, \$432,000; and
 - o Automated meter reading (AMR) project, \$579,000
- e. Presentation of three year update to the Johnston County solid waste plan.
- f. Presentation of twenty-sixth annual Clayton Road Race street closure request for Saturday, May 9, 2009.
- g. Presentation of “Older Americans Month” Proclamation.
- h. Presentation of “Municipal Clerks Week” Proclamation.

6. ITEMS CONTINGENT FOR THE REGULAR MEETING

7. **ITEMS FOR DISCUSSION**
8. **OLD BUSINESS**
 - a. Discussion and possible reconsideration on action regarding payment for the payment of the December 9, 2008, municipal elections invoice.
 - b. Discuss application to the Rural Center for an NC Building Restoration and reuse grant.
9. **STAFF REPORTS**
 - a. Town Manager
 - b. Town Attorney
 - c. Town Clerk
 - o Calendar of Events
 - d. Other Staff
10. **OTHER BUSINESS**
 - a. Informal Discussion & Public Comment.
 - b. Council Comments.
 - c. Planning Board Highlights of the March 2009 meeting.
11. **ADJOURNMENT**

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

Agenda Item: 3a

Meeting Date: 04/20/09

TITLE: DRAFT MINUTES FROM THE APRIL 6, 2009, REGULAR MEETING.

DESCRIPTION: Minutes.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

04-20-09

Approval.

DRAFT minutes from
4/06/2009 regular meeting.

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

Agenda Item: 3b

Meeting Date: 04/20/09

TITLE: PROCLAMATION FOR "WEEK OF THE YOUNG CHILD".

DESCRIPTION: Attached.

At the April 6, 2009, Council meeting it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: A Place for Family Fun and Leisure

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-06-09	Approval.	Proclamation.
04-20-09	Approval.	Proclamation.

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

Agenda Item: 3c

Meeting Date: 04/20/09

TITLE: PROCLAMATION FOR "LITTER SWEEP" 2009 ROADSIDE CLEANUP.

DESCRIPTION: April 18 – May 2, 2009, has been designated as "Litter Sweep" spring 2009.

Citizens and organizations who are interested in sprucing up the community and showing pride in North Carolina are encouraged to contact the North Carolina Department of Transportation - Litter Sweep Hotline at 1-800-331-5864 or visit www.ncdot.gov/~beautification.

At the April 6, 2009, Council meeting it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Safest, Healthiest Town in Triangle Area

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-06-09	Approval.	Proclamation.
04-20-09	Approval.	Proclamation.

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

Agenda Item: 4a

Meeting Date: 04/20/09

TITLE: INTRODUCTION OF NEW TOWN OF CLAYTON EMPLOYEE (S).

DESCRIPTION: Introduction(s).

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

04-20-09

Introduction(s).

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

Agenda Item: 4b

Meeting Date: 04/20/09

TITLE: RECOGNITION OF ROCHELLE BOLYARD.

DESCRIPTION: At the February 2, 2009, Council meeting, Parks & Recreation Director Larry Bailey stated Ms. Rochelle Bolyard donated \$20,000 to the Town's Parks & Recreation program. He stated this donation came as a surprise. He stated the Bolyard's have been very active in the Senior Games. He stated details are being worked out for a tribute to Ms. Bolyard's parents, the Harrisons.

RELATED GOAL: Premier Community for Active Families

ITEM SUMMARY:

Date:

Action:

Info. Provided:

04-20-09

Recognition.

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

Agenda Item: 4c

Meeting Date: 04/20/09

TITLE: PRESENTATION OF ROAD CLOSURE REQUEST FOR NINTH ANNUAL MILLSTOCK MUSIC & ARTS FAIRE FOR SATURDAY, JUNE 6, 2009.

DESCRIPTION: The Coffee Mill/Flipside, Clayton Visual Arts, and the Clayton Downtown Development Association (DDA) respectfully request the following road closure on Saturday, June 6, 2009, for the MillStock Music & Arts Faire:

- **South Lombard between Main Street and Second Street from 5 AM until 6 PM**
- **Main Street between Barbour and Smith Street from 5 AM until 6 PM**

The goal is to keep the activities safe and festive and the requestors would work closely with Public Works, Police, Fire and EMS.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-20-09	Presentation.	Memorandum.

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

Agenda Item: 5a

Meeting Date: 04/0/09

TITLE: CONTINUATION OF EVIDENTIARY HEARING FOR SPECIAL USE PERMIT, SUP 08-05, FOR CATERPILLAR LOCATED AT 1123 NC 42 HWY EAST (CONTINUED FROM MARCH 16, 2009).

DESCRIPTION: Special use request SUP 08-05 is for a proposed 48,970 square foot production testing center to be developed on 252.36 acres zoned I-2 SUD with Watershed Protection Overlay. This property is located on the north side of NC HWY 42 East and on the west side of the Neuse River within the ETJ.

On January 26, 2009, the Planning Board voted unanimously to recommend approval of the special use request with six conditions.

At the February 16, 2009, Council meeting, the applicant submitted a letter stating modifications were being considered and requested the Town Council delay consideration of this item for 30 days.

On March 9, 2009, the applicant requested another 30 day delay for this project.

On April 13, 2009, the applicant requested an additional 30 day delay for this project.

RELATED GOAL: Business Community: Diverse and Profitable

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-16-09	Presentation.	Application, Staff Report, Map, Site & Elevation Plans.
03-02-09	Evidentiary Hearing.	Letter requesting 30 day delay Application, Staff Report, Map, Site & Elevation Plans.
03-16-2009	Ev. Hearing, Cont'd.	Letter requesting an additional 30-day Delay & Map.
04-0-009	Ev. Hearing, Cont'd.	Letter dated 4/13/2009 Requesting an additional 30-day delay & Map.

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

Agenda Item: 5b

Meeting Date: 04/20/09

TITLE: PRESENTATION OF REZONING REQUEST RZ 09-01 FOR HS&R MANAGEMENT SERVICES FOR PROPERTY LOCATED AT THE CORNER OF O'NEIL STREET AND FRONT STREET.

DESCRIPTION: Rezoning request RZ 09-01 is for a .13 acre tract located at the corner of Front Street and O'Neil Street, inside the Town limits. The requested change is from B-2 Neighborhood Business to B-1 Central Business.

At its March 23, 2009, meeting, the Planning Board voted unanimously to recommend approval of this request.

This item is slated for public hearing at the May 4, 2009, Council meeting.

RELATED GOAL: Business Community: Diverse and Profitable

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-20-09	Presentation & Public Notice.	Application, Staff Report, & Map.

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

Agenda Item: 5c

Meeting Date: 04/20/09

TITLE: PRESENTATION OF REQUEST TO MODIFY THE BUFFER DESIGN FOR SUMMERLYN SUBDIVISION (SUB 04-08, APPROVED March 21, 2005).

DESCRIPTION: Whistler Development respectfully requests the Town Council approve the attached landscape – screening plans for portions of the Summerlyn Subdivision that front on the Glen Laurel Road right-of-way.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

04-20-09

Presentation.

Memorandum, Supplement to Summerlyn SD – Glen Laurel Road Landscape Plan, & Subdivision Approval for SUB 04-08.

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

Agenda Item: 5d

Meeting Date: 04/20/09

TITLE: PRESENTATION OF REIMBURSEMENT RESOLUTIONS FOR THE FOLLOWING PROJECTS:

- **GENERATOR FOR WATER AND SEWER OPERATIONS, \$250,000;**
- **ROLLING STOCK, \$432,000; AND**
- **AUTOMATED METER READING (AMR) PROJECT, \$579,000**

DESCRIPTION: Attached.

RELATED GOAL: Value for Taxes and Public Fees

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-20-09	Presentation.	Resolutions (3).

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

Agenda Item: 5e

Meeting Date: 04/20/09

TITLE: PRESENTATION OF THREE YEAR UPDATE TO THE JOHNSTON COUNTY SOLID WASTE PLAN.

DESCRIPTION: Attached.

RELATED GOAL: Administrative.

ITEM SUMMARY:

Date:

Action:

Info. Provided:

04-20-09

Presentation.

Resolution.

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

Agenda Item: 5f

Meeting Date: 04/20/09

TITLE: PRESENTATION OF TWENTY-SIXTH ANNUAL CLAYTON ROAD RACE STREET CLOSURE REQUEST FOR SATURDAY, MAY 9, 2009.

DESCRIPTION: The road closures are shown on the map as page two of the road race form. The road closures would begin at 8:30 AM and would be reopened at approximately 10:15 AM, or when the last runner comes in. Horne Street will remain closed until 11:30 AM. Fayetteville Street will remain closed until 11 AM for the Tot Trot.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-20-09	Presentation.	Road Race Form & Map.

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

Agenda Item: 5g

Meeting Date: 04/20/09

**TITLE: PRESENTATION OF "OLDER AMERICANS MONTH"
PROCLAMATION.**

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-20-09	Presentation.	Proclamation.

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

Agenda Item: 5h

Meeting Date: 04/20/09

**TITLE: PRESENTATION OF "MUNICIPAL CLERKS WEEK"
PROCLAMATION.**

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-20-09	Presentation.	Proclamation.

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 8a

Meeting Date: 04/20/09

TITLE: DISCUSSION AND POSSIBLE RECONSIDERATION ON ACTION REGARDING PAYMENT FOR THE DECEMBER 9, 2008, MUNICIPAL ELECTIONS INVOICE.

DESCRIPTION: At the February 18, 2008, Council meeting, Council received a presentation by Johnston County Board of Elections regarding municipal election date. Attached is the invoice from the December 9, 2008, do-over election.

The Johnston County Board of Elections met Thursday, March 5, 2009, and voted to split the original cost of the bill with the Town of Clayton; invoice attached.

At the April 6, 2009, Council meeting, Council discussed the December 9, 2008, municipal elections invoice. Mayor Pro Tem Ahlert motioned to approve paying the invoice for half of the election cost; Councilman Lawter seconded the motion. Motion failed 2-3 with Councilman Satterfield, Councilman Harding, and Councilman Grannis voting opposed.

Town Code of Ordinances, 30.23: Motion to Reconsider: No question decided by the Town Council shall be again brought forward at any subsequent meeting until at least 90 days has elapsed. However, a vote on any question may be reconsidered at any time by a vote of two-thirds of the Town Council.

Assuming all members are present, four members would need to concur on a motion to reconsider in order for this item to be the subject of a vote for action.

RELATED GOAL: Value for Taxes and Public Fees

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-18-08	Presentation.	None.
2-02-09	Discussion.	Invoice.
04-06-09	Discussion.	Invoice.
04-20-09	Discussion.	Invoice.

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

Agenda Item: 8b

Meeting Date: 04/20/09

TITLE: DISCUSS APPLICATION TO THE RURAL CENTER FOR AN NC BUILDING RESTORATION AND REUSE GRANT.

DESCRIPTION: The Town has an opportunity to submit an application to the Rural Center to assist in the reuse of a vacant building at 8182 US 70 Business HWY West. The proposal for the site is relocation of Turkington USA. If the grant application is approved, the Town will provide 3% of the total project costs of the project and the Town will provide administration, implementation, and operation/maintenance of the project.

In order to receive consideration for funding this summer, the application must be submitted by May 4, 2009.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-06-09	Discussion.	Background, grant Application, resolution, & Letter of support.
04-20-09	Discussion.	Background, Grant Application, Resolution, & Commitment Letter.

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

Agenda Item: 9c

Meeting Date: 04/20/09

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Council Meeting – Monday, April 20, 2009 @ 7:30 PM
- Public Art Advisory Board Mtg – Tuesday, April 21, 2009 @ 6:30 PM
- Kathy Mattea - Saturday, April 25, 2009 @ 8 PM
- Planning Board Meeting – Monday, April 27, 2009 @ 7:00 PM
- Council Meeting – Monday, May 4, 2009 @ 7:30 PM
- Town Hall Day – Wednesday, May 6, 2009 @ 6:30 PM
- Clayton Road Race – Saturday, May 9, 2009
- DDA Meeting – Monday, May 11, 2009 @ 6:30 PM, Room GS 223
- Recreation Advisory Committee Meeting – Monday, May 11, 2009 @ 7:30 PM, P&R Office on McCullers Street
- Council Meeting – Monday, May 18, 2009 @ 7:30 PM
- Board of Adjustment Meeting – Wednesday, May 20, 2009 @ 6:00 PM
- Town Square Concert – Thursday, May 21, 2009 @ 7 PM (Liquid Pleasure)
- Memorial Day Holiday – Monday, May 25, 2009
- Planning Board Meeting – **TUESDAY**, May 26, 2009 @ 7:00 PM
- Council Meeting – Monday, June 1, 2009 @ 7:30 PM
- MillStock Music & Arts Faire – Saturday, June 6, 2009
- Council Meeting – Monday, June 15, 2009 @ 7:30 PM
- Board of Adjustment Meeting – Wednesday, June 17, 2009 @ 6:00 PM
- Town Square Concert – Thursday, June 18, 2009 @ 7 PM (Abbey Road Live!)
- Planning Board Meeting – Monday, June 22, 2009 @ 7:00 PM
- Independence Day Holiday – Friday, July 3, 2009
- Town Square Concert – Thursday, July 16, 2009 @ 7 PM (Legends of Beach)
- Council Meeting – Monday, July 20, 2009 @ 7:30 PM
- Town Square Concert – Thursday, August 20, 2009 @ 7 PM (Zydecopious)
- Town Square Concert – Thursday, September 17, 2009 @ 7 PM (Band of Oz)

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:
04-20-09

Action:
Information.

Info. Provided:
Calendar of Events.

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

Agenda Item: 10c

Meeting Date: 04/20/09

TITLE: HIGHLIGHTS OF THE MARCH PLANNING BOARD MEETING.

DESCRIPTION: Summary highlighting the actions of the March 23, 2009, Planning and Zoning Board meeting. This is distributed as information and does not require Council action.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-20-09	None/Informational.	Highlights from 03/23/2009.