

AGENDA
THE REGULAR MEETING OF THE CLAYTON TOWN COUNCIL

MONDAY, APRIL 06, 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. **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 from the March 16, 2009, regular meeting and the March 16, 2009, closed session.
 - b. 2009 Town Square Concert series and road closure request by DDA.
 - c. Public Art Advisory Board By-laws.
 - d. Veteran government bond, stamp, and coin program resolution.
 - e. Final Acceptance for Cobblestone Subdivision, Phase 6-B, and Lift Station.
 - f. Warranty acceptance for Vinson Road / Powhatan Elementary School for public water and sewer utilities.
 - g. Renewable energy development and service agreement overview from Electricities.
4. **PUBLIC HEARINGS**
 - a. Public hearing for annexation petition 2009-02-01, located on NC 42 HWY West and adjacent to the Johnston Memorial Hospital site.
 - b. Public hearing for planned development district request, PDD 08-08, located on NC 42 HWY West and adjacent to Johnston Memorial Hospital site.
 - c. Public hearing for planned development district and preliminary subdivision request, PDD 09-01, located on Vinson Road across from Powhatan Elementary School and adjacent to Glen Laurel Subdivision.
5. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**

6. **OLD BUSINESS**
 - a. Discuss amendment to the fire services franchise agreement with Johnston County to include rescue services.
 - b. Discuss payment of the December 9, 2009, municipal elections invoice.
 - c. Discussion of B-1 Central Business Zoning District permitted uses.

7. **NEW BUSINESS**
 - a. Proclamation for “Week of the Young Child”.
 - b. Proclamation for “Litter Sweep” 2009 Roadside Cleanup.
 - c. Request to review Town Code of Ordinance relating to flags.
 - d. Presentation of NC Building Restoration and Reuse Grants Program.

8. **STAFF REPORTS**
 - a. Town Manager
 - Housing Summary
 - b. Town Attorney
 - c. Town Clerk
 - Town Hall Day - Wednesday, May 6
 - Calendar of Events
 - d. Other Staff
 - Certificate of Achievement for Excellence in Financial Reporting (CAFR)

9. **OTHER BUSINESS**
 - a. Informal Discussion & Public Comment.
 - b. Council Comments.

10. **ADJOURNMENT**

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 3a

Meeting Date: 04/06/09

TITLE: DRAFT MINUTES FROM THE MARCH 16, 2009, REGULAR MEETING, AND THE MARCH 16, 2009, CLOSED SESSION.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

04-06-09

Approval.

Draft minutes from the 3/16/2009 regular meeting.

** DRAFT minutes from the 3/16/2009 closed session Will be hand-delivered.*

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

Agenda Item: 3b

Meeting Date: 04/06/09

TITLE: 2009 TOWN SQUARE CONCERT SERIES AND ROAD CLOSURE
REQUEST BY DDA.

DESCRIPTION: Attached.

RELATED GOAL: A Place for Family Fun and Leisure &
Safest, Healthiest Town in the Triangle Area

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-16-09	Presentation.	Memorandum.
04-06-09	Approval.	Memorandum.

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

Agenda Item: 3c

Meeting Date: 04/06/09

TITLE: PUBLIC ART ADVISORY BOARD BY-LAWS.

DESCRIPTION: The Public Art Advisory Board, hereafter PAAB, was established by resolution adopted by the Town Council on February 4, 2008. One of the duties of the PAAB was to develop by-laws for operation and policies for the performance of the duties assigned by the Town Council.

For Council's consideration, attached are the proposed by-laws for the PAAB.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-16-09	Presentation.	By-laws.
04-06-09	Approval.	By-laws.

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

Agenda Item: 3d

Meeting Date: 04/06/09

**TITLE: VETERAN GOVERNMENT BOND, STAMP, AND COIN PROGRAM
RESOLUTION.**

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-16-09	Presentation.	Resolution.
04-06-09	Approval.	Resolution.

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

Agenda Item: 3e

Meeting Date: 04/06/09

**TITLE: FINAL ACCEPTANCE FOR COBBLESTONE SUBDIVISION PHASE
6-B AND LIFT STATION.**

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-16-09	Presentation.	Memorandum.
04-06-09	Approval.	Memorandum.

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

Agenda Item: 3f

Meeting Date: 04/06/09

**TITLE: WARRANTY ACCEPTANCE FOR VINSON ROAD / POWHATAN
ELEMENTARY SCHOOL.**

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-16-09	Presentation.	Memorandum.
04-06-09	Approval.	Memorandum.

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

Agenda Item: 3g

Meeting Date: 04/06/09

TITLE: RENEWABLE ENERGY DEVELOPMENT AND SERVICE AGREEMENT OVERVIEW FROM ELECTRICITIES.

DESCRIPTION: Recent legislation requires all electric utilities, including investor-owned, municipal, and electric cooperatives, to have a certain percentage of renewable energy in their respective portfolios. The law requires a substantial effort on behalf of the member cities to be in compliance by 2012.

Although a part of ElectriCities the individual electric providers are responsible for compliance with this regulation. The Town of Clayton proposes to contract with ElectriCities for compliance tracking and reporting purposes. The attached proposed agreement documents the duties and roles for implementation of the standards and was approved by the ElectriCities Board of Directors and North Carolina Eastern Municipal Power Agency Board.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-16-09	Discussion.	Memorandum.
04-06-09	Approval.	Memorandum.

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

Agenda Item: 4a

Meeting Date: 04/06/09

**TITLE: PUBLIC HEARING FOR ANNEXATION PETITION 2009-02-01,
LOCATED ON NC 42 HWY WEST AND ADJACENT TO THE JMH
SITE.**

**DESCRIPTION: Annexation petition 2009-02-01 was submitted by UACFE,
LLC for a 50.93 acre lot and is contiguous with the Town's
corporate limits.**

At the February 16, 2009, Council meeting, it was the
consensus of the Council to place this item on the consent
agenda.

Public hearing at the April 6, 2009, Council meeting.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-16-09	Presentation.	Resolution & map.
03-02-09	Approval.	Resolution & map.
03-16-09	Public Notice.	Certificate of Sufficiency, Resolution, & Map.
4-06-09	Public Hearing.	Annexation ordinance & Map.

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

Agenda Item: 4b

Meeting Date: 04/06/09

TITLE: PUBLIC HEARING FOR PLANNED DEVELOPMENT DISTRICT REQUEST PDD 08-08, LOCATED ON NC 42 HWY WEST AND ADJACENT TO JOHNSTON MEMORIAL HOSPITAL SITE.

DESCRIPTION: PDD 08-08 is a master plan for 50.60 acres for a proposed commercial development located on the north side of NC HWY 42 West and adjacent to JMH. The site is presently zoned R-E, residential estate, and requests rezoning to planned development district mixed use and is located in the ETJ. This property was included in the 42 West Small Area Plan.

Public hearing at the April 6, 2009, Council meeting.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-16-09	Presentation and & Public Notice.	Application, Staff Report, Map, Site Plan, Adjacent Parcels on Johnston Estate Road and Spreadsheet, 42 West Small Area Plan, & JMH Site Plan.
04-06-09	Public Hearing.	PDD Procedures, Application, Staff Report, Map, Site Plan, Adjacent Parcels on Johnston Estate Road and Spreadsheet, 42 West Small Area Plan, JMH Site Plan & Roundabout Rendering and Examples.

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

Agenda Item: 4c

Meeting Date: 04/06/09

TITLE: EVIDENTIARY HEARING FOR PLANNED DEVELOPMENT DISTRICT REQUEST PDD 09-01, LOCATED ON VINSON ROAD ACROSS FROM POWHATAN ELEMENTARY SCHOOL AND ADJACENT TO GLEN LAUREL SUBDIVISION.

DESCRIPTION: PDD 09-01 is a master plan for 30.34 acres mixed use development comprised of 52 lots for single family residences and two commercial tracts. The site is located on the north side of Vinson Road in the ETJ and adjacent to Glen Laurel Subdivision. The site is presently zoned R-E, residential estate with Watershed Protection Overlay and requests rezoning to planned development district mixed-use.

Evidentiary hearing at the April 6, 2009, Council meeting.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-16-09	Presentation and & Public Notice.	Application, Staff Report, Wastewater Allocation Request, Map, and Site Plan.
04-06-09	Evidentiary Hearing.	PDD Procedures, Application, Staff Report, Map, Site Plan, Waste Water Allocation Request, Waste Water Allocation Policy, Subdivision Hearing Procedures, & SUB Motion Form.

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

Agenda Item: 6a

Meeting Date: 04/06/09

TITLE: DISCUSS AMENDMENT TO FIRE SERVICES FRANCHISE AGREEMENT WITH JOHNSTON COUNTY TO INCLUDE RESCUE SERVICES.

DESCRIPTION: To provide an overview of the present rescue franchise agreement and ascertain if the Council wishes to pursue a County issued franchise for rescue services to coincide with the current inter-local agreement for provision of fire service.

At the March 16, 2009, Council meeting, Council requested clarification on the services provided by Johnston County.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-16-09	Presentation.	Memorandum & Current Inter-Local Agreement for Provision of Fire Service.
04-06-09		

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

Agenda Item: 6b

Meeting Date: 04/06/09

TITLE: DISCUSSION OF ASSIGNMENT OF COST FROM THE MOST RECENT MUNICIPAL ELECTION.

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.

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.

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

Agenda Item: 6c

Meeting Date: 04/06/09

TITLE: PRESENTATION OF B-1 CENTRAL BUSINESS ZONING DISTRICT PERMITTED USES.

DESCRIPTION: Attached.

Find attached herewith a staff proposal regarding proposed amendment to the UDC prohibiting private clubs in the B-1 Central Business District.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-16-09	Presentation.	Memorandum.
04-06-09	Presentation.	Memorandum.

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

Agenda Item: 7a

Meeting Date: 04/06/09

TITLE: PROCLAMATION FOR “WEEK OF THE YOUNG CHILD”.

DESCRIPTION: Attached.

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.

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

Agenda Item: 7b

Meeting Date: 04/06/09

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.

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.

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

Agenda Item: 7c

Meeting Date: 04/06/09

TITLE: REQUEST TO REVIEW TOWN CODE OF ORDINANCE RELATING TO FLAGS.

DESCRIPTION: Steve and Dale Matthews submitted the attached letter requesting the Town Code of Ordinance pertaining to flags be reviewed.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

04-06-09

Discussion.

Letter and
UDC 155.403 (F) & (G).

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

Agenda Item: 7d

Meeting Date: 04/06/09

TITLE: PRESENTATION OF NC BUILDING RESTORATION AND REUSE GRANTS PROGRAM.

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 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.

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

Agenda Item: 8a

Meeting Date: 04/06/09

TITLE: TOWN MANAGER

DESCRIPTION: Housing summary in a spreadsheet . As the hyperlink is not enabled in the PDF format, you may view the photos of the rehabilitated properties, at <http://www.townofclaytonnc.org/housingphotos.aspx>

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-06-09	Information.	Spreadsheet.

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

Agenda Item: 8c

Meeting Date: 04/06/09

TITLE: TOWN CLERK

DESCRIPTION: The North Carolina League of Municipalities is sponsoring Town Hall Day in Raleigh on Wednesday, May 6, 2009. There is no registration fee however advance registration is required.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

04-06-09

Brochure.

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

Agenda Item: 8c

Meeting Date: 04/06/09

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Council Meeting – Monday, April 6, 2009 @ 7:30 PM
- Good Friday Holiday – Friday, April 10, 2009
- DDA Meeting – Monday, April 13, 2009 @ 6:30 PM
- Recreation Advisory Committee Meeting – Monday, April 13, 2009 @ 7:30 PM
- Board of Adjustment Meeting – Wednesday, April 15, 2009 @ 6:00 PM
- Groundbreaking for Hospice – Thursday, April 16, 2009 @ 11 AM
- Staff Retreat with Lyle Sumek – Thursday, April 16, 2009
- Council Retreat with Lyle Sumek – Friday, April 17, 2009 & Saturday, April 18, 2009
- Fireman’s Annual Awards Banquet – Saturday, April 18, 2009 @ 6:00 PM
- 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
- 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
- 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:

<u>Date:</u> 04-06-09	<u>Action:</u> Information.	<u>Info. Provided:</u> Calendar of Events.
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**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

Agenda Item: 8d

Meeting Date: 04/06/09

TITLE: OTHER STAFF

DESCRIPTION: Certificate of Achievement fro Excellence in Financial Reporting (CAFR).

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

04-06-09

Information.

Memorandum.