

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

AUGUST 03, 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 REGULAR MEETING OF THE CLAYTON TOWN COUNCIL

MONDAY, AUGUST 03, 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 July 20, 2009, closed session.
 - b. Street closure request for Labor Day Cookout on Stansbury Lane in Riverwood Athletic Club.
 - c. Resolution directing the clerk to investigate annexation petition request 2009-07-01 for 3986 Powhatan Road.
 - d. Final acceptance for public water, sewer, and associated storm drainage utilities for Cobblestone Subdivision, Phase 5D-1.
 - e. Warranty acceptance for public water and sewer utilities for State Employee’s Credit Union (SECU) Drive-up Facility.
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
5. **PUBLIC HEARINGS**
 - a. Public hearings for amendments to the Town Code of Ordinances, Unified Development Ordinance, Chapter 155:
 - OA 09-04 Family Definition
 - OA 09-05 Corrections
 - OA 09-06 Vehicle Service in B-3 HWY Business
 - b. Public hearing rezoning request, RZ 09-02, located on Kilgo Street and adjacent to Clayton Municipal Park.
 - c. Evidentiary hearing for planned development district request PDD 09-03 for mixed use, submitted by Thompson-Lee for The Woods at Glen Laurel located on Vinson Road.
6. **OLD BUSINESS**
 - a. Loop Road Development LLC request to reconsider open space fees.
 - b. Request for rescission from ETJ.
 - c. Draft of the proposed youth protection (curfew) ordinance.

- d. Financial Policy Guidelines
 - e. Non-Profit Organization Funding Program.
7. **NEW BUSINESS**
- a. Ordinance for unsafe buildings at the following locations:
 - o 435 Kildee Street
 - o 501 Lakeview Drive
8. **STAFF REPORTS**
- a. Town Manager
 - b. Town Attorney
 - c. Town Clerk
 - Calendar of Events
 - d. Other Staff
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: 08/03/09

TITLE: DRAFT MINUTES FROM THE JULY 20, 2009, CLOSED SESSION MEETING.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

08-03-09

Approval.

****DRAFT Minutes from
The 7/20/2009 closed
Session will be hand-
Delivered.***

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

Agenda Item: 3b

Meeting Date: 08/03/09

TITLE: STREET CLOSURE REQUEST FOR LABOR DAY COOKOUT ON STANSBURY LANE IN RIVERWOOD ATHLETIC CLUB.

DESCRIPTION: The residents of Stansbury Lane respectfully request the temporary street closure of Stansbury Lane between 240 Stansbury and 244 Stansbury, from 5:00 PM until 9:00 PM on Saturday, September 5, 2009. The closure is for the safety of the participants of the fourth annual Labor Day Cookout. Emergency vehicles will have access.

At the July 20, 2009, Council meeting, it was the consensus of the Town Council to place this item on the consent agenda.

RELATED GOAL: Expand Leisure Opportunities and Arts Community

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
07-20-09	Presentation.	Email & Map.
08-03-09	Approval.	Email & Map.

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

Agenda Item: 3c

Meeting Date: 08/03/09

TITLE: RESOLUTION DIRECTING THE CLERK TO INVESTIGATE ANNEXATION PETITION REQUEST 2009-07-01 FOR 3986 POWHATAN ROAD.

DESCRIPTION: Annexation petition 2009-07-01 is a citizen initiated non-contiguous annexation request for a 2.13 acre parcel adjacent to the Hess Mart on HWY 70 Business.

RELATED GOAL: Administrative.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
07-20-09	Presentation.	Resolution & Map.
08-03-09	Approval.	Resolution & Map.

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

Agenda Item: 3d

Meeting Date: 08/03/09

TITLE: FINAL ACCEPTANCE FOR PUBLIC WATER, SEWER, AND ASSOCIATED STORM DRAINAGE UTILITIES FOR COBBLESTONE SUBDIVISION, PHASE 5D-1.

DESCRIPTION: Attached.

RELATED GOAL: Administrative.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
07-20-09	Presentation.	Memorandum.
08-03-09	Approval.	Memorandum.

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

Agenda Item: 3e

Meeting Date: 08/03/09

TITLE: WARRANTY ACCEPTANCE FOR PUBLIC WATER AND SEWER UTILITIES FOR STATE EMPLOYEE'S CREDIT UNION (SECU) DRIVE-UP FACILITY.

DESCRIPTION: Attached.

RELATED GOAL: Administrative.

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
07-20-09	Presentation.	Memorandum.
08-03-09	Approval.	Memorandum.

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

Agenda Item: 5a

Meeting Date: 08/03/09

TITLE: PUBLIC HEARING FOR AMENDMENTS TO TOWN CODE OF ORDINANCES, UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 155:

- OA 09-04 FAMILY DEFINITION
- OA 09-05 CORRECTIONS
- OA 09-06 VEHICLE BUSINESS IN B-3 HWY BUSINESS

DESCRIPTION: Attached.

At the June 22, 2009, Planning Board meeting, the Planning Board voted unanimously to recommend the amendments to OA 09-04, OA 09-05, and OA 09-06.

This item is slated for public hearing at the August 3, 2009, Council meeting.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
07-20-09	Presentation & Public Notice.	Staff Report (3) & Proposed Amendment (3).
08-03-09	Public Hearing.	Ordinance Amendments (3).

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

Agenda Item: 5b

Meeting Date: 08/03/09

TITLE: PUBLIC HEARING FOR REZONING REQUEST, RZ 09-02, LOCATED ON KILGO STREET AND ADJACENT TO CLAYTON MUNICIPAL PARK.

DESCRIPTION: The Clayton Civitan Club submitted rezoning request RZ 09-02 for .759 acres located on Kilgo Street, inside the corporate limits. The request change is from R-10, Residential to R-6, Residential.

At the May 26, 2009, Planning Board meeting, the Planning Board voted unanimously to recommend approval of RZ 09-02.

This item is slated for public hearing at the August 3, 2009, Council meeting.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
07-20-09	Presentation & Public Notice.	Application, Staff Report, Site Plan & Map.
08-03-09	Public Hearing.	Application, Staff Report, Site Plan & Map.

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

Agenda Item: 5c

Meeting Date: 08/03/09

TITLE: EVIDENTIARY HEARING FOR PLANNED DEVELOPMENT DISTRICT REQUEST PDD 09-03 FOR MIXED USE, SUBMITTED BY THOMPSON-LEE FOR THE WOODS AT GLEN LAUREL LOCATED ON VINSON ROAD.

DESCRIPTION: PDD 09-03 is a master plan for a 31.20 acre lot for mixed use development comprised of 51 lots for single family residences and two commercial tracts. The site is located on the north side of Vinson Road in the ETJ adjacent to Glen Laurel Subdivision.

At the June 22, 2009, Planning Board meeting, the Planning Board voted 8-1 (Ms. Pounds opposing) to recommend approval of the rezoning request to Council with one added condition (#12) that the applicant shall meeting with the Glen Laurel Homeowners Association prior to the July 20, 2009, Town Council work session (Mr. Jim Lee was recused).

This item is slated for public hearing at the August 3, 2009, Council meeting.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
07-20-09	Presentation & Public Notice.	Application, Staff Report, Site Plan, Map, & Neighborhood meeting letter And notification roster.
08-03-09	Evidentiary Hearing.	Application, Staff Report, Site Plan, Map, & Neighborhood meeting letter And notification roster, Procedures, & Motion Form.

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

Agenda Item: 6a

Meeting Date: 08/03/09

TITLE: LOOP ROAD DEVELOPMENT LLC REQUEST TO RECONSIDER OPEN SPACE FEES.

DESCRIPTION: Loop Road Development LLC is the owner and developer of Timberlake and Foxcroft at Timberlake subdivisions on Loop Road. The subdivisions were initiated prior to the Town's ETJ expansion. At the request of the developer, it was the consensus of the Council to table this item to the July 20, 2009, Council meeting. At the July 20, 2009, Council meeting, Council requested the following information:

- **Verify dates of preliminary plat approval relative to the approval of the ETJ**
 - The original preliminary plan for Timberlake was approved by the planning Board on December 16, 2003. The preliminary plan re-submittal for Phase 3 and 4 was approved by the County Planning Board on March 20, 2007. The Town Council approved the extension of our ETJ boundaries on March 3, 2008.
- **Evaluate the preliminary plat in terms of the Town's open space requirements**
 - As originally approved, Timberlake encompassed 194.88 acres and provided 62.21 (32%) acres of open space; only 19.48 acres (10%) was required. A great deal of the open space involves riparian buffers and wetlands adjacent to streams, but there is adequate useable open space to meet their minimum requirements, one-half the requirement, or 9.74 acres. The requirements of the Town at that time were a minimum of 12.5% of the gross area and 50% had to be outside of buffers, wetlands, etc. The current UDO standard is 12.5% of the site must be devoted to open space and all of it must be outside Resource Conservation Areas.
- **Verify no changes have been made to the preliminary plat when approved**
 - Based upon our review of the final plats, the project has been developed in accordance with approved plans.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

Date:

06-15-09

07-20-09

08-03-09

Action:

Presentation.

Presentation.

Discussion.

Info. Provided:

Letter & Plat Map.

Letter & Plat Map.

Letter from developer,

Letter from Johnston

County, & Plat Map.

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

Agenda Item: 6b

Meeting Date: 07/20/09

TITLE: REQUEST FOR RESCISSION OF ETJ.

DESCRIPTION: Attached.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

Date:

Action:

Info. Provided:

07-20-09

Presentation.

Email request.

08-03-09

Discussion.

Email request & map.

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

Agenda Item: 6c

Meeting Date: 08/03/09

TITLE: DRAFT OF THE PROPOSED YOUTH PROTECTION (CURFEW) ORDINANCE.

DESCRIPTION: The Clayton Town Council received a presentation on the proposed youth protection (curfew) ordinance at its May 18, 2009, Council meeting. It was the consensus of the Council to have a public forum in 60 days in order to receive citizen input prior to a decision.
*Police Chief Allen’s memorandum references 12 curfew ordinances; four of the 12 are included in the agenda packet. Citizens wishing to review all 12 curfew ordinances may contact the Town Clerk.

At the July 20, 2009, Council meeting, it was the consensus of the Council to receive a drafted ordinance at the August 3 meeting; hold a public forum for citizen comment at the August 17 meeting; and anticipate action at the September 8 meeting.

This item is slated for a public forum at the Monday, August 17, 2009, Council meeting.

RELATED GOAL: Administrative
ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-18-09	Presentation.	Petition & Email.
06-15-09	Public Notice.	Notice.
07-20-09	Public Forum.	Memorandum by Town Mgr, Memorandum by Police Chief, Chapel Hill Curfew Ordinance, Knightdale Curfew Ordinance, Wake Forest Curfew Ordinance, Selma Curfew Ordinance, News Story “Curfew Violators could end up at Children Services,” Email and petition submitted at the 5/18/2009 Council Meeting.
08-03-09	Information.	DRAFT ordinance & PSA.

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

Agenda Item: 6d

Meeting Date: 08/03/09

TITLE: FINANCIAL POLICY GUIDELINES.

DESCRIPTION: Draft of Financial Policy Guidelines.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
07-20-09	Presentation.	Policy.
08-03-09		Memo, DRAFT Financial Policy for Town, Spreadsheet Summary, Financial Polices For: Johnston County, Town Of Knightdale, Onslow County, Town of Apex, City of High Point, Moore County, Gaston County, & Cumberland County.

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

Agenda Item: 6e

Meeting Date: 08/03/09

TITLE: NON-PROFIT ORGANIZATION FUNDING PROGRAM.

DESCRIPTION: Draft of Non-Profit Organization Funding Program.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
07-20-09	Presentation.	Policy.
08-03-09	Discussion.	Policy.

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

Agenda Item: 7a

Meeting Date: 08/03/09

TITLE: ORDINANCE FOR UNSAFE BUILDINGS AT THE FOLLOWING LOCATIONS:

- 435 KILDEE STREET
- 501 LAKEVIEW DRIVE

DESCRIPTION: The unsafe buildings located at 435 Kildee Street and 501 Lakeview Drive are residential dwellings with numerous minimum housing and nuisance violations.

The owners, John W and Lillie Starling of 435 Kildee Street, were contacted for a hearing on June 8, 2009. Neither owner appeared at the hearing.

The owners, Ranjit S and Baljit K Gill of 501 Lakeview Drive, were contacted for a hearing on May 6, 2009. The owners of the property were present at the hearing.

Both ordinances request that the Town Council find that the buildings should be removed or demolished and the cost shall be a lien against each property.

RELATED GOAL: Beautify the Town of Clayton

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
08-03-09	Approval.	435 Kildee Street: Ordinance, Order, Hearing Minutes, Letter of Notice, & Letter. 501 Lakeview Drive: Ordinance, Order, Hearing Minutes, & Letter of Notice.

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

Agenda Item: 8c

Meeting Date: 08/03/09

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Council Mtg – Monday, August 3, 2009 @ 7:30 PM
- DDA Mtg – Monday, August 10, 2009 @ 7:30 PM, Room GS 223
- Council Mtg – Monday, August 17, 2009 @ 7:30 PM:
 - Public Forum to receive citizen input on the drafted youth protection (curfew) ordinance
- Public Art Advisory Board Mtg – Tuesday, August 18, 2009 @ 6:30 PM, Green Room
- Board of Adjustment Mtg- Wednesday, August 19, 2009 @ 6:00 PM
- Town Square Concert – Thursday, August 20, 2009 @ 7 PM (Zydecopious)
- Planning Board Mtg – Monday, August 24, 2009 @ 7:00 PM
- 2009 ElectriCities Annual Mtg – Thursday, August 27, 2009 @ Raleigh Convention Center
- Clayton Library Board Mtg – Thursday, September 3, 2009, @ 2:30 PM, Hocutt-Ellington Memorial Library
- Labor Day Holiday – Monday, September 7, 2009
- Council Mtg – **TUESDAY**, September 8, 2009 @ 7:30 PM
- DDA Mtg – Monday, September 14, 2009 @ 7:30 PM, Room GS 223
- Public Art Advisory Board Mtg – Tuesday, September 15, 2009 @ 6:30 PM, Green Room
- Board of Adjustment Mtg – Wednesday, September 16, 2009 @ 6:00 PM
- Town Square Concert – Thursday, September 17, 2009 @ 7 PM (Band of Oz)
- Harvest Festival Vendor Fair – Saturday, September 19, 2009
- Council Mtg – Monday, September 21, 2009 @ 7:30 PM
- NCLM Annual Conference – October 25 – 27, 2009, Greenville, NC
- Planning Board Mtg – Monday, September 28, 2009 @ 7:00 PM
- Absentee voting by mail begins – Saturday, October 3, 2009
- Last day to register to vote (municipal elections) – Friday, October 9, 2009
- One-Stop Absentee Voting begins in the Johnston County Board of Election Office at 205 South Second Street, Smith – Thursday, October 15, 2009 from 8 AM to 5 PM
- Clayton Library Board Mtg – Thursday, October 15, 2009 @ 7:00 PM, Hocutt-Ellington Memorial Library (Joint Mtg with the Clayton Friends of the Library)
- Last day to request an absentee ballot by mail – Tuesday, October 27, 2009
- Saturday One-Stop hours 9 AM to 1 PM – October 31, 2009 is the last day to One-Stop Absentee Vote
- **ELECTION DAY** – Tuesday, November 3, 2009
- Canvass at the Johnston County Board of Election Office – Tuesday, November 10, 2009 @ 11 AM

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:
08-03-09

Action:
Information.

Info. Provided:
Calendar of Events.