

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

FEBRUARY 16, 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, FEBRUARY 16, 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 January 26, 2009, regular meeting; January 26, 2009, closed session meeting; February 2, 2009, regular meeting; and February 2, 2009, closed session.

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Introduction of new Town of Clayton employee(s).

5. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA

- a. Presentation of special use permit, SUP 08-05, for 1123 NC 42 HWY East.
- b. Presentation of ordinance amendment, OA 08-06, for sections 155.704 (J) and 155.705 (J) of the Unified Development Ordinance.
- c. Presentation of amendment to FY 2008-2009 budget.
- d. Presentation of amendment to Town Code of Ordinance, Chapter 52: Sewer Use.
- e. Presentation of amendment to Town's Comprehensive List of Fees and Charges, Administration.
- f. Presentation of resolution directing the Clerk to investigate annexation petition 2009-02-01, located on NC 42 HWY East and adjacent to the JMH site.
- g. Presentation of street closure request by Friends of the Library.
- h. Presentation of proclamation for Arbor Day.

6. ITEMS CONTINGENT FOR THE REGULAR MEETING

7. ITEMS FOR DISCUSSION

- a. Discussion of 2009 legislative requests for the Town.
- b. Discussion of establishment of Town of Clayton PEG Channel.

8. **OLD BUSINESS**
 - a. **Status report on meeting with the Archer Lodge Municipal Exploratory Committee (ALMEC).**

9. **STAFF REPORTS**
 - a. **Town Manager**
 - **Status report on the East Clayton Parks Workgroup recommendations.**
 - b. **Town Attorney**
 - c. **Town Clerk**
 - **Calendar of Events**
 - d. **Other Staff**

10. **OTHER BUSINESS**
 - a. **Informal Discussion & Public Comment.**
 - b. **Council Comments.**
 - c. **Planning Board Highlights of the January 2009 meeting.**

11. **ADJOURNMENT**

Council portrait will be taken prior to the commencement of the meeting at 6:45 PM in the Council Chambers.

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 3a

Meeting Date: 02/16/09

TITLE: DRAFT MINUTES FROM THE JANUARY 26, 2009, REGULAR MEETING; JANUARY 26, 2009, CLOSED SESSION; FEBRUARY 2, 2009, REGULAR MEETING; AND FEBRUARY 2, 2009, CLOSED SESSION.

DESCRIPTION: Minutes.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

02-16-09

Approval.

DRAFT minutes from
1/26/2009 and 2/2/2009
Regular meetings.

*****DRAFT minutes
From 1/26/2009 and 2/2/2009
Closed session meetings
Will be hand-delivered.***

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

Agenda Item: 4a

Meeting Date: 02/16/09

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

DESCRIPTION: Introduction(s).

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

02-16-09

Introduction(s).

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

Agenda Item: 5a

Meeting Date: 02/16/09

TITLE: PRESENTATION OF SPECIAL USE PERMIT, SUP 08-05, FOR 1123 NC 42 HWY EAST.

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.

This item is slated for public hearing at the Monday, March 2, 2009, Council meeting.

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.

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

Agenda Item: 5b

Meeting Date: 02/16/09

TITLE: PRESENTATION OF ORDINANCE AMENDMENT, OA 08-06, FOR SECTIONS 155.704(J) AND 155.705(J) OF THE UNIFIED DEVELOPMENT ORDINANCE.

DESCRIPTION: Ordinance amendment OA 08-06 is a request to amend the rezoning approval criteria in 155.704(J) and the planned development district approval criteria in 155.705(J).

On January 26, 2009, the Planning Board voted unanimously to recommend approval of OA 08-06 as presented.

This item is slated for public hearing at the Monday, March 2, 2009, Council meeting.

RELATED GOAL: Business Community: Diverse and Profitable

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-16-09	Presentation.	Memorandum and Ordinance amendment.

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

Agenda Item: 5c

Meeting Date: 02/16/09

TITLE: PRESENTATION OF AMENDMENT TO FY 2008-2009 BUDGET.

DESCRIPTION: Amendment to reflect the receipt of insurance reimbursements for automobile accidents that damaged Town property. The expenditure for repairs is reflected in the line item Maintenance & Repair – Grounds.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

02-16-09

Presentation.

Budget amendment.

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

Agenda Item: 5d

Meeting Date: 02/16/09

**TITLE: PRESENTATION OF AMENDMENT TO TOWN CODE OF
ORDINANCE, CHAPTER 52: SEWER USE.**

**DESCRIPTION: Chapter 52: Sewer Use was revised in May 2008 so the Town
would be in compliance with the State.**

The attached ordinance amendment request is for two
revisions. The first revision reflects the preferred name of
the State agency and the second revision corrects a
numerical typo.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

02-16-09

Presentation.

Ordinance amendment.

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

Agenda Item: 5e

Meeting Date: 02/16/09

TITLE: PRESENTATION OF AMENDMENT TO TOWN'S COMPREHENSIVE LIST OF FEES AND CHARGES, ADMINISTRATION.

DESCRIPTION: In accordance with NC GS 143-318.12, Public notice of official meetings, citizens who have filed a request receive notice of Council meetings. This is referred to as the "Sunshine List." Citizens currently have the option of being notified by fax or mail. And, agendas are available on the Town's website the Friday before the meeting.

The request is to revise the form to include email as a notification option and to charge \$10.00 per calendar year for mailed notices. The fee is from NC GS 143-318.12 (b) (2) which states, "The public body shall charge a fee to persons other than the media, who request notice, of ten dollars (\$10.00) per calendar year, and may require them to renew their requests annually."

In reviewing the cost to mail a public notice, each agenda copy is 10 cents, each envelope is 10 cents, and postage is currently 42 cents for a total of 62 cents per notice. The number of notices mailed annually is 24 for a total cost of \$14.88. There would be no charge for email or fax.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-16-09	Presentation.	Comprehensive List of Fees – Administration, NC GS 143-318.12, Current Request for Notification Form, & Proposed Request For Notification Form.

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

Agenda Item: 5f

Meeting Date: 02/16/09

TITLE: PRESENTATION OF RESOLUTION DIRECTING THE CLERK TO INVESTIGATE ANNEXATION PETITION 2009-02-01, LOCATED ON NC 42 HWY EAST AND ADJACENT TO THE JMH SITE.

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

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

02-16-09

Presentation.

Resolution & map.

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

Agenda Item: 5g

Meeting Date: 02/16/09

TITLE: PRESENTATION OF STREET CLOSURE REQUEST BY FRIENDS OF THE LIBRARY.

DESCRIPTION: The Friends of the Library respectfully request the closure of Church Street between Main and Second Streets on Saturday, March 14, 2009, from 7 AM until 3 PM.

RELATED GOAL: A Place for Family Fun and Leisure

ITEM SUMMARY:

Date:

Action:

Info. Provided:

02-16-09

Presentation.

Closing request &
Annual Announcement for
Friends of the Library Day.

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

Agenda Item: 5h

Meeting Date: 02/16/09

TITLE: PRESENTATION OF PROCLAMATION FOR ARBOR DAY.

DESCRIPTION: Arbor Day will be celebrated on Friday, March 20, 2009.

RELATED GOAL: Safest, Healthiest Town in Triangle Area

ITEM SUMMARY:

Date:

Action:

Info. Provided:

02-16-09

Presentation.

Proclamation.

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

Agenda Item: 7a

Meeting Date: 02/16/09

TITLE: DISCUSSION OF 2009 LEGISLATIVE REQUESTS FOR THE TOWN.

DESCRIPTION: Staff respectfully requests the Council's consideration of local legislation enabling the Town to advertise notice of public hearings through electronic means. The cost of public hearing notices for FY 07-08 was \$3,537 and the cost of hearing notices for FY 08-09 through January 2009 is \$2,715.

RELATED GOAL: Value for Taxes and Public Fees

ITEM SUMMARY:

Date:

Action:

Info. Provided:

02-16-09

Discussion.

DRAFT Resolution.

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

Agenda Item: 7b

Meeting Date: 02/16/09

TITLE: DISCUSSION OF ESTABLISHMENT OF TOWN OF CLAYTON PEG CHANNEL.

DESCRIPTION: The Council will recall that as part of a recent discussion with Time-Warner Cable (TWC) the Town stipulated that TWC must provide access to a PEG (Public, Educational, Governmental) channel by April 1, 2009. An April 1 operational date is very important because one quarter of broadcast will qualify the Town to receive approximately \$20,000 in State funding for support of PEG programming and equipment. In addition to the facilities made ready and available by TWC the Town will need equipment to support PEG broadcast. We have taken the initiative to bid out this equipment and the results are included herewith. The item is included for discussion and consideration of award for implementation.

RELATED GOAL: Value for Taxes and Public Fees

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-16-09	Discussion.	Quote.

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

Agenda Item: 8a

Meeting Date: 02/16/09

**TITLE: STATUS REPORT ON MEETING WITH THE ARCHER LODGE
MUNICIPAL EXPLORATORY COMMITTEE (ALMEC).**

DESCRIPTION: At the November 3, 2008, Council meeting, Mr. Carlton Vinson provided an overview of the goals and objectives for the proposed incorporation of Archer Lodge.

Attached herewith are four maps showing the progression of the recent discussions in terms of boundary lines proposed for the newly incorporated area. The proposed compromise area results from meetings between the Archer Lodge committee and Mayor McLeod, Councilman Satterfield, Planning Director Skip Browder, and Town Manager Steve Biggs:

-Map One: The boundary of the Town of Archer Lodge as initially submitted and requested from the State.

-Map Two: The boundary line as proposed for revision by the Town of Clayton. (See the Yellow Highlight as sketched on the original submittal.)

-Map Three: The revised proposal from Archer Lodge. The area in light brown is the area previously within the proposed area of incorporation but revised out.

-Map Four: The area of final compromise offered for your consideration.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-03-08	Presentation.	Letter.
12-15-08	Discussion.	Letter.
01-05-09	Update.	
01-26-09	Update.	
02-02-09	Update.	
02-16-09	Update.	4 maps.

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

Agenda Item: 9a

Meeting Date: 02/16/09

TITLE: TOWN MANAGER

DESCRIPTION: Status report on the East Clayton Parks Workgroup recommendations.

RELATED GOAL: A Place for Family Fun and Leisure

ITEM SUMMARY:

Date:

Action:

Info. Provided:

02-16-09

Information.

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

Agenda Item: 9c

Meeting Date: 02/16/09

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Council Meeting – Monday, February 16, 2009 @ 7:30 PM [**Council Photo**]
- Public Art Advisory Board Mtg – Tuesday, February 17, 2009 @ 6:30 PM
- Hormonal Imbalance - Sunday, February 22, 2009 @ 4 PM
- Planning Board Meeting – Monday, February 23, 2009 @ 7:30 PM
- Energy Seminar [ElectriCities] – Wednesday, February 25, 2009 @ 6:30 PM, Council Chambers
- Council Meeting – Monday, March 2, 2009 @ 7:30 PM
- Friends of the Library Day – Saturday, March 14, 2009 from 8 AM to 2 PM
- Blues Bash IV: Guitar Heroes with John Dee Holeman and Johnny Winter - Saturday, March 14, 2009 @ 8 PM
- Council Meeting – Monday, March 16, 2009 @ 7:30 PM
- Public Art Advisory Board Mtg – Tuesday, March 17, 2009 @ 6:30 PM
- Board of Adjustment Meeting – Wednesday, March 18, 2009 @ 6:00 PM
- Planning Board Meeting – Monday, March 23, 2009 @ 7:30 PM
- Jesse Cook Band - Friday, March 27, 2009 @ 8 PM
- Clayton Farm & Community Market – Saturday, April 4, 2009, from 8 AM – 1 PM (Opening Day)
- Council Meeting – Monday, April 6, 2009 @ 7:30 PM
- Good Friday Holiday – Friday, April 10, 2009
- Board of Adjustment Meeting – Wednesday, April 15, 2009 @ 6:00 PM
- Staff Retreat with Lyle Sumeck – Thursday, April 16, 2009
- Council Retreat with Lyle Sumeck – 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 @ 7:30 PM
- Public hearing on proposed FY 2009-2010 budget – Monday, June 1, 2009 @ 7:30 PM.
- ElectriCities Annual Conference – August 7 & 8, 2009, Asheville
- NCLM Annual Conference – October 25 – 27, 2009, Greenville

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:
02-16-09

Action:
Information.

Info. Provided:
Calendar of Events.

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

Agenda Item: 10c

Meeting Date: 12/15/08

TITLE: HIGHLIGHTS OF THE JANUARY PLANNING BOARD MEETING.

DESCRIPTION: Summary highlighting the actions of the January 26, 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>
02-16-09	None/Informational.	Highlights from 01/26/09.