

Jody L. McLeod  
Mayor

Bruce Thompson  
TOWN ATTORNEY

Steve Biggs  
TOWN MANAGER



COUNCIL MEMBERS  
Bob Satterfield  
Alexander R. Atchison  
Alex Harding  
Michael Grannis

Robert J. Ahlert  
MAYOR PRO TEM

---

## **TOWN COUNCIL MEETING**

**JANUARY 5, 2009**

### **AGENDA**

#### **MAYOR AND TOWN COUNCIL**

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

**COUNCILMAN ALEXANDER R. ATCHISON  
COUNCILMAN ALEX HARDING  
COUNCILMAN MICHAEL GRANNIS**

#### **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, JANUARY 05, 2009**  
**7:30 PM**

**THE CLAYTON CENTER**  
**COUNCIL CHAMBERS**

**1. CALL TO ORDER**

Honor Guard – Posting of Colors  
Pledge of Allegiance  
Invocation – Mayor Jody L. McLeod

**2. ORGANIZATIONAL BUSINESS**

- a. Comments from outgoing officials:
  - Alexander R. Atchison
- b. Recognition of outgoing officials:
  - Alexander R. Atchison
- c. Administration of oaths of office to the newly elected Clayton Town Council members by Mr. Will Crocker, Clerk of Superior Court to:
  - Alex Harding
  - R. S. “Butch” Lawter, Jr.
- d. Comments from incoming elected officials:
  - Alex Harding
  - R. S. “Butch” Lawter, Jr.

**3. RECESS – Photo opportunity and set-up of the Council dais.**

**4. COUNCIL MEMBER SELECTIONS AND APPOINTMENTS**

- a. Nomination and selection of Mayor Pro Tem.
- b. Distribution of Council liaison and committee assignments by Mayor McLeod.

**5. ADJUSTMENT OF THE AGENDA**

**6. 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 December 1, 2008, regular meeting, and the December 15, 2008, work session meeting.

- b. Proclamation for the Johnston County Arts Council proclaiming “The Big Read – Johnston County”.
- c. Proclamation for the Clayton Women’s Club proclaiming “Youth Art Month”.
- d. 2008 Annual Certification of Firemen.
- e. Warranty acceptances for the following projects:
  - Cobblestone Subdivision, Phase 5B for public water, sewer, and associated storm drainage utilities
  - Cobblestone Subdivision, Phase 5E for public water, sewer, and associated storm drainage utilities
  - Capital Bank for public water, sewer, and associated storm drainage utilities
  - Moss Creek Village, Phases 3 & 4 for public water, sewer, and associated storm drainage utilities

## **7. PUBLIC HEARINGS**

- a. Continuance of evidentiary hearing for planned development request PDD 08-07 and preliminary subdivision request SUB 08-04 located at Winston Pointe Subdivision. Continued from the December 1, 2008, Council meeting.
- b. Public hearing for rezoning request RZ 08-02, located at the dead end of Crescent Drive.
- c. Public hearing for planned development district request PDD 08-06 located at 6360 Little Creek Church Road.

## **8. OLD BUSINESS**

- a. Update on Clayton Farm and Community Market.
- b. Update on staff report on status of design agreement fro the public art element for the property at Main & Lombard Streets.
- c. Update on the Archer Lodge Municipal Exploratory Committee (ALMEC) request.
- d. Update on the wastewater collection and transmission project to service the Highway 42 West area.

## **9. INTRODUCTIONS AND SPECIAL PRESENTATIONS**

## **10. NEW BUSINESS**

- a. Discussion of appointment to the Johnston County Economic Development Commission.

## **11. STAFF REPORTS**

- a. Town Manager
- b. Town Attorney
- c. Town Clerk
  - Calendar of Events
- d. Other Staff

**12. OTHER BUSINESS**

- a. Informal Discussion & Public Comment.
- b. Council comments.

**13. ADJOURNMENT**

---

**Art mural dedication is at 6:30 PM in the lobby; reception is from 6 to 7:30 PM in the lobby.**

**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: 4b

Meeting Date: 01/05/09

**TITLE: DISTRIBUTION OF COUNCIL LIAISON AND COMMITTEE  
ASSIGNMENTS BY MAYOR MCLEOD.**

**DESCRIPTION: Mayor McLeod appoints Council members to serve as  
liaisons on the various committees.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
01-05-09	Appointments.	Will be distributed At the Council meeting.

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

**Agenda Item: 6a**

**Meeting Date: 01/05/09**

**TITLE: DRAFT MINUTES FROM THE DECEMBER 1, 2008, REGULAR MEETING, AND THE DECEMBER 15, 2008, WORK SESSION MEETING.**

**DESCRIPTION: Attached.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**01-05-09**

**Approval.**

**Draft minutes from the  
12/01/2008 regular meeting  
And 12/15/2008 work  
Session meeting.**

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

Agenda Item: 6b

Meeting Date: 01/05/09

**TITLE: PROCLAMATION FOR THE JOHNSTON COUNTY ARTS COUNCIL  
PROCLAIMING "THE BIG READ – JOHNSTON COUNTY".**

**DESCRIPTION: The Johnston County Arts Council will make a presentation to the Council requesting February 2009 be proclaimed as "The Big Read – Johnston County" month.**

At the December 15, 2008, 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>
12-15-08	Presentation.	Proclamation.
01-05-09	Approval.	Proclamation.

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

Agenda Item: 6c

Meeting Date: 01/05/09

**TITLE: PROCLAMATION FOR THE CLAYTON WOMEN'S CLUB  
PROCLAIMING "YOUTH ART MONTH".**

**DESCRIPTION: The Women's Club will make a presentation to Council requesting January 2009 be proclaimed as "Youth Art Month".**

At the December 15, 2008, 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>
12-15-08	Presentation.	Proclamation.
01-05-09	Approval.	Proclamation.

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

Agenda Item: 6d

Meeting Date: 01/05/09

**TITLE: 2008 ANNUAL CERTIFICATION OF FIREMEN.**

**DESCRIPTION:** In accordance with the NC GS 58-86-25, attached is the required annual complete roster of eligible firemen. The certified list determines eligibility for the \$50,000 line-of-duty death benefit as well as eligibility for Pension Fund credit.

At the December 15, 2008, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

**RELATED GOAL:** Administrative & Safest, Healthiest Town in Triangle Area

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-15-08	Presentation.	Certification form & roster.
01-05-09	Approval.	Certification form & roster.

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

Agenda Item: 6e

Meeting Date: 01/05/09

**TITLE: WARRANTY ACCEPTANCES FOR THE FOLLOWING PROJECTS:**

- **COBBLESTONE SUBDIVISION, PHASE 5B FOR PUBLIC WATER, SEWER, AND ASSOCIATED STORM DRAINAGE UTILITIES**
- **COBBLESTONE SUBDIVISION, PHASE 5E FOR PUBLIC WATER, SEWER, AND ASSOCIATED STORM DRAINAGE UTILITIES**
- **CAPITAL BANK FOR PUBLIC WATER, SEWER, AND ASSOCIATED STORM DRAINAGE UTILITIES**
- **MOSS CREEK VILLAGE, PHASES 3 & 4 FOR PUBLIC WATER, SEWER, AND ASSOCIATED STORM DRAINAGE UTILITIES**

**DESCRIPTION: Attached.**

At the December 15, 2008, Council meeting, it was the consensus of the Council to place these items on the consent agenda.

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-15-08	Presentation.	Memorandums (4).
01-05-09	Approval.	Memorandums (4).

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

**Agenda Item: 7a - Overview**

**Meeting Date: 01/05/09**

**TITLE: CONTINUANCE OF EVIDENTIARY HEARING FOR PLANNED DEVELOPMENT REQUEST PDD 08-07 FOR WINSTON POINTE LOCATED ON THE NORTH SIDE OF WINSTON ROAD (SUB 08-04).**

**DESCRIPTION:**

The following rules of procedure were announced at the December 1, 2008, Council meeting: Town Attorney Brenton McConkey introduced the hearing procedures for planned development district PDD 08-07 with a preliminary plat request SUB 08-04. He explained that planned development districts in which preliminary subdivision requests are being considered are different in certain respects from the capacity in which the Town Council normally functioned. Mr. McConkey stated this is a hybrid hearing meaning for the rezoning request the Town Council would function in a legislative capacity; and for the preliminary subdivision request the Council would serve in a "quasi-judicial" capacity, meaning the Council would act essentially as a court of law. He stated there is a burden that the applicant meet the requirements of the planned development district and also meet the four findings of fact for the preliminary subdivision permit. He added anyone opposed to the application would have to put on evidence of a similar kind showing the findings of fact have not been met. Mr. McConkey explained that all evidence and testimony provided to the Council in such a hearing must comply with the North Carolina Rules of Evidence, which means that all such evidence and testimony must be relevant, based on personal knowledge, given under oath, and otherwise be competent and admissible. He explained that persons wishing to testify must comply with the Town's procedures, which require, among other things, that each person indicate his or her interest in testifying before 5:00 PM the day of the hearing. Mr. McConkey also explained that his role during the hearing is to monitor all evidence and testimony to ensure that it complies with the Rules of Evidence, the Town's procedures, and all other applicable requirements. He added, following the hearing, the Council will make separate motions on the approval of the rezoning and the approval of the preliminary plat and will take separate votes on each motion.

The following persons were sworn in at the December 1, 2008, Council meeting and are still under oath: Planning Director James L. "Skip" Browder, Town Manager Steve Biggs, Justin Matthew Stephens, Michael L Stewart, Judith Hinton, Suzan Fontaine, Douglas Mosley, Carey Noel Weston, and Franklin R. Price.

During Council inquiry at the December 1, 2008, Council meeting, Council motioned to continue this item to the January 5, 2009, Council meeting so the Town Attorney could research vested rights for this request.

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

Agenda Item: 7a

Meeting Date: 01/05/09

**TITLE: CONTINUANCE OF EVIDENTIARY HEARING FOR PLANNED DEVELOPMENT REQUEST PDD 08-07 FOR WINSTON POINTE LOCATED ON THE NORTH SIDE OF WINSTON ROAD (SUB 08-04).**

**DESCRIPTION:** Request for revision of the approved master plan for mixed use at Winston Pointe. The subdivision consists of 1244 lots located on the north side of Winston Road, outside the Town limits, and within the newly expanded ETJ.

At the Monday, October 27, 2008, Planning Board meeting, the Planning Board members voted unanimously to recommend approval of subdivision request SUB 08-04 subject to conditions.

**Conditions for consideration of approval:**

1. The development shall continue in accordance with the approved Master Plan.
2. Notice of approval of utility construction shall be provided to the Town by the provider prior to recording final plats.
3. The right of way on Winston Road shall be 80' as designated in the Town of Clayton – Western Johnston County Comprehensive Transportation Plan
4. All building permits and subsequent building inspections shall be obtained through the Town of Clayton.
5. All applicable fees charged by the Town shall be collected prior to recording final plats.

At the November 17, 2008, Council meeting, Council requested a map showing the initial road and the proposed road without the topo lines and verification from NCDENR that the road change is acceptable.

**RELATED GOAL:** Business Community: Diverse and Profitable

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-17-08	Presentation.	Application, Staff Report, Site Plan, & Map.
12-01-08	Evidentiary hearing.	Application, Staff Report, Site Plan (amended), Map, PDD Procedures, & Motion Form Preliminary Subdivision.
01-05-09	Evidentiary hearing.	Memo from Town Attorney, Application, Staff Report, Map, Site Plan (12/1/08), Procedures, & Motion Form For Preliminary Subdivision.

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

Agenda Item: 7b

Meeting Date: 01/05/09

**TITLE: PUBLIC HEARING FOR REZONING REQUEST RZ 08-02 LOCATED AT THE DEAD END OF CRESCENT DRIVE.**

**DESCRIPTION:** The rezoning request is for approximately .364 acres on the north side of US Highway 70 Business and south end of Crescent Drive, inside the Town limits. The requested change is from R-8, Residential to B-3, Highway Business zoning district.

At its November 24, 2008, Planning Board meeting, the Planning Board voted unanimously to recommend denial of this rezoning request.

At the December 15, 2008, Council meeting, Council requested the applicant prove how this request would not adversely impact the adjacent properties.

**RELATED GOAL:** Business Community: Diverse and Profitable

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-15-08	Presentation & Public Notice.	Application, staff report, & Map.
01-05-09	Public hearings.	Application, staff report, & Map.

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

Agenda Item: 7c

Meeting Date: 01/05/09

**TITLE: PUBLIC HEARING FOR PLANNED DEVELOPMENT DISTRICT, PDD 08-06 LOCATED AT 6360 LITTLE CREEK CHURCH ROAD.**

**DESCRIPTION:** The planned development district request is for a master plan for 5.202 acres for a proposed planned development – mixed used of an existing building located at 6360 Little Creek Church Road. The site is presently zoned R-10, Residential and is located within the Town limits.

At its November 24, 2008, Planning Board meeting, the Planning Board voted unanimously to recommend approval to the Council of the rezoning request including Tracts 1 & 2 with the conditions:

1. A fee-in lieu of ½ of a 41’ b-b street section with 5’ sidewalk shall be paid to the Town of Clayton prior to issuance of building permits.
2. A utility allocation request must be submitted and approved by the Town of Clayton prior to building permit issuance.

The Planning Board also voted (7-2) to recommend that the driveway from Little Creek Church Road and the parking lot in the rear of the building be paved in accordance with the UDO.

At the December 15, 2008, Council meeting, Council requested the applicant justify retaining the gravel driveway and gravel parking area and justify why not install curb, gutter, and sidewalk given it is a town requirement and the adjacent property fulfilled that condition.

**RELATED GOAL:** Business Community: Diverse and Profitable

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-15-08	Presentation & Public Notice.	Application, staff report, & Map.
01-05-09	Public hearing.	Application, staff report, & Map.

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

Agenda Item: 8a

Meeting Date: 01/05/09

**TITLE: UPDATE ON CLAYTON FARM AND COMMUNITY MARKET.**

**DESCRIPTION:** In follow-up to the original request to utilize public space for the market, the group proposes to use the Town Square for the inaugural 2009 season.

**RELATED GOAL:** Downtown: The Community Hub & Business Community: Diverse and Profitable

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-15-08	Presentation.	Booklet.
12-15-08	Presentation.	Overview, Spreadsheet (Crop Calendar), & Site Layout Proposal.
01-05-09	Update.	

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

Agenda Item: 8b

Meeting Date: 01/05/09

**TITLE: UPDATE ON STAFF REPORT ON STATUS OF DESIGN AGREEMENT FOR THE PUBLIC ART ELEMENT FOR THE PROPERTY AT MAIN & LOMBARD STREETS.**

**DESCRIPTION:** The staff is in the process of negotiating a design services agreement with the artist identified and recommended by the Public Art Advisory Board. A report on the status of the matter will be given, but no action is anticipated.

**RELATED GOAL:** A Place for Family Fun and Leisure

- Expand Leisure Opportunities and the Arts
- Develop Reputation as an 'Arts Community'

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-15-08	Presentation.	
01-05-09	Update.	

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

Agenda Item: 8c

Meeting Date: 01/05/09

**TITLE: UPDATE ON THE ARCHER LODGE MUNICIPAL EXPLORATORY COMMITTEE (ALMEC) REQUEST.**

**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.**

**A proposed response is hereby provided for consideration and authorization by the Council.**

**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.	

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

Agenda Item: 8d

Meeting Date: 01/05/09

**TITLE: UPDATE ON THE WASTEWATER COLLECTION AND TRANSMISSION PROJECT TO SERVICE THE HIGHWAY 42 WEST AREA.**

**DESCRIPTION: The Town of Clayton is working with Johnston Medical Center of Clayton and consistent with its own services plan to provide wastewater collection and transmission to the Highway 42 west corridor. The attached memo is a report on the nature and status of the project.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-15-08	Discussion.	Memorandum & Report.
01-20-09	Discussion.	

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

**Agenda Item: 10a**

**Meeting Date: 01/05/09**

**TITLE: DISCUSSION OF APPOINTMENT TO THE JOHNSTON COUNTY  
ECONOMIC DEVELOPMENT COMMISSION.**

**DESCRIPTION:** The Johnston County Economic Development Commission consists of 13 members - one position from each of the ten municipalities and three at-large positions. Each member serves a two-year term and each member is appointed by the Johnston County Board of Commissioners. The Clayton position, presently held by Jody L. McLeod, is up for consideration.

The Johnston County Board of Commissioners is seeking input from the municipalities with regards to recommending a municipal representative on the Economic Development Commission.

The Johnston County Board of Commissioners would appreciate the Town Council discussing the open position and making a recommendation on the applicant or any other individuals the Council feels would be a good candidate for the open position(s).

**RELATED GOAL:** Administrative

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
01-05-09.	Discussion.	Letter from Johnston County And application from Jody McLeod.

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

Agenda Item: 11c

Meeting Date: 01/05/09

**TITLE: TOWN CLERK**

**DESCRIPTION: Calendar of Events:**

- Council Meeting / Organizational – Monday, January 5, 2009 @ 7:30 PM
- Southern Fried Chicks Comedy Tour - Friday, January 16, 2009 @ 8 PM
- Martin Luther King Jr.'s Birthday – Monday, January 19, 2009
- Council Meeting – **TUESDAY**, January 20, 2009 @ 7:30 PM
- Public Art Advisory Board Mtg – Tuesday, January 20, 2009 @ 6:30 PM
- Board of Adjustment Meeting – Wednesday, January 21, 2009 @ 6:00 PM
- Planning Board Meeting – Monday, January 26, 2009 @ 7:30 PM
- Mark Nizer - Sunday, February 1, 2009 @ 4 PM
- Council Meeting – Monday, February 2, 2009 @ 7:30 PM
- Council Meeting – Monday, February 16, 2009 @ 7:30 PM
- Public Art Advisory Board Mtg – Tuesday, February 17, 2009 @ 6:30 PM
- Board of Adjustment Mtg – Wednesday, February 18, 2009 @ 6:00 PM
- Hormonal Imbalance - Sunday, February 22, 2009 @ 4 PM
- Planning Board Meeting – Monday, February 23, 2009 @ 7:30 PM
- Council Meeting – Monday, March 2, 2009 @ 7:30 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
- 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 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 @ 7:30 PM

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

01-05-09

**Action:**

Information.

**Info. Provided:**

Calendar of Events.