

AGENDA
THE WORK SESSION MEETING OF THE CLAYTON TOWN COUNCIL

MONDAY, JUNE 15, 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 May 26, 2009, budget work session and draft minutes from the June 1, 2009, closed session.
 - b. Public notice of public forum to receive citizen input on the proposed youth protection (curfew) ordinance on Monday, July 20, 2009.
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
 - a. Introduction of new Town of Clayton employee(s).
 - b. Presentation of street closure request for July Fourth Cookout on Neuse Ridge Drive (Glen Laurel Subdivision).
5. **ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**
 - a. Fiscal Year 2009-2010 Town of Clayton budget.
 - b. Continuation of evidentiary hearing for special use permit SUP 08-05, for Caterpillar located at 1123 NC 42 HWY East (continued from May 18, 2009).
 - c. Presentation of bid award recommendation for the HWY 70 16-inch water line project.
 - d. Presentation of resolution for 1 MG elevated water storage tank for funding assistance by USDA - Rural Development.
 - e. Presentation of resolution for Sam’s Creek Interceptor – Phase II for funding assistance by USDA – Rural Development.
 - f. Presentation of Loop Road Development LLC request to reconsider open space fees.
 - g. Presentation of resolution urging Congress to consider the impact of Waxman-Markey Energy Legislation on the citizens of North Carolina.
 - h. Presentation of Clayton Area Chamber of Commerce request.
 - i. Presentation of Municipal Records Retention and Disposition Schedule.
 - j. Presentation of Proclamation – “Sister Middle School in China.”
6. **ITEMS CONTINGENT FOR THE REGULAR MEETING**

7. ITEMS FOR DISCUSSION

8. OLD BUSINESS

- a. Johnston County Board of Elections Agreement.
- b. Resolution authorizing the issuance and sale of General Obligation Public Improvement Bonds, Series 2009A of Town of Clayton.
- c. Resolution for bond order authorizing issuance of General Obligation refunding bonds, Series 2009B of the Town of Clayton in a maximum aggregate principal amount not to exceed \$650,000 for the purpose of refunding all or a portion of certain maturities of the Town's General Obligation Refunding Bonds, Series 1994.
- d. Offer to purchase real property located on Washington Street near Wall Street (05035013).

9. STAFF REPORTS

- a. Town Manager
- b. Town Attorney
- c. Town Clerk
 - Calendar of Events
 - ElectriCities Annual Conference (8/27/2009)
- d. Other Staff

10. OTHER BUSINESS

- a. Informal Discussion & Public Comment.
- b. Council Comments.
- c. Planning Board Highlights of the May 2009 meeting.

11. ADJOURNMENT

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 3a

Meeting Date: 06/15/09

TITLE: DRAFT MINUTES FROM THE MAY 26, 2009, BUDGET WORK SESSION AND DRAFT MINUTES FROM THE JUNE 1, 2009, CLOSED SESSION.

DESCRIPTION: Minutes.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

06-15-09

Approval.

DRAFT minutes from
5/26/2009 budget work
Session.

**DRAFT minutest from
6/01/2009 closed session
Will be hand-delivered.*

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

Agenda Item: 3b

Meeting Date: 06/15/09

**TITLE: PUBLIC NOTICE OF PUBLIC FORUM TO RECEIVE CITIZEN INPUT
ON THE PROPOSED YOUTH PROTECTION (CURFEW)
ORDINANCE ON MONDAY, JULY 20, 2009.**

DESCRIPTION: Public Notice.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-18-09	Presentation.	Petition.
06-15-09	Public Notice.	Notice.

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

Agenda Item: 4a

Meeting Date: 06/15/09

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

DESCRIPTION: Introduction(s).

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

06-15-09

Introduction(s).

N/A.

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

Agenda Item: 4b

Meeting Date: 06/15/09

TITLE: PRESENTATION OF STREET CLOSURE REQUEST FOR JULY FOURTH COOKOUT ON NEUSE RIDGE DRIVE (GLEN LAUREL SUBDIVISION).

DESCRIPTION: The residents of Neuse Ridge Drive respectfully request the temporary street closure of the 1200 block of Neuse Ridge Drive from 2:00 PM until 12 midnight on Saturday, July 4, 2009. The closure is for the safety of the participants and emergency vehicles will have access. The neighbors respectfully request the use of Town barricades and the neighbors will assist with clean up.

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

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
6-15-09	Presentation.	Letter & Map.

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

Agenda Item: 5a

Meeting Date: 06/15/09

TITLE: FISCAL YEAR 2009-2010 TOWN OF CLAYTON BUDGET.

DESCRIPTION: Council held a budget work session on Tuesday, May 26, 2009, at 6:00 PM at Fire Station One on West Horne Street.

Council held a public hearing to receive comment on the proposed Fiscal Year 2009-2010 budget on Monday, June 1, 2009, at 7:00 PM.

In order to take action on this item, Council will need to suspend its work session rule.

RELATED GOAL: Value for Taxes and Public Fees & Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-18-09	Public Notice.	N/A.
06-01-09	Public Hearing.	
06-15-09	Approval.	Budget Ordinance.

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

Agenda Item: 5b

Meeting Date: 06/15/09

TITLE: CONTINUATION OF EVIDENTIARY HEARING FOR SPECIAL USE PERMIT, SUP 08-05, FOR CATERPILLAR LOCATED AT 1123 NC 42 HWY EAST (CONTINUED FROM MAY 18, 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.
On May 8, 2009, the applicant requested an additional 30 day continuance for this project.
On June 1, 2009, the applicant requested an additional 30 day continuance for this project (Proposed Hearing date 7/20/2009).

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.
04-20-09	Ev. Hearing, Cont'd.	Letter dated 4/13/09 requesting A 30-day delay & Map.
05-18-09	Ev. Hearing, Cont'd.	Letter dated 5/08/09 requesting A 30-day continuance & Map.
06-18-09	Ev. Hearing, Cont'd	Letter dated 6/01/09 requesting 30-day continuance & Map.

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

Agenda Item: 5c

Meeting Date: 06/15/09

TITLE: PRESENTATION OF BID AWARD RECOMMENDATION FOR THE HWY 70 16-INCH WATER LINE PROJECT.

DESCRIPTION: The above project was advertised and 16 bids were received. The low bid was received from Seaside Environmental Constructors, Inc for the base bid with Alternates 1, 2, 3, and 5 in the amount of \$325,041.

The above project is a 50-50 cost share between the Town and Johnston County with the project coming in below the estimated budget amount of \$330,000.

The project was bid on May 5, 2009, and the contract was written so that the owner could hold the bids for 90 days. The 90th day falls on August 3, 2009. Staff respectfully requests that the Council take action to award the HWY 70 Waterline Project at its July 20, 2009, Council meeting.

RELATED GOAL: Value for Taxes and Public Fees

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
06-15-09	Presentation.	Letter recommending award & bid tabulation sheets.

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

Agenda Item: 5d

Meeting Date: 06/15/09

TITLE: PRESENTATION OF RESOLUTION FOR 1 MG ELEVATED WATER STORAGE TANK FOR FUNDING ASSISTANCE BY USDA – RURAL DEVELOPMENT.

DESCRIPTION: Attached.

RELATED GOAL: Value for Taxes and Public Fees

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
06-15-09	Presentation.	Resolution.

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

Agenda Item: 5e

Meeting Date: 06/15/09

**TITLE: PRESENTATION OF RESOLUTION FOR SAM'S CREEK
INTERCEPTOR – PHASE II FOR FUNDING ASSISTANCE BY USDA –
RURAL DEVELOPMENT.**

DESCRIPTION: Attached.

RELATED GOAL: Value for Taxes and Public Fees

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
06-15-09	Presentation.	Resolution.

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

Agenda Item: 5f

Meeting Date: 06/15/09

TITLE: PRESENTATION OF 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.

RELATED GOAL: Business Community: Diverse and Profitable

ITEM SUMMARY:

Date:

Action:

Info. Provided:

06-15-09

Presentation.

Letter & Plat Map.

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

Agenda Item: 5g

Meeting Date: 06/15/09

**TITLE: PRESENTATION OF RESOLUTION URGING CONGRESS TO
CONSIDER THE IMPACT OF WAXMAN-MARKEY ENERGY
LEGISLATION ON THE CITIZENS OF NORTH CAROLINA.**

DESCRIPTION: Attached.

RELATED GOAL: Value for Taxes and Public Fees

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
06-15-09	Presentation.	Resolution.

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

Agenda Item: 5h

Meeting Date: 06/15/09

TITLE: PRESENTATION OF CLAYTON AREA CHAMBER OF COMMERCE REQUEST.

DESCRIPTION: The Clayton Harvest Festival is slated for September 16 – 20, 2009. The Chamber has two requests:

- Use of the Town lot at Main and Lombard Streets from Sunday, September 13 – Sunday, September 20 for the rides and amusements
- Closing of Main Street on Saturday, September 19, 2009, from 5:30 AM through 5:30 PM for the annual Vendor Fair

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

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
06-15-09	Presentation.	Letter.

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

Agenda Item: 5i

Meeting Date: 06/15/09

TITLE: PRESENTATION OF MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE.

DESCRIPTION: On September 2, 1997, the Town Council adopted the Municipal Records Retention and Disposition Schedule issued by NC Department of Cultural Resources Division of Archives and History. The Records Schedule is how the Dept. of Cultural Resources gives consent to destroy public records. Without approval of the Records Schedule, the municipality does not have any authority to dispose of public records [NC GS 132-3(a)]. The benefit of the Records Schedule is that it enables staff to review certain records and if the records no longer have value for official business, research, or reference within the respective retention periods specified, then the records may be disposed thus freeing up space for future records and reducing maintenance and storage costs.

The updated Municipal Records Retention and Disposition Schedule is in an easier to read format and incorporates more detail than the 1997 version. Staff respectfully requests that the Council adopt the New Municipal Records Retention and Disposition Schedule.

*If a city opts to not sign off on the retention schedule, employees of that city could not purge any records (whatever format they may be in) without first providing a list of the records in question to NC Dept. of Cultural Resources (DCR) [N.C.G.S. 121-5].

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:
06-15-09

Action:
Presentation.

Info. Provided:
Resolution.
*New Records Schedule
Available for inspection.

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

Agenda Item: 5j

Meeting Date: 06/15/09

TITLE: PRESENTATION OF PROCLAMATION – “SISTER MIDDLE SCHOOL IN CHINA.”

DESCRIPTION: Proclamation for Clayton Middle School participating in the NC Center for International Understanding.

The Clayton Middle School staff will travel to China to meet the Xuzhou No. 1 Middle School staff in Jiangsu province the end of June. The intent is present the proclamation as a gift and action is requested.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
06-15-09	Presentation.	Proclamation.

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

Agenda Item: 8a

Meeting Date: 06/15/09

TITLE: JOHNSTON COUNTY BOARD OF ELECTIONS AGREEMENT.

DESCRIPTION: Attached are the proposed and current contracts with the Johnston County Board of Elections. In reviewing the contracts, the proposed contract incorporates a new paragraph inserted as item 3 and the remaining items are the same as the current contract.

The Clayton Town Board of Commissioners and Johnston County Board of Elections, hereafter Jo Co BOE, entered into an agreement for the Jo Co BOE to conduct Town elections on June 4, 1973.

At the May 18, 2009, Council meeting, Council requested agreements from other jurisdictions.

At the June 1, 2009, Council meeting, Council stated the amended agreement is acceptable.

RELATED GOAL: Value for Taxes and Public Fees

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-18-2009	Presentation.	Letter from the Jo Co BOE, Proposed Contract, & Current Contract (2007).
06-01-09	Discussion.	Letter from the Jo Co BOE, Proposed Contract & Current Contract (2007). Contract betw Wake County & City of Raleigh (Raleigh City Council approved on 4/21/09).
06-15-09	Discussion.	Amended agreement.

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

Agenda Item: 8b

Meeting Date: 06/15/09

**TITLE: RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES
2009A OF TOWN OF CLAYTON.**

DESCRIPTION: Attached.

RELATED GOAL: Value for Taxes and Public Fees

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
06-01-09	Presentation.	Resolution.
06-15-09	Discussion.	DRAFT Official Statement & Resolution.

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

Agenda Item: 8c

Meeting Date: 06/15/09

TITLE: RESOLUTION FOR BOND ORDER AUTHORIZING ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009B OF THE TOWN OF CLAYTON IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$650,000 FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN MATURITIES OF THE TOWN'S GENERAL OBLIGATION REFUNDING BONDS, SERIES 1994.

DESCRIPTION: Attached.

RELATED GOAL: Value for Taxes and Public Fees

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
06-01-09	Presentation.	Resolution.
06-15-09	Discussion.	DRAFT Official Statement & Resolution.

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

Agenda Item: 8d

Meeting Date: 06/15/08

TITLE: OFFER TO PURCHASE REAL PROPERTY LOCATED ON WASHINGTON STREET NEAR WALL STREET (05035013).

DESCRIPTION: At the June 16, 2008, Council meeting, Council adopted a resolution authorizing the disposition of certain real property by upset bid for the portion of a split tract located on the west side of Washington Street, parcel number 05035013 for the amount of \$2,500. This item was noticed and no upset bid was received.

This item was approved on the August 4, 2008, consent agenda and the adopted resolution included language that that transaction would occur within 60 days. A delay occurred when the property required subdivision review and legal description research. The property has been surveyed and recorded at the Johnston County ROD (PB 73, pg 225). The buyer has been contacted and wishes to proceed with the purchase of the property.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-07-08	Discussion.	
04-21-08	Discussion.	
05-05-08	Discussion.	Spreadsheet, Peele Site Offer & Support Documents, & Yauch Offers and Support Documents.
05-19-08	Discussion.	Letter of Offer, GIS Map, & Resolutions (2).
06-02-08	Discussion.	Spreadsheet & Resolutions (3).
06-16-08	Discussion.	Spreadsheet & Resolutions (4).
7-21-08	Discussion.	Spreadsheet & Resolutions (2).
8-04-08	Approval.	Spreadsheet & Resolutions (2).
6-15-09	Approval.	Spreadsheet, Resolution & GIS Map.

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

Agenda Item: 9c

Meeting Date: 06/15/09

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Council Meeting – Monday, June 15, 2009 @ 7:30 PM
- Public Art Advisory Board Meeting – Tuesday, June 16, 2009 @ 6:30 PM, Green Room
- 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
- July 4th Town Celebration – Saturday, July 4, 2009 @ Municipal Park; activities begin @ 4 PM; fireworks begin @ 9:15 PM
- Filing for Municipal Office opens at 8:00 AM – Monday, July 6, 2009, @ Johnston County Board of Elections, 205 South Second Street, Smithfield
- DDA Meeting – Monday, July 13, 2009 @ 6:30 PM, Room GS 223
- Board of Adjustment Meeting- Wednesday, July 15, 2009 @ 6:00 PM
- Town Square Concert – Thursday, July 16, 2009 @ 7 PM (Legends of Beach)
- Filing for Municipal Office closes at 12:00 noon – Friday, July 17, 2009, @ Johnston County Board of Elections, 205 South Second Street, Smithfield
- Council Meeting – Monday, July 20, 2009 @ 7:30 PM
- Public Art Advisory Board Meeting – Tuesday, July 21, 2009 @ 6:30 PM, Green Room
- Planning Board Meeting – Monday, July 27, 2009 @ 7:00 PM
- Council Meeting – Monday, August 3, 2009 @ 7:30 PM
- DDA Meeting – Monday, August 10, 2009 @ 6:30 PM, Room GS 223
- Council Meeting – Monday, August 17, 2009 @ 7:30 PM
- Public Art Advisory Board Meeting – Tuesday, August 18, 2009 @ 6:30 PM, Green Room
- Board of Adjustment Meeting- Wednesday, August 19, 2009 @ 6:00 PM
- Town Square Concert – Thursday, August 20, 2009 @ 7 PM (Zydecopious)
- Planning Board Meeting – Monday, August 24, 2009 @ 7:00 PM
- 2009 ElectriCities Annual Meeting – Thursday, August 27, 2009 @ Raleigh Convention Center
- Labor Day Holiday – Monday, September 7, 2009
- Council Meeting – **TUESDAY**, September 8, 2009 @ 7:30 PM
- Town Square Concert – Thursday, September 17, 2009 @ 7 PM (Band of Oz)
- Council Meeting – Monday, September 21, 2009 @ 7:30 PM
- NCLM Annual Conference – October 25 – 27, 2009, Greeneville, NC

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:
06-15-09

Action:
Information.

Info. Provided:
Calendar of Events.

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

Agenda Item: 10c

Meeting Date: 06/15/09

TITLE: HIGHLIGHTS OF THE MAY PLANNING BOARD MEETING.

DESCRIPTION: Summary highlighting the actions of the May 26, 2009, Planning and Zoning Board meeting. This is distributed as information and does not require Council action.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

06-15-09

None/Informational.

Highlights from 05/26/09.