

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**

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## **TOWN COUNCIL MEETING**

**MARCH 2, 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, MARCH 02, 2009**  
**7:30 PM**

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

1. **CALL TO ORDER**  
Pledge of Allegiance: Girl Scout Troop 672  
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 February 16, 2009, work session meeting.
  - b. Amendment to FY 2008-2009 budget.
  - c. Amendment to Town Code of Ordinance, Chapter 52: Sewer Use.
  - d. Amendment to Town’s Comprehensive List of Fees and Charges, Administration.
  - e. Resolution directing the Clerk to investigate annexation petition 2009-02-01, located on NC 42 HWY W and adjacent to the JMH site.
  - f. Street closure request by Friends of the Library.
  - g. Proclamation for Arbor Day.
4. **PUBLIC HEARINGS**
  - a. Public hearing for ordinance amendment, OA 08-06, for sections 155.704(J) and 155.705(J) of the Unified Development Ordinance.
  - b. Evidentiary hearing for special use permit, SUP 08-05, for 1123 NC 42 HWY East.
5. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
  - a. Presentation of schematic design on the East Clayton Community Park.
6. **OLD BUSINESS**
  - a. 2009 legislative requests for the Town.
  - b. Status report on meeting with the Archer Lodge Municipal Exploratory Committee (ALMEC).
  - c. Lease extension with the Division of Community Corrections for space in the Annex building.
  - d. Appointment of Deputy Town Clerk.

7. **NEW BUSINESS**
  - a. Girl Scout Week Proclamation.
  - b. Resolution for signature authority.
  - c. Resolution for application and possible acceptance of public water infrastructure economic stimulus funding.
  
8. **STAFF REPORTS**
  - a. Town Manager
    - Update on Clayton Community Center
  - b. Town Attorney
  - c. Town Clerk
    - Calendar of Events
  - d. Other Staff
    - Update on meter change out project
  
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: 03/02/09

**TITLE: DRAFT MINUTES FROM THE FEBRUARY 16, 2009, WORK SESSION MEETING.**

**DESCRIPTION: Attached.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

03-02-09

Approval.

Draft minutes from the  
2-16-2009.

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

Agenda Item: 3b

Meeting Date: 03/02/09

**TITLE: 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.

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

**RELATED GOAL:** Administrative

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-16-09	Presentation.	Budget amendment.
03-02-09	Approval.	Budget amendment.

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

**Agenda Item: 3c**

**Meeting Date: 03/02/09**

**TITLE: 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.

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

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-16-09	Presentation.	Ordinance amendment.
03-02-09	Approval.	Ordinance amendment.

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

Agenda Item: 3d

Meeting Date: 03/02/09

**TITLE: 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.

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

**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.
03-02-09	Approval.	Comprehensive List of Fees – Administration & Revised Request for Notification Form.

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

Agenda Item: 3e

Meeting Date: 03/02/09

**TITLE: RESOLUTION DIRECTING THE CLERK TO INVESTIGATE 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, LLE 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.**

**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.

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

Agenda Item: 3f

Meeting Date: 03/02/09

**TITLE: 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.

At the February 16, 2009, 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>
02-16-09	Presentation.	Closing request & Annual Announcement for Friends of the Library Day.
03-02-09	Approval.	Closing request.

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

Agenda Item: 3g

Meeting Date: 03/02/09

**TITLE: PROCLAMATION FOR ARBOR DAY.**

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

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

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

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-16-09	Presentation.	Proclamation.
03-02-09	Approval.	Proclamation.

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

Agenda Item: 4a

Meeting Date: 03/02/09

**TITLE: PUBLIC HEARING FOR 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.

**Public hearing - 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.
03-02-09	Public Hearing.	Memorandum and Ordinance amendment.

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

Agenda Item: 4b

Meeting Date: 03/02/09

**TITLE: EVIDENTIARY HEARING FOR 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.**

**Public hearing - Monday, March 2, 2009, Council meeting.**

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.

**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.

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

Agenda Item: 5a

Meeting Date: 03/02/09

**TITLE: PRESENTATION OF SCHEMATIC DESIGN OF THE EAST CLAYTON COMMUNITY PARK.**

**DESCRIPTION: A representative of Rivers and Associates will present the schematic design of the East Clayton Community Park.**

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

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-02-09	Presentation.	Proposed Master Plan and Background.

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

Agenda Item: 6a

Meeting Date: 03/02/09

**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:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
02-16-09	Discussion.	DRAFT Resolution.
03-02-09	Discussion.	Resolution.

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

Agenda Item: 6b

Meeting Date: 03/02/09

**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.
03-02-09	Update.	Resolution.

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

Agenda Item: 6c

Meeting Date: 03/02/09

**TITLE: LEASE EXTENSION WITH THE DIVISION OF COMMUNITY CORRECTIONS FOR SPACE IN THE ANNEX BUILDING.**

**DESCRIPTION:** The Clayton Town Council approved the lease agreement with the Division of Community Corrections at its November 7, 2007, Council meeting for a term beginning January 1, 2008, and terminating June 30, 2009.

The attached agreement requests a three year extension for a term beginning July 1, 2009, and terminating June 30, 2012.

**RELATED GOAL:** Administrative

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-05-07	Approval.	Agreement.
03-02-09	Approval.	Agreement.

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

Agenda Item: 6d

Meeting Date: 03/02/09

**TITLE: APPOINTMENT OF DEPUTY TOWN CLERK.**

**DESCRIPTION: Attached.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

03-02-09

Approval.

Resolution.

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

Agenda Item: 7a

Meeting Date: 03/02/09

**TITLE: GIRL SCOUT WEEK PROCLAMATION.**

**DESCRIPTION: Attached.**

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

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

03-02-09

Approval.

Proclamation.

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

Agenda Item: 7b

Meeting Date: 03/02/09

**TITLE: RESOLUTION FOR SIGNATURE AUTHORITY.**

**DESCRIPTION: Attached.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

03-02-09

Approval.

Resolution.

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

Agenda Item: 7c

Meeting Date: 03/02/09

**TITLE: RESOLUTION FOR APPLICATION AND POSSIBLE ACCEPTANCE OF PUBLIC WATER INFRASTRUCTURE ECONOMIC STIMULUS FUNDING.**

**DESCRIPTION: Potential funding for two projects:**  
○ US HWY 70 West Business for 16” waterline connection,  
○ Existing water main replacement / rehabilitation

The above projects are planned projects for this fiscal year budget.

This item is time sensitive and must be submitted by March 31<sup>st</sup> with support material for funding consideration.

**RELATED GOAL: Value for Taxes and Public Fees**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-02-09	Approval.	Resolution.

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

Agenda Item: 8a

Meeting Date: 03/02/09

TITLE: TOWN MANAGER

DESCRIPTION: Update on Clayton Community Center

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

03-02-09

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

Agenda Item: 8c

Meeting Date: 03/02/09

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- 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
- Council Meeting – Monday, May 4, 2009 @ 7:30 PM
- Clayton Road Race – Saturday, May 9, 2009 @ 9 AM
- Council Meeting – Monday, May 18, 2009 @ 7:30 PM
- Board of Adjustment Meeting – Wednesday, May 20, 2009 @ 6:00 PM
- Senior Citizen Day – Friday, May 22, 2009, 11 AM – 1 PM, Council Chambers
- 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

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:  
03-02-09

Action:  
Information.

Info. Provided:  
Calendar of Events.

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

Agenda Item: 8d

Meeting Date: 03/02/09

TITLE: OTHER STAFF.

DESCRIPTION: Update on the meter change out project.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

03-02-09