

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 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, MARCH 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 March 2, 2009, regular meeting.
- b. Certificate of sufficiency and resolution fixing the date of public hearing for annexation petition 2009-02-01, located on NC 42 HWY West adjacent to the Johnston Memorial Hospital site.

**4. INTRODUCTIONS AND SPECIAL PRESENTATIONS**

- a. Introduction of new Town of Clayton employee(s).
- b. Presentation of 2008 Annual Report by the Downtown Development Association (DDA).
- c. Presentation of 2009 Town Square Concert Series and road closure request by DDA.

**5. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**

- a. Evidentiary Hearing for special use permit SUP 08-05, for Caterpillar located at 1123 NC 42 HWY East; continued from March 2, 2009.
- b. Presentation of B-1 Central Business Zoning District permitted uses.
- c. Presentation of planned development district request, PDD 08-08, located on NC 42 HWY West and adjacent to Johnston Memorial Hospital site.
- d. Presentation of planned development district request, PDD 09-01, located on Vinson Road across from Powhatan Elementary School and adjacent to Glen Laurel Subdivision.
- e. Presentation of Public Art Advisory Board by-laws.
- f. Presentation of veteran government bond, stamp, and coin program.
- g. Presentation of final acceptance for Cobblestone Subdivision Phase 6-B and Lift Station.
- h. Presentation of warranty acceptance for Vinson Road / Powhatan Elementary School.

6. **ITEMS CONTINGENT FOR THE REGULAR MEETING**
7. **ITEMS FOR DISCUSSION**
  - a. Discuss renewable energy development and service agreement overview from ElectriCities.
  - b. Discuss amendment to the fire services franchise agreement with Johnston County to include rescue services.
  - c. Discussion and request for authorization to proceed with the design of the proposed East Clayton Community Park master plan.
8. **OLD BUSINESS**
9. **STAFF REPORTS**
  - a. Town Manager
  - b. Town Attorney
  - c. Town Clerk
    - o Calendar of Events
  - d. Other Staff
    - o Arbor Day Ceremony
10. **OTHER BUSINESS**
  - a. Informal Discussion & Public Comment.
  - b. Council Comments.
  - c. Planning Board Highlights of the February 2009 meeting.
  - d. Closed Session – Consult with the Town Attorney on a matter of an agreement [NC GS 143-318.11 (a) (3)].
11. **ADJOURNMENT**

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

Agenda Item: 3a

Meeting Date: 03/16/09

TITLE: DRAFT MINUTES FROM THE MARCH 2, 2009, REGULAR MEETING.

DESCRIPTION: Minutes.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

03-16-09

Approval.

DRAFT minutes from  
3/2/2009 regular meeting.

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

**Agenda Item: 3b**

**Meeting Date: 03/16/09**

**TITLE: CERTIFICATE OF SUFFICIENCY AND RESOLUTION FIXING THE DATE OF PUBLIC HEARING FOR 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.**

**This item is slated for public hearing at the April 6, 2009, Council meeting.**

**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.
03-16-09	Public Notice.	Certificate of Sufficiency, Resolution, & Map.

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

Agenda Item: 4a

Meeting Date: 03/16/09

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

DESCRIPTION: Introduction(s).

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

03-16-09

Introduction(s).

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

Agenda Item: 4b

Meeting Date: 03/16/09

**TITLE: PRESENTATION OF 2008 ANNUAL REPORT BY THE DOWNTOWN DEVELOPMENT ASSOCIATION (DDA).**

**DESCRIPTION: Attached.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

03-16-09

Presentation.

2007-2008 Annual Report.

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

Agenda Item: 4c

Meeting Date: 03/16/09

**TITLE: PRESENTATION OF 2009 TOWN SQUARE CONCERT SERIES AND ROAD CLOSURE REQUEST BY DDA.**

**DESCRIPTION: Attached.**

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

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-16-09	Presentation.	Memorandum.

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

Agenda Item: 5a

Meeting Date: 03/16/09

**TITLE: EVIDENTIARY HEARING FOR SPECIAL USE PERMIT, SUP 08-05, FOR CATERPILLAR LOCATED AT 1123 NC 42 HWY EAST; CONTINUED FROM MARCH 2, 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.

**Evidentiary hearing - Monday, March 16, 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.

On March 9, 2009, the applicant requested another 30 day delay request for this project.

**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.

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

Agenda Item: 5b

Meeting Date: 03/16/09

**TITLE: PRESENTATION OF B-1 CENTRAL BUSINESS ZONING DISTRICT PERMITTED USES.**

**DESCRIPTION: Attached.**

**NOTE: IF it is the pleasure of the Council to make any revision to the attached ordinance as a result of this request and recommendation, then a public hearing could be scheduled for the April 20, 2009, work session.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

03-16-09

Presentation.

Memorandum.

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

Agenda Item: 5c

Meeting Date: 03/16/09

**TITLE: PRESENTATION OF PLANNED DEVELOPMENT DISTRICT REQUEST PDD 08-08, LOCATED ON NC 42 HWY WEST AND ADJACENT TO JOHNSTON MEMORIAL HOSPITAL SITE.**

**DESCRIPTION: PDD 08-08 is a master plan for 50.60 acres for a proposed commercial development located on the north side of NC HWY 42 West and adjacent to JMH. The site is presently zoned R-E, residential estate, and requests rezoning to planned development district mixed use and is located in the ETJ. This property was included in the 42 West Small Area Plan.**

This item is slated for public hearing at the April 6, 2009, Council meeting.

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-16-09	Presentation and & Public Notice.	Application, Staff Report, Map, Site Plan, Adjacent Parcels on Johnston Estate Road and Spreadsheet, 42 West Small Area Plan, & JMH Site Plan.

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

Agenda Item: 5d

Meeting Date: 03/16/09

**TITLE: PRESENTATION OF PLANNED DEVELOPMENT DISTRICT REQUEST PDD 09-01, LOCATED ON VINSON ROAD ACROSS FROM POWHATAN ELEMENTARY SCHOOL AND ADJACENT TO GLEN LAUREL SUBDIVISION.**

**DESCRIPTION: PDD 09-01 is a master plan for 30.34 acres mixed use development comprised of 52 lots for single family residences and two commercial tracts. The site is located on the north side of Vinson Road in the ETJ and adjacent to Glen Laurel Subdivision. The site is presently zoned R-E, residential estate with Watershed Protection Overlay and requests rezoning to planned development district mixed-use.**

**This item is slated for public hearing at the April 6, 2009, Council meeting.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-16-09	Presentation and & Public Notice.	Application, Staff Report, Wastewater Allocation Request, Map, and Site Plan.

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

Agenda Item: 5e

Meeting Date: 03/16/09

**TITLE: PRESENTATION OF PUBLIC ART ADVISORY BOARD BY-LAWS.**

**DESCRIPTION:** The Public Art Advisory Board, hereafter PAAB, was established by resolution adopted by the Town Council on February 4, 2008. One of the duties of the PAAB was to develop by-laws for operation and policies for the performance of the duties assigned by the Town Council.

For Council's consideration, attached are the proposed by-laws for the PAAB.

**RELATED GOAL:** Administrative

**ITEM SUMMARY:**

Date:

Action:

Info. Provided:

03-16-09

Presentation.

By-laws.

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

Agenda Item: 5f

Meeting Date: 03/16/09

**TITLE: PRESENTATION OF VETERAN GOVERNMENT BOND, STAMP, AND COIN PROGRAM.**

**DESCRIPTION: Attached.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

03-16-09

Presentation.

Resolution.

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

Agenda Item: 5g

Meeting Date: 03/16/09

**TITLE: PRESENTATION OF FINAL ACCEPTANCE FOR COBBLESTONE  
SUBDIVISION PHASE 6-B AND LIFT STATION.**

**DESCRIPTION: Attached.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**03-16-09**

**Presentation.**

**Memorandum.**

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

Agenda Item: 5h

Meeting Date: 03/16/09

**TITLE: PRESENTATION OF WARRANTY ACCEPTANCE FOR VINSON ROAD / POWHATAN ELEMENTARY SCHOOL.**

**DESCRIPTION: Attached.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**03-16-09**

**Presentation.**

**Memorandum.**

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

Agenda Item: 7a

Meeting Date: 03/16/09

**TITLE: DISCUSS RENEWABLE ENERGY DEVELOPMENT AND SERVICE AGREEMENT OVERVIEW FROM ELECTRICITIES.**

**DESCRIPTION:** Recent legislation requires all electric utilities, including investor-owned, municipal, and electric cooperatives, to have a certain percentage of renewable energy in their respective portfolios. The law requires a substantial effort on behalf of the member cities to be in compliance by 2012.

Although a part of ElectriCities the individual electric providers are responsible for compliance with this regulation. The Town of Clayton proposes to contract with ElectriCities for compliance tracking and reporting purposes. The attached proposed agreement documents the duties and roles for implementation of the standards and was approved by the ElectriCities Board of Directors and North Carolina Eastern Municipal Power Agency Board.

**RELATED GOAL:** Administrative

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-16-09	Discussion.	Memorandum.

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

Agenda Item: 7b

Meeting Date: 03/16/09

**TITLE: DISCUSS AMENDMENT TO FIRE SERVICES FRANCHISE AGREEMENT WITH JOHNSTON COUNTY TO INCLUDE RESCUE SERVICES.**

**DESCRIPTION:** To provide an overview of the present rescue franchise agreement and ascertain if the Council wishes to pursue a County issued franchise for rescue services to coincide with the current inter-local agreement for provision of fire service.

**RELATED GOAL:** Administrative

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
03-16-09	Presentation.	Memorandum & Current Inter-Local Agreement for Provision of Fire Service.

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

Agenda Item: 7c

Meeting Date: 03/02/09

**TITLE: DISCUSSION AND REQUEST FOR AUTHORIZATION TO PROCEED WITH THE DESIGN OF THE PROPOSED EAST CLAYTON COMMUNITY PARK MASTER PLAN.**

**DESCRIPTION:** In follow-up to the Council presentation on the East Clayton Community Park presentation, a citizen public forum was held on Thursday, March 12, 2009, from 5 PM to 7 PM in the Council Chambers of the Clayton Center to receive citizen input.

**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.
03-12-09	Public Forum.	Citizen surveys.
03-16-09	Discussion and authorization to proceed with a design consistent with the master plan.	Spreadsheet.

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

Agenda Item: 9c

Meeting Date: 03/16/09

TITLE: TOWN CLERK

**DESCRIPTION: Calendar of Events:**

- Council Meeting – Monday, March 16, 2009 @ 7:30 PM
- Public Art Advisory Board Mtg – Tuesday, March 17, 2009 @ 6:30 PM
- Arbor Day Celebration – Friday, March 20, 2009 @ 11 AM @ Cooper Elementary School
- 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 Sumeck – Thursday, April 16, 2009 @ Portofino
- Council Retreat with Lyle Sumeck – Friday, April 17, 2009 & Saturday, April 18, 2009 @ Portofino
- 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
- Town Hall Day – Wednesday, May 6, 2009
- Council Meeting – Monday, May 18, 2009 @ 7:30 PM
- Board of Adjustment Meeting – Wednesday, May 20, 2009 @ 6:00 PM
- 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
- Council Meeting – Monday, June 15, 2009 @ 7:30 PM
- Board of Adjustment Meeting – Wednesday, June 17, 2009 @ 6:00 PM
- Planning Board Meeting – Monday, June 22, 2009 @ 7:00 PM
- Independence Day Holiday – Friday, July 3, 2009
- Council Meeting – Monday, July 20, 2009 @ 7:30 PM

**RELATED GOAL:** Administrative

**ITEM SUMMARY:**

Date:  
03-16-09

Action:  
Information.

Info. Provided:  
Calendar of Events.

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

Agenda Item: 9d

Meeting Date: 03/16/09

TITLE: OTHER STAFF

DESCRIPTION: Arbor Day Celebration – Friday, March 20, 2009

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

03-16-09

Presentation.

N/A.

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

Agenda Item: 10c

Meeting Date: 03/16/09

**TITLE: HIGHLIGHTS OF THE FEBRUARY PLANNING BOARD MEETING.**

**DESCRIPTION: Summary highlighting the actions of the February 23, 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:**

03-16-09

None/Informational.

Highlights from 02/23/09.

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

Agenda Item: 10d

Meeting Date: 03/16/09

**TITLE: CLOSED SESSION – CONSULT WITH TOWN ATTORNEY ON  
MATTER OF AN AGREEMENT [NC GS 143-318.11 (a) (3)].**

**DESCRIPTION: N/A**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

03-16-09

Closed Session.