

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

MAY 04, 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, MAY 04, 2009
7:30 PM

THE CLAYTON CENTER
COUNCIL CHAMBERS

1. **CALL TO ORDER**
Pledge of Allegiance: Boy Scout Troop 24
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 April 20, 2009, work session and draft minutes from the April 17 & 18 Council retreat.
 - b. Road closure request for ninth annual MillStock Music & Arts Faire for Saturday, June 6, 2009.
 - c. Request to modify the buffer design for Summerlyn Subdivision (SUB 04-08 approved March 21, 2005).
 - d. Reimbursement resolutions for the following projects:
 - Generator for water and sewer operations, \$250,000;
 - Rolling stock, \$432,000; and
 - Automated meter reading (AMR) project, \$579,000
 - e. Resolution for three year update to the Johnston County solid waste plan.
 - f. Twenty-sixth annual Clayton Road Race street closure request for Saturday, May 9, 2009.
 - g. “Older Americans Month” Proclamation.
 - h. “Municipal Clerks Week” Proclamation.
4. **PUBLIC HEARINGS**
 - a. Public hearing for the Town to enter into the following financial agreements:
 - Generator for water and sewer operations, \$250,000;
 - Rolling stock, \$432, 000;
 - Automated meter reading (AMR) project, \$579,000.
 - b. Public hearing for rezoning request RZ 09-01 for HS&R Management Services for property located at the corner of North O’Neil Street and Front Street.
5. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
 - a. Recognition of Coach Jeff Jennings.

6. **OLD BUSINESS**
 - a. Discussion and possible reconsideration on action regarding payment of the December 9, 2008, municipal election invoice.

7. **NEW BUSINESS**
 - a. 2009 Fire Contract with Johnston County.
 - b. Request by NCLM to adopt Level Playing Field Act Resolution.

8. **STAFF REPORTS**
 - a. Town Manager
 - b. Town Attorney
 - c. Town Clerk
 - Calendar of Events
 - d. Other Staff

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: 05/04/09

TITLE: DRAFT MINUTES FROM THE APRIL 20, 2009, WORK SESSION MEETING AND THE APRIL 17 & 18 COUNCIL RETREAT.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

05-04-09

Approval.

Draft minutes from the
4/20/2009 work session and
4/17/2009 & 4/18/2009
Council retreat.

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

Agenda Item: 3b

Meeting Date: 05/04/09

**TITLE: ROAD CLOSURE REQUEST FOR NINTH ANNUAL MILLSTOCK
MUSIC & ARTS FAIRE FOR SATURDAY, JUNE 6, 2009.**

**DESCRIPTION: The Coffee Mill/Flipside, Clayton Visual Arts, and the Clayton
Downtown Development Association (DDA) respectfully
request the following road closure on Saturday, June 6,
2009, for the MillStock Music & Arts Faire:**

- South Lombard between Main Street and Second Street
from 5 AM until 6 PM
- Main Street between Barbour and Smith Street from 5 AM
until 6 PM

The goal is to keep the activities safe and festive and the requestors would work closely with Public Works, Police, Fire and EMS.

Council received presentation by the Clayton Visual Arts at its April 20, 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>
4-20-09	Presentation.	Memorandum.
5-04-09	Approval.	Memorandum.

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

Agenda Item: 3c

Meeting Date: 05/04/09

**TITLE: REQUEST TO MODIFY THE BUFFER DESIGN FOR SUMMERLYN
SUBDIVISION (SUB 04-08, APPROVED March 21, 2005).**

**DESCRIPTION: Whistler Development respectfully requests the Town
Council approve the attached landscape – screening plans
for portions of the Summerlyn Subdivision that front on the
Glen Laurel Road right-of-way.**

**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>
04-20-09	Presentation.	Memorandum, Supplement to Summerlyn SD – Glen Laurel Road Landscape Plan, & Subdivision Approval for SUB 04-08.
05-04-09	Approval.	Memorandum, Supplement to Summerlyn SD – Glen

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

Agenda Item: 3d

Meeting Date: 05/04/09

TITLE: REIMBURSEMENT RESOLUTIONS FOR THE FOLLOWING PROJECTS:

- GENERATOR FOR WATER AND SEWER OPERATIONS, \$250,000;
- ROLLING STOCK, \$432,000; AND
- AUTOMATED METER READING (AMR) PROJECT, \$579,000

DESCRIPTION: Attached.

It was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Value for Taxes and Public Fees

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-20-09	Presentation.	Resolutions (3).
05-04-09	Approval.	Resolutions (3).

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

Agenda Item: 3e

Meeting Date: 05/04/09

TITLE: RESOLUTION FOR THREE YEAR UPDATE TO THE JOHNSTON COUNTY SOLID WASTE PLAN.

DESCRIPTION: Attached.

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>
04-20-09	Presentation.	Resolution.
05-04-09	Approval.	Resolution.

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

Agenda Item: 3f

Meeting Date: 05/04/09

**TITLE: TWENTY-SIXTH ANNUAL CLAYTON ROAD RACE STREET
CLOSURE REQUEST FOR SATURDAY, MAY 9, 2009.**

DESCRIPTION: The road closures are shown on the map as page two of the road race form. The road closures would begin at 8:30 AM and would be reopened at approximately 10:15 AM, or when the last runner comes in. Horne Street will remain closed until 11:30 AM. Fayetteville Street will remain closed until 11 AM for the Tot Trot.

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>
4-20-09	Presentation.	Road Race Form & Map.
05-04-09	Approval.	Road Race Form & Map.

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

Agenda Item: 3g

Meeting Date: 05/04/09

TITLE: "OLDER AMERICANS MONTH" PROCLAMATION.

DESCRIPTION: Attached.

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>
4-20-09	Presentation.	Proclamation.
05-04-09	Approval.	Proclamation.

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

Agenda Item: 3h

Meeting Date: 05/04/09

TITLE: "MUNICIPAL CLERKS WEEK" PROCLAMATION.

DESCRIPTION: Attached.

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>
4-20-09	Presentation.	Proclamation.
05-04-09	Approval.	Proclamation.

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

Agenda Item: 4a

Meeting Date: 05/04/09

- TITLE:** Public hearing for the Town to enter into the following financial agreements:
- Generator for water and sewer operations, \$250,000 at a rate of 2.96% and a 59 month term with First Citizens Bank;
 - Rolling stock, \$432, 000 at a rate of 2.60% for 3 year term with Four Oaks Bank;
 - Automated meter reading (AMR) project, \$579,000 at a rate of 2.96% and a 59 month term with First Citizens Bank.

This item was noticed public hearing and is related to Item 3d.

DESCRIPTION: Attached.

RELATED GOAL: Value for Taxes and Public Fees

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-04-09	Public hearing.	Resolutions (3) & Bid Tabulations (3).

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

Agenda Item: 4b

Meeting Date: 05/04/09

TITLE: PUBLIC HEARING FOR REZONING REQUEST RZ 09-01 FOR HS&R MANAGEMENT SERVICES FOR PROPERTY LOCATED AT THE CORNER OF O'NEIL STREET AND FRONT STREET.

DESCRIPTION: Rezoning request RZ 09-01 is for a .13 acre tract located at the corner of Front Street and O'Neil Street, inside the Town limits. The requested change is from B-2 Neighborhood Business to B-1 Central Business.

At its March 23, 2009, meeting, the Planning Board voted unanimously to recommend approval of this request.

RELATED GOAL: Business Community: Diverse and Profitable

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-20-09	Presentation & Public Notice.	Application, Staff Report, & Map.
05-04-09	Public Hearing.	Application, Staff Report, & Map.

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

Agenda Item: 5a

Meeting Date: 05/04/09

TITLE: RECOGNITION OF COACH JEFF JENNINGS.

DESCRIPTION: The Town of Clayton Parks & Recreation Department is a participant of the Jr. NBA & Jr. WNBA program. As members in this program, we had an opportunity to nominate coaches from our league that demonstrated sportsmanship, character, and positive development of young players. There were over 83,000 nominees for this award.

RELATED GOAL: A Place for Family Fun and Leisure

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-04-09	Recognition.	Proclamation.

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

Agenda Item: 6a

Meeting Date: 05/04/09

TITLE: DISCUSSION OF POSSIBLE RECONSIDERATION ON ACTION REGARDING PAYMENT OF THE DECEMBER 9, 2008, MUNICIPAL ELECTION INVOICE.

DESCRIPTION: At the February 18, 2008, Council meeting, Council received a presentation by Johnston County Board of Elections regarding municipal election date. Attached is the invoice from the December 9, 2008, do-over election. The Johnston County Board of Elections met Thursday, March 5, 2009, and voted to split the original cost of the bill with the Town of Clayton; invoice attached. At the April 6, 2009, Council meeting, Council discussed the December 9, 2008, municipal elections invoice. Mayor Pro Tem Ahlert motioned to approve paying the invoice for half of the election cost; Councilman Lawter seconded the motion. Motion failed 2-3 with Councilman Satterfield, Councilman Harding, and Councilman Grannis voting opposed. **Town Code of Ordinances, 30.23: Motion to Reconsider:** No question decided by the Town Council shall be again brought forward at any subsequent meeting until at least 90 days has elapsed. However, a vote on any question may be reconsidered at any time by a vote of two-thirds of the Town Council. **Assuming all members are present, four members would need to concur on a motion to reconsider in order for this item to be the subject of a vote for action.** At the April 20, 2009, Council meeting, all members voted in favor of continuing this item until the full Council is sitting.

RELATED GOAL: Value for Taxes and Public Fees

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-18-08	Presentation.	None.
2-02-09	Discussion.	Invoice.
04-06-09	Discussion.	Invoice.
04-20-09	Discussion.	Invoice.
05-04-09	Discussion.	Invoice.

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

Agenda Item: 7a

Meeting Date: 05/04/09

TITLE: 2009 FIRE CONTRACT WITH JOHNSTON COUNTY.

DESCRIPTION: Johnston County requests the review of the contract for the fire protection services with the fire service providers. The current contract will be terminated by Johnston County on June 30, 2009, coinciding with the execution of the new contract.

This item is being presented for action. If approved it will be forwarded to the Johnston County Commissioners for consideration at its June 1, 2009, County Commissioner meeting.

RELATED GOAL: Safest, Healthiest Town in Triangle Area.

ITEM SUMMARY:

Date:

Action:

Info. Provided:

05-04-09

Discussion.

Letter, Inter-Local Agreement for Provision To Fire Service (Final), Rescue Services Agreement, Appendix C, & Automatic Aid Agreement (2006).

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

Agenda Item: 7b

Meeting Date: 05/04/09

TITLE: REQUEST BY NCLM TO ADOPT LEVEL PLAYING FIELD ACT RESOLUTION.

DESCRIPTION: The NCLM respectfully requests municipalities adopt the attached resolution against SB 1004-HB 1252 – the “Anti-Muni Broadband Bills” also known as the Level Playing Field Act.

RELATED GOAL: Safest, Healthiest Town in Triangle Area.

ITEM SUMMARY:

Date:

Action:

Info. Provided:

05-04-09

Discussion.

Email, Resolution, &
House Public Utility
Committee List.

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

Agenda Item: 8c

Meeting Date: 05/04/09

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Council Meeting – Monday, May 4, 2009 @ 7:30 PM
- Community Workshop: Healthcare Access Issues and Opportunities – Tuesday, May 5, 2009 @ 6:30 PM
- Town Hall Day – Wednesday, May 6, 2009 @ 6:30 PM
- Clayton Road Race – Saturday, May 9, 2009
- DDA Meeting – Monday, May 11, 2009 @ 6:30 PM, Room GS 223
- Community Workshop: Reduce the Cost of Energy and Utilities – Tuesday, May 12, 2009 @ 6:30 PM
- Recreation Advisory Committee Meeting – Monday, May 11, 2009 @ 7:30 PM, P&R Office on McCullers Street
- Council Meeting – Monday, May 18, 2009 @ 7:30 PM
- Board of Adjustment Meeting – Wednesday, May 20, 2009 @ 6:00 PM
- Town Square Concert – Thursday, May 21, 2009 @ 7 PM (Liquid Pleasure)
- 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
- MillStock Music & Arts Faire – Saturday, June 6, 2009
- Council Meeting – Monday, June 15, 2009 @ 7:30 PM
- Board of Adjustment Meeting – Wednesday, June 17, 2009 @ 6:00 PM
- 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
- Filing for Municipal Office – begins 8:00 AM on Monday, July 6, 2009, at the Johnston County Board of Elections (205 South Second St, Smithfield)
- Town Square Concert – Thursday, July 16, 2009 @ 7 PM (Legends of Beach)
- Filing for Municipal Office – closes 12:00 noon on Friday, July 17, 2009, at the Johnston County Board of Elections (205 South Second St, Smithfield)
- Council Meeting – Monday, July 20, 2009 @ 7:30 PM
- Town Square Concert – Thursday, August 20, 2009 @ 7 PM (Zydecopious)
- Town Square Concert – Thursday, September 17, 2009 @ 7 PM (Band of Oz)
- Election Day – Tuesday, November 3, 2009

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:
05-04-09

Action:
Information.

Info. Provided:
Calendar of Events.