

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 18, 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, MAY 18, 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 4, 2009, regular meeting, and May 4, 2009, closed session meeting.
 - b. Notice of public hearing to receive public comment on the 2009-2010 Fiscal Year budget on Monday, June 1, 2009, at 7:30 PM.
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
 - a. Introduction of new Town of Clayton employee(s).
 - b. Proposal for Youth Protection (proposed Curfew) Ordinance presentation.
5. **ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**
 - a. Continuation of evidentiary hearing for special use permit SUP 08-05, for Caterpillar located at 1123 NC 42 HWY East (continued from April 20, 2009).
 - b. Presentation of ordinance amendment to the Unified Development Ordinance concerning private clubs in the B-1 zoning district.
 - c. Presentation of special use permit, SUP 09-02, for construction of addition to building located at 1499 Old US 70 West.
 - d. Presentation of Johnston County Board of Elections Agreement.
 - e. Presentation of budget ordinance amendments for the following:
 - Reflect expenditure of funds related to multiple fiscal year construction of East Clayton Industrial Area (ECIA) Phase II project
 - Receipt of grant funding from the Bill and Melissa Gates Foundation and the corresponding purchase of computer equipment for the library
 - Reflect the expenditure of funds related to the multiple fiscal year implementation of the new comprehensive municipal software system
 - Reflect the addition of debt service for the Sam’s Branch Sewer Outfall Project
 - Amendment to move budget allocations between divisions within the Planning Department

- f. Presentation of Mutual Aid Agreements with the following fire departments:
 - City of Raleigh Fire Department
 - Eastern Wake Fire And Rescue
 - Garner Volunteer Fire-Rescue, Inc.
 - g. Presentation of appointments to citizen advisory town boards.
 - h. Presentation of resolution: “2009 Resolution on the Spending of Federal Economic Renewal Grants to the Town of Clayton.”
 - i. Presentation of proclamation: “Horne Memorial Methodist Church 150th Anniversary.”
 - j. Presentation of warranty acceptance for Clayton Dialysis Center.
6. ITEMS CONTINGENT FOR THE REGULAR MEETING
7. ITEMS FOR DISCUSSION
8. OLD BUSINESS
9. STAFF REPORTS
- a. Town Manager
 - Discussion to set the dates for the FY 2009-2010 budget work sessions.
 - b. Town Attorney
 - c. Town Clerk
 - Calendar of Events.
 - d. Other Staff
10. OTHER BUSINESS
- a. Informal Discussion & Public Comment.
 - b. Council Comments.
 - c. Planning Board Highlights of the April 2009 meeting.
 - d. Closed session to discuss terms of a contract in accordance with NC GS 143-318.11 (a) (5) (ii).
11. ADJOURNMENT

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 3a

Meeting Date: 05/18/09

TITLE: DRAFT MINUTES FROM THE MAY 4, 2009, REGULAR MEETING,
AND MAY 4, 2009, CLOSED SESSION MEETING.

DESCRIPTION: Minutes.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

05-18-09

Approval.

DRAFT minutes from
5/04/2009 regular meeting.

** DRAFT minutes from
5/04/2009 closed session
Meeting will be hand-
Delivered.*

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

Agenda Item: 3b

Meeting Date: 05/18/09

TITLE: NOTICE OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE 2009-2010 FISCAL YEAR BUDGET ON MONDAY, JUNE 1, 2009, AT 7:30 PM.

DESCRIPTION: Public Notice.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-18-09	Public Notice.	N/A.

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

Agenda Item: 4a

Meeting Date: 05/18/09

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

DESCRIPTION: Introduction(s).

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

05-18-09

Introduction(s).

N/A.

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

Agenda Item: 4b

Meeting Date: 05/18/09

**TITLE: PROPOSAL FOR YOUTH PROTECTION (PROPOSED CURFEW)
ORDINANCE PRESENTATION.**

DESCRIPTION: On behalf of the Neighborhood Watch Committee, Reverend Russell Cotten will present a proposal for a Youth Protection (Curfew) Ordinance for the Town of Clayton.

RELATED GOAL: Safest, Healthiest Town in the Triangle Area

ITEM SUMMARY:

Date:

Action:

Info. Provided:

05-18-09

Presentation.

Petition & Email.

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

Agenda Item: 5a

Meeting Date: 05/18/09

TITLE: CONTINUATION OF EVIDENTIARY HEARING FOR SPECIAL USE PERMIT, SUP 08-05, FOR CATERPILLAR LOCATED AT 1123 NC 42 HWY EAST (CONTINUED FROM APRIL 20, 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.

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.

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

Agenda Item: 5b

Meeting Date: 05/18/09

TITLE: PRESENTATION OF ORDINANCE AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE CONCERNING PRIVATE CLUBS IN THE B-1 ZONING DISTRICT.

DESCRIPTION: Amendment to the B-1, Central Business District.

RELATED GOAL: Business Community: Diverse and Profitable

ITEM SUMMARY:

Date:

Action:

Info. Provided:

05-18-09

Presentation &
Public Notice.

Memorandum &
Ordinance Amendment.

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

Agenda Item: 5c

Meeting Date: 05/18/09

TITLE: PRESENTATION OF SPECIAL USE PERMIT, SUP 09-02, FOR CONSTRUCTION OF ADDITION TO BUILDING LOCATED AT 1499 OLD US 70 WEST.

DESCRIPTION: Special use permit SUP 09-02 is a request for approval of a proposed 200 square feet office/storage addition to an existing building of .819 acre zoned B-3 SUD Zoning District. The property is located at the corner of Shotwell Road and Old US 70 West and is inside the town limits.

RELATED GOAL: Business Community: Diverse and Profitable

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-18-2009	Presentation & Public Notice.	Application, Staff report, Map & Elevation renderings.

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

Agenda Item: 5d

Meeting Date: 05/18/09

TITLE: PRESENTATION OF 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.

RELATED GOAL: Value for Taxes and Public Fees

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-18-2009	Presentation.	Letter from the Jo Co BOE, Proposed Contract, & Current Contract (2007).

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

Agenda Item: 5e

Meeting Date: 05/18/09

- TITLE: PRESENTATION OF BUDGET ORDINANCE AMENDMENTS FOR THE FOLLOWING:**
- REFLECT EXPENDITURE OF FUNDS RELATED TO MULTIPLE FISCAL YEAR CONSTRUCTION OF EAST CLAYTON INDUSTRIAL AREA (ECIA) PHASE II PROJECT
 - RECEIPT OF GRANT FUNDING FROM THE BILL AND MELISSA GATES FOUNDATION AND THE CORRESPONDING PURCHASE OF COMPUTER EQUIPMENT FOR THE LIBRARY
 - REFLECT THE EXPENDITURE OF FUNDS RELATED TO THE MULTIPLE FISCAL YEAR IMPLEMENTATION OF THE NEW COMPREHENSIVE MUNICIPAL SOFTWARE SYSTEM
 - REFLECT THE ADDITION OF DEBT SERVICE FOR THE SAM'S BRANCH SEWER OUTFALL PROJECT
 - AMENDMENT TO MOVE BUDGET ALLOCATIONS BETWEEN DIVISIONS WITHIN THE PLANNING DEPARTMENT

DESCRIPTION: Attached.

RELATED GOAL: Value for Taxes and Public Fees

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-18-2009	Presentation.	Ordinance Amendments (5).

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

Agenda Item: 5f

Meeting Date: 05/18/09

TITLE: PRESENTATION OF MUTUAL AID AGREEMENTS WITH THE FOLLOWING FIRE DEPARTMENTS:

- CITY OF RALEIGH FIRE DEPARTMENT
- EASTERN WAKE FIRE AND RESCUE
- GARNER VOLUNTEER FIRE-RESCUE, INC

DESCRIPTION: Attached.

RELATED GOAL: Safest, Healthiest Town in the Triangle Area

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-18-2009	Presentation.	Agreements (3).

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

Agenda Item: 5g

Meeting Date: 05/18/09

TITLE: PRESENTATION OF APPOINTMENTS TO CITIZEN ADVISORY TOWN BOARDS.

DESCRIPTION: The Clayton Library Board has one vacancy and the Recreation Advisory Committee has four vacancies. The staff liaison and council liaison to each committee have interviewed the applicants. The Review Committee (Mayor McLeod, Mayor Pro Tem Ahlert, and Councilman Grannis) reviewed the applications and attached are the recommendations for each town board.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-18-2009	Presentation.	Memorandum & applications.

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

Agenda Item: 5h

Meeting Date: 05/18/09

TITLE: PRESENTATION OF RESOLUTION: "2009 RESOLUTION ON THE SPENDING OF FEDERAL ECONOMIC RENEWAL GRANTS TO THE TOWN OF CLAYTON."

DESCRIPTION: A representative of Nucor Steel requested the Clayton Town Council consider the attached resolution.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

5-18-2009

Presentation.

Resolution.

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

Agenda Item: 5i

Meeting Date: 05/18/09

**TITLE: PRESENTATION OF PROCLAMATION: "HORNE MEMORIAL
METHODIST CHURCH 150TH ANNIVERSARY."**

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

5-18-2009

Presentation.

Proclamation.

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

Agenda Item: 5j

Meeting Date: 05/18/09

**TITLE: PRESENTATION OF WARRANTY ACCEPTANCE FOR CLAYTON
DIALYSIS CENTER.**

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

5-18-2009

Presentation.

Memorandum.

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

Agenda Item: 9a

Meeting Date: 05/18/09

TITLE: TOWN MANAGER

DESCRIPTION: Discussion to set the dates for the FY 2009-2010 budget work sessions.

RELATED GOAL: Value for Taxes and Public Fees & Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

5-18-2009

Discussion.

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

Agenda Item: 9c

Meeting Date: 05/18/09

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Council Meeting – Monday, May 18, 2009 @ 7:30 PM
- Local elected officials meeting on the proposed closure of the Stallings Street / North Carolina Railroad (NCRR) Crossing in Clayton with Stallings Street Extension Alternatives on Tuesday, May 19, 2009, 3:00 – 4:00 PM at the Leonard Moore Post #71, American Legions Building at 1300 Old US HWY 70 West (Main Street) [NCDOT]
- Citizens Informational Workshop (drop-in style public meeting) on the proposed closure of the Stallings Street / North Carolina Railroad (NCRR) Crossing in Clayton with Stallings Street Extension Alternatives on Tuesday, May 19, 2009, 5:00 – 7:00 PM at the Leonard Moore Post #71, American Legions Building at 1300 Old US HWY 70 West (Main Street) [NCDOT]
- Board of Adjustment Meeting – Wednesday, May 20, 2009 @ 6:00 PM
- Clayton Library Board Meeting – Thursday, May 21, 2009 @ 2:30 PM at the Hocutt-Ellington (Clayton) Library
- 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
- Recreation Advisory Committee Meeting – **TUESDAY**, May 26, 2009 @ 7:30 PM, P&R Office on McCullers Street
- 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:
05-18-09

Action:
Information.

Info. Provided:
Calendar of Events.

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

Agenda Item: 10c

Meeting Date: 05/18/09

TITLE: HIGHLIGHTS OF THE APRIL PLANNING BOARD MEETING.

DESCRIPTION: Summary highlighting the actions of the April 27, 2009, Planning and Zoning Board meeting. This is distributed as information and does not require Council action.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-18-09	None/Informational.	Highlights from 04/27/09.

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 10d

Meeting Date: 05/18/09

TITLE: CLOSED SESSION TO DISCUSS TERMS OF A CONTRACT IN ACCORDANCE WITH NC GS 143-318.11 (a) (5) (ii).

DESCRIPTION: Closed session.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

5-18-2009

Closed session.

*****Support documents will
Be hand-delivered.***