

AGENDA
THE REGULAR MEETING OF THE CLAYTON TOWN COUNCIL

TUESDAY, SEPTEMBER 08, 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. **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 August 17, 2009, work session meeting and draft minutes from the August 17, 2009, closed session meeting.
 - b. Street closure request for Back to School Block Party.
 - c. Resolution directing the Clerk to investigate annexation petition 2009-08-01 located at 2898 Vinson Road (The Woods at Glen Laurel).
 - d. Proclamation – Clayton Band Classic.
 - e. Asphalt warranty acceptance for Cameron Corporate Park, Ph 3.
 - f. Discussion of notice from Johnston County regarding wholesale water and sewer rate increases.
 - g. Discussion of “Children at Play” signage in the vicinity of All Star Park.
 - h. Financial Policy Guidelines.
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
 - a. Introduction of Mr. Graham Edwards, CEO of ElectriCities.
 - b. Harvest Festival Invitation.
5. **PUBLIC HEARINGS**
 - a. Public hearing for ordinance amendments:
 - OA 09-02 – Amend the use of flags for commercial advertisement [155.403(E)(1)(c)]
 - OA 09-03 – Amend to allow fences in Commercial Districts [155.402, Part 4(G)(6)(e)]
 - b. Public hearing for annexation petition 2009-07-01 submitted by CBE Development LLC and located at 3986 Powhatan Road (related to Item 5c).
 - c. Public hearing for site plan SP 09-09 for Gordon Self Storage at 3986 Powhatan Road (related to Item 5b).

6. **OLD BUSINESS**
 - a. Drafted youth protection (curfew) ordinance.
 - b. Discussion of proposal to purchase through assumption of debt .5 mgd of wastewater treatment capacity from the County of Johnston.

7. **NEW BUSINESS**
 - a. Resolution authorizing condemnation to acquire certain property of E. Frank Howard Jr., located at the northeast corner of Shotwell Road and Amelia Church Road.
 - b. Year end budget ordinance amendment for fiscal year 2008-2009.

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: 09/08/09

TITLE: DRAFT MINUTES FROM THE AUGUST 17, 2009, WORK SESSION MEETING AND DRAFT MINUTES FROM THE AUGUST 17, 2009, CLOSED SESSION MEETING.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

09-08-09

Approval.

Draft minutes from the
8/17/2009 work session.

****DRAFT minutes from the
8/17/2009 closed session
Will be hand-delivered.***

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

Agenda Item: 3b

Meeting Date: 08/17/09

TITLE: STREET CLOSURE REQUEST FOR BACK TO SCHOOL BLOCK PARTY.

DESCRIPTION: Eye of the Eagle Art Center and the Paint It Red Café are hosting a Back to School Block Party on Saturday, August 22, 2009, from 10 AM to 5 PM.

At the August 17, 2009, Council meeting, it was the consensus of the Town Council to place this item on the consent agenda.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
08-17-09	Presentation.	Memo and map.
09-08-09	Approval.	Memo and map.

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

Agenda Item: 3c

Meeting Date: 09/08/09

TITLE: RESOLUTION DIRECTING THE CLERK TO INVESTIGATE ANNEXATION PETITION 2009-08-01 LOCATED AT 2898 VINSON ROAD (THE WOODS AT GLEN LAUREL).

DESCRIPTION: Annexation petition 2009-08-01 is a citizen initiated non-contiguous annexation request for 30.34 acres located adjacent to Glen Laurel Subdivision and across from Powhatan Elementary School.

At the August 17, 2009, Council meeting, it was the consensus of the Town Council to place this item on the consent agenda.

RELATED GOAL: Administrative

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
08-17-09	Presentation.	Resolution & map.
09-08-09	Approval.	Resolution & map.

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

Agenda Item: 3d

Meeting Date: 09/08/09

TITLE: PROCLAMATION – CLAYTON BAND CLASSIC.

DESCRIPTION: Attached.

At the August 17, 2009, Council meeting, it was the consensus of the Town Council to place this item on the consent agenda.

RELATED GOAL: Administrative

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
08-17-09	Presentation.	Proclamation.
09-08-09	Approval.	Proclamation.

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

Agenda Item: 3e

Meeting Date: 09/08/09

**TITLE: ASPHALT WARRANTY ACCEPTANCE FOR CAMERON
CORPORATE PARK, PHASE 3.**

DESCRIPTION: Attached.

**At the August 17, 2009, Council meeting, it was the
consensus of the Town Council to place this item on the
consent agenda.**

RELATED GOAL: Administrative

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
08-17-09	Presentation.	Memorandum.
09-08-09	Approval.	Memorandum.

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

Agenda Item: 3f

Meeting Date: 09/08/09

TITLE: DISCUSSION OF NOTICE FROM JOHNSTON COUNTY REGARDING WHOLESALE WATER AND SEWER RATE INCREASES.

DESCRIPTION: Attached.

At the August 17, 2009, Council meeting, it was the consensus of the Town Council to place this item on the consent agenda.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
08-17-09	Discussion.	Staff memorandum, Johnston County Correspondence & Excerpt from Town Compr List of Fees & Charges.
09-08-09	Approval.	Staff memorandum, Johnston County Correspondence, & Ordinance Amendment to Portion of Town Comp List of Fees & Charges (Water/Sewer Rates).

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

Agenda Item: 3g

Meeting Date: 09/08/09

TITLE: DISCUSSION OF CHILDREN AT PLAY SIGNAGE IN THE VICINITY OF ALL STAR PARK.

DESCRIPTION: The Town has received a request for “Children at Play” signage.

At the August 17, 2009, Council meeting, it was the consensus of the Town Council to place this item on the consent agenda.

RELATED GOAL: Expand Leisure Opportunities and Arts Community

Date:

Action:

Info. Provided:

08-17-09

Discussion.

09-08-09

Approval.

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

Agenda Item: 3h

Meeting Date: 09/08/09

TITLE: FINANCIAL POLICY GUIDELINES.

DESCRIPTION: Draft of Financial Policy Guidelines.

At the August 17, 2009, Council meeting, it was the consensus of the Town Council to place this item on the consent agenda.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
07-20-09	Presentation.	Policy.
08-03-09		Memo, DRAFT Financial Policy for Town, Spreadsheet Summary, Financial Polices For: Johnston County, Town Of Knightdale, Onslow County, Town of Apex, City of High Point, Moore County, Gaston County, & Cumberland County.
08-17-09	Discussion.	Revised DRAFT policy, Original DRAFT policy, & Spreadsheet.
09-08-09	Approval.	Financial Policy Guidelines.

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

Agenda Item: 4a

Meeting Date: 09/08/09

TITLE: INTRODUCTION OF MR. GRAHAM EDWARDS, CEO OF ELECTRICITIES.

DESCRIPTION: Introduction.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

09-08-09

Introduction.

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

Agenda Item: 4b

Meeting Date: 09/08/09

TITLE: HARVEST FESTIVAL INVITATION.

DESCRIPTION: Customer Service Director Ann Game will provide an overview of the Town activities for the upcoming Harvest Festival.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-08-10	Presentation.	

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

Agenda Item: 5a

Meeting Date: 09/08/09

TITLE: PUBLIC HEARING FOR ORDINANCE AMENDMENTS:

- OA 09-02 – AMEND THE USE OF FLAGS FOR COMMERCIAL ADVERTISEMENT [155.403(E)(1)(c)]
- OA 09-03 – AMEND TO ALLOW FENCES IN COMMERCIAL DISTRICTS [155.403, Part 4(G)(6)(e)]

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
08-17-09	Presentation & Public Notice.	Memos and DRAFT ordinances.
09-08-09	Public hearing.	Staff memorandum (2), Staff report (2), Ordinance Amendment (2) & Spreadsheet on Fences.

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

Agenda Item: 5b

Meeting Date: 09/08/09

**TITLE: PUBLIC HEARING FOR ANNEXATION PETITION 2009-07-01
SUBMITTED BY CBE DEVELOPMENT LLC AND LOCATED AT 3986
POWHATAN ROAD [RELATED TO ITEM 5C].**

**DESCRIPTION: Annexation petition 2009-07-01 is a citizen initiated non-
contiguous annexation request for a 2.13 acre parcel
adjacent to the Hess Mart on HWY 70 Business.**

RELATED GOAL: Administrative

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
07-20-09	Presentation.	Resolution & Map.
08-03-09	Approval.	Resolution & Map.
08-17-09	Presentation & Public Notice.	Certificate of Sufficiency, Resolution, & Map.
09-08-09	Public hearing.	Ordinance & Map.

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

Agenda Item: 5c

Meeting Date: 09/08/09

TITLE: PUBLIC HEARING FOR SITE PLAN SP 09-09 FOR GORDON SELF STORAGE AT 3986 POWHATAN ROAD [RELATED TO ITEM 5B].

DESCRIPTION: The site is proposed for a self storage facility with management office located within the Town's ETJ; annexation petition submitted[2009-07-01]. The proposed site plan is located within the watershed protection overlay and the impervious area allowed is 24% and the applicant is requesting 58%.

On July 27, 2009, the Planning Board voted unanimously to recommend approval of SP 09-09 with conditions.

At the August 17, 2009, Council meeting, Council requested additional information about the Watershed Protection Area. The Watershed Protection Area includes properties situated east of North O'Neil Street and Covered Bridge Road and north of US 70. The area involved is about 6890 acres which results in 869 acres being available for development under the 10/70 provision.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
08-17-09	Presentation & Public Notice.	Staff memo, Ordinance 155.501, map, site plan, & elevation.
09-08-09	Public hearing.	Letter from applicant, Application, Ordinance 155.501, Map, Site Plan, Elevations, & Landscaping Plan.

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

Agenda Item: 6a

Meeting Date: 09/08/09

TITLE: DRAFTED YOUTH PROTECTION (CURFEW) ORDINANCE.

DESCRIPTION: The Clayton Town Council received a presentation on the proposed youth protection (curfew) ordinance at its May 18, 2009, Council meeting. It was the consensus of the Council to have a public forum in 60 days in order to receive citizen input prior to a decision.
*Police Chief Allen’s memorandum references 12 curfew ordinances; four of the 12 are included in the agenda packet. Citizens wishing to review all 12 curfew ordinances may contact the Town Clerk.
At the July 20, 2009, Council meeting, it was the consensus of the Council to receive a drafted ordinance at the August 3 meeting; hold a public forum for citizen comment at the August 17 meeting; and anticipate action at the September 8 meeting.
This item is slated for a public forum at the Monday, August 17, 2009, Council meeting.

Mr. Russell Cotten requests to make a 10-15 minute presentation to the Council at its Tuesday, September 8, 2009, Council meeting.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-18-09	Presentation.	Petition & Email.
06-15-09	Public Notice.	Notice.
07-20-09	Public Forum.	Memorandum by Town Mgr, Memorandum by Police Chief, Chapel Hill Curfew Ordinance, Knightdale Curfew Ordinance, Wake Forest Curfew Ordinance, Selma Curfew Ordinance, News Story “Curfew Violators could end up at Children Services,” Email and petition submitted at the 5/18/2009 Council Meeting.
08-03-09	Information.	DRAFT ordinance & PSA.
08-17-09	Public Forum.	DRAFT ordinance & PSA.
09-08-09	Discussion.	DRAFT ordinance.

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

Agenda Item: 6b

Meeting Date: 09/08/09

TITLE: DISCUSSION OF PROPOSAL TO PURCHASE THROUGH ASSUMPTION OF DEBT .5 MGD OF WASTEWATER TREATMENT CAPACITY FROM THE COUNTY OF JOHNSTON.

DESCRIPTION: The County of Johnston has recently completed expansion of their wastewater treatment facility. Subsequent to completion the Town was approached about purchasing an amount of capacity in the newly expanded facility. Based on a reduced pace of growth and reduced capital reserves the Town administration requested consideration that rather than an upfront purchase Clayton would be more interested in acquiring capacity through assumption of debt. Please see the attached documents which describe a very cost favorable mechanism for the Town of Clayton to increase its available wastewater treatment capacity.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
08-17-09	Discussion.	Letter & WW Cost Analysis.
09-08-09	Discussion.	Letter & WW Cost Analysis.

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

Agenda Item: 7a

Meeting Date: 09/08/09

TITLE: RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF E. FRANK HOWARD JR., LOCATED AT THE NORTHEAST CORNER OF SHOTWELL ROAD AND AMELIA CHURCH ROAD.

DESCRIPTION: Attached.

RELATED GOAL: Safest, Healthiest Town in Triangle Area & Expand Leisure Opportunities and Arts Community

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-08-09	Approval.	Resolution.

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

Agenda Item: 7b

Meeting Date: 09/08/09

TITLE: YEAR-END BUDGET ORDINANCE AMENDMENT FOR FISCAL YEAR
2008-2009.

DESCRIPTION: Attached.

RELATED GOAL: Financially Responsible Town Government Providing Quality
Service.

Date:

Action:

Info. Provided:

09-08-09

Approval.

Ordinance.

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

Agenda Item: 8c

Meeting Date: 09/08/09

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Council Mtg – **TUESDAY**, September 8, 2009 @ 7:30 PM
- Friends of the Library Fall Book Sale – Saturday, September 12, 2009 @ Hocutt-Ellington Memorial Library
- DDA Mtg – Monday, September 14, 2009 @ 7:30 PM, Room GS 223
- Public Art Advisory Board Mtg – Tuesday, September 15, 2009 @ 6:30 PM, Green Room
- Board of Adjustment Mtg – Wednesday, September 16, 2009 @ 6:00 PM
- Town Square Concert – Thursday, September 17, 2009 @ 7 PM (Band of Oz)
- Harvest Festival Vendor Fair – Saturday, September 19, 2009
- Council Mtg – Monday, September 21, 2009 @ 7:30 PM
- Recreation Advisory Committee Mtg – **TUESDAY**, September 22, 2009 @ 7:30 PM, 340 McCullers Street
- NCLM Annual Conference – October 25 – 27, 2009, Greeneville, NC
- Clayton Band Classic – Saturday, September 26, 2009 @ Clayton High School
- Planning Board Mtg – Monday, September 28, 2009 @ 7:00 PM
- Absentee voting by mail begins – Saturday, October 3, 2009
- Last day to register to vote (municipal elections) – Friday, October 9, 2009
- One-Stop Absentee Voting begins in the Johnston County Board of Election Office at 205 South Second Street, Smith – Thursday, October 15, 2009 from 8 AM to 5 PM
- Clayton Library Board Mtg – Thursday, October 15, 2009 @ 7:00 PM, Hocutt-Ellington Memorial Library (Joint Mtg with the Clayton Friends of the Library)
- Last day to request an absentee ballot by mail – Tuesday, October 27, 2009
- Saturday One-Stop hours 9 AM to 1 PM – October 31, 2009 is the last day to One-Stop Absentee Vote
- **ELECTION DAY** – Tuesday, November 3, 2009
- Canvass at the Johnston County Board of Election Office – Tuesday, November 10, 2009 @ 11 AM

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

09-08-09

Information.

Calendar of Events.