

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**

**DECEMBER 07, 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**  
**REGULAR / ORGANIZATIONAL MEETING**  
**OF THE CLAYTON TOWN COUNCIL**

**MONDAY, DECEMBER 7, 2009**  
**7:30 PM**

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

1. **CALL TO ORDER**  
Honor Guard – Posting of Colors by Town of Clayton Fire Department  
Pledge of Allegiance  
Invocation – Mayor Jody L. McLeod
2. **ADJUSTMENT OF THE AGENDA**
3. **ACTION AGENDA**
  - a. Draft minutes of the November 16, 2009, work session meeting.
  - b. “Youth Art Month” Proclamation.
  - c. Final acceptance for Shotwell Center Commercial Subdivision.
  - d. Warranty acceptance for the following:
    - Riverwood Subdivision, Phases 3F & 3G
    - Summerlyn SD, Sugarfield Lane & Smoketree Court
    - Walnut Creek Subdivision, Phase III
4. **OLD BUSINESS**
5. **ORGANIZATIONAL MEETING**
  - a. Comments from outgoing official:
    - Mayor Pro Tem Robert J. Ahlert
  - b. Recognition of outgoing official:
    - Mayor Pro Tem Robert J. Ahlert
  - c. Administration of oaths of office to the newly elected Clayton Town Council members by Mr. Will Crocker, Clerk of Superior Court to:
    - Michael Grannis
    - Bob SatterfieldAdministration of oath of office to newly elected Clayton Town Council member by Mr. Craig Olive, Register of Deed to:
    - Art Holder
  - d. Comments from incoming elected officials:
    - Michael Grannis
    - Bob Satterfield
    - Art Holder
6. **RECESS FOR RECEPTION – Everyone is invited to the reception.**

7. **MAYOR PRO TEM SELECTION AND COUNCIL LIAISON APPOINTMENTS**
    - a. Nomination and selection of Mayor Pro Tem.
    - b. Distribution of Council liaison and committee assignments: Mayor McLeod
  
  8. **INTRODUCTIONS & SPECIAL PRESENTATIONS**
  
  9. **ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**
    - a. Appointments to the Board of Adjustment; continued from the November 2, 2009, meeting.
    - b. Evidentiary hearing for planned development district request PDD 09-05 for 75+/- acre tract located on North O'Neil Street between Sam's Branch Creek and the Neuse River; at the request of the applicant, this item continued from the November 2, 2009, meeting.
    - c. Municipal agreement with NCDOT for funding of Neuse River Greenway (**Council action requested**).
  
  10. **ITEMS FOR DISCUSSION**
    - a. Discuss the Public Art Advisory Board recommendation of artist selection for library mural (**Council action requested**).
    - b. Distribution of non-profit applications received for FY 2009-2010.
    - c. Discussion of scheduling and logistics for the 2009-2010 Council Retreat.
  
  11. **STAFF REPORTS**
    - a. Town Manager
    - b. Town Attorney
    - c. Town Clerk
      - Calendar of Events
    - d. Other Staff
  
  12. **INFORMAL DISCUSSION AND PUBLIC COMMENT**
    - a. Informal Discussion & Public Comment
    - b. Council Comments.
  
  13. **OTHER BUSINESS**
  
  14. **ADJOURNMENT**
- 

**Council Portrait will be taken prior to the commencement of the meeting at 6:45 PM.**

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

**Agenda Item: 3a**

**Meeting Date: 12/07/09**

**TITLE: DRAFT MINUTES OF THE NOVEMBER 16, 2009, WORK SESSION MEETING.**

**DESCRIPTION: Minutes.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**12-07-09**

**Adoption.**

**DRAFT minutes of the  
11/16/2009 work session  
Meeting.**

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

**Agenda Item: 3b**

**Meeting Date: 12/07/09**

**TITLE: "YOUTH ART MONTH" PROCLAMATION.**

**DESCRIPTION: The Clayton Women's Club respectfully requests the month of January be proclaimed "Youth Art Month".**

**A representative will provide an overview of the proposed activities for "Youth Art Month."**

**RELATED GOAL: Expand Leisure Opportunities and the Arts Community**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-16-09	Presentation.	Proclamation.
12-07-09	Approval.	Proclamation.

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

**Agenda Item: 3c**

**Meeting Date: 12/07/09**

**TITLE: FINAL ACCEPTANCE FOR SHOTWELL CENTER COMMERCIAL  
SUBDIVISION.**

**DESCRIPTION: Attached.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-16-09	Presentation.	Memorandum.
12-07-09	Approval.	Memorandum.

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

**Agenda Item: 3d**

**Meeting Date: 12/07/09**

**TITLE: WARRANTY ACCEPTANCE FOR THE FOLLOWING:**

- ♦ RIVERWOOD SUBDIVISION, PHASES 3F & 3G
- ♦ SUMMERLYN SUBDIVISION, SUGARFIELD LANE & SMOKETREE COURT
- ♦ WALNUT CREEK SUBDIVISION, PHASE III

**DESCRIPTION: Attached (3).**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-16-09	Presentation.	Memorandums (3).
12-07-09	Approval.	Memorandums (3).

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

**Agenda Item: 5a**

**Meeting Date: 12/07/09**

**TITLE: COMMENTS FROM OUTGOING OFFICIAL:  
▪ MAYOR PRO TEM ROBERT J AHLERT**

**DESCRIPTION: N/A**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**12-07-09**

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

**Agenda Item: 5b**

**Meeting Date: 12/07/09**

**TITLE: RECOGNITION OF OUTGOING OFFICIAL:  
▪ MAYOR PRO TEM ROBERT J AHLERT**

**DESCRIPTION: N/A**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**12-07-09**

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

**Agenda Item: 5c**

**Meeting Date: 12/07/09**

**TITLE: ADMINISTRATION OF OATHS OF OFFICE TO THE NEWLY ELECTED CLAYTON TOWN COUNCIL MEMBERS BY MR. WILL CROCKER, CLERK OF SUPERIOR COURT TO:**

- **MICHAEL GRANNIS**
- **BOB SATTERFIELD**

**ADMINISTRATION OF OATH OF OFFICE TO THE NEWLY ELECTED CLAYTON TOWN COUNCIL MEMBER BY MR. CRAIG OLIVE, REGISTER OF DEED**

- **ART HOLDER**

**DESCRIPTION: N/A**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**12-07-09**

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

**Agenda Item: 5d**

**Meeting Date: 12/07/09**

**TITLE: COMMENTS FROM INCOMING ELECTED OFFICIALS:**

- **MICHAEL GRANNIS**
- **BOB SATTERFIELD**
- **ART HOLDER**

**DESCRIPTION: N/A**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**12-07-09**

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

Agenda Item: 7a

Meeting Date: 12/07/09

**TITLE: NOMINATION AND SELECTION OF MAYOR PRO TEM.**

**DESCRIPTION:** In accordance with NC GS 160A-70, the Council shall elect from its members a mayor pro tempore (tem) to serve at the pleasure of the Council.

**RELATED GOAL:** Administrative

**ITEM SUMMARY:**

Date:

Action:

Info. Provided:

12-07-09

Adoption.

NC GS 160A-70.

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

**Agenda Item: 7b**

**Meeting Date: 12/07/09**

**TITLE: DISTRIBUTION OF COUNCIL LIAISON AND COMMITTEE  
ASSIGNMENTS: MAYOR MCLEOD.**

**DESCRIPTION: This item will be distributed at the December 7, 2009,  
Council meeting.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**12-07-09**

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

**Agenda Item: 9a**

**Meeting Date: 12/07/09**

**TITLE: APPOINTMENTS TO TOWN OF CLAYTON BOARD OF  
ADJUSTMENT; CONTINUED FROM THE NOVEMBER 2, 2009,  
MEETING.**

**DESCRIPTION: Applications for the Board of Adjustment.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-19-09	Presentation.	Review Team Memorandum & Applications.
11-02-09	Approval.	Memorandum.
11-16-09	Tracking.	None.
12-07-09	Appointments.	Memo & Applications.

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

**Agenda Item: 9b**

**Meeting Date: 12/07/09**

**TITLE: EVIDENTIARY HEARING FOR PLANNED DEVELOPMENT DISTRICT REQUEST PDD 09-05 FOR PROPERTY LOCATED ON NORTH O'NEIL STREET BETWEEN SAM'S BRANCH CREEK AND THE NEUSE RIVER; AT THE REQUEST OF THE APPLICANT, THIS ITEM CONTINUED FROM THE NOVEMBER 2, 2009, COUNCIL MEETING.**

**DESCRIPTION:** Planned development district request PDD 09-05 was submitted by the Johnston Land Group, Ashcroft for master plan of a 75.60 acre tract for residential development comprised of 104 lots for single family residences and 46 townhomes. The site is located on the east side of North O'Neil Street adjacent to Sam's Branch within the Town limits. At its September 28, 2009, meeting, the Planning Board voted unanimously to recommend of PDD 09-05 to the Town Council. At the October 19, 2009, meeting, Council requested the minutes and site plan from SUB 06-12 and the ordinance requirements for cul-de-sacs. At the November 2, 2009, Council meeting, the applicant requested this item be continued to the first meeting in December.

**RELATED GOAL: Manage Growth Producing Quality Developments**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-19-09	Public Notice.	
11-02-09	Evidentiary Hearing.	
11-16-09	Tracking.	None.
12-07-09	Evidentiary Hearing	Application, Staff Report, Map, Master Plan, Photos of Topography and Hardwoods, TIA, Comparison Chart, Minutes from 3/19/2007 & 3/05/2007 for SUB 06-12, Preliminary Plat for SUB 06-12, Code of Ord Section 155.602, Response From Public Safety, PDD Procedures, Motion Form, & Agreement with developer.

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

**Agenda Item: 9c**

**Meeting Date: 12/07/09**

**TITLE: MUNICIPAL AGREEMENT WITH NCDOT FOR FUNDING OF NEUSE RIVER GREENWAY (COUNCIL ACTION REQUESTED).**

**DESCRIPTION:** The Town of Clayton has been designated as a recipient of federal funds with the NCDOT administering the disbursement of the funds not to exceed \$3,625,800.

If it is the pleasure of the Council, NCDOT has requested action on this item.

**RELATED GOAL:** Expand Leisure Opportunities and Arts Community

**ITEM SUMMARY:**

Date:

Action:

Info. Provided:

12-07-09

Approval.

Agreement.

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

**Agenda Item: 10a**

**Meeting Date: 12/07/09**

**TITLE: DISCUSS THE PUBLIC ART ADVISORY BOARD  
RECOMMENDATION OF ARTIST SELECTION FOR LIBRARY  
MURAL (COUNCIL ACTION REQUESTED).**

**DESCRIPTION: A Public Art Advisory Board representative will present this  
item at the Council meeting.**

**RELATED GOAL: Expand Leisure Opportunities and Arts Community**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-07-09	Approval.	N/A.

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

**Agenda Item: 10b**

**Meeting Date: 12/07/09**

**TITLE: DISTRIBUTION OF NON-PROFIT APPLICATIONS RECEIVED FOR  
FY 2009-2010.**

**DESCRIPTION: This item will be distributed at the Council meeting.**

**RELATED GOAL: Financially Responsible Town Government Providing Quality  
Service**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-07-09	Distribution.	Notebook.

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

**Agenda Item: 10c**

**Meeting Date: 12/07/09**

**TITLE: DISCUSSION OF SCHEDULING AND LOGISTICS FOR THE 2009-2010 COUNCIL RETREAT.**

**DESCRIPTION:**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**12-07-09**

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

Agenda Item: 12c

Meeting Date: 12/07/09

**TITLE: TOWN CLERK**

**DESCRIPTION: Calendar of Events:**

- Council Mtg – Monday, December 7, 2009, @ 7:30 PM [Organizational Meeting]
- Board of Adjustment Special Work Session Meeting – Wednesday, December 9, 2009 @ 6:00 PM
- Annual Clayton Christmas Parade – Saturday, December 12, 2009 @ 3 PM
- DDA Mtg – Monday, December 14, 2009, @ 7:30 PM, Room GS 223
- Board of Adjustment Mtg – Wednesday, December 16, 2009 @ 6:00 PM
- Council Mtg – Monday, December 21, 2009, @ 7:30 PM
- Christmas Holiday – Thursday, December 24, 2009 & Friday, December 25, 2009
- Planning Board Mtg – Monday, December 28, 2009 @ 7:00 PM
- New Year’s Day Holiday – Friday, January 1, 2010
- Council Mtg – Monday, January 4, 2010 @ 7:30 PM
- Clayton DDA Mtg – Monday, January 11, 2010 @ 7:30 PM, Room GS223
- Martin Luther King Jr.’s Birthday Holiday – Monday, January 18, 2010
- Council Mtg – **TUESDAY**, January 19, 2010 @ 7:30 PM
- Board of Adjustment Mtg – Wednesday, January 20, 2010 @ 6:00 PM
- Dr. Etta [Family Specialist] – Friday, January 22, 2010 @ 8:00 PM
- Planning Board Mtg – Monday, January 25, 2010 @ 7:00 PM
- North Carolina Main Street Conference – January 27 – 29, 2010 in New Bern, NC
- Council Mtg – Monday, February 1, 2010 @ 7:30 PM
- Clayton DDA Mtg – Monday, February 8, 2010 @ 7:30 PM , Room GS223
- Destino: Popera with a Soul Infusion – Saturday, February 13, 2010 @ 8 PM
- Council Mtg – Monday, February 15, 2010 @ 7:30 PM
- Board of Adjustment Mtg – Wednesday, February 17, 2010 @ 6:00 PM
- Planning Board Mtg – Monday, February 22, 2010 @ 7:00 PM
- Blues Bash V: Soul Mates featuring Eric Bibb and Ruthie Foster – Friday, February 26, 2010 @ 8:00 PM
- Council Mtg – Monday, March 1, 2010 @ 7:30 PM
- Clayton DDA – Monday, March 8, 2010 @ 7:30 PM, Room GS223
- Council Mtg – Monday, March 15, 2010 @ 7:30 PM
- Board of Adjustment Mtg – Wednesday, March 17, 2010 @ 6:00 PM
- Planning Board Mtg – Monday, March 22, 2010 @ 7:00 PM
- John Pizzarelli – Friday, March 26, 2010 @ 8:00 PM

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

Date:  
12-07-09

Action:  
Information.

Info. Provided:  
Calendar.