

Jody L. McLeod
MAYOR

Bruce Thompson
TOWN ATTORNEY

Steve Biggs
TOWN MANAGER



Bob Satterfield
Alex Harding
R.S. "Butch" Lawter, Jr.
Art Holder
COUNCIL MEMBERS

Michael Grannis
MAYOR PRO TEM

TOWN COUNCIL MEETING

DECEMBER 21, 2009

AGENDA

MAYOR AND TOWN COUNCIL

**MAYOR JODY L. MCLEOD
MAYOR PRO TEM MICHAEL GRANNIS
COUNCILMAN BOB SATTERFIELD**

**COUNCILMAN ALEX HARDING
COUNCILMAN R.S. "BUTCH" LAWTER, JR.
COUNCILMAN ART HOLDER**

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, DECEMBER 21, 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 December 7, 2009, regular/organizational meeting.
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
 - a. Introduction of new Town of Clayton employee(s).
5. **ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**
 - a. Presentation of rezoning request RZ 09-05 submitted by Tony Barbour for .17 acre lot located in the 600 block of West Second Street, requesting change from R-10, Residential to R-6, Residential.
 - b. Presentation of 2009 Annual Certification of Firemen.
 - c. Presentation of ordinance enacting and adopting a supplement to the Code of Ordinances.
 - d. Presentation of final acceptance memo for public water, sewer, and associated storm drainage utilities for Capital Bank.
 - e. Presentation of warranty acceptance memos for the following:
 - Final one-inch of asphalt pavement for Glen Laurel East, Ph 1
 - Final one-inch of asphalt pavement for Moss Creek Subdivision, Phases 1 & 2
6. **ITEMS CONTINGENT FOR THE REGULAR MEETING**
7. **ITEMS FOR DISCUSSION**
 - a. Discussion of Town of Clayton Animal Control Ordinance.
8. **OLD BUSINESS**
 - a. **TRACKING PURPOSES ONLY** - Appointments to the Board of Adjustment; continued from the November 2, 2009, meeting; slated for the January 4, 2010, Council meeting.
 - b. **TRACKING PURPOSES ONLY** - 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 December 7, 2009, meeting; slated for the January 4, 2010, Council meeting.

- c. Public Art Advisory Board recommendation of artist selection for library mural (**COUNCIL ACTION REQUESTED**).

9. **STAFF REPORTS**

- a. Town Manager
- 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 November 2009 meeting.

11. **ADJOURNMENT**

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

Agenda Item: 3a

Meeting Date: 12/21/09

**TITLE: DRAFT MINUTES FROM DECEMBER 7, 2009,
REGULAR/ORGANIZATIONAL MEETING.**

DESCRIPTION: Minutes.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

12-21-09

Approval.

DRAFT minutes from
12/07/2009.

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

Agenda Item: 4a

Meeting Date: 12/21/09

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

DESCRIPTION: Introduction(s).

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

12-21-09

Introduction(s).

N/A.

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

Agenda Item: 5a

Meeting Date: 12/21/09

TITLE: PRESENTATION OF REZONING REQUEST RZ 09-05 SUBMITTED BY TONY BARBOUR FOR .17 ACRE LOT LOCATED IN THE 600 BLOCK OF WEST SECOND STREET, REQUESTING REZONING CHANGE FROM R-10, RESIDENTIAL TO R-6, RESIDENTIAL.

DESCRIPTION: Rezoning request fro .17 acre located in the 600 block of West Second Street, inside the town limits. The requested change is form R-10 Residential to R-6 Residential.

At the November 23, 2009, Planning Board meeting, the Planning Board voted unanimously to recommend approval of this rezoning request. The Planning Board suggested the Town Council review other properties in the area with similar zoning to be considered for future rezoning.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-21-09	Presentation & Public Notice.	Application, Staff Report, Map.

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

Agenda Item: 5b

Meeting Date: 12/21/09

TITLE: PRESENTATION OF 2009 ANNUAL CERTIFICATION OF FIREMEN.

DESCRIPTION: In accordance with the NC GS, the Town of Clayton is to submit the attached roster to the North Carolina State Firemen's Association before the end of January 2010. The list determines eligibility for the line of duty death benefit as well as eligibility for pension fund credit.

RELATED GOAL: Safest, Healthiest, Town in Triangle Area

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-21-09	Presentation.	Roster.

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

Agenda Item: 5c

Meeting Date: 12/21/09

TITLE: PRESENTATION OF ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES.

DESCRIPTION: The supplement contains amendments to the Town's Code of Ordinance adopted by Town Council between April 2008 and August 2009.

Staff has reviewed the supplement and it is in keeping with the amendments adopted by the Town Council.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-21-09	Presentation.	Ordinance.

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

Agenda Item: 5d

Meeting Date: 12/21/09

TITLE: PRESENTATION OF FINAL ACCEPTANCE MEMO FOR PUBLIC WATER, SEWER, AND ASSOCIATED STORM DRAINAGE UTILITIES FOR CAPITAL BANK.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-21-09	Presentation.	Memorandum.

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

Agenda Item: 5e

Meeting Date: 12/21/09

TITLE: PRESENTATION OF WARRANTY ACCEPTANCE MEMOS FOR THE FOLLOWING:

- FINAL ONE-INCH OF ASPHALT PAVEMENT FOR GLEN LAUREL EAST, PHASE 1
- FINAL ONE-INCH OF ASPHALT PAVEMENT FOR MOSS CREEK SUBDIVISION, PHASES 1 & 2

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-21-09	Presentation.	Memorandums (2).

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

Agenda Item: 7a

Meeting Date: 12/21/09

**TITLE: DISCUSSION OF TOWN OF CLAYTON ANIMAL CONTROL
ORDINANCE, CHAPTER 91.**

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

12-21-09

Presentation.

Memorandum & Chapter 91.

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

Agenda Item: 8a

Meeting Date: 12/21/09

TITLE: TRACKING PURPOSES ONLY - APPOINTMENTS TO TOWN OF CLAYTON BOARD OF ADJUSTMENT; CONTINUED FROM THE NOVEMBER 2, 2009, MEETING; SLATED FRO THE JANUARY 4, 2010, COUNCIL 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.
12-21-09	Tracking.	None.

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

Agenda Item: 8b

Meeting Date: 12/21/09

TITLE: TRACKING PURPOSES ONLY - 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.
12-21-09	Tracking.	None.

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

Agenda Item: 8c

Meeting Date: 12/21/09

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

DESCRIPTION: At the December 7, 2009, Council meeting, Clayton Center Executive Director Heidi Stump provided an overview of the request for qualifications for a local artist for the library mural project. She stated 13 qualified individuals submitted for the project. She stated it was narrowed to Mr. Jim Brown and she will be working with him over the next couple of weeks to finalize an agreement.

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.
12-21-09	Approval.	

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

Agenda Item: 9c

Meeting Date: 12/21/09

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- 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
- Triangle J’s 50th Anniversary Forum – Thursday, May 20, 2010, @ 8 AM – 2 PM, Sheraton Imperial (RTP)
- Triangle J’s 50th Anniversary Reception – Saturday, May 22, 2010 (evening) – location to be determined
- Town Hall Day – Wednesday, June 2, 2010

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:
12-21-09

Action:
Information.

Info. Provided:
Calendar of Events.

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

Agenda Item: 10c

Meeting Date: 12/21/09

TITLE: HIGHLIGHTS OF THE NOVEMBER PLANNING BOARD MEETING.

DESCRIPTION: Summary highlighting the actions of the November 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:

12-21-09

None/Informational.

Highlights from the
11/23/2009 Planning
Board meeting.