

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

NOVEMBER 02, 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, NOVEMBER 02, 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 October 19, 2009, work session meeting.
 - b. Ordinance amendment for Chapter 90, Abandoned or Junk Vehicles.
 - c. Final acceptance for 115 Lee Court for public water and sewer utilities.
 - d. Appointments to Town of Clayton citizen advisory boards and committees.
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
5. **PUBLIC HEARINGS**
 - a. Public hearing for annexation petition 2009-09-01, located at 1123 NC HWY 42 East.
 - b. Public hearing for site plan request SP 09-15 located north of Powhatan Road and adjacent to Turkington Plant.
 - c. 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.
 - d. ~~Evidentiary hearing for special use permit request SUP 09-03 for property located on Town Centre Boulevard, Outparcel #2, at Clayton Town Center. The applicant withdrew special use permit request SUP 09-03.~~
6. **OLD BUSINESS**
7. **NEW BUSINESS**
 - a. Clayton Chamber of Commerce request to temporarily close a portion of Main Street for the Clayton Christmas Parade.

8. STAFF REPORTS

- a. Town Manager
 - All-Star Park Pavilion Project
 - Clayton Community Center (CCC)
 - Quarterly Financials
- b. Town Attorney
- c. Town Clerk
 - Calendar of Events
- d. Other Staff

9. OTHER BUSINESS

- a. Informal Discussion & Public Comment.
- b. Closed Session in accordance with NC GS 143-318.11(a)(5) to discuss real estate acquisition
- c. Council Comments.

10. ADJOURNMENT

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

Agenda Item: 3a

Meeting Date: 11/02/09

TITLE: DRAFT MINUTES FROM THE OCTOBER 19, 2009, WORK SESSION MEETING.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

11-02-09

Approval.

Draft minutes from the
10/19/2009 work session
Meeting.

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

Agenda Item: 3b

Meeting Date: 11/02/09

TITLE: ORDINANCE AMENDMENT FOR CHAPTER 90, ABANDONED OR JUNK VEHICLES.

DESCRIPTION: During the 2009 General Assembly session, House Bill 867, Junked & Abandoned Vehicles was adopted. This bill changes the definition of a junked vehicle to increase its maximum value to \$500.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-19-09	Presentation.	DRAFT Ordinance, Code Section 90.02 & HB 867.
11-02-09	Approval.	Ordinance, Code Section 90.02 & HB 867.

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

Agenda Item: 3c

Meeting Date: 11/02/09

**TITLE: FINAL ACCEPTANCE FOR 115 LEE COURT FOR PUBLIC WATER
AND SEWER UTILITIES.**

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-19-09	Presentation.	Memorandum.
11-02-09	Approval.	Memorandum.

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

Agenda Item: 3d

Meeting Date: 11/02/09

**TITLE: APPOINTMENTS TO TOWN OF CLAYTON CITIZEN ADVISORY
BOARDS AND COMMITTEES.**

DESCRIPTION: Attached.

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.

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

Agenda Item: 5a

Meeting Date: 11/02/09

**TITLE: PUBLIC HEARING FOR ANNEXATION PETITION 2009-09-01,
LOCATED AT 1123 NC HWY 42 EAST.**

DESCRIPTION: Annexation petition 2009-09-01 is a citizen initiated non-contiguous annexation request for 255.92 acres located at NC HWY 42 East and Glen Laurel Road (Caterpillar Product Development Center).

At the September 21, 2009, Clayton Town Council meeting, it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Administrative

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-21-09	Presentation.	Resolution & map.
10-05-09	Approval.	Resolution & map.
10-19-09	Public Notice.	Certificate of Sufficiency, Resolution, & Map.
11-02-09	Public Hearing.	Ordinance & Map.

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

Agenda Item: 5b

Meeting Date: 11/02/09

TITLE: PUBLIC HEARING FOR SITE PLAN REQUEST SP 09-15 LOCATED NORTH OF POWHATAN ROAD AND ADJACENT TO TURKINGTON PLANT.

DESCRIPTION: Site plan request SP 09-15 is for an industrial complex on 5.49 acres located north of Powhatan Road in the Town's ETJ. The proposed facility consists of office and industrial buildings. The property is zoned I-2 WP, Industrial – Heavy with Watershed Protection Overlay.

At its September 28, 2009, meeting, the Planning Board voted unanimously to recommend approval of SP 09-15 including a 10/70 special intensity allocation in the watershed protection area.

At the October 19, 2009, meeting, Council requested a site plan and the acreage of the 10/70.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-19-09	Public Notice.	Application, Staff Report, Code Sect 155.501, Map, Floor Plan & Elevation. Summary of 10/70 allocation Provided at the work session.
11-02-09	Public Hearing.	Application, Staff Report, Code Sect 155.501, Map, Memo from applicant Requesting impervious limits Of 60%, Site Plan & Elevation Rendering.

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

Agenda Item: 5c

Meeting Date: 10/19/09

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.

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.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-19-09	Public Notice.	Application, Staff Report, Map, & Master plan. Summary comparison to be Provided at the work session.
11-02-09	Evidentiary Hearing.	Application, Staff Report, Map, Master Plan, 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.

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

Agenda Item: 5d

Meeting Date: 10/19/09

TITLE: ~~EVIDENTIARY HEARING FOR SPECIAL USE PERMIT REQUEST SUP 09-03 FOR PROPERTY LOCATED ON TOWN CENTRE BOULEVARD, OUTPARCEL #2, AT CLAYTON TOWN CENTER. THE APPLICANT WITHDREW SPECIAL USE PERMIT REQUEST SUP 09-03.~~

DESCRIPTION: Special use permit SUP 09-03 submitted by Artie Pressley, DA Thomas Construction Company. The request is for a proposed 200 square foot Icehouse on 1.84 acres zoned B-3 SUD Zoning District. The property is located in the Town limits.

At its September 28, 2009, the Planning Board voted unanimously to recommend denial of SUP 09-03 to the Town Council.

At the October 19, 2009, meeting, Council requested elevations.

On October 20, 2009, the applicant submitted written correspondence withdrawing his special use application for the proposed construction of an ice house. Based upon the applicant's correspondence, the legal ad for the second week was withdrawn, no letters were sent to adjacent property owners, and the location was not noticed for hearing.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-19-09	Public Notice.	Application, Staff Report, Map, Site Plan & Utility Plan.
11-02-09	None.	Correspondence from the Applicant.

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

Agenda Item: 7a

Meeting Date: 11/02/09

TITLE: CLAYTON CHAMBER OF COMMERCE REQUEST TO TEMPORARILY CLOSE A PORTION OF MAIN STREET FOR THE CLAYTON CHRISTMAS PARADE.

DESCRIPTION: The Chamber respectfully requests the temporary closure of Main Street on Saturday, December 12, 2009, for the Clayton Christmas Parade between HWY US 70 Business and Atkinson Street. Based upon communication between the Chamber and the Clayton Police Department, the temporary closure is requested from 11:30 AM until 5:30 PM. The Town will assist with barricades and detour signage.

RELATED GOAL: Create an Alive Downtown

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-02-09		Letter.

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

Agenda Item: 8a

Meeting Date: 11/02/09

TITLE: TOWN MANAGER

DESCRIPTION: Provide an update on the following items:

- All Star Park Pavilion Project
- Clayton Community Center (CCC)
- Quarterly Financials

RELATED GOAL: Expand Leisure Opportunities and Arts Community & Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-02-09	Information.	N/A


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

Agenda Item: 8c

Meeting Date: 11/02/09

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Council Mtg – Monday, November 2, 2009 @ 7:30 PM
-  **ELECTION DAY** – Tuesday, November 3, 2009
- DDA Mtg – Monday, November 9, 2009 @ 7:30 PM, Room GS 223
- Canvass at the Johnston County Board of Election Office – Tuesday, November 10, 2009 @ 11 AM
- Veteran’s Day Holiday – Wednesday, November 11, 2009
- Spencers: Theatre of Illusion – Sunday, November 15, 2009 @ 4 PM
- Council Mtg – Monday, November 16, 2009 @ 7:30 PM
- Public Art Advisory Board Special Mtg to review RFQ submissions – Tuesday, November 17, 2009 @ 9 AM, Green Room
- Board of Adjustment Mtg – Wednesday, November 18, 2009 @ 6:00 PM
- Planning Board Mtg – Monday, November 23, 2009 @ 7:00 PM
- Public Art Advisory Board Mtg – Tuesday, November 24, 2009 @ 9:00 AM in the Green Room
- Thanksgiving Holiday – Thursday, November 26, 2009 & Friday, November 27, 2009
- Clayton Downtown Christmas Village & Tree Lighting Ceremony – Thursday, December 3, 2009
- Council Mtg – Monday, December 7, 2009, @ 7:30 PM
- Clayton Christmas Parade – Saturday, December 12, 2009 @ 3:00 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
- Martin Luther King Jr.’s Birthday Holiday – Monday, January 18, 2010
- Dr. Etta [Family Specialist] – Friday, January 22, 2010 @ 8 PM

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:
11-02-09

Action:
Information.

Info. Provided:
Calendar of Events.

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

Agenda Item: 9b

Meeting Date: 11/02/09

**TITLE: CLOSED SESSION IN ACCORDANCE WITH NC GS 143-318.11(A)
(5) TO DISCUSS REAL ESTATE ACQUISITION.**

DESCRIPTION: Closed Session.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

11-02-09