

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

JANUARY 4, 2010

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 REGULAR MEETING OF THE CLAYTON TOWN COUNCIL

MONDAY, JANUARY 4, 2010
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 December 21, 2009, work session meeting and draft minutes from the December 21, 2009, closed session meeting.
- b. 2009 Annual Certification of Firemen.
- c. Ordinance enacting and adopting a supplement to the Code of Ordinances.
- d. Final acceptance memo for public water, sewer, and associated storm drainage utilities for Capital Bank.
- e. 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
- f. Town of Clayton Animal Control Ordinance amendment.

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

5. PUBLIC HEARINGS

- a. Public hearing for 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. 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; at the request of the applicant this item continued from the December 7, 2009, meeting.

6. **OLD BUSINESS**
 - a. Appointments to the Board of Adjustment.
 7. **NEW BUSINESS**
 - a. Recommendation of award of bid on law enforcement center demolition.
 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.
 - c. 2009 Clayton Fire Department Advisory Board Report.
 10. **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: 1/04/10

TITLE: DRAFT MINUTES FROM THE DECEMBER 21, 2009, WORK SESSION MEETING AND DRAFT MINUTES FROM THE DECEMBER 21, 2009, CLOSES SESSION MEETING.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
01-04-10	Approval.	Draft minutes from the 12/21/2009 work session. *DRAFT minutes from the 12/21/2009 closed session Will be hand-delivered.

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

Agenda Item: 3b

Meeting Date: 01/04/10

TITLE: 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.
01-04-10	Approval.	Roster.

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

Agenda Item: 3c

Meeting Date: 01/04/10

TITLE: 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.
01-04-10	Approval.	Ordinance.

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

Agenda Item: 3d

Meeting Date: 01/04/10

TITLE: 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.
01-04-10	Approval.	Memorandum.

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

Agenda Item: 3e

Meeting Date: 01/04/10

TITLE: 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).
01-04-10	Approval.	Memorandums (2).

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

Agenda Item: 3f

Meeting Date: 01/10/10

TITLE: TOWN OF CLAYTON ANIMAL CONTROL ORDINANCE
AMENDMENT.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
12-21-09	Presentation.	Memorandum & Chapter 91.
01-04-10	Approval.	Ordinance amendment.

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

Agenda Item: 5a

Meeting Date: 01/04/10

**TITLE: PUBLIC HEARING FOR 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.**

**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.
01-04-10	Public hearing.	Application, Staff Report, & Map.

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

Agenda Item: 5b

Meeting Date: 12/21/09

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; THIS ITEM CONTINUED FROM THE DECEMBER 7, 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. At the December 7, 2009, Council meeting, the applicant requested this item be continued to the first meeting in January. Included in the January 4, 2010, agenda packet, is an email request from the applicant requesting this item be continued to the first meeting in March 2010.

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	
12-21-09	Tracking.	None.
01-04-10	Evidentiary Hearing.	Email, Application, Staff Report & Map.

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

Agenda Item: 6a

Meeting Date: 01/04/10

TITLE: APPOINTMENTS TO TOWN OF CLAYTON BOARD OF ADJUSTMENT.

DESCRIPTION: Applications for the Board of Adjustment.

At its November 2, 2009, regular meeting, the Council requested this item be tabled and brought back to the December 7, 2009, regular meeting.

At its December 7, 2009, regular meeting, the Council requested this item be tabled and brought back to the January 4, 2010, regular meeting.

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.
01-04-10	Appointments.	Memo & Applications.

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

Agenda Item: 7a

Meeting Date: 01/04/10

TITLE: RECOMMENDATION OF AWARD OF BID ON LAW ENFORCEMENT CENTER DEMOLITION.

DESCRIPTION: Attached.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
01-04-10	Approval.	Letter.

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

Agenda Item: 8c

Meeting Date: 01/04/10

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- 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
- Annual City & County Clerk Workshop – Wednesday, January 20, 2010 – Friday, January 22, 2010 @ RTP
- 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
- 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
- Good Friday Holiday – Friday, April 2, 2010
- Council Mtg – Monday, April 5, 2010 @ 7:30 PM
- Mike Farris & The Roseland Rhythm Revue – Saturday, April 10, 2010 @ 8:00 PM
- Clayton DDA Mtg – Monday, April 12, 2010 @ 7:30 PM, Room GS223

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:
01-04-10

Action:
Information.

Info. Provided:
Calendar of Events.

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

Agenda Item: 9c

Meeting Date: 01/10/10

TITLE: 2009 CLAYTON FIRE DEPARTMENT ADVISORY BOARD REPORT.

DESCRIPTION: Attached.

RELATED GOAL: Safest, Healthiest Town in Triangle Area

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-01-10	N/A – Information.	Report.