

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

JUNE 7, 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, JUNE 7, 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 May 17, 2010, work session and May 24, 2010, budget work session.
 - b. Amendment to the DDA bylaws for the meeting schedule.
 - c. Addition of concert to the Town Square Concert series for July 15, 2010, and the temporary street closure of Fayetteville Street between Main Street and Second Street.
 - d. Temporary street closure for the 400 block of East Hinton Street.
 - e. Amendment to the Comprehensive List of Fees and Charges for the Library.
 - f. Final acceptance requests for the following:
 - Public water and sewer utilities for Clayton Dialysis Center
 - Public water and sewer utilities for Ashley Furniture Warehouse / Showroom
 - g. Warranty acceptance for asphalt pavement for Cobblestone Subdivision, Phase 7B.
 - h. Amendment to the Parks and Recreation fee structure and system.
 - i. Appointment to the Recreation Advisory Committee.
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
5. **PUBLIC HEARINGS**
 - a. Public hearing for the proposed fiscal year 2010-2011 budget.
 - b. Public hearing for consideration to enter into an installment purchase contract to finance the Clayton Law Enforcement Center.
 - c. Evidentiary hearing for subdivision application SUB 10-01 for Spring Branch Medical and Commercial Park located on NC HWY 42 West.

6. **OLD BUSINESS**
 - a. Discussion of status of the Riverwood Athletic Club streets.

7. **NEW BUSINESS**
 - a. Amendment to the FY 09-10 budget for the donation proceeds received for the library mural project.
 - b. Discussion of potential additional office space to relocate personnel during the Clayton Law Enforcement Center construction.

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. Closed session to discuss a personnel matter in accordance with NC GS 143-318.11(a)(6). [Requested by Mayor Pro Tem Grannis]

10. **ADJOURNMENT**

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

Agenda Item: 3a

Meeting Date: 6/07/10

TITLE: DRAFT MINUTES FROM MAY 17, 2010, WORK SESSION AND MAY 24, 2010, BUDGET WORK SESSION.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

06-07-10

Approval.

DRAFT minutes from
5/17/2010 work session &
5/24/2010 budget work
Session.

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

Agenda Item: 3b

Meeting Date: 06/07/10

TITLE: AMENDMENT TO THE DDA BYLAWS FOR THE MEETING SCHEDULE.

DESCRIPTION: The DDA respectfully requests to change the regular meeting schedule so that the members will be able to put more energy into the standing committees and subcommittees in which they are active.

At its May 17, 2010, Council meeting, it was the consensus of the Council to approve the revision to the DDA by-laws pertaining to the regular meeting schedule.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-17-10	Presentation.	Memo, Bylaws, & NC GS 143-318.12.
06-07-10	Approval.	Bylaws.

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

Agenda Item: 3c

Meeting Date: 06/07/10

TITLE: ADDITION OF CONCERT TO THE TOWN SQUARE CONCERT SERIES FOR JULY 15, 2010, AND THE TEMPORARY STREET CLOSURE OF FAYETTEVILLE STREET BETWEEN MAIN STREET AND SECOND STREET.

DESCRIPTION: The Town of Clayton and Clayton Downtown Development Association are sponsoring a series of concerts at the Town Square beginning at 7 PM on the following Thursdays:

- May 13 – Nantucket with special guest Brimstone
- June 24 – Craig Woolard Band
- July 29 – Band of Oz
- August 19 – Hip Pocket Band
- September 16 – The Embers

The request is on the day of the Town Square Concert to close the Town Square Parking Lot at 7 AM and to close Fayetteville Street between Second and Main Streets at 5 PM with the streets and parking lot reopening at 9 PM.

At its May 17, 2010, Council meeting, the Council approved the addition of a concert for Thursday, July 15 – Central Park Band to the Town Square Concert Series and the temporary street closure of Fayetteville Street between Main Street and Second Street.

RELATED GOAL: Create an Alive Downtown

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-05-10	Discussion.	Memorandum.
06-07-10	Approval.	N/A.

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

Agenda Item: 3d

Meeting Date: 06/07/10

TITLE: TEMPORARY STREET CLOSURE FOR THE 400 BLOCK OF EAST HINTON STREET.

DESCRIPTION: The Clayton Fire Department respectfully requests the temporary closure of 400 East Hinton Street for the purpose of a live burn for certification class and continuing education training on Saturday, June 19, 2010, from 7 AM until 5 PM. The adjacent property owners have been notified.

At its May 17, 2010, Council meeting, the Council approved the request for temporary street closure for the 400 block of East Hinton Street.

RELATED GOAL: Safest, Healthiest Town in Triangle

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-17-10	Presentation.	Memo & Map.
06-07-10	Approval.	Memo & Map.

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

Agenda Item: 3e

Meeting Date: 06/07/10

TITLE: AMENDMENT TO THE COMPREHENSIVE LIST OF FEES AND CHARGES FOR THE LIBRARY.

DESCRIPTION: The Library of Johnston County has amended the overdue fines for books from \$.10 per day to \$.25 per day. The (Clayton) Library Board concurs with the recommendation of the Library of Johnston County in amending the overdue fines for books from \$.10 per day to \$.25 per day. As the Clayton Library is a participant in the Library of Johnston County, staff respectfully requests amending the schedule for the overdue fines from \$.10 per day to \$.25 per day.

At its May 17, 2010, Council meeting, the Council approved the request to amend the comprehensive list of fees and charges for the Library.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-17-10	Presentation.	Proposed Fee Schedule.
06-07-10	Approval.	Fee Schedule.

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

Agenda Item: 3f

Meeting Date: 06/07/10

TITLE: FINAL ACCEPTANCE REQUESTS FOR THE FOLLOWING:

- PUBLIC WATER AND SEWER UTILITIES FOR CLAYTON DIALYSIS CENTER
- PUBLIC WATER AND SEWER UTILITIES FOR ASHLEY FURNITURE WAREHOUSE / SHOWROOM

DESCRIPTION: Attached.

At its May 17, 2010, Council meeting, the Council approved the final acceptance requests.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-17-10	Presentation.	Memorandums (2).
06-07-10	Approval.	Memorandum (2).

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

Agenda Item: 3g

Meeting Date: 06/07/10

**TITLE: WARRANTY ACCEPTANCE FOR ASPHALT PAVEMENT FOR
COBBLESTONE SUBDIVISION, PHASE 7B.**

DESCRIPTION: Attached.

At its May 17, 2010, Council meeting, the Council approved the warranty acceptance request.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-17-10	Presentation.	Memorandum.
06-07-10	Approval.	Memorandum.

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

Agenda Item: 3h

Meeting Date: 06/07/10

**TITLE: AMENDMENT TO THE PARKS AND RECREATION FEE
STRUCTURE AND SYSTEM.**

DESCRIPTION: The Recreation Staff and Management have worked to develop and propose a new fee structure associated with opening of the Clayton Community Center. The fee structure would involve the option of daily pay for attendance or at the preference of the participant a monthly membership in the Center or annual membership with Clayton Parks and Recreation. Annual membership in Clayton Parks and Recreation would allow access to the Center and would provide the holder with the benefit of paying the normal in-town rate for Clayton Parks and Recreation classes, athletics, programs, and rentals. The proposed policy is attached herewith. A second attachment includes a list of fees for Clayton Parks and Recreation. The Staff and Management would further request consideration of the Council to increase youth athletic program fees from \$20 to \$25 for residents and increase the out-of-town fee from \$40 + \$15 (facility fee)= \$55 to a flat rate of \$60. At its April 19, 2010, Council meeting, the Council discussed the proposed fee structure and system. Mayor Pro Tem Grannis and Councilman Satterfield requested further discussion of this item. At its May 3, 2010, Council meeting, the Council approved the fee structure for recreation membership rates. Mayor Pro Tem Grannis and Councilman Lawter requester further discussion of the other recreation fees.

RELATED GOAL: Expand Leisure Opportunities and Arts Community

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-19-10	Discussion.	Memo & Spreadsheet.
05-03-10	Discussion.	Memo & Spreadsheet.
05-17-10	Discussion.	
06-07-10	Approval.	Fee Schedule.

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

Agenda Item: 3i

Meeting Date: 6/07/10

TITLE: APPOINTMENT TO THE RECREATION ADVISORY BOARD.

DESCRIPTION: At its May 17, 2010, Council meeting, Councilman Lawter stated a member resigned from the Recreation Advisory Committee with a term expiring 12/31/2012. He stated on file is an application from Ms. Carrie Ruhlman. He stated Ms. Ruhlman was a candidate previously interviewed and she would be an asset to the committee.

It was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-17-10	Discussion.	Application.
06-07-10	Approval / Appointment.	Application.

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

Agenda Item: 5a

Meeting Date: 6/07/10

TITLE: PUBLIC HEARING FOR THE PROPOSED FISCAL YEAR 2010-2011 BUDGET.

DESCRIPTION: Public hearing to receive public comment.

In accordance with NC GS 159-12(b), this item is slated for public hearing at the Monday, June 7, 2010, Clayton Town Council meeting.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-17-10	Public Notice.	N/A.
05-24-10	Presentation / Budget Work Session.	
06-07-10	Public Hearing.	

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

Agenda Item: 5b

Meeting Date: 6/07/10

**TITLE: PUBLIC HEARING FOR CONSIDERATION TO ENTER INTO AN
INSTALLMENT PURCHASE CONTRACT TO FINANCE THE
CLAYTON LAW ENFORCEMENT CENTER.**

DESCRIPTION: Attached.

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

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-19-10	Presentation.	PowerPoint by ClearScapes.
04-19-10	Discussion.	USDA-RD Loan Documents.
06-07-10	Public Hearing.	Resolution.

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

Agenda Item: 5c

Meeting Date: 6/07/10

TITLE: EVIDENTIARY HEARING FOR SUBDIVISION APPLICATION SUB 10-01 FOR SPRING BRANCH MEDICAL AND COMMERCIAL PARK LOCATED ON NC HWY 42 WEST.

DESCRIPTION: SUB 10-01 is a preliminary subdivision request for a medical and commercial park. The property is located on NC HWY 42 West and Johnston Estate Road in the Town's corporate limits and is zoned Planned Development – Mixed Use (PD-MU). This site was previously approved as PD-MU 08-08 on April 6, 2009.

At its April 26, 2010, Planning Board meeting, the Planning Board voted unanimously to recommend approval of SUB 10-01 with the five conditions listed in the staff report.

At its May 17, 2010, Council meeting, in addition to the four findings of fact, Council requested the applicant address:

- Ability of tractor trailers to maneuver in Lots A thru F, K, and J.**
- Storm water collection**
- Traffic impact analysis that is more recent**

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-17-10	Public Notice & Presentation.	Application, Staff Report, Map, Site Plans, Ordinance For PD-MU 08-08, and Traffic Impact Analysis.
06-07-10	Evidentiary Hearing.	Application, Staff Report, Map, Site Plans, Ordinance For PD-MU 08-08, Traffic Impact Analysis, Hearing Procedure, & Motion Form.

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

Agenda Item: 6a

Meeting Date: 6/07/10

TITLE: DISCUSSION OF STATUS OF THE RIVERWOOD ATHLETIC CLUB
STREETS.

DESCRIPTION: Attached.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

Date:

Action:

Info. Provided:

06-07-10

Discussion.

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

Agenda Item: 7a

Meeting Date: 6/07/10

**TITLE: AMENDMENT TO THE FY 09-10 BUDGET FOR THE DONATION
PROCEEDS RECEIVED FOR THE LIBRARY MURAL PROJECT.**

DESCRIPTION: Attached.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

Date:

Action:

Info. Provided:

06-07-10

Discussion.

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

Agenda Item: 7b

Meeting Date: 06/07/10

TITLE: DISCUSSION OF POTENTIAL ADDITIONAL OFFICE SPACE TO RELOCATE PERSONNEL DURING THE CLAYTON LAW ENFORCEMENT CENTER CONSTRUCTION.

DESCRIPTION: During the May 3, 2010, Council meeting, there was discussion on the relocation of personnel to an alternate facility for the 18 to 24 months period. Attached are leases for two locations.

At the May 17, 2010, Council meeting, Council approved the lease agreement with R. N. Satterfield for the site located at 9927, 9933, and 9939 Old Town Square in Old Town Square Condominiums.

The attached lease is for additional office space located at 9945 Old Town Square, and is adjacent to the suites approved at the May 17, 2010, Council meeting.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-03-10	Discussion.	
05-17-10	Discussion.	Leases (2).
06-07-10	Discussion.	Lease.

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

Agenda Item: 8c
TITLE: TOWN CLERK

Meeting Date: 06/07/10

DESCRIPTION: Calendar of Events:

RELATED GOAL: Administrative

ITEM SUMMARY:

- Council Mtg – Monday, June 7, 2010 @ 7:30 PM
- Town Hall Day – Wednesday, June 16, 2010
- Board of Adjustment Mtg – Wednesday, June 16, 2010 @ 6 PM
- Cinema at the Center: ET – Sunday, June 20, 2010 @ 3 PM, the Clayton Center
- Council Mtg – Monday, June 21, 2010 @ 7:30 PM
- Town Square Concert: Craig Woolard Band – Thursday, June 24, 2010 @ 7 PM
- Cinema at the Center: Bend It Like Beckham – Sunday, June 27, 2010 @ 3 PM, the Clayton Center
- Planning Board Mtg – Monday, June 28, 2010 @ 7 PM
- Clayton Library Board Mtg – Thursday, July 1, 2010, @ 4:30 PM, Hocutt Ellington Library, 100 South Church Street
- Independence Day Holiday – Monday, July 5, 2010
- Cinema at the Center: Spirited Away – Sunday, July 11, 2010 @ 3 PM, the Clayton Center
- Town Square Concert: Central Park Band, Thursday, July 15, 2010 @ 7 PM
- Cinema at the Center: While Rider – Sunday, July 18, 2010 @ 3 PM, the Clayton Center
- Council Mtg – Monday, July 19, 2010 @ 7:30 PM
- Board of Adjustment Mtg – Wednesday, July 21, 2010 @ 6 PM
- Cinema at the Center: Incredibles – Sunday, July 25, 2010 @ 3 PM, the Clayton Center
- Planning Board Mtg – Monday, July, 26, 2010 @ 7 PM
- Town Square Concert: Band of Oz – Thursday, July 29, 2010 @ 7 PM
- Council Mtg – Monday, August 2, 2010 @ 7:30 PM
- Town Square Concert: Hip Pocket Band – Thursday, August 19, 2010 @ 7 PM
- Town Square Concert: The Embers – Thursday, September 16, 2010 @ 7 PM
- Clayton Library Board Mtg – Thursday, October 7, 2010, @ 2:30 PM, Hocutt Ellington Library, 100 South Church Street

RELATED GOAL: Administrative

Date:
06-07-10

Action:
Information.

Info. Provided:
Calendar of Events.

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

Agenda Item: 9c

Meeting Date: 6/07/10

TITLE: CLOSED SESSION TO DISCUSS PERSONNEL MATTER IN ACCORDANCE WITH NC GS 143-318.11 (a) (6).

DESCRIPTION: Closed Session.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

06-07-10

Closed Session.