

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

MAY 3, 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, MAY 3, 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 April 19, 2010, work session and closed session.
 - b. Temporary street closure request for MillStock Music and Arts Faire on Saturday, June 5, 2010.
 - c. Amendments to the fiscal year 2009-2010 budget:
 - Expenditure of funds for bond issuance costs related to the GO Bond Sale
 - Purchase of audio video equipment for police vehicles
 - Adjustment for the implementation of the New World Systems software
 - Purchase of new generator and extended warranty
 - Purchase of law enforcement equipment
 - d. Contract for Town audit services for 2009-2010.
 - e. 27th Annual Clayton Road Race street closure request for Saturday, May 8, 2010.
 - f. Proclamation for “Older Americans Month.”
 - g. Proclamation for “41st Annual Municipal Clerks Week.”
 - h. Final acceptance for the following projects:
 - Boling Townes Subdivision for public water and sewer utilities
 - Moss Creek Village, Phase 3&4, for public water, sewer and associated storm drainage utilities
 - Cobblestone SD, Phase 5B, for public water, sewer and associated storm drainage utilities
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
 - a. Recognition of Clayton Police Officer for earning advanced law enforcement certification.

- b. Presentation of USDA-RD loan offer and conditions for the proposed elevated water storage tank project located on NC HWY 42 East adjacent to Clayton Fire Station 2.
 - c. Presentation of temporary street closure request for Saturday, May 15, 2010.
- 5. **PUBLIC HEARINGS**
 - a. Public hearing for ordinance amendment requesting revision to section 155.304(M)(3) of the Unified Development Code.
 - b. Evidentiary hearing for special use permit SUP 10-01 requesting consideration of a structure that exceeds the maximum height limits.
- 6. **OLD BUSINESS**
 - a. Follow-up discussion on the USDA-RD loan documents and conditions for the Clayton Law Enforcement Center.
 - b. Follow-up discussion on the proposed Parks and Recreation fee structure and system.
- 7. **NEW BUSINESS**
 - a. Ordinance for unsafe building located at 309 Damon Street.
- 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.
- 10. **ADJOURNMENT**

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 3a

Meeting Date: 5/03/10

TITLE: DRAFT MINUTES FROM APRIL 19, 2010, WORK SESSION AND
CLOSED SESSION.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

05-03-10

Approval.

DRAFT minutes from
4/19/2010 work session.

** DRAFT minutes from
4/19/2010 closed session
Will be hand-delivered.*

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

Agenda Item: 3b

Meeting Date: 05/03/10

**TITLE: TEMPORARY STREET CLOSURE REQUEST FOR MILLSTOCK
MUSIC AND ARTS FAIRE ON SATURDAY, JUNE 5, 2010.**

DESCRIPTION: Clayton Visual Arts, Clayton Downtown Development Association and the Coffee Mill/Flipside are sponsoring the 10th Annual MillStock Music & Arts Faire from 10 AM to 5 PM on Saturday, June 5, 2010.

The request is permission to temporarily close the portion of Main Street between Smith and O'Neil from 5 AM to 6 PM and to temporarily close a portion of South Lombard Street between Main Street and Second Street from 5 AM to 8 PM.

At its April 19, 2010, Council meeting, it was the consensus of the Council to place the temporary street closure request on the consent agenda.

RELATED GOAL: Create an Alive Downtown and Expand Leisure Opportunities and Arts Community

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-19-10	Presentation.	Memorandum.
05-03-10	Approval.	Memorandum.

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

Agenda Item: 3c

Meeting Date: 05/03/10

- TITLE: AMENDMENTS TO THE FISCAL YEAR 2009-2010 BUDGET:**
- EXPENDITURE OF FUNDS FOR BOND ISSUANCE COSTS RELATED TO THE GO BOND SALE
 - PURCHASE OF AUDIO VIDEO EQUIPMENT FOR POLICE VEHICLES
 - ADJUSTMENT FOR THE IMPLEMENTATION OF NEW WORLD SYSTEMS SOFTWARE
 - PURCHASE OF NW GENERATOR AND EXTENDED WARRANTY
 - PURCHASE OF LAW ENFORCEMENT EQUIPMENT

At its April 19, 2010, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

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.	Budget Amendment.
05-03-10	Approval.	Budget Amendment.

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

Agenda Item: 3d

Meeting Date: 05/03/10

TITLE: CONTRACT FOR TOWN AUDIT SERVICES FOR 2009-2010.

DESCRIPTION: Attached is the contract to audit accounts for the fiscal year 2009-2010 by Anderson Smith & Wike PLLC. The proposed amounts for the upcoming contract are year-end booking assistance \$90 to \$125 per hour; audit - \$20,000 to \$21,000, not to exceed \$21,000; and preparation of financial statements \$6,500 to \$7,500, not to exceed \$7,500.

Mr. Anderson performed the Town's audit for FY 2008-2009 with year-end booking assistance \$90 to \$125 per hour; audit - \$19,500 to \$21,000, not to exceed \$21,000; and preparation of financial statements - \$5,500 to \$6,500, not to exceed \$6,500.

Mr. Anderson performed the Town's audit for FY 2007-2008 with year-end booking assistance cost \$90 to \$125 per hour; audit - \$21,500 to \$22,500, not to exceed \$22,500; and preparation of financial statements - \$8,000 to \$8,500, not to exceed \$8,500.

Mr. Anderson performed the Town's audit for FY 2006-2007 with the year end bookkeeping assistance cost at \$75 to \$100 per hour; audit - \$20,000 to \$21,500, not to exceed \$21,500; and preparation of financial statements - \$7,500 to \$8,500, not to exceed \$8,500.

At its April 19, 2010, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

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.	Contract.
05-03-10	Approval.	Contract.

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

Agenda Item: 3e

Meeting Date: 05/03/10

**TITLE: 27TH ANNUAL CLAYTON ROAD RACE STREET CLOSURE
REQUEST FOR SATURDAY, MAY 8, 2010.**

DESCRIPTION: The road closures are shown on the map as page two of the road race form. The road closures would begin at 8:30 AM and would be reopened at approximately 10:15 AM, or when the last runner comes in. Horne Street will remain closed until 11:30 AM. Fayetteville Street will remain closed until 11 AM for the Tot Trot.

At its April 19, 2010, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Expand Leisure Opportunities and Arts Community

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-19-10	Presentation.	Registration form.
05-03-10	Approval.	Registration form.

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

Agenda Item: 3f

Meeting Date: 05/03/10

TITLE: PROCLAMATION FOR "OLDER AMERICANS MONTH."

DESCRIPTION: The month of May is recognized as "Older Americans Month."

In recognition of "Older Americans Month", the Town of Clayton will host activities at the Clayton Town Hall on Friday, May 14, 2010, from 11 AM until 1 PM.

At its April 19, 2010, Council meeting, it was the consensus of the Council to place this item on the consent agenda.

RELATED GOAL: Expand Leisure Opportunities and Arts Community

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-19-10	Presentation.	Proclamation.

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

Agenda Item: 3g

Meeting Date: 05/03/10

TITLE: PROCLAMATION FOR “41ST ANNUAL MUNICIPAL CLERKS WEEK.”

DESCRIPTION: The week of May 2-8, 2010, is recognized as “Municipal Clerks Week.”

At its April 19, 2010, Council meeting, 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>
04-19-10	Presentation.	Proclamation.
05-03-10	Approval.	Proclamation.

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

Agenda Item: 3h

Meeting Date: 05/03/10

TITLE: FINAL ACCEPTANCE FOR THE FOLLOWING PROJECTS:

- **BOLING TOWNES SUBDIVISION FOR PUBLIC WATER AND SEWER UTILITIES**
- **MOSS CREEK VILLAGE, PHASE 3&4, FOR PUBLIC WATER, SEWER, AND ASSOCIATED STORM DRAINAGE UTILITIES**
- **COBBLESTONE SD, PHASE 5B, FOR PUBLIC WATER, SEWER, AND ASSOCIATED STORM DRAINAGE UTILITIES**

DESCRIPTION: Attached.

At its April 19, 2010, Council meeting, 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>
04-19-10	Presentation.	Memorandums (3).
05-03-10	Approval.	Memorandums (3).

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

Agenda Item: 4a

Meeting Date: 05/03/10

**TITLE: RECOGNITION OF CLAYTON POLICE OFFICER FOR EARNING
ADVANCED LAW ENFORCEMENT CERTIFICATION.**

DESCRIPTION: Recognition.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

05-03-10

Recognition.

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

Agenda Item: 4b

Meeting Date: 5/03/2010

TITLE: PRESENTATION OF USDA-RD LOAN OFFER AND CONDITIONS FOR THE PROPOSED ELEVATED WATER STORAGE TANK PROJECT LOCATED ON NC HWY 42 EAST ADJACENT TO CLAYTON FIRE STATION 2.

DESCRIPTION: A representative of the USDA-RD office will provide the documents and an overview of the loan offer and conditions at the Monday, May 3, 2010, Council meeting.

RELATED GOAL: Financially Responsible Town Government Providing Quality Service

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-03-10	Approval.	

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

Agenda Item: 4c

Meeting Date: 05/03/10

TITLE: PRESENTATION OF TEMPORARY STREET CLOSURE REQUEST FOR SATURDAY, MAY 15, 2010.

DESCRIPTION: Mr. Roger Franks of NilesCat Films is requesting the temporary closure of Main Street between Barbour Street and the alley on the other side of the Clayton Steakhouse on Saturday, May 15, 2010, from 7 AM to 11:30 AM. In addition to the temporary street closure, Mr. Franks is requesting the use of barricades and detour signage.

Web site link:

http://www.nilescatfilms.com/NilesCat_Films/Welcome.html

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
05-03-10	Presentation.	Letter.

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

Agenda Item: 5a

Meeting Date: 05/03/10

**TITLE: PUBLIC HEARING FOR ORDINANCE AMENDMENT OA 10-01
REQUESTING REVISION TO SECTION 155.304(M)(3) OF THE
UNIFIED DEVELOPMENT CODE.**

**DESCRIPTION: The ordinance amendment was received by a citizen
requesting a revision to vehicle service in the Unified
Development Code Section 155.304(M)(6).**

**At its March 22, 2010, meeting, the Planning Board
unanimously recommended denial of OA 10-01 as
presented.**

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-19-10	Presentation & Public Notice.	Staff Report & Ordinance Amendment.
05-03-10	Public Hearing.	Staff Report & Ordinance Amendment.

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

Agenda Item: 5b

Meeting Date: 05/03/10

**TITLE: EVIDENTIARY HEARING FOR SPECIAL USE PERMIT SUP 10-01
REQUESTING CONSIDERATION OF A STRUCTURE THAT
EXCEEDS THE MAXIMUM HEIGHT LIMITS.**

**DESCRIPTION: Special use permit SUP 10-01, submitted by Talecris
Biotherapeutics, is a request to allow the proposed building
height to exceed the maximum permitted in the I-1 Industrial
Light zoning district per the Unified Development Code
Section 155.201(F)(4).**

At its March 22, 2010, Planning Board meeting, the Planning
Board voted unanimously to recommend approval of SUP
10-01.

At its April 19, 2010, Council meeting, Council inquired if the
Fire Department commented on this project. An email
exchange between the Town Fire Marshal and Town Planner
dated 3/11/2010 is included.

RELATED GOAL: Manage Growth Producing Quality Developments

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-19-10	Presentation & Public notice.	Application, Staff Report, Map, and elevation drawings.
05-03-10	Evidentiary Hearing.	Application, Staff Report, Map, Elevation Drawings, Email from Fire Marshal, Procedures, & Motion Form.

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

Agenda Item: 6a

Meeting Date: 05/03/10

TITLE: FOLLOW-UP DISCUSSION ON THE USDA-RD LOAN DOCUMENTS AND CONDITIONS FOR THE CLAYTON LAW ENFORCEMENT CENTER PROJECT.

DESCRIPTION: Attached.

At its April 19, 2010, Council meeting, the Council received an overview of the conditions and documents for USDA-RD financing of the CLEC.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
04-19-10	Discussion.	Letter.
05-03-10	Discussion.	Letter & Finance Package Documents.

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

Agenda Item: 6b

Meeting Date: 04/19/10

TITLE: FOLLOW-UP DISCUSSION OF PROPOSED 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.

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.

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

Agenda Item: 7a

Meeting Date: 5/03/2010

TITLE: ORDINANCE FOR UNSAFE BUILDING LOCATED AT 309 DAMON STREET.

DESCRIPTION: The unsafe building located at 309 Damon Street is a fire damaged residential dwelling with numerous minimum housing and nuisance violations.

The owner, Malik McCoy of Garner, was contacted for a hearing on March 10, 2010. The owner did not appear at the hearing.

The ordinance requests that the Town Council find that the building should be removed or demolished and the cost shall be a lien against the property.

RELATED GOAL: Beautify the Town of Clayton

ITEM SUMMARY:

Date:

Action:

Info. Provided:

5-03-10

Approval.

Ordinance, Order, Hearing Minutes, Letter of Notice, & Letter.

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

Agenda Item: 8c

Meeting Date: 05/03/10

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

RELATED GOAL: Administrative

ITEM SUMMARY:

- Council Mtg – Monday, May 3, 2010 @ 7:30 PM
- General Assembly convenes – Wednesday, May 12, 2010
- Town Square Concert: Nantucket with special guest Brimstone – Thursday, May 13, 2010 @ 7 PM
- Council Mtg – Monday, May 17, 2010 @ 7:30 PM
- Triangle J's 50th Anniversary Forum – Thursday, May 20, 2010, @ 8 AM – 2 PM, Sheraton Imperial (RTP)
- Board of Adjustment Mtg – Wednesday, May 19, 2010 @ 6 PM
- Clayton Library Board Mtg – Thursday, May 20, 2010, @ 2:30 PM, Hocutt Ellington Library, 100 South Church Street
- Triangle J's 50th Anniversary Reception – Saturday, May 22, 2010 (evening) – location to be determined
- Council Budget Work Session – Monday, May 24, 2010 @ 6 PM, Main Fire Station, 325 West Horne Street
- Planning Board Mtg – Monday, May 24, 2010 @ 7 PM
- Council Budget Work Session – Tuesday, May 25, 2010 @ 6 PM, Main Fire Station, 325 West Horne Street
- Memorial Day Holiday – Monday, May 31, 2010
- MillStock Music and Arts Faire – Saturday, June 5, 2010 from 10 AM to 5 PM
- Unveiling of Art Mural – Saturday, June 5, 2010 @ 1 PM, Hocutt Ellington Library, 100 South Church Street
- 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
- Council Mtg – Monday, June 21, 2010 @ 7:30 PM
- Town Square Concert: Craig Woolard Band – Thursday, June 24, 2010 @ 7 PM
- 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
- Council Mtg – Monday, July 19, 2010 @ 7:30 PM
- Board of Adjustment Mtg – Wednesday, July 21, 2010 @ 6 PM
- 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

Date:
05-03-10

Action:
Information.

Info. Provided:
Calendar of Events.