

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

OCTOBER 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, OCTOBER 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 September 20, 2010, work session meeting.
 - b. Temporary street closure request for the Halloween Parade.
 - c. Resolution urging residents to observe a safe and courteous Halloween.
 - d. Proclamation – Public Power Week.
 - e. Warranty acceptances for public water, sewer, and associated storm drainage for:
 - Woods at Glen Laurel
 - Walnut Creek, Phase 3
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
 - a. Presentation by Cooper Elementary PTA.
5. **PUBLIC HEARINGS**
6. **OLD BUSINESS**
 - a. Recreation rates for non-residents.
 - b. Deferred Compensation 457(b) Plan.
 - c. Contract for the purchase of property.
 - d. Review of parking ordinance and enforcement.
 - e. Applications for Neighborhood Traffic Calming Program.
7. **NEW BUSINESS**
 - a. Request by Medlin Office Supply on Main Street.
 - b. Proclamation – Fire Prevention Week.

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: 10/04/10

TITLE: DRAFT MINUTES FROM THE SEPTEMBER 20, 2010, WORK SESSION MEETING.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

10-04-10

Approval.

DRAFT minutes from the
9/20/2010 work session
Meeting.

MINUTES CLAYTON TOWN COUNCIL SEPTEMBER 20, 2010

The second regular meeting of the Clayton Town Council for the month of September was held on Monday, September 20, 2010, at 7:30 PM at Town Hall, 111 East Second Street.

PRESENT: Mayor Jody L. McLeod, Mayor Pro Tem Michael Grannis, Councilman Bob Satterfield, Councilman R. S. "Butch" Lawter Jr., Councilman Alex Harding, and Councilman Art Holder.

ALSO PRESENT: Steve Biggs, Town Manager; Brenton McConkey, Town Attorney; Sherry Scoggins, Town Clerk; James L. "Skip" Browder, Planning Director; Nancy Medlin, Deputy Town Manager; Bruce Naegelen, Downtown Development Coordinator; Catherine Whitley, Human Resources Director; Robert McKie, Finance Director; Tommy Roy, Information Services Technician; Steve Blasko, Streets / Property Maintenance Superintendent

ITEM 1. CALL TO ORDER

Mayor McLeod called the meeting to order at 7:35 PM and led the Pledge of Allegiance. Mayor McLeod gave the invocation.

ITEM 2. ADJUSTMENT OF THE AGENDA

Town Manager Biggs requested to table Item 7c.

It was the consensus of the Council to approve the adjustment of the agenda as presented.

ITEM 3. ACTION AGENDA

Councilman Satterfield motioned to approve the action agenda as presented; Councilman Harding seconded the motion. The motion carried unanimously with the following action agenda item being approved at 7:36 PM:

Item 3a. Draft minutes from the September 7, 2010, regular meeting and the September 7, 2010, closed session meeting.

ITEM 4. INTRODUCTIONS & SPECIAL PRESENTATIONS

Item 4a. Introduction of new Town of Clayton employee(s).

The following Town of Clayton employee was introduced:

- Christopher Richard, Street Maintenance Worker

Item 4b. Presentation of proclamation to Clayton Civitan Comets – 2010 Tar Heel League Champions.

Mayor McLeod stated it is an honor to have the Clayton Civitan Comets in the Council Chambers this evening and he read the following proclamation into the record:

2010 TAR HEEL LEAGUE STATE TOURNAMENT CHAMPIONS

WHEREAS, the Clayton Civitan Club is dedicated to teaching sportsmanship and the competitive will to win, as well as furthering physical fitness and well-being through healthful association among young people; and

WHEREAS, the Clayton Civitan Club sponsors four baseball leagues that include: t-ball for ages 4-6, coach pitch for ages 7-8, baseball for ages 9 to 10 and baseball for ages 11 to 12; and

WHEREAS, the 2010 regular baseball season began on February 20, 2010, and ended on June 25, 2010; and

WHEREAS, at the end of the season, a post-season playoff was held for each league and an All-Star team was selected from each league to represent Clayton in the District All-Star Tournament; and

WHEREAS, the 11 and 12 year-old All Stars, known as the Clayton Civitan Comets, participated in the 2010 Tar Heel League State Tournament hosted in Rocky Mount on July 24, 2010, and July 25, 2010; and

WHEREAS, the 11 and 12 year-old All Stars came from behind by working together as a team to win the 2010 Tar Heel League State Tournament on Sunday, July 25, 2010.

NOW, THEREFORE, the honorable Mayor and Clayton Town Council, does hereby recognize and congratulate the 11 and 12 year-old All Stars team members, coaches, assistants, and parents of the Clayton Civitan Comets and urge all Town of Clayton citizens to join with the Town Council in recognizing and congratulating the Clayton Civitan Comets in winning the 2010 Tar Heel League State Championship.

Duly proclaimed this 20th day of September 2010, while in regular session.

Coach Ricky Stevens accepted the proclamation on behalf of the team. He requested the following members of the Clayton Civitan Comets – 2010 Tar Heel League 11 – 12 State Champions to come forward:

Jonathan Messina (#2)	Nick Peach (#5)
Landen Leisar (#8)	Blake Joyner (#9)
Tanner Duncan (#10)	Bryce Swackhammer (#12)
Dakota Schlecht* (#13)	Brandon Krut (#17)
Zach Greene (#22)	Colton Myslinski (#25)
Chad Thomas (#42)	Jesse Stevens (#44)
Ricky Stevens, Coach	
Bill Greene, Asst. Coach	
John Messina, Asst. Coach	
Troy Swackhammer, Asst. Coach	

*Dakota Schlecht could not be present.

Council and citizens recognized the Clayton Civitan Comets – 2010 Tar Heel League 11 – 12 State Champions with applause and a standing ovation.

Item 4c. Presentation of the Downtown Master Plan Update.

Ms. Boo Carver, Vice-Chair of the Design Committee for the Downtown Development Association (DDA), and Downtown Development Coordinator (DDC) Bruce Naegelen made a joint PowerPoint presentation on the Downtown Clayton Master Plan Update.

2010 Downtown Clayton Master Plan Update

“Near-Final Draft”

Presentation to Clayton Town
Council

September 20, 2010

Clayton Downtown Development
Association

Background

- “Downtown Improvement Projects” created in 2001
- Included:
 - Overview Master Plan maps
 - Design concepts
 - Architectural Guidelines
- 2010 bringing plan up to date

Clayton Downtown Development
Association

Ms. Carver provided an overview on the background of the Downtown Clayton Master Plan.

Process

- Engaged original team to compile update
- Stakeholder workshops in May and June
- Architectural team developed draft
- Held review presentations in August
- design & architectural guidelines reviewed by stakeholders, DDA, and others
- NCRR review last week
- Public invited to all workshops
- Drafts posted on line

Clayton Downtown Development
Association

Ms. Carver provided an overview of the process for updating the Downtown Clayton Master Plan.

Ms. Carver stated DDC Naegelen met with representatives of the North Carolina Railroad Company last week to review their comments.

Changes

- Master Plan
 - Updated public properties, such as Town Square, Clayton Center, Town Lot, Law Enforcement Center, Main Street/US 70 Re-alignment
 - Added Historic District overlay
 - Added US Post Office and Spinning Mill
 - Enhancing NC Railroad right-of-way boundaries

Clayton Downtown Development
Association

DDC Naegelen an overview of the changes to the Downtown Clayton Master Plan.

Robertson St. to Church St.



DDC Naegelen provided an overview of the Robertson Street to Church Street map. He stated the gray area is the historic district and goes throughout all four maps. He stated the railroad boundaries will be enhanced, possibly with red lines, to clearly show the railroad property. He stated there was a request for

Smith St. to Compton St.



DDC Naegelen provided an overview of the Smith Street to Compton Street area. He stated the spinning mill property and the post office were added. He added the connector from Second Street to Central Street was actually determined in 2001.

Compton St. to US 70 Bus



DDC Naegelen provided an overview of the Compton Street to US 70 Business area. He stated the realignment was incorporated.

Section I- Changes

- Introduction
 - Restated Purpose and updated population statistics

Clayton Downtown Development
Association

DDC Naegelen stated he will touch on the highlights of the revisions. He provided an overview of Section 1 Changes.


Introduction Clayton Downtown Master Plan

Project Initiation / Purpose

Purpose

The purpose and intent of this plan is to direct the design of buildings and sites within the downtown commercial district (B1), in compliance with the Town's Unified Development Code and Strategic Growth Plan. The report is intended to promote a quality oriented downtown that serves as the social and cultural hub of Clayton. Buildings and sites should convey a sense of permanence, attention to detail, quality and investment.


→ The guidelines are not intended to slow or restrict development, but rather to add consistency and predictability to the permit review process. Proposed developments within the Central Business District shall exhibit design elements that contribute to the unique sense of character of Downtown Clayton. This report also identifies public projects that will benefit the downtown as a whole, making it a more attractive and stable environment, and community center.



Man Street 1961

Clayton / General Description

Clayton is a community of more than 15,000 citizens (2007), located 15 miles south of Raleigh in Johnston County. From 1990 the population of Clayton grew from 4,756 citizens to its current population. Johnston County's population is 168,325 (2009). Projections show Clayton's growth will continue at a similar pace into the future. Clayton is the 2nd largest town in Johnston County.



Man Street 1915

Winstead Wilkinson Architects | 4 obo landscape architects

DDC Naegelen stated the population was updated and he added Clayton is the largest Town in Johnston County.

Section I- Changes

- Introduction
 - Showed accomplishments from Strategic Growth Plan

Clayton Downtown Development
Association

DDC Naegelen stated accomplishments were added to the Downtown Master Plan.


Introduction Clayton Downtown Master Plan

Strategic Growth Plan

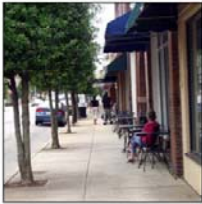
Like many towns, Clayton has sought an identity that will define it into the future, an identity that acknowledges the importance of the past and embraces a vision for the future setting Clayton apart as a desirable place to live, work, and play.

In 2001, the *Downtown Improvements Project* study was developed as part of a recommended goal of the Town's 2000 Strategic Growth Plan. That document was created to help coordinate the development of planning documents and to provide a dynamic reference for decision makers in growth related matters.

Included in the goals identified by the plan is the development of downtown as a community hub. Since the 2001 Downtown Improvement Projects study has been the guiding document to achieve downtown goals. Additional tools have since been developed: Strategic Economic Development Plan (2005); Hiring of a full-time Downtown Development Coordinator (2005); Restructure of the Downtown Development Association (2006); Acceptance into the NC Main Street Program (2006);



Corner of Main Street and Barbour Street



Man Street

Clayton Downtown Parking Needs Assessment & Inventory (2007); NC Main Street Resource Team Report (2007); Market Analysis, Branding & Wayfinding Strategy (2006); Listing of the Clayton Historic District on the National Register of Historic Places (2010).

In conjunction with *Downtown Clayton: Vision 2012* the DDA has developed ambitious work plans each year to accomplish goals tied to the vision. Accomplishments are measured each year in an Annual Report.

Winstead Wilkinson Architects | - 5 obo landscape architects

Section I- Changes

- Introduction
 - Added more economic development history
 - Updated recent projects to include Clayton Center, Town Square, Town Lot project, Law Enforcement Center as well as some of the private investment made toward renovation & reuse

Clayton Downtown Development
Association

DDC Naegelen provided an overview of the economic development history and overview of recent Town projects.

Section I- Changes

- Inventory & Analysis
 - Color pictures replace black & white
 - Text changes all reflect actual changes

Clayton Downtown Development
Association

DDC Naegelen provided an overview of the inventory and analysis in section I.

Section I- Changes

- Master Plan
 - Design Guidelines
 - Changed from “Design Concepts”
 - Text changes add clarity to original text
 - Changes are in keeping with downtown vision
 - Only one new section added “Adjacent Properties”

Clayton Downtown Development
Association

DDC Naegelen provided an overview of the Master Plan Design Guidelines.

Master Plan Clayton Downtown Master Plan

Design Guidelines

Adjacent Properties

Proposed development should promote functional and visual compatibility between adjacent properties and avoid negative impacts to adjacent properties.

Proposed development should coordinate with surrounding site planning and development efforts on adjacent properties.

New development proposals should consider the following existing design features to create visual continuity between the proposed development and adjacent neighborhoods and the community:

- building setbacks
- placement of structures
- location of pedestrian and vehicular facilities and spacing from adjoining buildings.


Site design features include composition of plant materials and street trees as well as fencing, walls, lighting, pavement, and other site amenities.

Building design features include scale, massing, proportion, size, spacing and the location of windows, doorways and other features; roof silhouette, facade proportions and orientations; location of entries; surface material, finish, color, and texture of surrounding development; and style of architecture.

In some areas, the existing context is not well-defined, or may be undesirable. In such cases, the new development will be recognized as a model with the opportunity to establish a pattern of identity from which future development can take its cues. Relevant zoning requirements, design guidelines and other downtown plans and policies shall be considered as indicators of the desired direction for the area and the project.

Proposed development should be properly linked to existing and planned pedestrian, vehicular, drainage, and utility systems, and assure efficient continuation of such systems.

Consider the impact of the development upon existing and planned adjacent public and private open spaces, parks and recreation areas.



Home Memorial United Methodist Church

DDC Naegelen stated the Design Guidelines encourages adjacent property owners to be compatible with neighbors.

Section I- Changes

- Master Plan
 - Plan Components
 - Most were in original document
 - Added “Parking Areas/Structures”
 - Added more design detail to other existing components

Clayton Downtown Development
Association

DDC Naegelen provided an overview of the Master Plan – Plan Components.

Section II- Changes

- Architectural Guidelines
 - Purpose
 - Architectural Guideline Topics
 - Tabbed each category for easier location
 - Replaced black & white photos with color

Clayton Downtown Development
Association

DDC Naegelen provided an overview of the Architectural Guidelines.

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Headings Added

DDC Naegelen provided an overview of the amendments to the Table of Contents.

Feedback?

Questions?

www.downtownclayton.org

Clayton Downtown Development
Association

Mayor Pro Tem Grannis stated his thanks for what has been done. He stated this is more of a document that can be usable and presented to potential businesses. He added the color pictures are a bonus.

**DRAFT Minutes, 9/27/2010
Pending Council Approval.**

Town Manager Biggs acknowledged the work of the DDA. He stated the Clayton Downtown is prosperous and is a major focal point for activities. He stated this year's Harvest Festival was one of the best attended.

ITEM 5. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA

Item 5a. Presentation of temporary street closure request for the Halloween Parade.

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

Item 5b. Presentation of resolution urging residents to observe a safe and courteous Halloween.

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

Item 5c. Presentation of proclamation – Public Power Week.

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

Item 5d. Presentation of warranty acceptances for public water, sewer, and associated storm drainage for:

- Woods at Glen Laurel
- Walnut Creek, Phase 3

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

ITEM 6. ITEMS CONTINGENT FOR THE REGULAR MEETING

No items contingent for the regular meeting were received by the Council.

ITEM 7. ITEMS FOR DISCUSSION

Item 7a. Discussion of recreation rates for non-residents.

Town Manager Biggs stated during the late part of spring a new membership recreation fee was adopted. He stated the request is to discuss possible modification of the membership recreation fee. He distributed chart "To Date Membership Numbers"; herewith attached.

Parks & Recreation Director Larry Bailey stated the chart is a summary of memberships with a beginning date of June 2010 through today. He stated he is not requesting changes to the current membership recreation fees. He stated a question he has received is why the Town does not offer a nonresident monthly rate for individuals, family with dependents, and family with no dependents. He

stated at the time of adoption, those fees were not included. He stated the original suggestion for nonresident monthly rates were:

Individual	\$12
Family w/dependents	\$20
Family no dependents	\$15

He stated the nonresident monthly option would not permit participants to have the discounted rate for activities and classes. He stated this is an option. He stated out of the 722 memberships, 54 of those are monthly memberships.

Councilman Satterfield stated he agrees this may pick up more in membership. He recommended a draft for the monthly fee for one year.

Parks & Recreation Director Larry Bailey stated persons using the Clayton Community Center do so as a member or by paying a daily rate. He added a membership card is issued and the card is swiped each time the member comes to the facility. He added the card is tied into the member's information and it shows if the membership is current or expired and needs to be renewed. He stated cards are issued to the yearly and monthly members.

Town Manager Biggs stated if a monthly fee was implemented without the reduced registration fee, it would enhance the revenue stream.

Councilman Harding questioned if a reasonable capacity for the facility has been considered.

Parks & Recreation Director Bailey stated the information in the chart is for annual memberships, and it does not include the daily users or the persons participating in events.

Councilman Harding stated he supports the most flexible means of using the facility. He stated management can be done through the technology.

Parks & Recreation Director Bailey stated requests have been received from persons who work in Clayton wishing to use the facility; however, they do not reside in Clayton.

Councilman Lawter stated from discussions with some of the Recreation Advisory Board members, the monthly rate for nonresidents was viewed as an opportunity to get more people in and more participation. He stated in looking at the chart, it appears that 70% of the members are in-town residents.

Mayor Pro Tem Grannis stated he likes the monthly rate idea. He stated if people will do the monthly rate for 12 months out of the year it is a better benefit to the Town.

Town Manager Biggs stated the rates in the packet were those from a previous agenda packet. He stated he hears the Council is amenable to monthly rates for nonresident individuals, family w/dependents and family no dependents.

Councilman Satterfield clarified that if the monthly rate was chosen, they would pay the out-of-town rates for athletics and programs.

Item 7b. Discussion of award from the Department of Commerce’s Economic Development Administration (EDA) for \$1.5 million for water system improvements to assist businesses located in the East Clayton Industrial Area [**Council action requested**].

Town Manager Biggs stated this is a \$1.5 million grant and is a collaboration between Johnston County and the Town. He stated the project involves the elevated water storage tank and an upgrade to a water main that serves the Town and transmission line on HWY 70 connecting to Johnston County’s system. He stated a ceremonial presentation of the grant award has occurred and this evening the request is for the Council to adopt this item.

Councilman Holder motioned to suspend the rules in order to take action on this item; Mayor Pro Tem Grannis seconded the motion. Motion carried unanimously.

Councilman Satterfield motioned to approve acceptance of the award as presented; Councilman Lawter seconded the motion. Motion carried unanimously.

Item 7c. Discussion of contract for the purchase of property.

This item was tabled.

Item 7d. Discussion of Deferred Compensation 457 (b) Plan.

Town Manager Biggs stated the town provides the following retirement benefits:

- Local Government Employee Retirement System (LGERS) through the NC State Treasurer
- 401(k)
 - Law enforcement officers receive 5% of salary (state mandated)
 - General employees receive 4% of salary (Town chosen)

He added employees may participate in the 457 plan without employer contribution. He added there are differences between the 401(k) and 457 plans. He stated historically in the Town of Clayton these plans have come under two separate administrators. He stated it is possible to place these plans under one administrator. He stated Mr. Tripp Madden of Prudential is the Town’s 401(k) administrator and is available.

Mr. Tripp Madden of Prudential stated both 401(k) and 457 contracts are with the state. He stated previously the two plans were kept separate. He stated a new contract process was done 2008 and both contracts were awarded to Prudential effective in 2009. He stated since Prudential has taken on both plans, it has been marketed to local governments within North Carolina. He stated the request for Council is to consider adoption of the 457 plan. He stated the 457 plan allows full and part-time employees to enroll, elected and appointed officials may enroll, and it will have the same investment options as the 401(k). He added the 457 plan does not have an age restriction when the employee leaves the employer and the early withdrawal penalty does not exist. He stated the plan is administered by Prudential and overseen by the NC State Treasurer's Office. He stated there is no cost to the Town.

Based upon question by Council, Human Resources Director Whitley stated there would be less administrative work for the Town if the plans are under one administrator.

Based upon question by Council, Mr. Madden stated the fiduciary responsibility is the NC State Treasurer's Office. He added to expound on having this under one vendor, an annual statement is sent to members each year. He stated the statement provides information on the state retirement system (LGERS), 401(k), and 457. He stated the annual statement is relatively new and it now incorporates all plans and if the employee has a gap in retirement savings.

Town Manager Biggs stated the Town does not presently have a big account in terms of the 457. He stated there are a lot of benefits coordinating 457 and 401(k).

It was consensus of the Council for staff to bring this back on the next agenda.

Mr. Madden provided an overview on how much individuals may contribute to the plans.

ITEM 8. OLD BUSINESS

Item 8a. Review of parking ordinance and enforcement.

Town Manager Steve Biggs stated there have been discussions on illegal parking in town. He stated the typical criminal fine are collected and reimbursed to the public schools in accordance with the state statutes. He stated the Town has an option of collecting civil penalties in accordance with Town Ordinance 10.98. He stated the recommendations are:

- Amend criminal fines to civil penalties
 - Persons not paying the civil penalty can be assessed an additional amount
 - If full amount not paid, can cite them in civil court

- Evaluate the amendment and discuss if the Town needs to seek local legislation to use immobilization devices (boots) for habitual offenders
- Notice of violation fees (includes parking and code enforcement issues) amended to notice of first violation \$50
- Revising the parking tickets and civil citation code enforcement books amended to include the option of a warning
- If the \$50 is not paid within five days, a letter would be sent with a \$25 penalty assessment for a total of \$75
- For second and subsequent violation, the fee is \$100 and is subject to collection within five days or the violator will receive a reminder letter of the fee along with a penalty assessment

Councilman Satterfield stated he disagrees with the first time violation and he believes in issuing a warning. He stated letters should be sent when the violation has not been paid.

Town Manager Biggs stated there would be additional training for the code enforcement officers to better clarify expectations. He stated an example would be when someone parked, but that person is only running in for a minute and blocking the travel lane. He stated that is a blatant violation of the parking ordinance and warrants a ticket. He stated if someone is parked closer to the intersection than preferred, then it could be a matter of education through the issuance of a warning.

Councilman Satterfield apologized as he heard a first time violation is a fee.

Town Manager Biggs stated it would cost them \$50. He added the forms would be amended as the standard (current) forms do not allow for a warning. He stated the current form does not allow flexibility. He stated training would be provided in which moments that are teachable versus a moment that deserves enforcement.

Town Manager Biggs stated Town Code of Ordinance Chapter 73, section 73.10 is proposed for amendment to reflect 20 feet for item 4 and to leave item 6 as 30 feet to allow traffic to queue.

Mayor Pro Tem Grannis stated he likes what has been done. He stated \$50 on the first offense sounds heavy. He stated his preference is first offense \$25 and second offense \$75. He requested to change the signage if there is not going to be paint to reflect “No Parking This Block At Any Time.” He stated if that is not done, then to paint the entire block.

Councilman Harding questioned what the state would endorse.

Town Manager Biggs stated the state would have to allow the immobilization device. He added that is not being proposed for implementation at this time. He

stated that as long as the Town Ordinance establishes that the fines are civil, the fees will remain with the Town.

Councilman Harding questioned if this adds to administrative duties.

Town Manager Biggs stated there would not be added duties, just additional activity. He stated responsibilities remain unchanged. He stated if the Town issues a parking ticket today, there is a \$25 fine that is to be collected and remanded to the state.

Councilman Satterfield suggested requesting the authority so it is an option (boot).

Town Manager Biggs stated he believes the Town will receive negative feedback on the boot. He stated in making the request, the Town will need to document the offenses to support the request.

Mayor Pro Tem Grannis stated the boot should be used for violators with three or more violations. He added the no parking areas need to be clearly marked.

Councilman Holder stated this needs to be publicized as some do not understand the yellow markings.

Town Manager Biggs stated this would be publicized to inform the public of the parking requirements. He stated there will have to be a public service campaign on the changes.

Mayor McLeod stated he does not want this so restrictive that Downtown visitors are afraid to shop because of parking. He stated with the amount of growth in Downtown there needs to be control over the parking and ensuring safety.

Councilman Satterfield stated most of the no parking zones are for safety.

Town Manager Biggs stated he heard a suggested modification to the fee schedule of \$25 for the first; \$75 for the second; and \$100 for third or additional. He stated for clarification, if a vehicle is in a no parking zone on Monday and is ticketed and the ticket is paid, and then on Tuesday the vehicle is parked in the same location, it is cited at the first violation fee. He stated if someone parks in the Town Lot and it is parked Monday – Friday and it is not moved, that is a series of violations subject to the graduating scale.

Mayor Pro Tem Grannis stated before he came to North Carolina, yellow represented a loading zone. He questioned why not red.

Town Manager Biggs stated every location does not need to be painted to be enforceable. He stated enactment of the ordinance is adequate for

enforcement. He stated an example is vehicles are not to park within five feet of a private driveway.

It was the consensus of the Council to bring this item back for the next agenda.

ITEM 9. STAFF REPORTS

Item 9a. Town Manager

Town Manager Steve Biggs stated he does not have a formal report and he is acknowledging emails received for sidewalk installs in the Ellington Subdivision and there is ongoing communications.

Town Manager Biggs stated Councilman Lawter requested an updated map of the Riverwood Athletic Club to reflect the changes that were proposed in the most recent letter received from the Fred Smith Company.



He stated the streets slated for the spring 2011 paving are the green dashed circle graphics and includes the remainder of Sarazen Drive, Boswell Lane, Nelson Lane, Spalding Lane and Wright Drive.

Based upon question by Council, Town Manager Biggs stated at this point the Town has not offered to cover the cost to relocate sprinkler systems within the

Town's right-of-way within Ellington Subdivision. He stated the Town is speaking with persons to hear concerns.

Councilman Lawter stated he appreciates what has been done. He stated he still sees a lot of blue on the map and would like to see a plan to address streets that are 75% built out.

Town Manager Biggs stated as part of the budget process, the Town modified how special appropriations are handled. He stated the Johnston County SPCA, the animal shelter that serves the Clayton area, was moved from a special appropriation to a service provider. He stated the Town pays \$50 per animal provided to the shelter contingent upon a Town representative serving on the Board of Directors. He stated since being appointed, he has attended a couple of meetings. He stated the organization is in a state of transition with personnel and Board of Directors. He stated the organization is in financial distress and needs to research fund raising opportunities. He added the Board meets monthly.

Town Manager Biggs stated a new item for the next regular meeting is a request for temporary parking by Medlin Office Supply.

Item 9b. Town Attorney

Town Attorney Brenton McConkey stated no additional report.

Item 9c. Town Clerk

Town Clerk Sherry Scoggins stated no additional report.

Item 9d. Other Staff

Parks and Recreation Direction Larry Bailey extended an invitation to the Council to attend the All Star Pavilion dedication on Sunday, October 3, 2010, at 4 PM.

Mayor McLeod questioned if there will be landscaping or fencing between the playground and church.

Parks and Recreation Director Larry Bailey stated the playground area is enclosed with fencing and there will also be a row of shrubbery.

Mayor McLeod called upon Clayton Chamber Executive Director Jim Godfrey for an update on the Harvest Festival.

Mr. Godfrey stated people were very cooperative. He stated his thanks to everyone.

Councilman Lawter stated he has been here 17 years and this year was the best he's attended.

Mayor Pro Tem Grannis stated throughout the Harvest Festival he saw teamwork by all participants.

ITEM 10. OTHER BUSINESS

Item 10a. Informal Discussion & Public Comment.

Mr. Leon Lewis stated it is not the parking that bothers him it is he does not know where to find the Town Ordinances. He stated there needs to be a communications plan for changing ordinances.

Mr. Phil Nangle, Sarazen Drive of Riverwood Athletic Club, stated the festival was great. He stated he served as a marshal with the Rotary Club. He added he is here about Riverwood Athletic Club and is pleased about a schedule to pave the roads. He questioned if the Council has the authority to make this stick.

Mayor Pro Tem Grannis stated the Town wants a schedule the Fred Smith Company will adhere to and the expectation is to have them adhere to their word.

Mr. Nangle stated there are still a number of people waiting to have a street paved.

Mr. Jim Godfrey stated the Johnston County Board of Commissioners appointed him to serve on the Johnston County Visitor and Convention Bureau.

Item 10b. Council Comments.

Mayor McLeod requested research if Blanchard Street at Lombard Street has a No Thru Trucks. He questioned if there is, can it be moved closer to Lombard because there are 18 wheelers going down Blanchard Street and trying to turn onto Starling Street. He added it may also be needed at East Hamby Street.

Councilman Holder stated there is a sign close to the turn for No Thru Trucks and it could possibly be moved.

Mayor Pro Tem Grannis requested an update of sewer allocation for both residential and commercial.

Mayor McLeod stated he learned from Mr. Norwood Thompson that Clayton has won awards this past weekend. He stated the Waltham Group and Portofino were recognized for the horse barn complex.

Item 10c. Planning Board Highlights of the August 2010 meeting.

NA – No Planning Board meeting the month of August.

ITEM 11. ADJOURNMENT

With there being no further business brought before the Council, Councilman Satterfield motioned to adjourn the meeting at 9:26 PM; Councilman Lawter seconded the motion. Motion carried unanimously.

Duly adopted by the Town Council this ____ day of October 2010, while in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Sherry L. Scoggins, MMC,
Town Clerk

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

Agenda Item: 3b

Meeting Date: 10/04/10

TITLE: TEMPORARY STREET CLOSURE REQUEST FOR THE HALLOWEEN PARADE.

DESCRIPTION: The Parks & Recreation Department request to hold the annual Halloween Parade on Friday, October 29, 2010. The parade will begin on Main Street and Lombard Street and end at the Town Square. Participating businesses on Main Street will pass out candy to the children parading on Main Street.

The request is to temporarily close Main Street between Lombard and Fayetteville Streets from 2 PM until 3:15 PM and to temporarily close Fayetteville Street between Main and Second Streets from 3 PM until 4:30 PM until the activities end.

The Parks & Recreation Department will coordinate with the Police Department on the temporary street closures and redirecting of traffic during this event.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-20-10	Presentation.	Memorandum.
10-04-10	Approval.	Memorandum.

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

TO: Town Council
FR: Parks & Recreation Department
RE: Halloween Parade 2010
DATE: September 20, 2010

The Parks & Recreation Department will hold the annual Halloween Parade on Friday, October 29, 2010. As in years past, the downtown businesses that agree to participate will pass out candy to the children as they go on parade down Main Street. The parade will begin on Main and Lombard Streets and will end at the Town Square.

We are requesting the temporary closure of Main Street between Lombard and Fayetteville Streets during the event. Main Street will need to be closed at 2 PM and remain closed until approximately 3:15 PM, once the children successfully complete the parade to the Town Square. We are requesting that Fayetteville Street between Main and Second Streets be closed from 3 PM until 4:30 PM until the activities end.

The Parks & Recreation Department will be in contact with the Police Department to help with the temporary street closures and the redirecting of traffic during this event.

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

Agenda Item: 3c

Meeting Date: 10/04/10

TITLE: RESOLUTION URGING RESIDENTS TO OBSERVE A SAFE AND COURTEOUS HALLOWEEN.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-20-10	Presentation.	Resolution.
10-04-10	Approval.	Resolution.

**TOWN OF CLAYTON
RESOLUTION URGING RESIDENTS TO OBSERVE
A SAFE AND COURTEOUS HALLOWEEN**

BE IT RESOLVED BY THE Town Council of the Town of Clayton that residents who desire to participate in traditional Halloween Trick-or-Treating observe certain safety, courtesy and common sense guidelines to protect participants and preserve the peace for non-participants. And, be it resolved that the Town Council suggests the following guidelines:

- 🍎 That Halloween Trick-or-Treating should take place on the actual Halloween holiday, Sunday, October 31, 2010, and should be restricted to children under the age of 13.
- 🍎 That all children taking part in Trick-or-Treating should be clothed in safe costumes, featuring materials that can be seen in the dark by motorists and masks that do not obstruct the children's vision.
- 🍎 That all children or groups of children taking part in Trick-or-Treating should be accompanied by a responsible older person who can protect the children from harm.
- 🍎 That Trick-or-Treating is conducted during reasonable hours, preferably between early evening and 8:30 p.m.
- 🍎 That those who choose not to participate in Halloween indicate so to others by leaving their porch lights off; and, that participants respect the wishes of those who choose not to participate in Halloween by not visiting homes where porch lights are off.
- 🍎 That children Trick-or-Treat in their own neighborhoods, visiting only familiar homes.
- 🍎 That parents and/or guardians inspect collected treats carefully before children consume them.
- 🍎 That suspicious activities or collected treats that show signs of tampering be reported immediately to the Clayton Police Department.
- 🍎 That persons over the age of 12 wanting to participate in Halloween by wearing a costume should not wear masks.

Duly adopted this 4th day of October 2010, while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Sherry L. Scoggins, MMC
Town Clerk

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

Agenda Item: 3d

Meeting Date: 10/04/10

TITLE: PROCLAMATION – PUBLIC POWER WEEK.

DESCRIPTION: Public Power Week is October 3-9, 2010.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-20-10	Presentation.	Proclamation.
10-04-10	Approval.	Proclamation.

**TOWN OF CLAYTON
PROCLAMATION
PUBLIC POWER WEEK**

WHEREAS, the Town of Clayton provides electricity to its citizens; and,

WHEREAS, the citizens of the Town of Clayton are consumers and owners of their public power systems and exercise local control over utility operations and policies; and

WHEREAS, our employees are neighbors serving neighbors; and

WHEREAS, our electric system is a community asset that contributes to the well-being of citizens by providing safe and reliable power, customer service and economic development opportunities; and,

WHEREAS, the Town of Clayton is one of more than 70 public power communities serving more than 500,000 residential, commercial, and industrial customers in North Carolina.

NOW, THEREFORE, LET IT BE PROCLAIMED *by the Honorable Mayor and Town Council of the Town of Clayton, North Carolina that October 3 through October 9, 2010, be recognized as*

“PUBLIC POWER WEEK”

in an effort to promote public power and those who work to provide the best possible electric service for our citizens.

Duly proclaimed this the 4th day of October 2010, while in regular session.

*Jody L. McLeod,
Mayor*

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

Agenda Item: 3e

Meeting Date: 10/04/10

TITLE: WARRANTY ACCEPTANCE FOR PUBLIC WATER, SEWER, AND ASSOCIATED STORM DRAINAGE FOR:

- **Woods at Glen Laurel**
- **Walnut Creek, Phase 3**

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-20-10	Presentation.	Memorandums (2).
10-04-10	Approval.	Memorandums (2).

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector *CR*

Copy: Steven Sanderson, PE, Sanderson Engineering
Skip Browder, Planning Director

Date: August 23, 2010

Subject: Woods at Glen Laurel

Please place a warranty acceptance request for the subject public water, sewer, & associated storm drainage utilities on the next available agenda. As-built drawings have been reviewed and accepted. Subsequent to the warranty period, a final inspection will be done and all deficient items corrected by the developer's contractor prior to final acceptance.

received
8/23/2010 *ALS*

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector *CR*

Copy: Steven Sanderson, PE, Sanderson Engineering
Skip Browder, Planning Director

Date: August 12, 2010

Subject: Walnut Creek, Phase 3

Please place a warranty acceptance request for the subject public water, sewer, & associated storm drainage utilities on the next available agenda. As-built drawings have been reviewed and accepted. Subsequent to the warranty period, a final inspection will be done and all deficient items corrected by the developer's contractor prior to final acceptance.

received
8-16-10 *SLD*

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

Agenda Item: 4a

Meeting Date: 10/04/10

TITLE: PRESENTATION BY COOPER ELEMENTARY PTA.

DESCRIPTION: At the April 19, 2010, Council meeting, representatives of Cooper Elementary PTA provided a presentation of the challenges at Cooper Elementary.

Representatives will provide an update.

RELATED GOAL: Administrative

ITEM SUMMARY:

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

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

Agenda Item: 6a

Meeting Date: 10/04/10

TITLE: DISCUSSION OF RECREATION RATES FOR NON-RESIDENTS.

DESCRIPTION: At the May 3, 2010, Council meeting, Council adopted recreation membership rates for patrons using the Clayton Community Center. Since that time, staff has received questions on the availability of fees for:

- monthly rate for non-resident individuals
- monthly rate for non-resident family
- corporate package and/or discount

RELATED GOAL: Expand Leisure Opportunities and Arts Community

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-20-10	Discussion.	Adopted Membership Rates as listed in the Town's Compr List of Fees & Charges; Proposed Membership Rates – NOT ADOPTED.
10-04-10	Discussion.	Revised Clayton Parks & Recreation – Membership Information.

Clayton Parks & Recreation- Membership Information

Membership Rates:

All participant memberships with Clayton Parks and Recreation are based on an executed contract and agreement.

Annual Memberships:

Participants purchasing an annual membership will be eligible to register for all classes as well as youth and adult athletics for the resident rate as well as register in advance with Clayton residents. Membership includes access to the Clayton Community Center and participation in open gym activities for basketball, volleyball, and other sports. Persons or families subscribing to a monthly membership to the Clayton Community Center shall not be eligible to register for programs at the resident rate or during the Town resident advance registration period.

Resident/Nonresident:

Clayton Residents are defined as anyone living in the Town limits of Clayton. Residents are required to bring a utility bill with their address for proof of residency status at the time of registration.

Membership Card Policy:

All members will receive a membership card that will allow them access to the Community Center and for proof of membership when enrolling in a class or registering for an athletic program. Each member must swipe their card in order to enter the Community Center each visit. Members must also have their picture taken for Clayton Parks and Recreation's access only. There will be a \$10.00 replacement fee for lost cards.

Membership Type	Clayton Residents	Clayton Nonresidents Year Membership	Clayton Nonresidents Monthly Rate	Clayton Nonresidents Daily Rate
Individual	\$5.00	\$100.00	\$12.00	\$10.00
Middle School Students	\$5.00	\$65.00	\$10.00	\$6.00
High School Students	\$5.00	\$65.00	\$10.00	\$6.00
Family w/ Dependents	\$5.00	\$160.00	\$20.00	\$10.00
Family No Dependents	\$5.00	\$140.00	\$15.00	\$10.00
Senior Individual	\$5.00	\$50.00	\$10.00	\$6.00
Senior Family No Dependents	\$5.00	\$75.00	\$12.00	\$6.00

Membership Terms Defined:

Individual: Consists of an individual 18 – 54 years of age at time of membership registration.

Middle School Students: Defined as any individual enrolled in middle school at the time of membership registration. All students must have a parent and/or legal guardian come to the Community Center and register their child/student for a membership.

High School Students: Defined as any individual enrolled in high school at the time of membership registration. All students must have a parent and/or legal guardian come to the Community Center and register their child/student for a membership.

Family w/ Dependents: Consists of parents and/or legal guardian with children (under the age of 23) living in the same household.

Family w/ No Dependents: Consists of two adults living in same household.

Senior Individual: Defined as one person age 55 & over at time of membership registration.

Senior Family No Dependents: Consist of two adults ages 55 & over living in the same household.

Note: Clayton Parks and Recreation reserves the right to revise fees for membership and all programs and events without advance notification. Membership rights are as defined by Clayton Parks and Recreation and memberships may be rescinded for cause or violation of policy with a refund of a pro rata share of the original cost based on time remaining in the membership.

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

Agenda Item: 6b

Meeting Date: 10/04/10

TITLE: DISCUSSION OF DEFERRED COMPENSATION 457 (b) PLAN.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-20-10	Discussion.	Memorandum.
10-04-10	Discussion.	Resolution & Agreement.

**TOWN OF CLAYTON
RESOLUTION APPROVING 457(b) DEFERRED
COMPENSATION PLAN**

WHEREAS, the Town of Clayton wishes to provide a qualified defined contribution plan to its employees and elected officials; and

WHEREAS, the State of North Carolina has established the North Carolina Public Employee Deferred Compensation Plan, a qualified governmental Deferred Compensation Plan under Internal Revenue Code § 457(b) for public employees of North Carolina.

NOW THEREFORE, be it resolved that the Town Council of the Town of Clayton has adopted the North Carolina Public Employee Deferred Compensation Plan also known as NC Deferred Compensation Plan under the terms of the Plan Document and the Third-Party Administrator Agreement. All employees and elected officials shall become eligible to defer compensation immediately.

Duly adopted by the Clayton Town Council this 4th day of October 2010, while in regular session.

ATTEST:

**Jody L. McLeod
Mayor**

**Sherry L. Scoggins, MMC
Town Clerk**

**NC Public Employee Deferred Compensation Plan
EMPLOYER –THIRD-PARTY ADMINISTRATOR AGREEMENT**

THIS AGREEMENT, made on this _____ day of _____, 20____, between the _____ (hereinafter called the “Employer”) and The Prudential Insurance Company of America (hereinafter called Third-Party Administrator or Prudential) (the “Agreement”). This Agreement replaces and supersedes any prior agreement between the parties, effective upon final execution by all parties.

W I T N E S S E T H:

WHEREAS, the State of North Carolina (the “State”) has adopted the NC Public Employee Deferred Compensation Plan (hereinafter called the “Plan”), pursuant to which the State of North Carolina and its departments, agencies, and political subdivisions are authorized to provide a governmental 457(b) deferred compensation plan established in conformance with section 457(b) of the Internal Revenue Code, as amended (the “Code”); and

WHEREAS, the State’s Supplemental Retirement Board and the State’s Retirement Systems Division of the Department of State Treasurer have selected Prudential to be the Third-Party Administrator of the Plan.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein below, the receipt and sufficiency of which are hereby acknowledged, the Employer and the Third-Party Administrator hereby agree as follows:

ARTICLE I
DUTIES AND RESPONSIBILITIES OF THE EMPLOYER

A. Implementation of Plan

1. The Employer confirms that it made the decision to implement the NC Public Employee Deferred Compensation Plan via resolution. The employer agrees to provide a copy of such resolution, if available, to Prudential.

2. The Employer shall designate a coordinator for each unit to work with Prudential to select enrollment dates, determine the number of meetings needed and what employee notification of meetings will be required, and to make other decisions necessary to hold successful enrollment meetings.

3. The Employer shall provide time for its employees to attend an enrollment meeting. The Employer agrees that employees representing all employee pay grades will be given the opportunity to attend the meetings. The Employer understands that the meetings are an important resource in making employees aware of their opportunity to participate in the Plan.

4. The Employer shall provide a facility to conduct enrollment meetings for its employees.

5. The Employer shall publicize the meetings to all its employees by internal publication, meeting notices provided by the Third-Party Administrator and through other media agreed to by its coordinator and the Third-Party Administrator.

B. Operation of Plan

1. The Employer shall have sole responsibility for determining which of its employees are eligible to participate in the Plan in accordance with eligibility requirements established by the Plan or North Carolina General Statutes, with respect to elective deferral contributions. The Employer will advise the Third-Party Administrator each month of any “new enrolled” employee who is eligible to participate in the Plan. The Employer also will advise the Third-Party Administrator each month of any participant in the Plan who has terminated their employment, the date of termination, and the reason for the separation from service.

2. The Employer shall provide payroll deductions for all contributions to the Plan and all loan repayments to the Plan. The Employer shall modify its payroll application to comply with specifications required by the Third-Party Administrator of the Plan. This includes the format of the deduction report for the delivery of contributions and loan repayments to the Third-Party Administrator. The Employer shall notify the Third-Party Administrator of any changes in payroll frequency, the frequency of payroll deductions, or change in status.

3. The Employer shall deliver the remittance files, loan payment files, and the funds for these reports to the location provided by the Third-Party Administrator.

4. The Employer agrees that employee voluntary contributions to the Plan and loan repayments will not be suspended, modified or terminated for a participant unless so instructed by the Third-Party Administrator based on the participant’s actions with the Third-Party Administrator.

5. The Employer agrees to comply with all operating procedures established by the Third-Party Administrator of the Plan. It understands that the procedures may be modified or revised from time to time, and the Employer agrees to comply with revisions and modifications without delay upon receipt of adequate notice of such modifications.

6. The Employer shall inform the Third-Party Administrator in advance of any changes in the Employer's benefit or compensation programs that affect the operation or administration of the Plan.

7. The Employer may request that the Third-Party Administrator refund a contribution made within the preceding 12 months on account of a mistake of fact as defined by the Internal Revenue Service, and the Third-Party Administrator shall grant such request.

8. The Employer shall furnish the Third-Party Administrator all documents, data and other information necessary for the Third-Party Administrator to perform its duties under this Agreement. The Employer shall be solely responsible for the accuracy of any documents, data, or other information provided to the Third-Party Administrator by the Employer or by any other person or entity having responsibilities with respect to the Plan. If the Employer fails to provide any such requested information, the Third-Party Administrator shall be obligated to perform its duties under this Agreement only insofar as it is able to do so with the information available. All information required to be furnished by the Employer shall be transmitted in the medium and form acceptable to the Third-Party Administrator. The Third-Party Administrator will be entitled to rely fully on the accuracy and completeness of information submitted by the Employer and will have no duty or responsibility to verify such information.

9. The Employer shall comply with the Uniformed Service Employment and Re-employment Rights Act of 1994 regarding participation in the Plan by participants with military service. The Plan allows an Employer to permit an employee who meets the criteria of the Uniformed Service Employment and Re-employment Rights Act of 1994 the opportunity to "catch-up" salary deferrals to the Plan that were not made during the time they were on active duty. Loan repayments are suspended during the period the Plan participant is on active duty.

ARTICLE II
RESPONSIBILITIES OF THE THIRD-PARTY ADMINISTRATOR

A. Implementation of Plan

1. The Third-Party Administrator shall assist the Employer's coordinator in scheduling enrollment meetings, provide the employer with meeting notification materials, including but not limited to posters, handbills, press release-type articles and payroll stuffers that are mutually acceptable to the Employer coordinator and the Third-Party Administrator.

2. The Third-Party Administrator shall present the Plan and its benefits to the employees and enroll them in the Plan.

3. The Third-Party Administrator shall provide brochures, enrollment forms, payroll deduction authorization forms, withdrawal forms, loan applications and other forms relating to loans, as well as other forms needed to fulfill the duties as Third-Party Administrator. For purposes of this paragraph, "form" shall also mean a facility for electronic processing of participant requests.

B. Operation of Plan

1. The Third-Party Administrator shall maintain a record of each participant's contributions and shall invest his/her contribution in the fund(s) selected by the participant. Third-Party Administrator's services will be provided in a professional and competent manner.

2. The Third-Party Administrator shall provide the participant with a quarterly statement of his/her account, which shows the value of the participant's account.

3. The Third-Party Administrator shall allow the participant to borrow from his/her account when he/she has complied with the eligibility requirements established by the Third-

Party Administrator and the Plan as permitted by federal regulations, the Plan and the Third-Party Administrator.

4. The Third-Party Administrator shall provide the participants withdrawal options including lump sum distribution and periodic payments in accordance with the Plan and the Code.

5. The Third-Party Administrator shall provide participants in the Plan who become entitled to receive a distribution from the Plan with all appropriate notices and election forms concerning such distribution. The Third-Party Administrator is responsible for proper reporting of all distributions from the Plan and the withholding of income taxes as required by the Plan and the Code.

6. The Third-Party Administrator shall provide administrative and operating procedures for the Employer.

7. It is agreed and understood that the Third-Party Administrator assumes no fiduciary responsibilities with respect to its administration of the Plan. The Third-Party Administrator is the agent of the Plan, the State Treasurer and the Plan's Board of Trustees. The Third-Party Administrator is not the "plan administrator" as defined by the Employee Retirement Income Security Act of 1974. It is understood and agreed that the Third-Party Administrator does not provide legal or tax counsel to the Employer or to any participant or beneficiary and that the Third-Party Administrator recommends that all such parties obtain legal and tax advice from competent, independent sources. Nothing in this Agreement shall be deemed to confer on the Third-Party Administrator any federal or state tax liability, which may be imposed upon the Employer or any participant or beneficiary.

ARTICLE III
PLAN PARTICIPATION

The Employer and the Third-Party Administrator jointly agree to promote the Plan and encourage participation in the Plan by all pay grades of the Employer. This will require that initial enrollment meetings be held with all eligible employees to ensure that they are aware of the benefit and value of participating in the Plan. The Employer agrees to promote the Plan on an on-going basis by conducting periodic meetings with eligible employees, utilization of posters, newsletter articles, payroll stuffers, and other agreed upon communications.

ARTICLE IV
CONFIDENTIAL NATURE OF INFORMATION

The parties hereto mutually agree to the extent permitted by law to safeguard and keep confidential any and all information obtained from the other party with respect to the personnel of the State and each participant or, any other data identified in writing by either party to the other party as being confidential.

ARTICLE V
DURATION OF THE AGREEMENT

This Agreement shall become effective when signed by all parties and shall continue in effect indefinitely, but in no event for less than five years, except as provided below in Article VI.

ARTICLE VI
TERMINATION OF AGREEMENT

1. Either party may terminate this Agreement upon giving six months advanced written notice to the other party, provided that the non-terminating party may waive such notice

requirement. The termination of this Agreement *does not* terminate the Plan in which the Employers' employees are participating or require a distribution of accounts of the participating employees from the Plan. The termination of this Agreement relieves the Employer from taking deductions and loan repayments from the participating employee's pay and remitting them to the Third-Party Administrator.

2. The State may terminate the Plan at any time through the enactment of laws.

3. This Agreement shall terminate if the State terminates its Agreement with Prudential by which Prudential is obligated to serve as Third-Party Administrator.

4. This Agreement shall terminate if the Trustees discontinue the Plan.

ARTICLE VII

MISCELLANEOUS

1. The NC Public Employee Deferred Compensation Plan will conform to section [457(b)] in the Internal Revenue Code, as amended.

2. The Agreement shall be interpreted under the laws of the State of North Carolina.

3. All items specified in the Agreement, exhibits, or attachments shall be the current Eastern Time.

4. The Employer will make available to the Third-Party Administrator, the Department of the State Treasurer, and an auditor appointed by the Third-Party Administrator or the Board of Trustees its records of contributions and loan payments submitted to the Plan for the purposes of an audit. The Employer will also make available its documents pertaining

to its employees' deferral elections and other documents deemed necessary by the Third-Party Administrator to audit the Plan.

5. This Agreement is intended by the parties as a final expression of their agreement and is a complete and exclusive statement of its terms. No other representation, understanding, or agreements have been made or relied upon in the making of the Agreement other than those specifically set forth herein. No modification or waiver of any provision of this Agreement and no consent to any departure therefrom shall be effective unless such modification or waiver shall be in writing and signed by all parties to the original agreement.

IN WITNESS THEREOF, the parties hereto do hereby sign and execute this Agreement as of the date first above written.

Name of Employer (Please Type or Print)

By: _____
(Signature)

(Please Type or Print Name Signed Above)

Its: _____
(Please Type or Print Official Title)

Date: _____

PRUDENTIAL

By: _____

Date: _____

(Revised 10/29/08)

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

Agenda Item: 6c

Meeting Date: 10/04/10

TITLE: DISCUSSION OF CONTRACT FOR THE PURCHASE OF PROPERTY.

DESCRIPTION: The support document will be available the evening of the meeting.

This item was tabled at the 9/2/2010 Council meeting.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-20-10	Discussion.	N/A.
10-04-10	Discussion.	

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

Agenda Item: 6d

Meeting Date: 10/04/10

TITLE: REVIEW OF PARKING ORDINANCE AND ENFORCEMENT.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
09-20-10	Discussion.	Memorandum.
10-04-10	Discussion.	Marked-up version of 10.98 – Civil Penalty; Final Version of 10.98 – Civil Penalty; & Amendment to Parking Ordinance, Chapter 73.

Town of Clayton
Amendment to Chapter 10
Regarding Civil Penalties
(Mark-up Edition)

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA that the following text shall be amended to the Code of Ordinances:

§ 10.98 CIVIL PENALTY.

(A) Any person, partner, partnership, corporation or party violating or failing, refusing or neglecting to comply with any provision or requirement of any section or subsection of this Town Code or any ordinance of the town now in force or hereafter enacted, to which no specific penalty is affixed shall be required to pay the penalty and comply with the provisions of this particular section. However, ordinances which have Criminal Penalties or Fines are excluded and excepted from the Civil Penalties Ordinance of the town; and, this exclusion and exception from this particular section includes ordinances which subject violators to misdemeanor charges unless and until the Town Council shall specifically eliminate that or those particular ordinances which subject the violator to misdemeanor charge(s).

Deleted: penalties

Deleted: this

(B) This section is enacted and adopted pursuant to G.S. § 160A-175(c): any violator of this section is not subject to prosecution criminally and is not subject to prosecution for violation of any State of North Carolina Penal Law; this is absolutely restricted to enforcement by civil action only.

(C) The enforcement procedure as to this section shall be as follows: A police officer of the town or such other official or employee of the town as shall be so authorized by the Town Council may issue a Notice of Violation to any party if there is reasonable cause to believe that the party has violated an ordinance of the town. The Notice of Violation shall be delivered to the violator by personal service upon the violator or mailed by certified or registered mail, postage prepaid, with a return receipt requested, to the violator. The Notice of Violation shall specify the penalty which is to be paid within five (5) business days to the Town Collections Department. If the original Notice of Violation is not paid within five (5) business days, a delinquency charge of \$25 shall be added to the amount shown on the Notice of Violation and a notice thereof shall be mailed to the violator. This notice shall inform the violator that if the penalty is not paid within 15 days from the date of the delinquency notice, a civil action may be commenced in the General Court of Justice, the appropriate division, in Johnston County, North Carolina.

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(D) Any ordinance of the town may be enforced by an appropriate legal remedy issuing from a competent jurisdiction. It shall not be defense to the application of the town for equitable relief that there is an adequate remedy at law.

(E) All Notice of Violation forms shall be issued in triplicate and serially numbered. Records of all Notice of Violations shall be maintained and shall be subject to periodic audit.

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(F) Each day that any breach or violation of, or any failure to comply with, any provision or requirement of this section shall constitute and is hereby declared to be a separate and distinct infraction.

Violators shall be subject to the following schedule for Notices of Violation:

First Notice of Violation: \$ 25.00

Second and Subsequent Notices of Violation: \$ 75.00

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Comment [SB1]: Originally proposed as \$50.00

Deleted: 0

Comment [SB2]: Originally proposed at \$100.

Deleted: 50

Deleted: Third Notice of Violation: \$75.00

Deleted: Fourth & Subsequent Notices: \$100.00 per

(G) The imposition of a penalty under the provision of this section shall not prevent the revocation or suspension of any license, franchise or permit issued or granted.

(Ord. passed 8-18-97)

Duly adopted this 4th day of October, 2010 while in regular session.

Attest:

Jody McLeod
Mayor

Sherry Scoggins
Town Clerk

**TOWN OF CLAYTON
AMENDMENT TO CHAPTER 10
REGARDING CIVIL PENALTIES**

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA that the following text shall be amended to the Code of Ordinances:

§ 10.98 CIVIL PENALTY.

(A) Any person, partner, partnership, corporation or party violating or failing, refusing or neglecting to comply with any provision or requirement of any section or subsection of this Town Code or any ordinance of the town now in force or hereafter enacted, to which no specific penalty is affixed shall be required to pay the penalty and comply with the provisions of this particular section. However, ordinances which have Criminal Penalties or Fines are excluded and excepted from the Civil Penalties Ordinance of the town; and, this exclusion and exception from this particular section includes ordinances which subject violators to misdemeanor charges unless and until the Town Council shall specifically eliminate that or those particular ordinances which subject the violator to misdemeanor charge(s).

(B) This section is enacted and adopted pursuant to G.S. § 160A-175(c): any violator of this section is not subject to prosecution criminally and is not subject to prosecution for violation of any State of North Carolina Penal Law; this is absolutely restricted to enforcement by civil action only.

(C) The enforcement procedure as to this section shall be as follows: A police officer of the town or such other official or employee of the town as shall be so authorized by the Town Council may issue a Notice of Violation to any party if there is reasonable cause to believe that the party has violated an ordinance of the town. The Notice of Violation shall be delivered to the violator by personal service upon the violator or mailed by certified or registered mail, postage prepaid, with a return receipt requested, to the violator. The Notice of Violation shall specify the penalty which is to be paid within five (5) business days to the Town Collections Department. If the original Notice of Violation is not paid within five (5) business days, a delinquency charge of \$25 shall be added to the amount shown on the Notice of Violation and a notice thereof shall be mailed to the violator. This notice shall inform the violator that if the penalty is not paid within 15 days from the date of the delinquency notice, a civil action

may be commenced in the General Court of Justice, the appropriate division, in Johnston County, North Carolina.

(D) Any ordinance of the town may be enforced by an appropriate legal remedy issuing from a competent jurisdiction. It shall not be defense to the application of the town for equitable relief that there is an adequate remedy at law.

(E) All Notice of Violation forms shall be issued in triplicate and serially numbered. Records of all Notice of Violations shall be maintained and shall be subject to periodic audit.

(F) Each day that any breach or violation of, or any failure to comply with, any provision or requirement of this section shall constitute and is hereby declared to be a separate and distinct infraction.

Violators shall be subject to the following schedule for Notices of Violation:

First Notice of Violation: \$ 25.00

Second and Subsequent Notices of Violation: \$75.00

(G) The imposition of a penalty under the provision of this section shall not prevent the revocation or suspension of any license, franchise or permit issued or granted.

(Ord. passed 8-18-97)

Duly adopted by the Clayton Town Council this 4th day of October 2010, while in regular session.

Attest:

Jody L. McLeod
Mayor

Sherry L. Scoggins, MMC
Town Clerk

**Town of Clayton
Amendment to the Parking Ordinance**

BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA that the following text shall be amended to the Code of Ordinances:

Amend 73.10 (A) (4) to read as follows:

§ 73.10 PARKING PROHIBITED IN CERTAIN PLACES.

(4) Within 20 feet of an intersection.

Delete existing 73.14 in its entirety.

Amend 73.99 to read as follows:

§ 73.99 PENALTY.

(A) It shall be the duty of the Police Department to enforce the provisions of this chapter by attaching to any vehicle parked in violation of this chapter a notice to the owner thereof of the violation, and instructing the owner when and where to report with reference to the violation.

(B) The owner of the vehicle may, within five business days of the time the notice was attached to the vehicle, pay to the Finance Department as a Civil Penalty for and in full satisfaction of the violation., (C) If the required penalty has not been paid within the prescribed time period, a warning letter shall be sent in accordance with 10.98 (C).

Delete (C), (D), and (E) of 73.99.

Duly adopted by the Clayton Town Council this 4th day of October 2010, while in regular session.

Attest:

Jody L. McLeod
Mayor

Sherry L. Scoggins
Town Clerk

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

Agenda Item: 6e

Meeting Date: 10/04/10

TITLE: APPLICATIONS FOR NEIGHBORHOOD TRAFFIC CALMING PROGRAM.

DESCRIPTION: An overview of the neighborhood traffic calming program was provided to the Town Council at its August 16, 2010, Council meeting. The request was to hold the Glen Laurel HOA application in order to allow two or three other HOA's an opportunity to submit an application.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
08-16-10	Discussion.	Glen Laurel HOA application.
10-04-10	Discussion.	Glen Laurel HOA application.

Town of Clayton
Neighborhood Traffic Calming Program
Application Form

Applicants should thoroughly review the Purpose, Guidelines, and Application Process policy prior to preparing and submitting an application. Neighborhood Traffic Calming Projects will only be considered in those locations and circumstances defined as eligible by the adopted policy.

Section One.

Neighborhood Name: Glen Laurel Homeowners Association

On an attachment please describe the traffic related problems sought to be mitigated through this program. Note the general location(s) of the desired project(s) by street name and block number or other identifiable reference point.

Does the neighborhood have a legally established Homeowners Association: yes, no.

If yes, is the HOA active: yes, no. Is the HOA serving as the applicant? yes, no.

If the HOA is serving as the Applicant please attach a list of Directors by name, address, and phone number and complete Section Two. If not, skip to Section Three.

Section Two- HOA Involvement

Has this matter been discussed at an official and announced meeting of the Homeowners Association? If so, attach a copy of the minutes from the meeting(s).

Please include an attachment that describes the public communication activities, if any, that have been performed by the HOA regarding this issue.

Is the HOA willing to organize and conduct future public information and involvement meetings in support of this application? yes, no.

Section Three- Resident/Non-HOA based application.

If the neighborhood has an established and active HOA, but the HOA is not the applicant, please give an explanation on an attached sheet.

In order to have standing and submit this application through means other than an HOA the individual or individuals involved must be resident of and property owners within the identified area.

Please attach a sheet of all residents who are party to this application by name, address, phone number and signature.

(Please note a primary point of contact for communications on this issue.)

Are the applicants willing, able, and available to assist with the public information and involvement activities associated with this program as noted in the Town policy? ___ yes, ___ no.

Section Four- Application Acknowledgement.

HOA President or Authorized Agent.

By execution of this application I acknowledge that I am the legally authorized representative of the Glen Laurel Homeowners Association and I am requesting assistance on their behalf from the Town of Clayton to evaluate the noted neighborhood traffic concerns. I (we) understand that the matter will be examined by a qualified Professional Engineer and that the solutions proposed, if any, will be consistent with the professional judgment of that person or firm in conjunction with the policies, standards, specifications, and resources of the Town of Clayton. I (we) understand that no improvement project will be performed unless and until the necessary public information and involvement processes have been completed and then only with concurrence of immediately impacted property owners.

Debra Haynes, Community Manager
Name, Title

6/24/2010
Date

Resident / Non HOA Based Applicant.

By execution of this application I express that I am an individual or member of an informal group with standing to enter this request and I acknowledge that I am (we are) requesting the Town of Clayton initiate a process of evaluation of traffic concerns expressed herein. I recognize that this process must include a public information and involvement function and that by submitting this application I agree to support the activities of the Town of Clayton intended to fulfill this function. I (we) understand that the matter will be examined by a qualified Professional Engineer and that the solutions proposed, if any, will be consistent with the professional judgment of that person or firm in conjunction with the policies, standards, specifications, and resources of the Town of Clayton. I (we) understand that no improvement project will be performed unless and until the necessary public information and involvement processes have been completed and then only with concurrence of immediately impacted property owners.

Name, Address

Date

Glen Laurel Association
Annual Meeting Minutes
February 23, 2010

Attendees:

Carolyn Humphrey	Blaire Narron
Matt Evans	Donna Steele
Dodd Webster	Darla Aldridge
Jennifer Eidam	Debbie Haynes - Omega

1. **Call to Order** – There were 107 proxies and 46 owners in attendance with a total of 153. A quorum was not established but the Board and members agreed to proceed with business. The meeting was called to order at 7:07pm by Blaire Narron. Blaire introduced all board members.

2. Steve Biggs – Discussion about traffic
 - Discussed traffic calming within the community.
 - Various types of calming devices under consideration.
 - No firm commitments to any neighborhood to date: first step will be to solicit applications from interested HOA's which should be sometime in Spring/Summer 2010.

3. Lt. Hutchins – Discussion about Neighborhood Watch Program & Clayton Crime Stoppers
 - Lt. Hutchins introduced Hensley Scott of Clayton Crime Stoppers.
 - Clayton Crime Stoppers is a 501C nonprofit community group that provides an anonymous tip line for residents to report suspicious activity/tips to Clayton Police Department. Tipsters providing information that leads to the arrest of individuals are eligible for a cash reward.
 - Owners can become a “crime stopper” member for \$10.00;. Meetings are held on a quarterly basis.

4. Officer Brady – Neighborhood Watch Program
 - Officer Brady informed owners that all 911 calls are dispatched to Smithfield. Homeowners need to be the eyes and ears of the neighborhood.
 - There was discussion about recent crimes in the area. If you contact Clayton Crime Stoppers, you don't have to give your personal information.
 - Evidence in regards to the fires in the area has gone to the SBI (State Bureau of Investigation) and two detectives are currently assigned to the case. There are posters of the suspect posted all over town, on Facebook and on the Clayton Police website.

5. Steve Briggs
 - East Clayton Community Park is under a 12 month construction plan with a budget of \$225k for late summer/early fall bids.
 - **Phase I will have a one mile walking** trail, a regulation size baseball field, soccer field and an undesignated space. A dog park is also planned for Phase I.

- Phase 2 is currently unscheduled but will include a ropes course and a walking trail expansion.
6. **2009 Annual Minutes** – Motion was made by Blaire Narron to approve the 2009 Annual meeting minutes and second by John Humphrey. All approved and motion carried

7. **Presidents Report** – (Blair Narron)

Highlights of the year-

- BOD voted to restrict parking of tractors, boats, campers or trailers. New rules were adopted on
- BOD voted to take \$10,000 out of the money market account and open a 12 month CD. Money market receives only .5% and the CD is receiving 2.56%
- BOD voted to have an audit done for 2009
- Obtained several proposals for landscaping. Signed a 3 year contract with Mendenhall.
- New rules and regulations were adopted and are posted on the website.

Chandler's Ridge amenities agreement -D.R. Bryan approached by developers in new community for price range to be 210,000 – 260,000. HOA doesn't own the Glen Laurel name. Pool and tennis court is not a private amenity. Agreed that if they name the community Glendale @ Glen Laurel or Lyndale @ Glen Laurel, \$2,000 per home would be collected at closing and money will go to Glen Laurel Amenities. Much discussion about the position the HOA should take concerning this issue. Resident Bucky Coats asked the board to please reconsider entering into any kind of agreement with the developers of Chandler's Ridge. A committee of residents will be formed to investigate/research this issue and make a recommendation to the board. Mr. Coats also advised that someone from the board should advise the Town of Clayton Planning Development Board of our position.

8. **Darla Aldridge (social committee)** – Darla discussed the success of the Easter Egg Hunt, 4th of July parade, donuts with Santa and community yard sale.
9. **Matt Evans (Architectural Review Committee report)**
- 65 submittals reviewed in past year
 - Reminder that as houses age, need to keep up routine maintenance and repairs, including landscaping care, mailboxes, power washing, etc.
 - Reminder to submit for any and all exterior changes
10. **Dodd Webster (Covenants Compliance Report)** – With the exception of a few boats in driveways, the community is looking great.
11. **Financial Report** – 2010 Budget was presented by Debbie Haynes.

12. **Election of Board members** – Debbie Haynes had the candidates stand and introduce themselves. Candidates were as follows:

Karen Drumm
Keith Harrison
Michael Beecham
Kathy Blower
Sean P. Hein

Voting – Matt Evans nominated Rick Hassard, nomination accepted. Debbie closed the floor for nominations

By a majority vote, the newly elected members are: Karen Drumm, Michael Beecham & Kathy Blowers.

Meeting adjourned at 8:47pm.

Glen Laurel Homeowners Association
April 20, 2010
Neuse Club House
BOARD MEETING MINUTES

Attendees:

Michael Beecham	Kathy Blowers
Karen Drumm	Debbie Haynes – Omega
Carolyn Humphrey	Dodd Webster
Guests: Bucky Coats	

Absent: Darla Aldridge, Jennifer Eidam

1. **Call to Order** – The meeting was called to order at 7:13 by President Dodd Webster.
2. **Approval of Minutes** – A motion was made by Kathy Blowers to approve the minutes from the March 24, 2010 meeting. Seconded by Carolyn Humphrey. Motion carried.
3. **Committee Reports** –
 - a. **Chandler Ridge** – Bucky Coats provided an update:
 - i. He has spoken with the Chandler Ridge team as well as to Skip Bowder (Director of the Planning Board) at the last town meeting; nothing has happened since it was presented to the planning board.
 - ii. GLHOA Board needs to touch base with the planning board to request a notification if the issue is raised again; Bucky will forward Skip’s email and contact information to the board; Debbie will contact Skip to notify the board.
 - iii. Debbie asked for Bucky to be a liaison – he said he will help but can not represent the HOA and that someone from the board should go to the planning dept. Dodd will attend any required meetings.
 - b. **Architectural Committee** – Michael Beecham stated that 2 requests were pending; Karen and Michael have approved. Debbie informed board that Kris Gaskins last day at Omega is 4/23 so direct all communication to Debbie for the time being.
 - i. Discussion took place on 222 Parkridge about bushes around the pool; He wants a slide in the pool, HOA said no; He has been advised to go ahead and put it in by legal counsel; Dodd told him to ask the golf course.
 - ii. Michael – had a question can sprinklers be installed w/out approval – YES you can.
 - c. **Social Committee** – no report
 - d. **Covenant Compliance** – Kathy reported that everything look good;
 - i. Many homes need power washing to be completed but will allowing additional time due to the pollen;
 - ii. 124 Kensington needs to have the grass mowed/weeded. Michael made a motion and Carolyn seconded to have the lawn cut and add the cost to their account.; Motion carried

- iii. Discussed the house on several homes in which letters were to be sent out.
 - 1. Home Owner that did not have lattice under deck -- refuses to install. Another letter will be sent.
 - 2. House on Neuse Ridge needs painting;
 - 3. House on Parkridge with dumpster/porta potty – need a letter sent;
 - 4. Karen asked about the house on LaFoy that has a shed in drive way;
 - 5. Michael asked about BB hoops – permanent ones need approval.
- 4. **Financial Report** – Debbie reported on financials; taxes done not audited yet.
 - a. Accounting dept on hold for collections waiting
 - i. We agreed at last meeting to waive any late charge fees if they paid by March 31st. Notice sent 11/09; late notice 2/10 and 3/10 and 15 day letter; Karen moved that for any not paid by 5/1 turn over to the attorney; Kathy seconded. Motion carried;
 - ii. Carolyn made a motion and Michael seconded to write off \$19.81 on 30 Edinburg due to foreclose;
- 5. **Old Business** – The Action Item List was discussed and reviewed
- 6. **New Business** –
 - a. Dodd made a motion to hold the HOA meetings on the 3rd Tuesday of each month; Kathy Blowers seconded;
 - b. Website upgrade – Carolyn updated board on new web site – we need to migrate to new site and get rid of Dockpoint; Front page of site has tutorial etc;
 - i. Free classified for residents only
 - ii. Service Directory – will be a listing of businesses with small ads that will rotate randomly; will be a fee for this. Michael made a motion. Kathy seconded and motion carried to charge - \$100 yearly ad; \$50 one-half year ad; \$25 quarterly ad
 - iii. Real Estate link – can only be for homes that are for sale only in Glen Laurel – this would be for realtors and for sale by owners – Karen moved, Michael seconded and motion carried that the fee would be \$100 per listing for Realtor listing and \$50 for each listing for Sale by Owner listing
 - iv. Forum – photos can be posted by a resident in the private section; Board agreed to take the ability to post photos away as we have no control over what types of pictures could be posted on the webpage
 - v. Michael moved to have a post card sent to residents informing them of the change in the website and that a paper newsletter/directory will no longer be provided to Home Owners; Kathy seconded; Motion carried. Debbie will work with Carolyn to design the post card and the mailing. This will be the last general mailing informing residents of this change.
 - c. Newsletters and/or Compass Magazine – Compass Magazine has agreed to provide a free ad to the Board; Space will be given to us every month.
 - i. This month Dodd wants an article about Dog responsibility – walking their Dogs and picking up their remains; keeping your dog on a leash;

- d. Traffic calming study – Dodd reported on these. 95% of the speed has to be 10 mph over and 500+ cars per day – LaFoy, Birkdale, Parkridge and Neuse Ridge are the streets that will be studied – if we want to do this we need to send a letter to the Town; Karen moved and Kathy seconded to send in a letter to have the survey done; Motion carried. Study will be done later in the Spring; Dodd and Debbie will work on the letter to send
- e. Dodd discussed a proposal from Jim Lee -Waltham Group Builders (building the new subdivision that will back up to LaFoy) they need to run a sewer line under the bushes at the second entrance and will donate money for landscaping; Michael moved to approve the proposal and Kathy seconded; Motion carried. Also discussed a path that was to be built between the neighborhoods coming out of lot of LaFoy – Dodd told him no – Dodd received a letter from them saying Dodd was correct and the DR Bryant will be deeding over that lot on LaFoy to the HOA;
- f. The monuments –cutting back the bushes around them by Steve Mendenhall – he will give us a quote to do so
- g. Path on Parkridge is in need of repairs. Debbie to request that Steve Mendenhall to give a proposal to repair the path
- h. Dodd talked about the beds on Neuse Ridge that were planted and that they are now weedy;
- i. Michael asked about an update on the convent changes to obtain a Quorum. We will have to go Door to Door to get approval; must be a home owner signature can not be an email. Debbie will ask if we can get an voting option on the website;

7. **Next Meeting** – Tuesday, May 18, 2010 at 7:15

A motion was made by Karen to adjourn meeting at 8:36 p.m. and seconded by Dodd.
Motion carried.

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

Agenda Item: 7a

Meeting Date: 10/04/10

TITLE: REQUEST BY MEDLIN OFFICE SUPPLY ON MAIN STREET.

DESCRIPTION: Medlin Office Supply is requesting signage for 30 minute parking in front of its store.

At its January 19, 2010, Council meeting, Council received a request from the DDA for temporary limited parking on Main Street before the onset of the Public Square construction project. It was the consensus of the Council to place this item on the consent agenda with business hours specified on the signage for the south side of Main Street.

At its February 1, 2010, Council meeting, Council adopted an ordinance amending chapter 74 of the parking schedule to restrict parking to temporary 30-minute parking from 8 AM to 6 PM Monday thru Friday on East Main Street on the south side from Lombard Street to 184 feet west (from 321 E Main to 335 E Main).

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-04-10	Discussion.	Letter and Ordinance.

RECEIVED SEP 10 2010

A TRADITION OF QUALITY SERVICE

MEDLIN OFFICE SUPPLY

919-553-3044
FAX 919-553-0263

402 EAST MAIN STREET
CLAYTON, NC 27520

9/7/10

Dear Steve,

Can you please help us with a sign for '30 Minute Parking' for the space in front of our store? That space is staying occupied all day, each day by local employees, and we have had numerous customer complaints.

Thank you very much!

Sincerely,
Jennifer M. Lawrence

**TOWN OF CLAYTON
AMENDMENT TO THE CODE OF ORDINANCES
CHAPTER 74: PARKING SCHEDULES**

BE IT HEREBY ADOPTED THAT THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA amends its Code of Ordinances with the following:

Amend the following portions of CHAPTER 74: Parking Schedules, Schedule II, Restricted Parking to read as follows:

Street	Location	Restriction	Ord. No.	Passage Date
Main Street, East	South side from Lombard Street to 184 feet west (from 321 E Main to 335 E Main)	Temporary 30-minute time limited parking from 8 AM to 6 PM, Monday thru Friday		2-01-2010

Duly adopted this 1st day of February 2010 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry L. Scoggins, MMC
Town Clerk

Brenton W. McConkey
Town Attorney

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

Agenda Item: 7b

Meeting Date: 10/04/10

TITLE: PROCLAMATION – FIRE PREVENTION WEEK.

DESCRIPTION: Fire Prevention Week was established to commemorate the Great Chicago Fire, the tragic 1871 conflagration that killed more than 250 people, left 100,000 homeless, destroyed more than 17,400 structures and burned more than 2,000 acres. The fire began on October 8, but continued into and did most of its damage on October 9, 1871. In 1920, President Woodrow Wilson issued the first National Fire Prevention Day proclamation, and since 1922, Fire Prevention Week has been observed on the Sunday through Saturday period in which October 9 falls. According to the National Archives and Records Administration's Library Information Center, Fire Prevention Week is the longest running public health and safety observance on record. The President of the United States has signed a proclamation proclaiming a national observance during that week every year since 1925. Since 1957, the National Fire Protection Association has chosen a theme to promote fire prevention week. This year's theme is "Smoke Alarms: A Sound You Can Live With!" The 2010 campaign is designed to educate people about the importance of smoke alarms and encourage everyone to take the steps necessary to update and maintain their home smoke alarm protection.



RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

10-04-10

Proclamation.

TOWN OF CLAYTON
FIRE PREVENTION WEEK
October 3 - 9, 2010

WHEREAS, public fire education means teaching people how to protect themselves against the dangers of fire; and

WHEREAS, the danger of fire does exist in our community, as it does across the nation; and

WHEREAS, most fire and burn injuries are preventable; and

WHEREAS, through education, citizens can learn how to prevent fire and how to react in case it happens; and

WHEREAS, the 2010 Fire Prevention Week theme, “Smoke Alarms: A Sound You Can Live With”, effectively serves to remind us all of the simple actions we can take to stay safer from fire during Fire Prevention Week and year-round; and

WHEREAS, the Clayton Fire Department encourages citizens to test each smoke alarm once a month and to change the battery in each smoke alarm when the time changes.

NOW THEREFORE, the Clayton Town Council urges all citizens to learn about fire safety.

Duly proclaimed this 4th day of October 2010 while in regular session.

Jody L. McLeod
Mayor

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

Agenda Item: 8c

Meeting Date: 10/04/10

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

RELATED GOAL: Administrative

ITEM SUMMARY:

- Public Art Advisory Board Mtg – Tuesday, September 21, 2010 @ 6:30 PM, Clayton Center
- ~~Planning Board Mtg – Monday, September 27, 2010 @ 7 PM – Cancelled~~
- ~~Oktoberfest – Saturday, October 2, 2010, from noon to 10 PM, Town Square – Cancelled~~
- All Star Pavilion Dedication Ceremony – Sunday, October 3, 2010 @ 4 PM
- Council Mtg – Monday, October 4, 2010 @ 7:30 PM
- Clayton Library Board Mtg – Thursday, October 7, 2010, @ 4:30 PM, Hocutt Ellington Library, 100 South Church Street
- Powhatan Elementary R.A.C.E. and Business Expo – Saturday, October 9, 2010 from 7 AM to 12 noon at Powhatan Elementary School
- Downtown Development Association Mtg – Monday, October 11, 2010 @ 7:30 PM, Room GS 223
- Recreation Advisory Committee Mtg – Monday, October 11, 2010 @ 7:30 PM, 715 Amelia Church Rd
- Clayton Band Classic Day – Saturday, October 16, 2010
- Council Mtg – Monday, October 18, 2010 @ 7:30 PM
- Public Art Advisory Board Mtg – Tuesday, October 19, 2010 @ 6:30 PM, Clayton Center
- Board of Adjustment Mtg – Wednesday, October 20, 2010 @ 7:30 PM
- St. Baldrick's Event – Saturday, October 23, 2010 from 2 PM to 9 PM at FlipSide Restaurant
- The Palladian Series: Jon Reep – Saturday, October 23 2010 @ 8 PM
- NCLM Annual Conference – Sunday, October 24 – Tuesday, October 26, 2010, hosted in Winston-Salem, NC
- Planning Board Mtg – Monday, October 25, 2010 @ 7 PM
- Council Mtg – Monday, November 1, 2010 @ 7:30 PM
- The Palladian Series: The Blind Boys of Alabama – Saturday, November 6, 2010 @ 8 PM
- Downtown Development Association Mtg – Monday, November 8, 2010 @ 7:30 PM, Room GS 223

- Recreation Advisory Committee Mtg – Monday, November 8, 2010 @ 7:30 PM, 715 Amelia Church Rd
- Veteran’s Day Holiday – Thursday, November 11, 2010
- Council Mtg – Monday, November 15, 2010 @ 7:30 PM
- Public Art Advisory Board Mtg – Tuesday, November 16, 2010 @ 6:30 PM, Clayton Center
- Board of Adjustment Mtg – Wednesday, November 17, 2010 @ 6 PM
- Planning Board Mtg – Monday, November 22, 2010 @ 7 PM
- Thanksgiving Holiday – Thursday, November 25, 2010 & Friday, November 26, 2010
- The Palladian Series: Kathy Mattea, Songs and the Season – Friday, December 3, 2010 @ 8 PM
- Council Mtg – Monday, December 6, 2010 @ 7:30 PM
- Clayton Christmas Parade – Saturday, December 11, 2010, time tba
- Downtown Development Association Mtg – Monday, December 13, 2010 @ 7:30 PM, Room GS 223
- Recreation Advisory Committee Mtg – Monday, December 13, 2010 @ 7:30 PM, 715 Amelia Church Rd
- Board of Adjustment Mtg – Wednesday, December 15, 2010 @ 6 PM
- Council Mtg – Monday, December 20, 2010 @ 7:30 PM
- Christmas Holiday – Friday, December 24, 2010 & Monday, December 27, 2010
- Planning Board Mtg – **TUESDAY**, December 28, 2010 @ 7 PM
- New Year’s Day Holiday – Friday, December 31, 2010
- Council Mtg – Monday, January 3, 2011 @ 7:30 PM
- The Palladian Series: Blues Bash VI: Superharps featuring James Cotton with Tad Walter Trio – Friday, January 21, 2011 @ 8 PM
- The Palladian Series: Tommy Emmanuel – Saturday, February 26, 2011 @ 8 PM
- Colin Hay – Sunday, March 13, 2011 @ 8 PM
- Sunshine Week – March 13 – 19, 2011
- The Palladian Series: Dianne Reeves – Friday, April 1, 2011 @ 8 PM

RELATED GOAL: Administrative

Date:
10-04-10

Action:
Information.

Info. Provided:
Calendar of Events.