

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**

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## **TOWN COUNCIL MEETING**

**MARCH 07, 2011**

### **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, MARCH 7, 2011**  
**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 February 21, 2011, work session meeting and the February 21, 2011, closed session meeting.
- b. Resolution for 2011 state legislative agenda.
- c. Resolution directing the clerk to investigate annexation petition 2011-02-01.
- d. Resolution directing the clerk to investigate annexation petition 2011-02-02.
- e. Proclamation for Arbor Day.
- f. Warranty acceptance for Cobblestone Subdivision, Phase 7C-1 (12 lots).

**4. INTRODUCTIONS AND SPECIAL PRESENTATIONS**

- a. Report on Wake County mass transit plan.

**5. PUBLIC HEARINGS**

- a. Evidentiary hearing for planned development request, PDD-R 2010-46, located on the east side of North O'Neil Street adjacent to Sam's Branch in the town limits.

**6. OLD BUSINESS**

**7. NEW BUSINESS**

8. **STAFF REPORTS**
  - a. **Town Manager**
    - Rental property registration program
    - Cooper School drainage project
  - 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: 3/07/11

**TITLE: DRAFT MINUTES FROM THE FEBRUARY 21, 2011, WORK SESSION MEETING AND FEBRUARY 21, 2011, CLOSED SESSION MEETING.**

**DESCRIPTION: Attached.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

**3-07-11**

**Approval.**

**DRAFT minutes the  
2/21/2011.**

**\*DRAFT minutes of the  
2/21/2011 closed session  
Will be hand-delivered.**

**MINUTES  
CLAYTON TOWN COUNCIL  
FEBRUARY 21, 2011**

The second regular meeting of the Clayton Town Council for the month of February was held on Monday, February 21, 2011, at 7:30 PM at Town Hall, 111 East Second Street.

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

**ABSENT:** Mayor Jody L. McLeod

**ALSO PRESENT:** Steve Biggs, Town Manager; Brenton McConkey, Town Attorney; Sherry Scoggins, Town Clerk; Nancy Medlin, Deputy Town Manager; David DeYoung, Planning Director; Tim Simpson, Public Works & Utilities Director; Tommy Roy, Information Services Technician

**ITEM 1. CALL TO ORDER**

Mayor Pro Tem Grannis called the meeting to order at 7:33 PM and led the Pledge of Allegiance. Mayor Pro Tem Grannis gave the invocation.

**ITEM 2. ADJUSTMENT OF THE AGENDA**

Town Manager Steve Biggs requested the following adjustment of the agenda:

- Add as Item 10d, Closed session to discuss economic development opportunity in accordance with NC GS 143-318.11 (a) (4)

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

**ITEM 3. ACTION AGENDA**

Councilman Harding motioned to approve the action agenda as presented; Councilman Lawter seconded the motion. The motion carried 5-0 with the following action agenda item being approved at 7:34 PM:

- Item 3a. Draft minutes from the February 7, 2011, regular meeting and January 31, 2011, special joint meeting between the Town Council and Public Art Advisory Board.

**ITEM 4. INTRODUCTIONS & SPECIAL PRESENTATIONS**

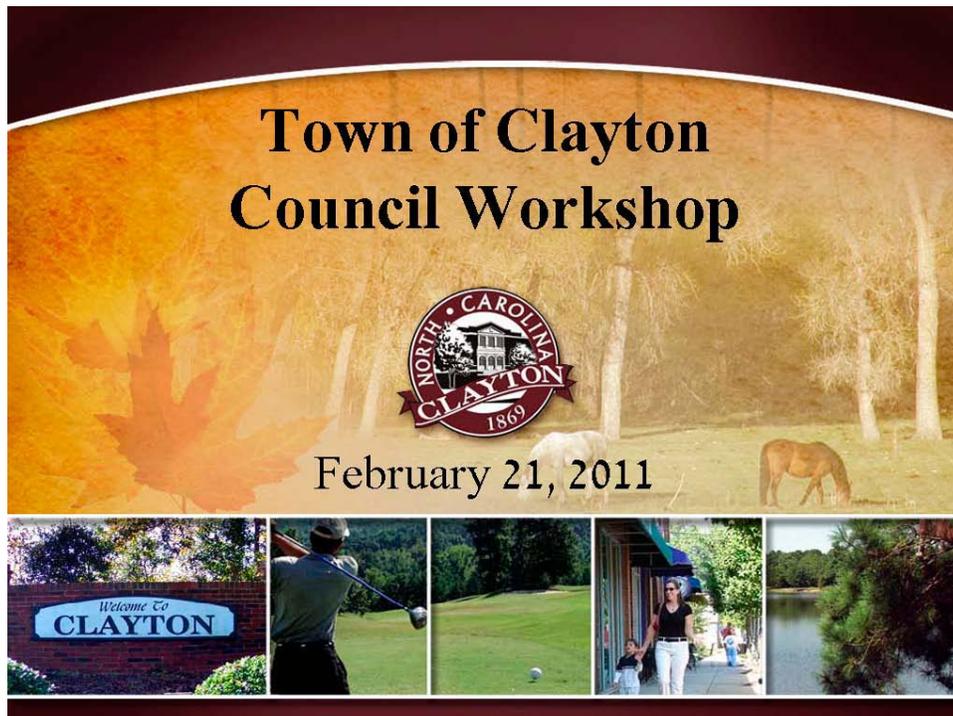
Item 4a. Introduction of new Town of Clayton employee(s).

No introductions were presented to Council.

**ITEM 5. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**

Item 5a. Presentation of planned development district, PDD-R 2010-46, located on the east side of North O’Neil Street adjacent to Sam’s Branch in the town limits.

Planning Director Dave DeYoung provided the following overview of PDD-R 2010-46:





## PDD-R 2010-46 Ashcroft Subdivision

**Request:**

- The applicant is requesting a residential planned development with a mixture of single-family and townhouse units

**Location:**

- The subject property is located on the east side of O’Neil Street, just north of Sam’s Branch

**Site Information:**

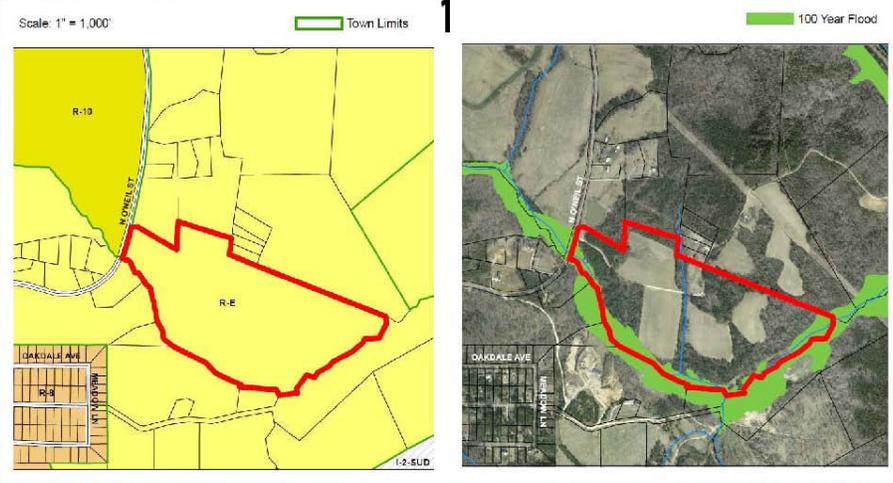
- 74.64 acres (vacant)
- R-E (Residential Estate) Zoning



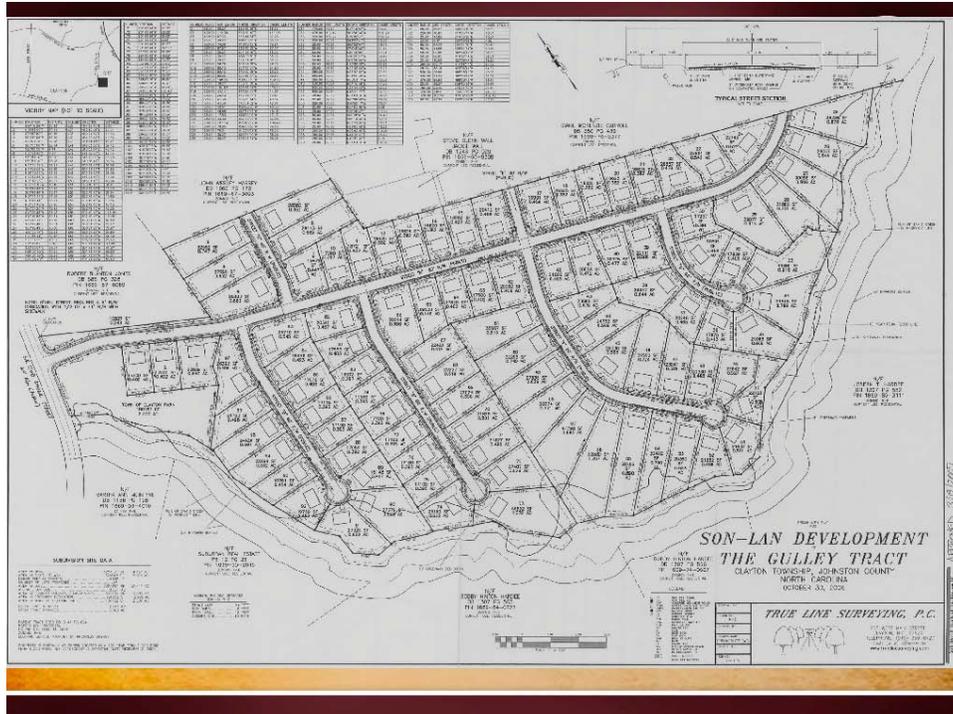
## Site Location

Scale: 1" = 1,000'

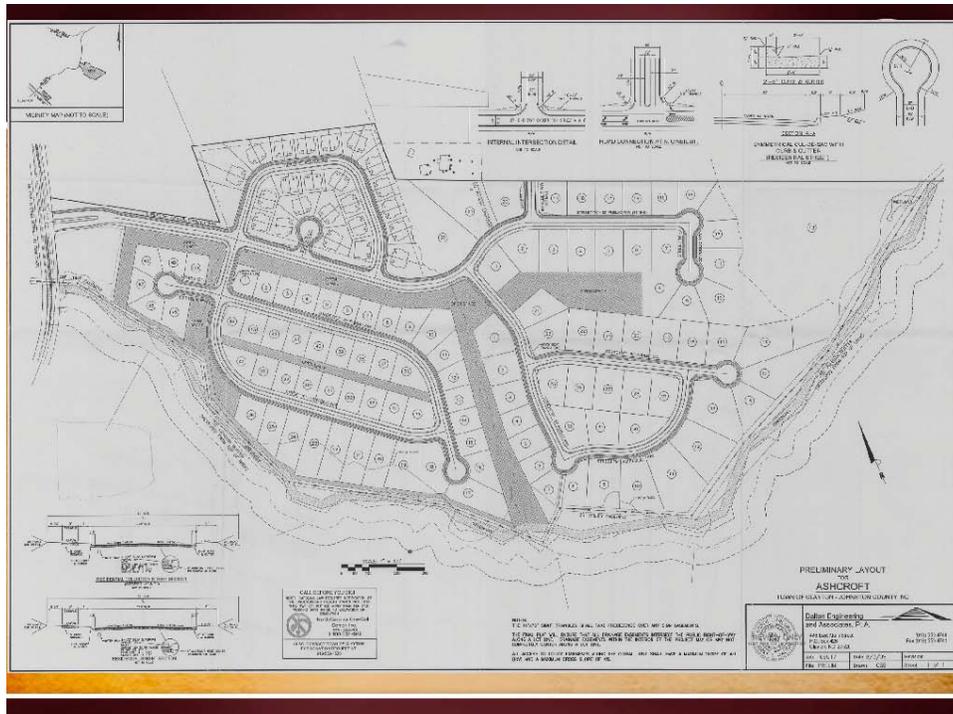
Town Limits 1 100 Year Flood



Mr. DeYoung stated this site has been before the Council several times. The site plan was first presented to the Council in 2006 as SUB 06-02 with 83 lots proposed for development.

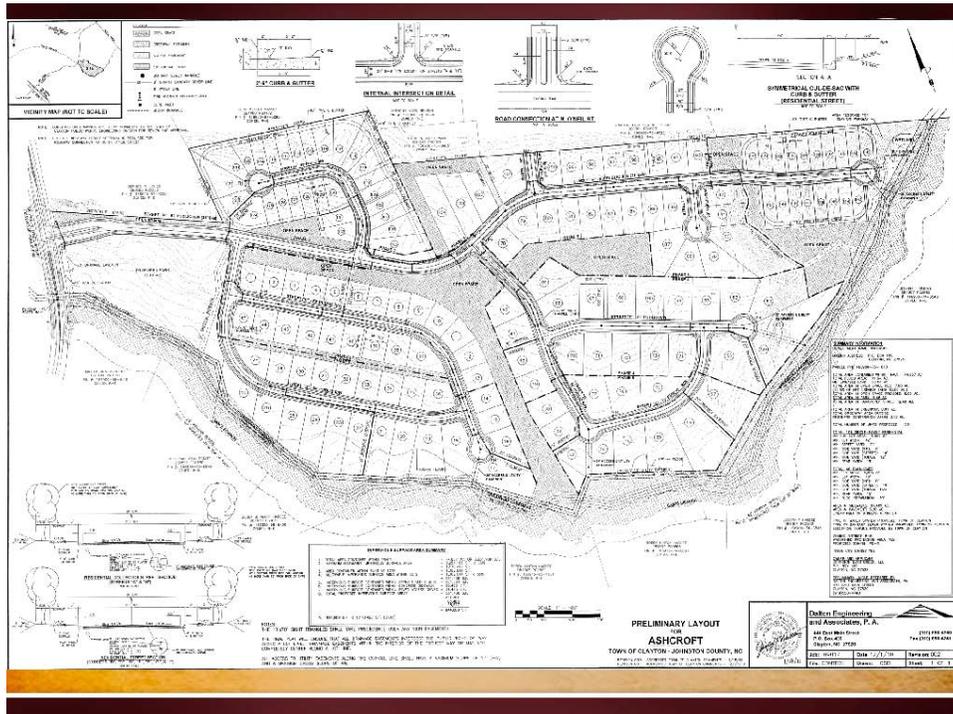


Mr. DeYoung stated the above site was presented to the Council as SUB 06-12, Trails of the Neuse (Gulley Tract) with 97 lots proposed for development; approved by Council at its March 19, 2007, Council meeting.



Mr. DeYoung stated the above site was presented to the Council as PDD 09-05, Ashcroft as submitted by The Johnston Land Group with 104 single family and 46 townhomes proposed for development. He stated 7.13 acres of open space

are shown on the plan and the plan indicates a proposed park and a previously dedicated greenway easement for public use.



Mr. DeYoung stated the above site plan, PDD-R 2010-46, was submitted by The Johnston Land Group for Ashcroft.

## Ashcroft Subdivision



**Density:**

- The proposed subdivision plan indicates 104 single-family lots and 46 townhome lots – 2 dwelling units per acre total

**Open Space:**

- 6.99 acres of open space /vegetation corridors throughout the site

**Proposed Park:**

- 5.46 acre park located at project entrance



## Ashcroft Subdivision

The subdivision is generally consistent with:

- Strategic Growth Plan
  - Development location / infrastructure availability / Roadway access
- Unified Development Code
  - Requesting a waiver from UDC Section 155.602(G)(1) – cul-de-sac length greater than 700 feet
- Watershed Protection Overlay
  - Meets density and impervious surface requirements of Overlay

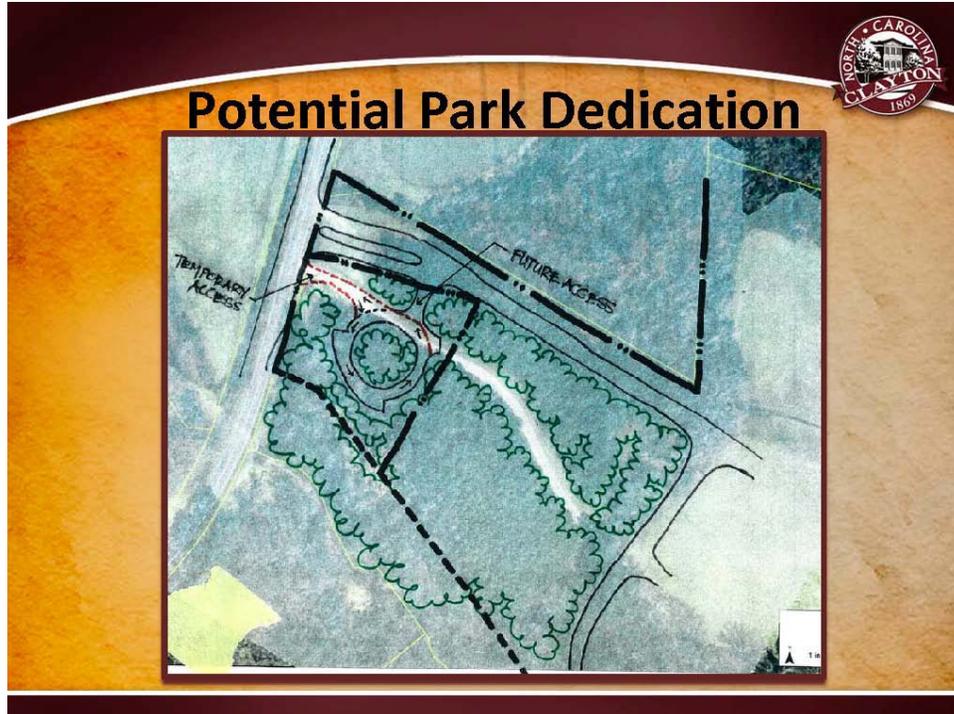


## Ashcroft Subdivision

The subdivision is inconsistent recreation and open space standards.

*155.204(H)(3)(a) “All development utilizing the open space residential subdivision option shall provide recreation and open space equal to 12.5% of the net site area as public or private recreation and open space”.*

- 12.5% of the Ashcroft site equates to a minimum requirement of 7.88 acres.
- The site has 6.99 acres of open space and the 5.46 acres of park space for a total of 12.45 acres
- Privately held (50% credit) equates to 6.23 acres
- This falls 1.65 acres short of the minimum required dedication.

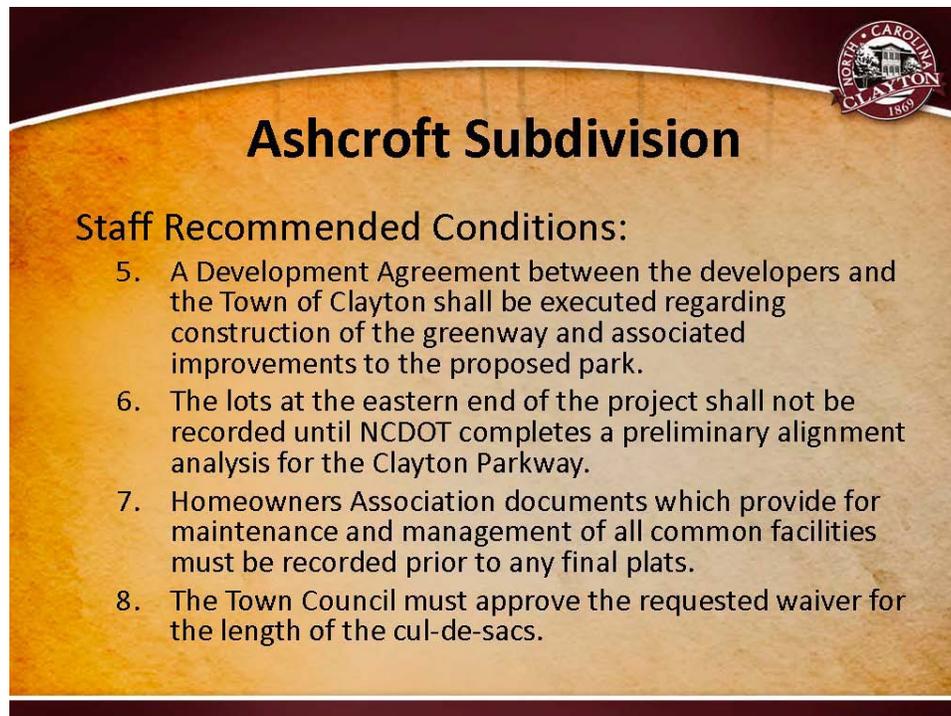


**Ashcroft Subdivision**

Staff Recommended Conditions:

1. A utility allocation request must be submitted and approved by the Town of Clayton, plans approved for public improvements by the Public Works Department, and related fees paid prior to building permit issuance.
2. Approved street names and addresses shall be applied to the plat prior to recording.
3. All recorded maps shall prominently identify riparian buffers and note that the lots are subject to the regulations of the Watershed Protection Overlay District of the Town of Clayton.
4. The street connection to N. O'Neil Street shall be approved by NCDOT prior to recording final plats.

A seal for 'NORTH CAROLINA CLAYTON 1869' is in the top right corner.

A presentation slide with a dark red header and footer. The main content area has a light brown, textured background. In the top right corner, there is a circular seal for the Town of Clayton, North Carolina, established in 1869. The title "Ashcroft Subdivision" is centered in a large, bold, black font. Below the title, the text "Staff Recommended Conditions:" is followed by a numbered list of four items.

**Ashcroft Subdivision**

Staff Recommended Conditions:

5. A Development Agreement between the developers and the Town of Clayton shall be executed regarding construction of the greenway and associated improvements to the proposed park.
6. The lots at the eastern end of the project shall not be recorded until NCDOT completes a preliminary alignment analysis for the Clayton Parkway.
7. Homeowners Association documents which provide for maintenance and management of all common facilities must be recorded prior to any final plats.
8. The Town Council must approve the requested waiver for the length of the cul-de-sacs.

**Planning Director DeYoung stated the Planning Board added as condition 9: A parcel (acreage to be determined) on the south side of the project entrance shall be dedicated to the Town of Clayton to accommodate a trailhead and associated parking area for the Mountain to Sea Trail.**

**Planning Director DeYoung stated at its January 24, 2011, Planning Board meeting, the Planning Board voted unanimously to recommend approval of PDD-R 2010-46 with the above listed conditions.**



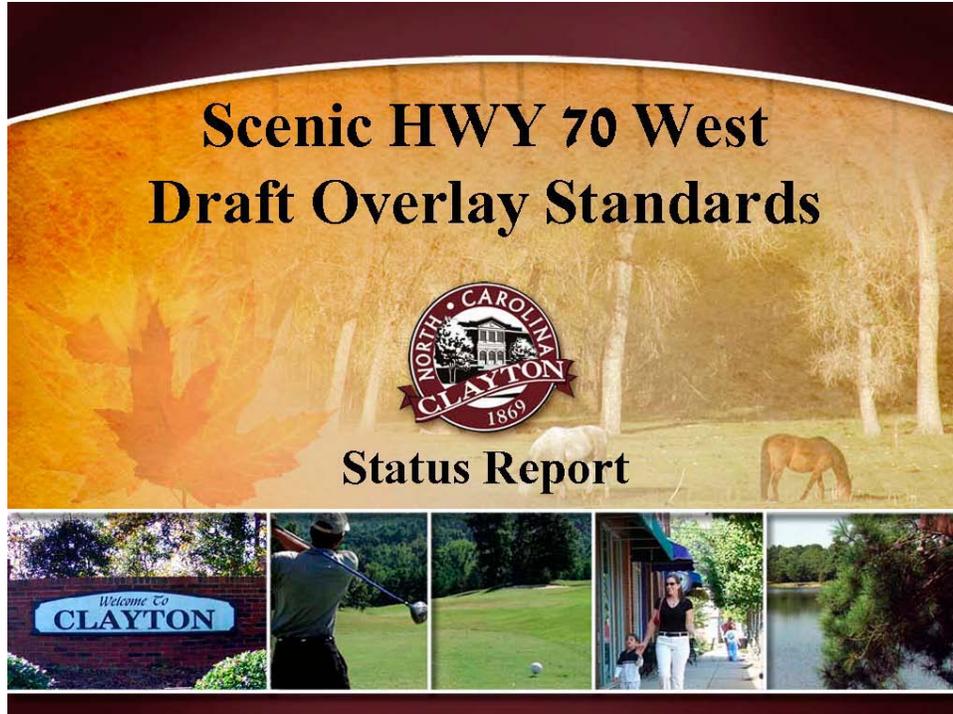
Based upon question by Council, Planning Director DeYoung stated the tract has not been scaled to determine the exact acreage for open space.

Council requested the following items be addressed during the March 7, 2011, hearing:

- Wastewater allocation request
- Developer consideration to dedicate parcel (acreage to be determined) on the south side of the project entrance to the Town of Clayton to accommodate a trailhead and parking for the Mountains-to-Sea Trail (MST)

Item 5b. Presentation of interim report on the scenic highway overlay district.

Town Manager Biggs stated this is an interim report on the status of the US 70 Bypass Corridor study and converting that information into a product for codification into the Town Code of Ordinances by the Council at a future date.



Planning Director Dave DeYoung provided the following overview of the interim report on the scenic highway overlay district:

The graphic has a parchment-like background with a dark red border. The title "PURPOSE OF OVERLAY" is in a large, bold, sans-serif font. A circular seal for "NORTH CAROLINA CLAYTON 1869" is in the top right corner. Below the title is a paragraph: "The Scenic Highway 70 Overlay (SHO) is established for the purpose of:". This is followed by a bulleted list of five items.

## PURPOSE OF OVERLAY

The Scenic Highway 70 Overlay (SHO) is established for the purpose of:

- Protecting the visual qualities of the corridor
- Maintaining the corridor's natural state
- Retaining a small town sense of community
- Providing opportunities for quality growth and development
- Encouraging urban development at highway interchanges



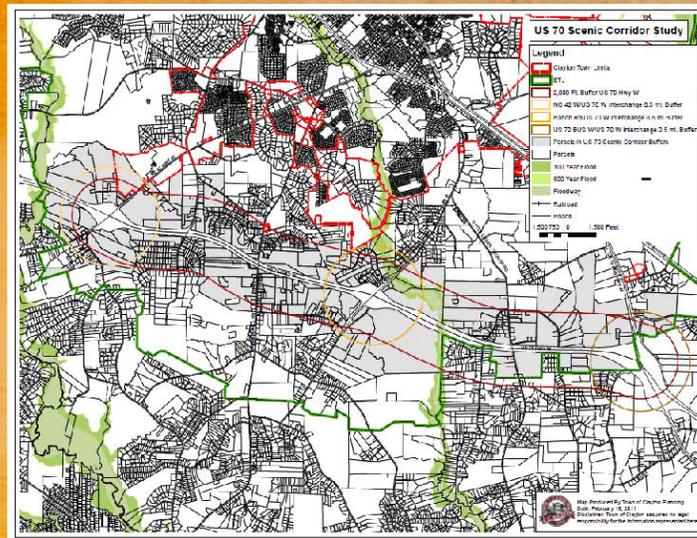
## SHO Boundaries

The SHO boundaries follow the thoroughfare within Town limits and extra territorial jurisdiction (ETJ) for:

- ½ mile centered on highway interchanges
- 2,000 feet from the centerline of the right-of-way for the remainder of the thoroughfare.



## Overlay Boundary Map



Planning Director DeYoung stated this map depicts all properties within the Town and Town's ETJ.



## SHO Regulations

The Overlay regulations are divided into two distinct sections based on the boundaries. These are:

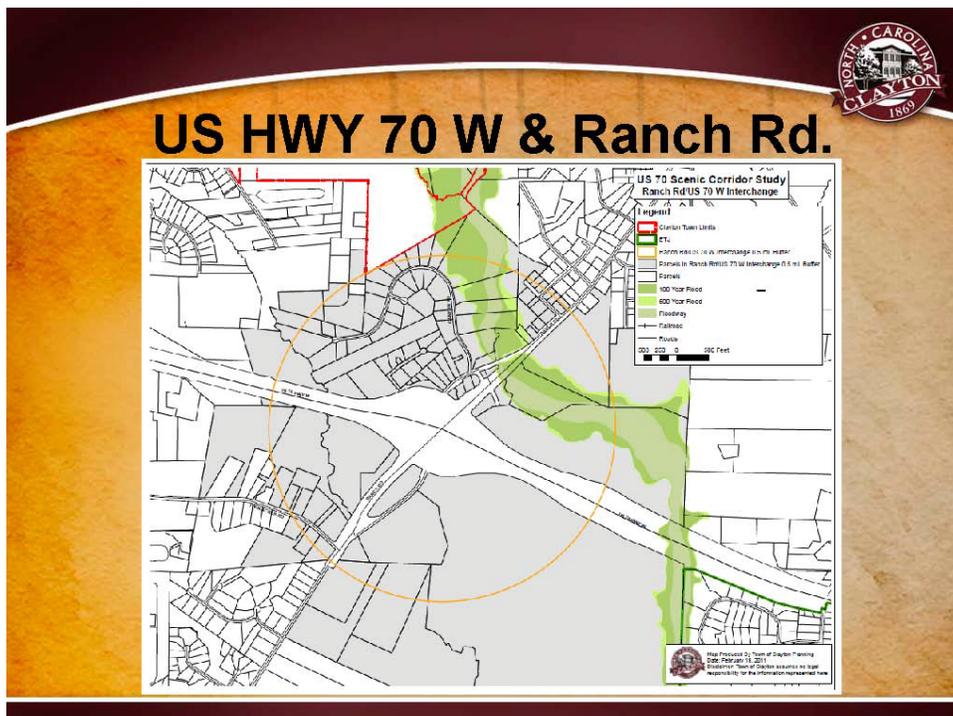
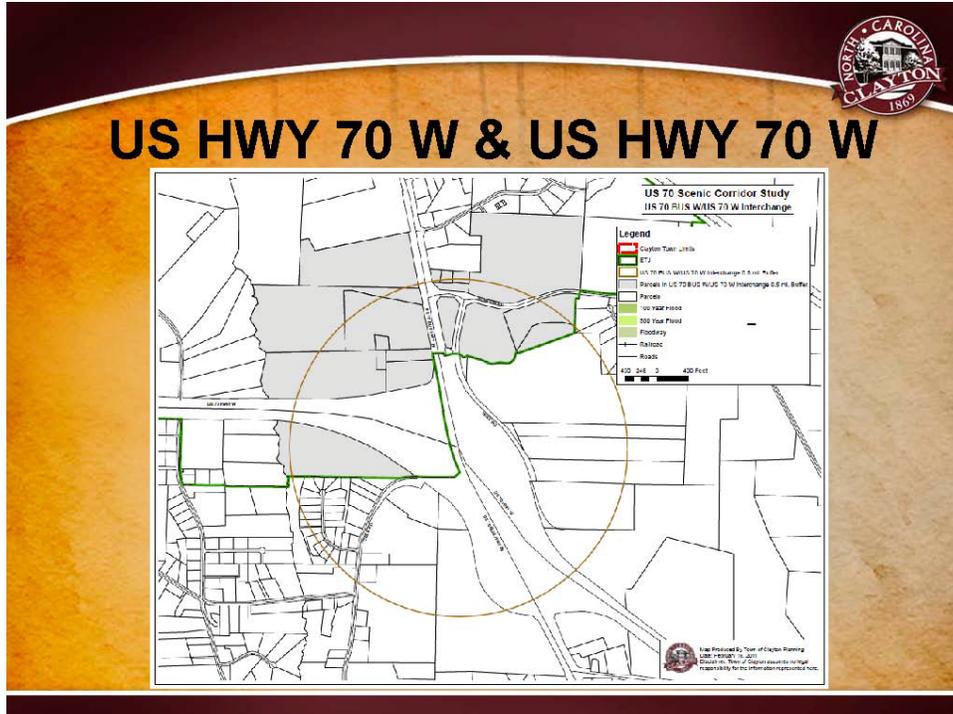
- SHO Intersections
- SHO Corridor

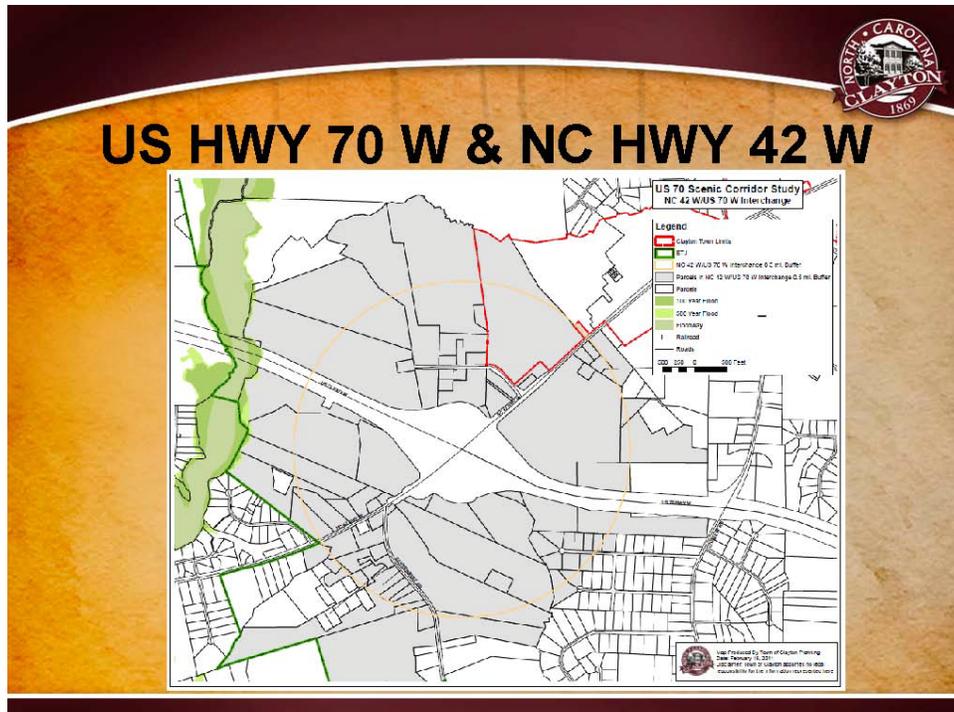


## SHO INTERCHANGES

SHO interchanges shall include all properties within ½ mile radius of the intersection point of :

- Scenic US HWY 70 W and Business US HWY 70
- Scenic US HWY 70 W and Ranch Road
- Scenic US HWY 70 W and NC HWY 42 W





Planning Director DeYoung stated a portion is within the NC 42 West Small Area Plan.

## SHO Interchange Development

To create the unique character and aesthetics for these interchanges, development standards are provided which:

- Establish an urban identity
- Ensure high quality, architecturally compatible, consistently landscaped development
- Regulate uses at interchanges to create a specific character and aesthetic quality
- Preserve and enhance the existing visual character of the scenic corridor
- Promote and protect the health, safety and general welfare of the Town



## SHO Development Guidelines

Promote and enhance development at SHO Interchanges by:

- Regulating uses
- Incorporating the criteria established in the Town’s General Design Guidelines

	Approval Type	Specific Use Standard
P = Permitted   C = Conditional Use ( § 155.710 )   S = Special Use ( § 155.711 )   * – Group of Uses ( § 155.300 )		
<b>Commercial Uses</b>		
Gas station w/convenience retail	S	§ 155.304(E)
Hotel, motel	S	§ 155.304(D)
Indoor recreation*	S <sup>(1)</sup>	
Office, General*	P	
Office, Medical*	P	
Outdoor seating and sidewalk cafes	S	§ 155.304(O)
Restaurant	P	
Retail, General*	P	§ 155.304(H)
Service, General*	P	§ 155.304(J)
Veterinarian, animal Hospital	S	§ 155.304(N)
<b>Industrial Uses</b>		
Research & Development	P	

<sup>(1)</sup> Use is classified as a Special Use (S) unless it is located within an “in-line” space in a shopping center. If the use is in-line, it is reclassified as a Conditional Use (C).



## SHO Development Guidelines

- Requiring pedestrian amenities





## SHO Development Guidelines

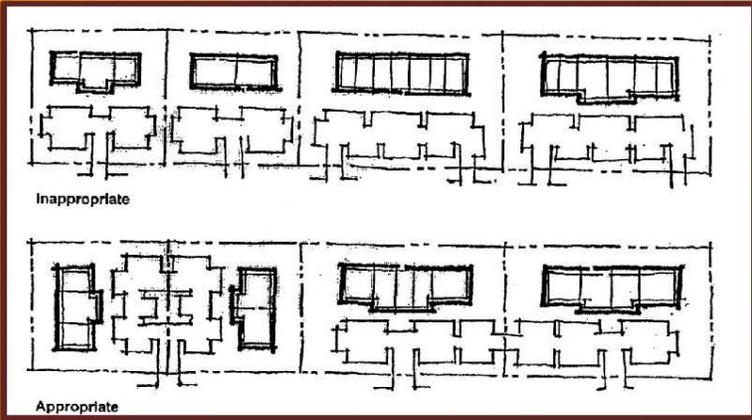
- Incorporating existing vegetation





## SHO Development Guidelines

- Requiring specific setbacks and access management



The diagram shows two rows of architectural floor plans. The top row, labeled 'Inappropriate', shows four building footprints with windows and doors that do not align with a common access path. The bottom row, labeled 'Appropriate', shows four building footprints where the windows and doors are aligned with a common access path, allowing for easier cross-access between buildings.

Planning Director DeYoung stated more cross access and circulation within will be promoted.



## SHO Development Guidelines

- Prohibiting certain elements



## SHO Design Guidelines

- Buildings design is important for establishing a sense of place and should have a consistent architectural theme.





## SHO Design Guidelines

- Buildings elevations have equal treatment on all sides.



## SHO Design Guidelines

- Materials and colors achieve visual order.





## SHO Design Guidelines

- Trademarks or symbolic forms which have a negative impact are not allowed.



## SHO Design Guidelines

- Rooflines and roof overhangs are required to wrap building and screen rooftop equipment.





## SHO Design Guidelines

- Gutters, downspouts and other equipment attached to the building facades must be visually consistent with color scheme of the structure.



## SHO Design Guidelines

- Service yards, loading docks, etc. must be screened from view and located to the side or rear of the structure.





## SHO Interchange Considerations

- Should US 70 and Ranch Road be excluded due to the significant elevation change?
- Should there be minimum/maximum building heights for structures fronting on the corridor at interchanges?
- Are there any additional uses which need to be considered?



## SHO CORRIDOR

- The SHO corridor includes properties located between the SHO interchanges
- The intent of the standards is to protect and enhance the visual quality of the corridor
- The design standards and guidelines are currently being developed



## SHO Corridor Considerations

- What is the proper depth of the corridor?
- Should we treat sections of the corridor differently based on topography?
- Should we provide for exemptions for:
  - Certain uses?
  - Smaller properties?
- How do we incorporate easements?
  - Piedmont Natural Gas



## Questions/Discussion

Councilman Harding stated he likes the questions for the Council to consider as is permits Council input. He stated he also supports certain exemptions for farms and particular uses. He added he would like follow up on the use of the Piedmont Natural Gas easement. He stated aesthetics should apply Town wide for appeal. He stated some type of organized planning would be helpful as

opposed to chaos. He stated this is a scenic bypass and to maintain as much of that as possible.

Councilman Holder expressed concern about restricting people who want to develop the property for personal use.

Town Manger Biggs stated staff would like Council input on the urban concept on the interchanges.

Councilman Holder stated he sees the Ranch Road interchange differently from the 70 interchanges because of the elevation differences.

Councilman Lawter stated the equipment that put in the road is the same equipment that can grade the topography. He added he sees the 70 interchanges as more industrial and the Ranch Road and HWY 42 interchanges as more commercial and office/institutional.

Mayor Pro Tem Grannis stated he also sees commercial at the 70 interchanges as well.

Town Manager Biggs requested staff be given the opportunity to explore the ideas shared this evening.

Item 5c. Presentation of resolution for 2011 state legislative agenda.

Mayor Pro Tem Grannis read the resolution into the record:

**RESOLUTION SEEKING CONSIDERATION OF  
2011 STATE LEGISLATIVE AGENDA**

**WHEREAS**, the Town Council for the Town of Clayton has worked diligently to identify and adopt certain goals for the betterment of the community and the financial integrity of the Town; and,

**WHEREAS**, in adopting those goals the Town Council for the Town of Clayton has identified certain local priorities involving the need for legislative consideration and action by the General Assembly of the State of North Carolina; and,

**WHEREAS**, the Town Council for the Town of Clayton, by adoption of this Resolution, requests that the Johnston County delegation to the North Carolina General Assembly receive, accept, and support furtherance of this legislative agenda for the 2011 session.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA** that the following items shall be

submitted to members of the Johnston County delegation of the North Carolina General Assembly as the legislative agenda for and on behalf of the Town of Clayton.

1. Ratification of a bill allowing the Town of Clayton to adopt ordinances providing that notice of public hearings may be given through electronic means, including, but not limited to, the Town's Internet site.
2. Ratification of a bill allowing the Town of Clayton to levy an additional room occupancy tax of up to three percent for the promotion of travel and tourism in the Town of Clayton.
3. Ratification of a bill allowing the Town of Clayton to maintain an electronic list of individual subscribers for inspection purposes only and to be exempt from providing a copy of the list.

Councilman Lawter questioned clarification of item 3.

Town Clerk Scoggins stated when a Town maintains a list, such as the Sunshine List, persons may inspect the list but they would not be given a copy of the list.

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

Item 5d. Presentation of resolution directing the clerk to investigate annexation petition 2011-02-01.

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

Item 5e. Presentation of resolution directing the clerk to investigate annexation petition 2011-02-02.

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

Item 5f. Presentation of proclamation for Arbor Day.

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

Item 5g. Presentation of warranty acceptance for Cobblestone Subdivision, Phase 7C-1 (12 lots).

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 presented.

## **ITEM 7. ITEMS FOR DISCUSSION**

No Items for Discussion were presented.

**ITEM 8. OLD BUSINESS**

No Old Business was presented.

**ITEM 9. STAFF REPORTS**

**Item 9a. Town Manager**

Town Manager Steve Biggs stated the Clayton Area Chamber of Commerce Retreat was held this past Friday. Town Manager Biggs stated it was a quality event and very well organized.

Town Manager Biggs stated he attended a Johnston County School Board of Education meeting today to discuss budget. He added the Johnston County School Board is reaching out to the community as federal and state funds are limited this year.

Town Manager Biggs stated in attendance this evening is Ms. Cheryl Houseman of the Triangle Apartment Association. He stated the Town met with her and another apartment manager to discuss the proposed registration process. He stated the outline is being distributed for input from relevant stakeholders on the proposal.

**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**

Other staff did not have a report.

**ITEM 10. OTHER BUSINESS**

**Item 10a. Informal Discussion & Public Comment.**

No informal discussion and public comment were presented to Council.

**Item 10b. Council Comments.**

No Council comments were presented.

Item 10c. Planning Board Highlights of the January 2011 meeting.

These were received as information only; does not require Council action.

Item 10d. Closed session to discuss an economic development opportunity in accordance with NC GS 143-318.11 (a) (4).

A motion to go into Closed Session under the authority of G.S. 143-318.11 to discuss a potential economic development opportunity was made by Mayor Pro Tem Grannis; Councilman Satterfield seconded the motion. Motion carried 5-0.

Mayor Pro Tem Grannis motioned to return to open session. Councilman Satterfield seconded the motion. Motion carried 5-0.

#### **ITEM 11. ADJOURNMENT**

With there being no further business brought before the Council, Mayor Pro Tem Grannis motioned to adjourn; Councilman Lawter seconded the motion. Motion carried 5-0 at 9:05 PM.

Duly adopted by the Town Council this \_\_\_\_ day of March 2011, 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: 3/07/11

TITLE: RESOLUTION FOR 2011 STATE LEGISLATIVE AGENDA.

DESCRIPTION: The 2011 is the long session for the State Legislators.  
Requests for local acts are due by:

- March 9, 2011 – Senate
- March 30, 2011 - House

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-21-11	Presentation.	Resolution.
2-07-11	Approval.	Resolution.

**TOWN OF CLAYTON  
RESOLUTION SEEKING CONSIDERATION OF  
2011 STATE LEGISLATIVE AGENDA**

**WHEREAS**, the Town Council for the Town of Clayton has worked diligently to identify and adopt certain goals for the betterment of the community and the financial integrity of the Town; and,

**WHEREAS**, in adopting those goals the Town Council for the Town of Clayton has identified certain local priorities involving the need for legislative consideration and action by the General Assembly of the State of North Carolina; and,

**WHEREAS**, the Town Council for the Town of Clayton, by adoption of this Resolution, requests that the Johnston County delegation to the North Carolina General Assembly receive, accept, and support furtherance of this legislative agenda for the 2011 session.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA** that the following items shall be submitted to members of the Johnston County delegation of the North Carolina General Assembly as the legislative agenda for and on behalf of the Town of Clayton.

1. Ratification of a bill allowing the Town of Clayton to adopt ordinances providing that notice of public hearings may be given through electronic means, including, but not limited to, the Town's Internet site.
2. Ratification of a bill allowing the Town of Clayton to levy an additional room occupancy tax of up to three percent for the promotion of travel and tourism in the Town of Clayton.
3. Ratification of a bill allowing the Town of Clayton to maintain an electronic list of individual subscribers for inspection purposes only and to be exempt from providing a copy of the list.

Duly resolved this 7th day of March 2011, while in regular session.

Attest:

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Jody L. McLeod  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk

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

Agenda Item: 3c

Meeting Date: 3/07/11

**TITLE: RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
ANNEXATION PETITION 2011-02-01.**

**DESCRIPTION: Mr. Rickie L. Johnson submitted a citizen initiated  
annexation petition for property located 1414 Old US 70  
HWY, parcel number 05G01012, for one acre that is  
contiguous to the town limits.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-21-11	Presentation.	Resolution & Map.
3-07-11	Approval.	Resolution & Map.

**ANNEXATION PETITION 2011-02-01  
1414 Old US 70 West (Parcel No. 05G01012)  
Owner – Rickie L. Johnson  
CONTIGUOUS; 1 ACRE**

**TOWN OF CLAYTON  
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER G.S. 160A-31**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on January 25, 2010, by the Town Council; and

**WHEREAS**, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

**WHEREAS**, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation:

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Clayton that:

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town of Clayton the result of her investigation.

Duly adopted this 7th day of March 2011, while in regular session.

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Jody L. McLeod  
Mayor

ATTEST:

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Sherry L. Scoggins, MMC  
Town Clerk

**Annexation 2011-02-01**  
**1.00 Acre**

Annexation Petitioner: Rickie L Johnson  
Property Owner: Rickie L Johnson  
Parcel Number(s) 05G01012  
Town Council Date(s): February 21, 2011  
March 7, 2011



Map produced by Town of Clayton  
Date: February 7, 2011  
Disclaimer: Town of Clayton assumes no legal  
responsibility for the information represented here.  
Aerial Photography Date: February - March 2005

Scale: 1" = 200'

Town Limits 

1



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

**Agenda Item: 3d**

**Meeting Date: 3/07/11**

**TITLE: RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
ANNEXATION PETITION 2011-02-02.**

**DESCRIPTION: The Town of Clayton acquired 79.335 acres on Covered  
Bridge Road and adjacent to the Neuse River formerly  
owned by the Massey family.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-21-11	Presentation.	Resolution & Map.
3-07-11	Approval.	Resolution & Map.

**ANNEXATION PETITION 2011-02-02**  
**Covered Bridge Road adjacent to the Neuse River**  
**North Clayton Community Park Site**  
**79.335 +/- acres, Non-Contiguous**

**RESOLUTION STATING THE INTENT OF THE TOWN OF CLAYTON  
TO ANNEX PROPERTY OWNED BY THE TOWN OF CLAYTON WHICH  
IS NON-CONTIGUOUS TO THE EXISTING MUNICIPAL BOUNDARIES**

**BE IT RESOLVED** by the Clayton Town Council of the Town of Clayton that:

**Section 1.** It is the intent of the Clayton Town Council, pursuant to G.S. 160A-58.7, to annex the property described in Section 2, which is owned by the Town of Clayton.

**Section 2.** The legal description of the property is as follows:

**BEGINNING** at a point, said point being an iron pipe set along the eastern right-of-way of Covered Bridge Road (SR 1700), Town of Clayton, North Carolina. Said point further described as the northwestern corner of the John Wesley Massey & Lynn Regan Massey property as recorded in Deed Book 1778 Page 679, Johnston County Registry and the southwestern corner of the E.I. Dupont Property as recorded in Deed Book 791 Page 411. Said point also having North Carolina grid coordinates of N 701876.2709, E 2168635.9718 (NAD 86/2007). Thence leaving the eastern right-of-way of Covered Bridge Road in a southeasterly direction a bearing and distance of S 35 degrees 25'45" E 513.51 feet to a concrete monument found. Thence a bearing and distance of S 63 degrees 57'53" E 343.34 feet to a concrete monument found. Thence a bearing and distance of N 21 degrees 30'51" E 153.91 feet to a concrete monument found (broke). Thence a bearing and distance of S 58 degrees 07'39" E 1018.79 feet to a concrete monument found. Said concrete monument also having North Carolina grid coordinates of N 700912.3800, E 2170163.7804. Thence a bearing and distance of S 30 degrees 01'20" W 2000.17 feet to an iron pipe found along the top of bank of the Neuse River. Said iron pipe also having North Carolina grid coordinates of N 699180.5704, E 2169163.0243. Thence along the top of bank of the Neuse River in a westerly direction the following bearings and distances: N 43 degrees 58'34" W 717.13 feet, N 43 degrees 10'35" W 313.53 feet, N 40 degrees, 36'05" W 185.68 feet, N 38 degrees 55'14" W 73.97 feet, N 37 degrees 54'17" W 238.22 feet, N 36 degrees 04'22" W 149.83 feet, N 33 degrees 27' 28" W 205.90 feet, N 37 degrees 33'19" W 262.57 feet, N 36 degrees 15'55" W 185.29 feet, N 38 degrees 18'12" W 167.68 feet to an iron pipe set along the eastern right-of-way of Covered Bridge Road. Thence along the eastern right-of-way of Covered Bridge Road in a northerly direction a bearing and distance of N 59 degrees 29'12" E 67.84 feet to an iron pipe set. Thence continuing with the eastern right-of-way N 58 degrees 36'35" E 77.96 feet to an iron pipe set.

Thence along a curve to the left and having a chord bearing and distance of N 55 degrees 00'31" E 325.19 feet, an arc length of 325.26 feet and a radius of 4350.00 feet to an iron pipe set. Thence a bearing and distance of N 52 degrees 38'51" E 623.82 feet to an iron pipe set. Thence a bearing and distance of N 52 degrees 42'55" E 235.19 feet to an iron pipe set and the **POINT OF BEGINNING** and containing 79.335 acres (3455826 square feet) according to a plat prepared by True Line Surveying, P. C. titled "Boundary Survey for John Wesley Massey and wife Lynn Regan Massey", dated December 17, 2010, and having a job number of 106.007.

**Section 3.** The property in Section 2 is not contiguous to the current municipal boundaries, but will meet the requirements of G.S. 160A-58.1(b).

**Section 4.** A public hearing on the question of annexation of the property will be held at the Clayton Town Hall, 111 East Second Street, at 7:30 PM on Monday, April 4, 2011.

**Section 5.** Notice of the public hearing shall be published once in the Clayton News-Star, a newspaper having general circulation in the Town of Clayton, at least ten days prior to the date of the public hearing.

Duly adopted by the Clayton Town Council this 7th day of March 2011, while in regular session.

ATTEST:

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Jody L. McLeod,  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk

Annexation 2011-02-02  
79.34 Acre

Annexation Petitioner: Town of Clayton  
Property Owner: Town of Clayton  
Parcel Number(s) 16I03029  
Town Council Date(s): February 21, 2011  
March 7, 2011



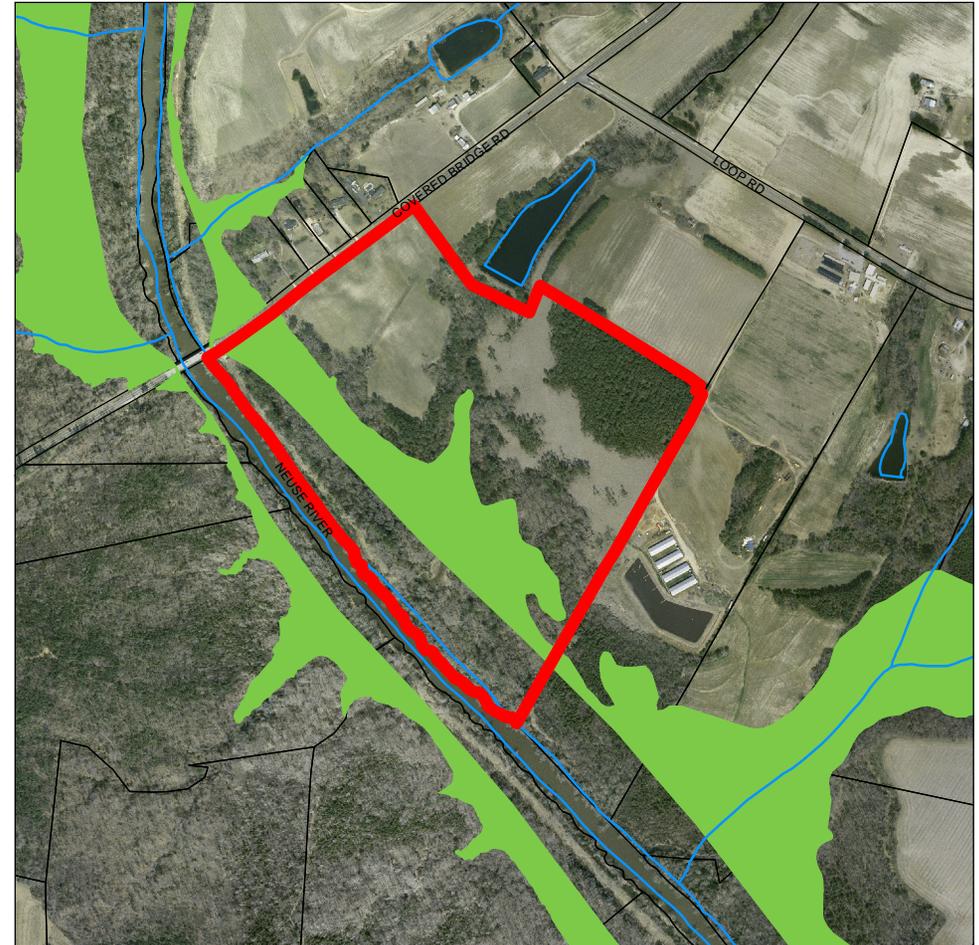
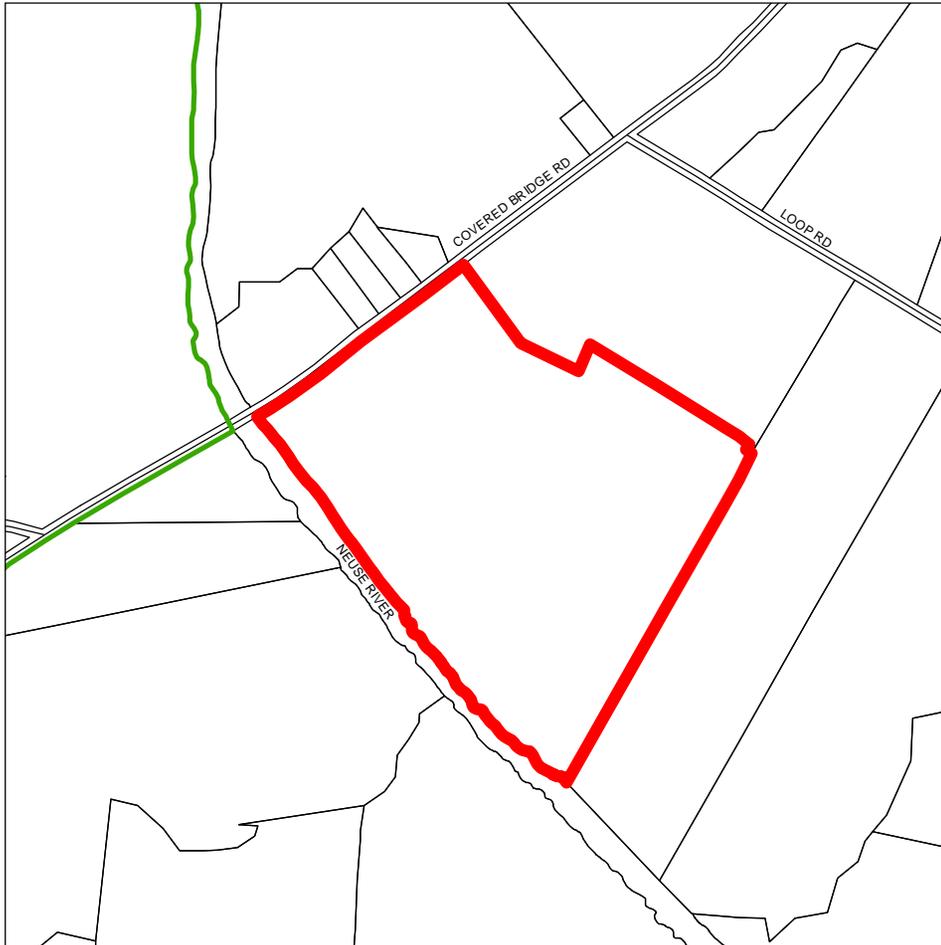
Map produced by Town of Clayton  
Date: February 11, 2011  
Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.  
Aerial Photography Date: February - March 2005

Scale: 1" = 1,000'

 Town Limits

1

 100 Year Flood



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

Agenda Item: 3e

Meeting Date: 3/07/11

TITLE: PROCLAMATION FOR ARBOR DAY.

DESCRIPTION: Each state of the US may designate its own Arbor Day. In North Carolina, Arbor Day is recognized the first Friday following March 15.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-21-11	Presentation.	Proclamation.
3-07-11	Approval.	Proclamation.

**TOWN OF CLAYTON  
PROCLAMATION - ARBOR DAY**

**WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community; and

**WHEREAS**, trees, in our town increase property values, enhance the economic vitality of business areas, and beautify our community; and

**WHEREAS**, trees soften the urban environment and create a sense of joy and spiritual renewal.

**NOW, THEREFORE, LET IT BE PROCLAIMED** by the Honorable Mayor and Town Council of the Town of Clayton, North Carolina, that March 18, 2011, be recognized as "**Arbor Day**" and we urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and we urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Duly proclaimed this 7th day of March 2011, while in regular session.

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Jody L. McLeod,  
Mayor

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

Agenda Item: 3f

Meeting Date: 3/07/11

TITLE: WARRANTY ACCEPTANCE FOR COBBLESTONE SUBDIVISION,  
PHASE 7C-11(12 LOTS).

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-21-11	Presentation.	Memorandum.
3-07-11	Approval.	Memorandum.

# 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

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## MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector *CR*

Copy: Steven Sanderson, PE, Sanderson Engineering  
David DeYoung, Planning Director

Date: February 8, 2011

Subject: Cobblestone SD, Phase 7C-1 (12 Lots)

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. Following acceptance, the utilities will be subject to a one-year warranty period.

**received**  
2-9-11 DKS

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

Agenda Item: 4a

Meeting Date: 3/07/11

**TITLE: REPORT ON WAKE COUNTY MASS TRANSIT PLAN.**

**DESCRIPTION: A Triangle Transit Authority (TTA) representative and Wake County Manager David Cooke will make a joint presentation.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

3-07-11

Presentation.

Power Point will be  
Presented at the meeting.

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

Agenda Item: 5a

Meeting Date: 3/07/11

**TITLE: EVIDENTIARY HEARING FOR PLANNED DEVELOPMENT DISTRICT, PDD-R 2010-46, LOCATED ON THE EAST SIDE OF NORTH O'NEIL STREET ADJACENT TO SAM'S BRANCH IN THE TOWN LIMITS.**

**DESCRIPTION: Johnston Land Group LLC submitted planned development district request PDD-R 2010-46. The site is 74.64 acres and is presently zoned RE watershed protection overlay area. A neighborhood meeting was conducted on January 11, 2011.**

The Planning Board reviewed this item on January 24, 2011, and voted unanimously to recommend approval of PDD-R 2010-46 with the nine conditions listed in the staff report; herewith attached.

During the evidentiary hearing, Council will consider the following:

- Wastewater allocation request
- Rezoning/planned development district request
- Subdivision with cul-de-sac length waiver request

**RELATED GOAL: Manage Growth Producing Quality Developments**

**ITEM SUMMARY:**

Date:

2-21-11

Action:

Presentation &  
Public Notice.

Info. Provided:

Application, Neighborhood Meeting email, Staff Report, Map, and Site Plan.

3-07-11

Evidentiary Hearing.

EH Procedures, Application, Neighborhood Mtg Email, Staff Report, Map, Site Plan, Utility Allocation Policy, Allocation Request, Portion of Town Code of Ordinances related to cul-de-sac and waivers, & Motion Form. Comparison Chart of PDD-R 2010-46 & SUB 06-12.

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

Agenda Item: 8a

Meeting Date: 3/07/11

TITLE: TOWN MANAGER

DESCRIPTION: Rental property registration program.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
2-07-11	Presentation.	Memorandum.
3-07-11	Discussion.	N/A.

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

Agenda Item: 8a

Meeting Date: 3/07/11

TITLE: TOWN MANAGER

DESCRIPTION: Cooper School drainage project.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
4-19-10	Presentation.	Power Point.
7-15-10	Discussion.	Verbal staff report.
10-28-10	Presentation.	Power Point.
11-10-10	Discussion.	Verbal staff report.
3-07-11	Discussion.	N/A.

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

Agenda Item: 8c

Meeting Date: 3/07/11

**TITLE: TOWN CLERK**

**DESCRIPTION: Calendar of Events:**

- Council Mtg – Monday, March 7, 2011 @ 7:30 PM
- Library Book Sale – Saturday, March 12, 2011 @ 8 AM – 12 noon at the Hocutt-Ellington Library, 100 South Church Street
- Clayton Farmers Community Market Kick Off – Saturday, March 12, 2011, 5 PM – 9 PM @ the Clayton Center
- Colin Hay – Sunday, March 13, 2011 @ 8 PM
- Sunshine Week – March 13 – 19, 2011
- Public Art Advisory Board Mtg – Tuesday, March 15, 2011 @ 11:30 AM in the Green Room at the Clayton Center
- ~~Board of Adjustment Mtg – Wednesday, March 16, 2011 @ 6 PM – Cancelled~~
- Arbor Day – Friday, March 18, 2011
- Council Mtg – Monday, March 21, 2011 @ 7:30 PM
- Planning Board Mtg – Monday, March 28, 2011 @ 7 PM
- Clayton Farm and Community Market: Season Opens – Saturday, April 2, 2011, 9 AM – 2 PM, at the Clayton Town Square
- Council Mtg – Monday, April 4, 2011 @ 7:30 PM
- Downtown Development Association Mtg – Monday, April 11, 2011 @ 7:30 PM in Room GS 223
- Council Mtg – Monday, April 18, 2011 @ 7:30 PM
- Public Art Advisory Board Mtg – Tuesday, April 19, 2011 @ 11:30 AM in the Green Room at the Clayton Center
- Board of Adjustment Mtg – April 20, 2011 @ 6 PM
- Good Friday Holiday – Friday, April 22, 2011
- Planning Board Mtg – Monday, April 25, 2011 @ 7 PM
- Clayton Library Board Mtg – Thursday, April 28, 2011 @ 2:30 PM at the Hocutt-Ellington Library, 100 South Church Street
- Council Mtg – Monday, May 2, 2011 @ 7:30 PM
- NCLM Town Hall Day – Wednesday, May 4, 2011
- Clayton Road Race – Saturday, May 14, 2011 @ 9 AM
- Council Mtg – Monday, May 16, 2011 @ 7:30 PM
- Board of Adjustment Mtg – Wednesday, May 18, 2011 @ 6 PM
- Senior Day – Friday, May 20, 2011, from 11 AM – 1 PM at the Clayton Center Council Chambers
- Planning Board Mtg – Monday, May 23, 2011 @ 7 PM
- Council Mtg: FY 11-12 Budget Work Session – **TUESDAY**, May 24, 2011, @ 6 PM, at Fire Station #1, 325 West Horne Street
- Memorial Day Holiday – Monday, May 30, 2011
- Council Mtg – Monday, June 6, 2011 @ 7:30 PM Downtown Development Association Mtg – Monday, June 13, 2011 @ 7:30 PM in Room GS 223
- Board of Adjustment Mtg – Wednesday, June 15, 2011 @ 6 PM
- Council Mtg – Monday, June 20, 2011

- Planning Board Mtg – Monday, June 27, 2011 @ 7 PM
- Independence Day Holiday – Monday, July 4, 2011
- Clayton Library Board Mtg – Thursday, July 14, 2011 @ 4:30 PM at the Hocutt-Ellington Library, 100 South Church Street
- Council Mtg – Monday, July 18, 2011 @ 7:30 PM
- Board of Adjustment Mtg – Wednesday, July 20, 2011 @ 6 PM
- Planning Board Mtg – Monday, July 25, 2011 @ 7 PM
- Council Mtg – Monday, August 1, 2011 @ 7:30 PM
- Downtown Development Association Mtg – Monday, August 8, 2011 @ 7:30 PM in Room GS 223
- Council Mtg – Monday, August 15, 2011 @ 7:30 PM
- Board of Adjustment Mtg – Wednesday, August 17, 2011 @ 6 PM
- Planning Board Mtg – Monday, August 22, 2011 @ 7 PM
- 2011 ElectriCities Annual Conference – August 25 – 27, 2011; Grove Park Inn Asheville
- Labor Day Holiday – Monday, September 5, 2011
- Council Mtg – **TUESDAY**, September 6, 2011 @ 7:30 PM
- Council Mtg – Monday, September 19, 2011 @ 7:30 PM
- Board of Adjustment Mtg – Wednesday, September 21, 2011 @ 6 PM
- Planning Board Mtg – Monday, September 26, 2011 @ 7 PM
- Council Mtg – Monday, October 3, 2011 @ 7:30 PM
- Clayton Library Board Mtg – Thursday, October 6, 2011 @ 2:30 PM at the Hocutt-Ellington Library, 100 South Church Street
- Downtown Development Association Mtg – Monday, October 10, 2011 @ 7:30 PM in Room GS 223
- Council Mtg – Monday, October 17, 2011 @ 7:30 PM
- Board of Adjustment Mtg – Wednesday, October 19, 2011 @ 6 PM
- 2011 North Carolina League of Municipalities (NCLM) Annual Conference – October 23 -25, 2011; Raleigh
- Planning Board Mtg – Monday, October 24, 2011 @ 7 PM
- Clayton Farm and Community Market: Season Closes – Saturday, October 29, 2011, 9 AM – 2 PM, at the Clayton Town Square
- Council Mtg – Monday November 7, 2011 @ 7:30 PM
- Veteran’s Day Holiday – Friday, November 11, 2011
- Downtown Development Association Mtg – Monday, November 14, 2011 @ 7:30 PM, site TBA
- Board of Adjustment Mtg – Wednesday, November 16, 2011 @ 6 PM
- Council Mtg – Monday, November 21, 2011 @ 7:30 PM
- Thanksgiving Day Holiday – Thursday, November 24, 2011 & Friday, November 25, 2011
- Planning Board Mtg – Monday, November 28, 2011 @ 7 PM
- Council Mtg – Monday December 5, 2011 @ 7:30 PM
- Downtown Development Association Mtg – Monday, December 12, 2011 @ 7:30 PM in Room GS 223
- Council Mtg – Monday, December 19, 2011 @ 7:30 PM
- Board of Adjustment Mtg – Wednesday, December 21, 2011 @ 6 PM
- Christmas Holiday – Monday, December 26, 2011 & Tuesday, December 27, 2011
- Planning Board Mtg – **WEDNESDAY**, December 28, 2011 @ 7 PM

Date:  
03-07-11

Action:  
Information.

Info. Provided:  
Calendar of Events.