

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**

**MAY 16, 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 WORK SESSION MEETING OF THE CLAYTON TOWN COUNCIL**

**MONDAY, MAY 16, 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. **ACTION AGENDA**
  - a. Draft minutes from the May 2, 2011, regular meeting and draft minutes from the May 2, 2011, closed session meeting.
  - b. Public notice for public hearing on the Town’s Fiscal Year 2011-2012 budget slated for Monday, June 6, 2011.
  - c. Public notice for evidentiary hearing on special use permit request SUP 2011-17 slated for Monday, June 6, 2011.
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
  - a. Introduction of new Town of Clayton employee(s).
  - b. Presentation of East Clayton Off-Leash Dog Owner Park proposal.
5. **ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**
  - a. Presentation of special use permit request SUP 2011-17 for Life Spring Academy located at Wellspring Community Church on Short Johnson Road.
  - b. Presentation of proclamation for Flag Day.
  - c. Presentation of proclamation for Adopt a Pet Month.
  - d. Presentation of warranty acceptance for South Tech Park/Harvest Mill Lane for the public water, sewer, and associated storm drainage utilities.
6. **ITEMS CONTINGENT FOR THE REGULAR MEETING**
7. **ITEMS FOR DISCUSSION**
8. **OLD BUSINESS**
9. **STAFF REPORTS**
  - a. Town Manager
    - Distribution of proposed FY 11-12 Town of Clayton Operating Budget.

- b. Town Attorney
- c. Town Clerk
  - Calendar of Events
- d. Other Staff

**10. OTHER BUSINESS**

- a. Informal Discussion & Public Comment.
- b. Council Comments.
- c. Planning Board Highlights of the April 2011 meeting.

**11. ADJOURNMENT**

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

Agenda Item: 3a

Meeting Date: 5/16/11

**TITLE: DRAFT MINUTES FROM THE MAY 2, 2011, REGULAR MEETING  
AND DRAFT MINUTES FROM THE MAY 2, 2011, CLOSED SESSION  
MEETING.**

**DESCRIPTION: Minutes.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

Date:

Action:

Info. Provided:

5-16-11

Approval.

**DRAFT** minutes from  
5/02/2011 regular meeting.

**\*\*DRAFT minutes from  
5/02/2011 closed session  
Meeting will be hand-  
Delivered.**

**MINUTES  
CLAYTON TOWN COUNCIL  
MAY 2, 2011**

The first regular meeting of the Clayton Town Council for the month of May was held on Monday, May 2, 2011, 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 Alex Harding, Councilman R. S. "Butch" Lawter Jr., and Councilman Art Holder.

**ALSO PRESENT:** Steve Biggs, Town Manager; Brenton McConkey, Town Attorney; Sherry Scoggins, Town Clerk; Nancy Medlin, Deputy Town Manager; David DeYoung, Planning Director; Robert McKie, Finance Director; Tim Simpson, Public Works & Utilities Director; Lee Barbee, Fire Chief

**ITEM 1. CALL TO ORDER**

Mayor McLeod called the meeting to order at 7:31 PM and led everyone in the Pledge of Allegiance. Mayor McLeod gave the invocation.

**ITEM 2. ADJUSTMENT OF THE AGENDA**

Town Manager Biggs requested to add as Item 9c to discuss a personnel matter in accordance with NC GS 143-318.11 (a)(6).

Town Clerk Sherry Scoggins requested Item 7a be moved to Item 4a.

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

**ITEM 3. ACTION AGENDA**

Councilman Harding motioned to approve the action agenda as presented; Councilman Holder seconded the motion. The motion carried unanimously at 7:32 PM with the following action agenda items being approved:

- Item 3a. Draft minutes from the April 4, 2011, closed session and draft minutes from the April 18, 2011, work session.
- Item 3b. Clayton Visual Arts request to use Horne Square and temporarily close the portion of North Lombard Street between Main Street and the dead end for Clayton Visual Arts Faire on June 4, 2011.
- Item 3c. Contract for Town audit services for FY 2010-2011.
- Item 3d. Johnston County Multi-Jurisdictional Hazard Mitigation Plan.
- Item 3e. Street closure request for Clayton Road Race on May 14, 2011.
- Item 3f. Proclamation for Municipal Clerks Week.

- Item 3g. Proclamation for Older Americans Month.
- Item 3h. Proclamation for Public Works Week, May 15-21, 2011.
- Item 3i. Proclamation for Peace Officers' Memorial Day and National Police Week, May 15-21, 2011.
- Item 3j. Final acceptance for public water and sewer utilities at Lion Springs Senior Living Center.

**ITEM 4. INTRODUCTIONS AND SPECIAL PRESENTATIONS**

- Item 4a. Proclaiming May 5, 2011 as Johnston County Community Foundation Day. [This item was moved from Item 7a.]

Ms. Ramona Cash provided an overview of the Johnston County Community Foundation.

Mayor McLeod read the proclamation into the record:

**PROCLAIMING MAY 5, 2011, AS  
JOHNSTON COUNTY COMMUNITY FOUNDATION DAY**

**Whereas**, the Johnston County Community Foundation is an affiliate of the North Carolina Community Foundation (NCCF); and,

**Whereas**, the mission of the Johnston County Community Foundation is to benefit the community by enhancing resources for education, health, social services, the arts, and the preservation of historical, cultural, and environmental resources; and,

**Whereas**, the Johnston County Community Foundation is a community development organization that uses philanthropy as its primary tool, and all proceeds raised by the Foundation are used to benefit the local community; and,

**Whereas**, on May 5, 2011, the Foundation is celebrating 20 years of giving in Johnston County with a reception including former board members, grant recipients, and donors from throughout Johnston County; and be it

**Resolved**, that May 5, 2011, be recognized as Johnston County Community Foundation Day with 20 years of giving over \$250,000 to Johnston County nonprofits including several Clayton nonprofits; and be it further

**Resolved**, that the Foundation will continue its effort to establish endowed funds for specific charitable purposes to benefit Johnston County nonprofit organizations.

**Now Therefore, the Honorable Mayor and Town Council of the Town of Clayton declare Thursday, May 5, 2011, as Johnston County Community Foundation Day.**

Duly proclaimed this 2<sup>nd</sup> day of May 2011, while in regular session.

Mayor McLeod thanked the members for all they do for Johnston County and the Town of Clayton.

**ITEM 5. PUBLIC HEARINGS**

Item 5a. Public hearing for planned development district request, PDD-MU 2011-05, submitted by Beacon Management Corporation for property located at Pritchard Road and Swann Trail.

Mayor McLeod announced this item at 7:37 PM.

Town Attorney Brenton McConkey stated this is a legislative decision only and added the question before Council is whether to rezone to a PDD-MU where the applicant has provided a master plan with the use of the property as a senior living facility. He stated this also includes a utility allocation and that vote would be taken before the rezoning request. He added a valid protest petition has been received meaning three quarters of the Council would have to vote favorably to approve the rezoning. He stated if approved, the applicant could then submit a site plan for the senior site for consideration by the Planning Board pursuant to the Town's UDC.

Planning Director DeYoung provided the following PowerPoint presentation:

The image is a PowerPoint slide with a black background. On the left side, the words 'PLANNING DEPARTMENT' are written vertically in red. At the top right is the seal of Johnston County, North Carolina, established in 1800. The main title is 'PDD-MU 2011-05 Riverwood Place' in white. Below the title, under the heading 'Requests:', there are two bullet points: '◆ Rezoning from Highway Business (B-3) to Planned Development –Mixed Use (PD-MU) for a 4.31 acre parcel located on the south side of the intersection of Pritchard Road and Swann Trail' and '◆ Wastewater Allocation of 16,560 GPD'. To the right of the text is a map showing various zoning districts: R-10 (yellow), B-3 (red), PD-MU (pink), O-1 (blue), B-1 (purple), and B-2 (brown). The map shows the intersection of Pritchard Road and Swann Trail, with the rezoning area highlighted in red.

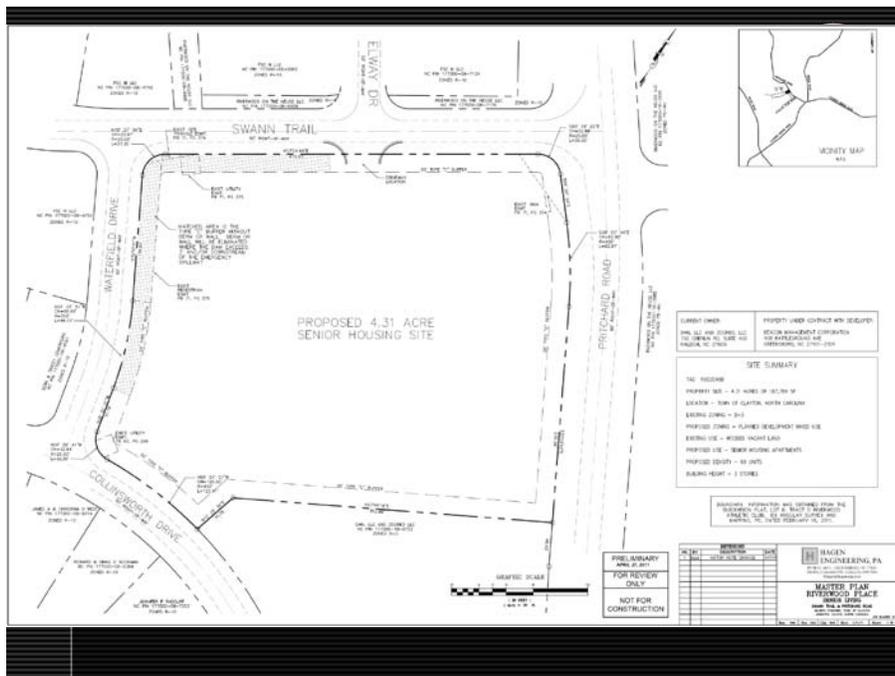
PLANNING DEPARTMENT



## PDD-MU 2011-05 Riverwood Place

### Requests:

- ◆ Master Plan approval to accommodate a 69 unit senior (55+) apartment facility
- ◆ Exceptions for Parking and Landscaping
- ◆ Major Site Plan approval (To be finalized by the Planning Board 5/23)





## Riverwood Place

### Density:

- ◆ The proposed plan indicates 69 apartment units
  - 45 one bedroom
  - 24 two bedroom
  - 16 dwelling units per acre

### Open Space:

- ◆ 2.67 acres (62 percent of the site)

### Access:

- ◆ One project entrance from Swann Trail



## Riverwood Place

### Overall Building Height

- ◆ The applicant is proposing a 3 story building with a maximum height of 47 feet

### Buffering and Setbacks:

- ◆ 20 foot Class C buffer on all sides – Exceeds min. setback requirements on all sides.

### Recreation and Open Space

- ◆ A dedication of 1.97 acres of land or a payment-in-lieu of \$24,150.00 is required based on the number of units proposed.



## Riverwood Place

### Parking Exception:

- ◆ The applicant is requesting an alternative parking plan request permitted by UDC Section 155.401, Part 1 (C)(2)(a).
  - Required Parking: 110 spaces required (1.5 parking spaces for a one bedroom unit and 1.75 spaces for a two bedroom unit).
  - Proposed Parking: 74 spaces with 7 handicap spaces (total 81 spaces) are proposed. The applicant has submitted an alternative parking plan with data to support a reduction in the total number of required spaces (1.17 spaces per unit).



## Riverwood Place

### Landscape Exception

- ◆ The applicant is requesting alternative compliance for a portion of the landscape buffer as permitted by UDC Section 155.402, Part 2 (E)(11). The request will eliminate the berm requirement:
  - Where the dam is higher than 3 feet, measured from the existing elevation at the property line
  - Directly downstream of the emergency spillway



## Riverwood Place

The proposed development is generally consistent with:

- ◆ Strategic Growth Plan
  - Development location / infrastructure availability / roadway access
- ◆ Unified Development Code
  - Consistent with the Rezoning Findings of Fact
  - Requested exceptions from UDC



## Riverwood Place

Staff is recommending approval subject to the following Conditions of Approval:

1. The driveway permit shall be approved by Town of Clayton and constructed to Town standards.
2. The applicant is required to dedicate recreation and open space (or make a payment-in-lieu of dedication) based on the number of dwelling units proposed. This dedication will be 1.97 acres of land or a payment-in-lieu of \$24,150.00.

PLANNING DEPARTMENT

## Riverwood Place



Conditions Cont.:

4. A Minor Subdivision of the site must be approved prior to issuance of building permits.
5. Utility construction plans shall be approved by the Public Works department prior to issuance of building permits.
6. In a form acceptable to the Planning Director and prior to the issuance of a building permit, the applicant shall record a restrictive covenant limiting the age of residents to 55 years and older.

PLANNING DEPARTMENT

## Riverwood Place



- ◆ The applicant has a presentation and will be addressing the following issues in more detail:
  - Section 42 Tax Credits
  - Project impact on property values
  - Relief from landscape buffer / berm requirement
  - Findings of Fact

Mayor McLeod stated this item has been noticed as a public hearing and opened the floor for public comments.

Ms. Diane Buckman, 216 Collinsworth Drive, stated she is across the street from this project. She stated she is seeking reassurance it will remain 55 and older and not become an apartment building.

Town Attorney McConkey stated a condition of approval that the rezoning would have a condition with a restrictive covenant that tenants would be 55 and older and that covenant would run with the land regardless of who the owner is.

Mayor McLeod called upon the applicant to present.

Mr. George Carr of Beacon Management Corporation at 408 Battleground Avenue in Greensboro stated the following team members are with him to discuss this proposal:

- Patrick Theismann – assistant at Beacon
- Barret Hagen – professional engineer
- Charles Pearce – architect
- Michael Watts - Residential Appraiser

Mr. Carr distributed the following documents, herewith attached:

- The Section 42 Housing Tax Credit Program
- Beacon Management Corporation brochure
- Professional History for George E Carr & Beacon Management Corporation
- Properties Developed and/or Managed by Beacon Management Corporation – photos of the properties

Mr. Carr stated the proposal is for 69 units consisting of 45 one-bedroom apartments and 24 two-bedroom apartments. He stated there are community spaces both inside and outside for the residents. He stated the rental ranges will be based on the Section 42 Housing Tax Credit. He stated Section 42 is restricted at the time of the applicant's entrance and the applicant must earn 60% or less of the area median gross income. He stated at the time of admission, an applicant may earn not more than \$37,000 for a one bed apartment and not more than \$46,000 for a two bed apartment. He stated it is possible to move in and win the lottery the very next day, which was an actual scenario. He stated architecturally this would be an enhancement to the Riverwood Community and the overall cost of the project would be under \$9 million. He stated he heard the concern that the developer may go bankrupt, and the pledge for residents 55 and older would not be met. He stated that is not true and the 55 and older is a permanent condition. He added it is controlled through both the zoning process and a deed restriction that runs with the property. He stated any successor entitled to the property would have to use it only for residents 55 and older. He requested to display the elevations of the building:

Councilman Harding questioned what information is available to verify the developer's financial strength.

Mr. Carr stated he did not bring a financial statement. He stated his company has developed 30 other facilities. He stated all are solvent and added his

company has never been bankrupt and has an excellent credit rating. He stated these matters are checked by the financial institutions backing the project.

Councilman Lawter stated there is a buffering exception requested and asked if the engineer can address it.

Mr. Barret Hagen, Hagen Engineering, stated the original request was changed to a conditional request contingent on conditions downstream from the dam. He stated the two conditions are where the dam is higher than three feet and the second condition is where the emergency spillway exists. He stated the emergency spillway is usually located where the dam is zero and the berm would block the spillway. He stated the berm is a concern because of the state's dam safety manual and vegetation is regulated. He stated tree roots are a problem with roots that compromise the dam and the other concern is if the tree is knocked over it compromises the dam. He stated the berm would have to be separated from the dam. He stated the berm would not be compacted like the pond dam. He stated the request is in accordance with good engineering practices. He stated they are willing to plant the material below the dam. He added the design has not been completed and it will have to go to storm water control and there may be two or three iterations of it.

Based upon question by Council, Mr. Hagen stated there are three different cross sections for the three different levels. He stated the concern is rainwater coming down a slope and eroding the berm. He stated the spillway would be at the area of the dam that is level.

Councilman Lawter stated his concern is for the residents that would have a view of the dam.

Mayor Pro Tem Grannis stated he would like to hear about the possibility of property values being increased or decreased.

Mr. Carr stated he has been responsible for building these type communities his entire career; he has not witnessed any decrease in neighborhoods.

Mr. Michael Watts of Greensboro stated he is a stated certified real estate appraiser. He stated if this rezoning were going from residential to commercial it would be a concern. He stated the current B-3 zoning allows for a convenient store and gas station, mini-storage facility, various office uses and commercial uses. He stated with the property oriented toward Pritchard Road, the existing residents would have a view of the back of whatever is developed. He stated it is his opinion that would cause a problem for those homes in the immediate vicinity. He stated with the down zoning, this will be an architecturally attractive building that blends with the existing development. He stated it is his opinion there is no depreciation of value with this project.

Mayor Pro Tem Grannis questioned if he had been to the site.

Mr. Watts responded several times.

Mayor Pro Tem Grannis questioned if Mr. Watts has documentation to substantiate his findings.

Mr. Watts stated in the negative. He stated his opinion is based on his 30 plus years in real estate. He added the only time he encountered objection from a down zoning was an inverse condemnation case. He stated it is his opinion this will not depreciate in value.

Mayor Pro Tem Grannis questioned if the property values might increase.

Mr. Watts stated that is a possibility because the proposal is more in keeping with the residential character of the immediate area. He stated if the rezoning remains as is, the residents could be looking at the back side of a gas station convenient store or a mini storage facility.

Councilman Harding questioned if Mr. Watts is being paid by the applicant.

Mr. Watts stated yes.

Councilman Harding questioned if his certification required him to be independent.

Mr. Watts stated affirmative, and that is in accordance with the law regardless of who is paying his fee.

Councilman Harding stated to address Ms. Buckman's concern about the 55 years of age being a covenant. He questioned what it takes to change that.

Town Attorney Brenton McConkey stated it is a condition of approval and in order to change that it would have to come back to the Council.

Mr. Carr stated the restrictive covenant goes beyond the Council's condition. He added it is a regulation his company works under.

Mr. Jim West stated he lives across from the development on Collinsworth. He stated his concern is the appraisal and he prefers to see benchmark. He stated he is also concerned by the entrance on Swann Trail and is across from his driveway. He stated he would rather see that go out on Pritchard Road and the entrance not in Riverwood. He added he did not follow the dam overview. He stated there is a tree line and he would like for the trees to remain as a visual buffer.

Mr. Richard Buckman stated he stated he is confused by the covenant.

Town Attorney McConkey stated there are two levels of restrictions. He stated the first is a restriction by the Town attached with the zoning. He stated the only way to change it would be to come back before the Council. He stated in addition to that layer is the restrictive covenant itself that will be recorded with the property.

Town Manager Biggs stated it is necessary but not sufficient step.

Mayor McLeod called upon the applicant for rebuttal.

Mr. Carr stated the answer is right on point for the restrictive covenant.

Mr. Hagen stated the driveway location and in evaluating what will be on Pritchard Road, they did not believe they would receive a driveway permit. He stated that is why the entrance is where it is. He stated to address the view from Collinsworth, they have incorporated saving some of the pine trees along Collinsworth to block the view.

Councilman Lawter questioned if the retention pond is part of the 2.67 acres of open space.

Mr. Hagen stated yes.

Councilman Lawter questioned if that is at the Council's discretion.

Town Attorney McConkey stated affirmative.

Mayor Pro Tem Grannis questioned how the fee in lieu was derived.

Planning Director DeYoung stated it was calculated from the Town's code based on a per unit basis.

Mayor McLeod closed the public hearing at 8:19 PM.

Councilman Satterfield stated he appreciates the applicant changing the elevations on Pritchard Road. He stated this project has come a long way from the original request.

Councilman Harding stated he believes the concerns brought forth by the citizens have been addressed. He stated the restrictive covenant that goes with the property addressed the 55 and older tenant concern. He stated the visual will be addressed by the staff. He stated the financial condition of the company is a crap shoot and unless public they do not have to disclose that information. He stated the history is successful development.

Mayor Pro Tem Grannis questioned if Riverwood Athletic Club had a comprehensive plan at one time.

Town Manager Biggs stated at the time of Riverwood Athletic Club was first proposed, the mixed use development did not exist. He stated it was master planned out and there are specific zoning districts that were desired for the build out were designated on the zoning map. He stated it was not addressed from a master plan view point, it was adopted from a zoning map. He stated this district was adopted as B-3.

Mayor Pro Tem Grannis stated this would be in accordance with the state for the comprehensive plan requirement with respect to zoning.

Town Manager Biggs stated the Town has a strategic growth plan. He stated the plan can be referred to by different names. He stated the effect of the Town's strategic growth plan is to share with the community the planning goals of the Town's jurisdiction.

Councilman Lawter stated since it is the Council's discretion on fee in lieu versus open space and the storm water retention pond is part of the acreage calculation, his preference is to request the fee in lieu. He stated his understanding is the rezoning is tonight and this item will go back to the Planning Board for public hearing.

Town Manager Biggs stated it will go back to the Planning Board for site plan approval and it is the discretion of the Planning Board Chairman on receiving testimony.

Councilman Lawter stated he sees that as another opportunity to review the visual barriers.

Town Attorney McConkey stated the site plan approval will specifically address elevations and placement of the building on the property.

Councilman Harding requested clarification on the fee in lieu recommendation by Councilman Lawter.

Councilman Lawter stated the Town receives the fee in lieu and use towards other parks and recreation opportunities. He added it would be for the \$24,150 amount.

Planning Director DeYoung stated the condition can be modified to reflect fee in lieu.

Mayor Pro Tem Grannis stated there was concern by the public with respect to this development. He stated when he reflects upon what could go there with the current zoning, he concurs with Councilman Satterfield. He stated given this development, this is much better than what could be there. He stated he does not know that anyone wants to see the backside of the gas station. He stated this project lends itself much better to residential. He stated he has seen another facility done by the applicant.

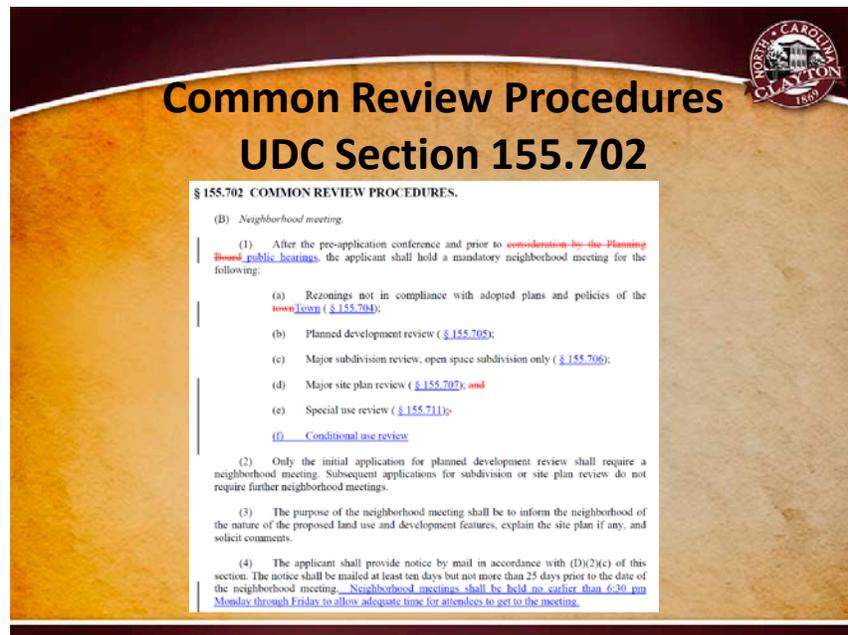
Mayor Pro Tem Grannis motioned to approve the utility allocation as requested (16,560 gpd); Councilman Harding seconded the motion. Motion carried unanimously.

Councilman Harding motioned to approve rezoning request PDD MU 2011-05 from B-3 to PDD MU with all the conditions and the recommendation by Councilman Lawter. Mayor Pro Tem Grannis seconded the motion. Motion carried unanimously.

Item 5b. Public hearing for Town of Clayton ordinance amendments found in Chapter 155 for the following:

- OA 2011-23 Ordinance Amendment to the Unified Development Code Requiring a Neighborhood Meeting for a Conditional Use Permit – UDC Section 155.710 Conditional Use Review; and
- OA 2011-24 Ordinance Amendment to the Unified Development Code for Waivers – UDC Section 155.706 (7) (a); and
- OA 2011-25 Ordinance Amendment to the UDC to add Scenic Highway Overlay Regulations – UDC Section 155.204.

Planning Director DeYoung provided a PowerPoint presentation on OA 2011-23:



DRAFT Minutes, 5/09/2011  
Pending Council Approval.



## Conditional Use Process UDC Section 155.710

**§ 155.710 CONDITIONAL USE REVIEW.**

(A) *Applicability.*

(1) Conditional uses within a zoning district are considered to be uses that may be appropriate in a particular zoning district, but because of their potential for incompatibility with adjacent uses require individual review by the Board of Adjustment.

(2) A conditional use permit shall be required for all conditional uses as set forth in the Permitted Land Use Table (see § 155.702(B)). A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses. The conditional use review process is as follows:

**CONDITIONAL USE REVIEW PROCESS**



**CONDITIONAL USE REVIEW**





## Conditional Use Process

*Commentary: If a proposed development includes a child-care center, library and a restaurant, including outparcels, and one of those uses is only permitted as a conditional use in the district, then the entire development requires conditional use review.*

(3) Where a use requiring approval as conditional use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to conditional use review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

*Commentary: For example, where a use in the B-3 District (requiring a conditional use permit) is an outparcel within a larger retail development, the conditional use review shall apply to the outparcel only—not the entire development. However, where a conditional use is proposed in a building that contains a variety of other uses, the entire building and its associated parcel of land shall require conditional use review.*

(B) *Pre-application conference.* All applicants seeking conditional use approval shall schedule a pre-application conference with the Planning Director, in accordance with [§ 155.702\(A\)](#).

(C) *Application requirements.*

(1) Concurrent with a request for a conditional use permit, an applicant shall submit a site plan for review and approval.

(2) An application for a conditional use permit shall be submitted in accordance with [§ 155.702\(C\)](#).



## Conditional Use Process

~~(D) Notice and public hearings. The town shall hold all required public hearings and give notice in accordance with § 155.702(D).~~

~~(D)~~ (D) *Action by Planning Director.*

- (1) Upon submission of a completed application, the Planning Director shall schedule the site plan for review by the Technical Review Committee. The Technical Review Committee shall review the site plan for consistency with the requirements of this chapter.
- (2) Upon completion of the technical review for a site plan, the Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the ~~town~~ Town, and the general requirements of this chapter. The report, site plan and any related application materials shall be forwarded to the Board of Adjustment.
- (3) Where a major site plan is required, approval of the conditional use permit by the Board of Adjustment shall be considered site plan approval. Conditional Use

(E) Neighborhood meeting. All applicants seeking special use approval shall hold a neighborhood meeting in accordance with § 155.702(B).

~~(F) Notice and public hearings. The Town shall hold all required public hearings and give notice in accordance with § 155.702(D).~~

~~(F)~~ (G) *Action by Board of Adjustment.*

He stated language has been added to conduct neighborhood meetings no earlier than 6:30 PM on Monday thru Friday so that persons may have time to get home from work.

Planning Director DeYoung provided a PowerPoint presentation on OA 2011-24:



## Waivers – UDC Section 155.706 (I) (7)

(7) *Waivers.*

(a) The ~~Planning Director~~ Town Council may authorize, in specific situations, the ~~erection or establishment of a principal building, structure or use on a lot not~~ wavers to certain meeting the requirements of §§ ~~155.600~~ through ~~155.607~~ if it is clear that adequate provisions for access for the type and intensity of the proposed use has been or will be provided, and there are special circumstances, such as ~~the rural nature~~ unique characteristics of the lot and area, ~~or in the case of a nonresidential use, that an adequate easement has been or will be recorded guaranteeing accessibility, or strict interpretation of the requirements that make the application of these requirements not~~ render the subdivision of the property not feasible or desirable. “In reviewing a waiver request, the Town Council may consider the following criteria:”

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property;



## Waivers

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this chapter are enforced; and

4. The purpose of the wavier is not based primarily upon financial consideration.

(b) In granting a waiver, the ~~Town~~Town Council may require ~~such~~certain conditions ~~as will~~that in its judgment, ~~secure~~substantially secure the objectives, ~~of the~~standards or requirements of this chapter.

He stated the Town Attorney requested language be added to include, “In reviewing a waiver request the Council may consider the following criteria.”

Planning Director DeYoung provided a PowerPoint presentation on OA 2011-25 for scenic highway overlay standards:



## 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
- Encouraging urban development at highway interchanges

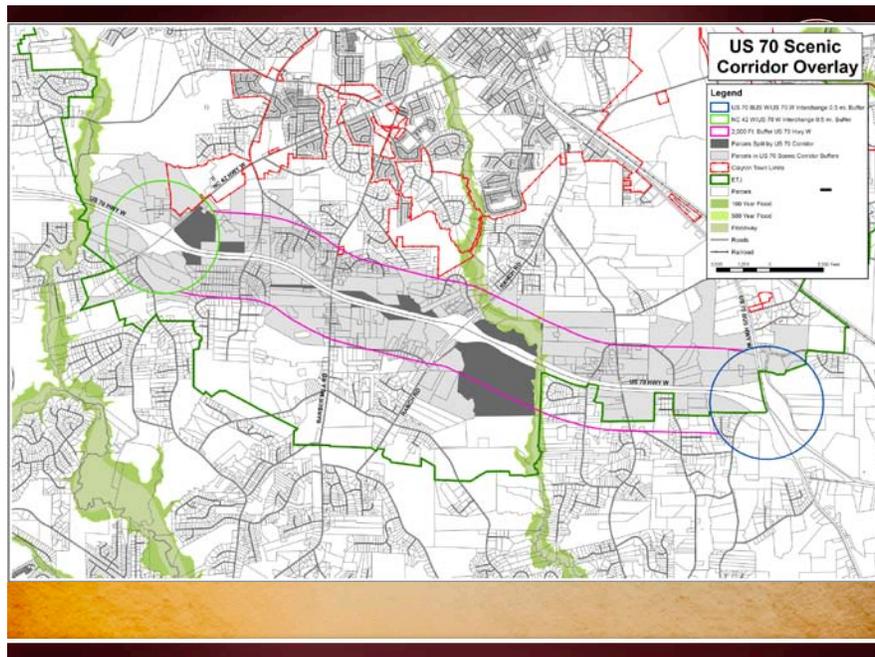
Planning Director DeYoung stated the Wooten Company was hired to assist with a HWY 70 Corridor Study.



## 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.



Planning Director DeYoung stated the two interchanges are HWY 70 and HWY 70 Business and HWY 70 and HWY 42.



## SHO Development Guidelines

**Exemptions.**

- Existing single family lots of record and residential subdivisions which have a valid subdivision/plat approval.
- “Bona fide” farms as defined in North Carolina General Statutes (NCGS) Section 153A-340.

**Permitted uses.**

- Interchange properties use a specific use regulation table.
- Corridor properties adhere to the permitted, special, and conditional uses of the underlying zoning.



## SHO Development Guidelines

**Nonconformities.**

- Existing established uses or structures that may otherwise become a legal nonconformity as a result of the establishment of this section
- Any use specifically approved by a development plan approval granted by the Town prior to the effective date of this section.

**Waivers.**

- A waiver of one or more requirements of the SHO may be granted by the Town Council if the waiver criteria have been met.



## SHO Development Guidelines

**Pedestrian amenities.**

- Pedestrian-friendly focal spaces such as well-designed walking paths, pedestrian spaces with furnishings, public art are required

**Landscaping.**

- To supplement landscape requirements, existing vegetation shall be incorporated into the design of the development to the greatest extent possible.



## SHO Development Guidelines

**Interchange Setback requirements.**

- Setbacks for properties not having direct frontage along a thoroughfare within the SHO shall be as defined by the underlying zoning district.
- Thoroughfare right-of-way setbacks shall be a **minimum of 50 feet**. The entire area within the right-of-way setback shall be fully grassed and landscaped. Structures and paved areas for motor vehicles, other than for ingress and egress, shall not be installed or constructed within 50 feet of a road right-of-way.



## SHO Development Guidelines

**Corridor setback requirements.**

- **No structures** shall be allowed within **100 feet** of the edge of the ultimate right-of-way, except for:
  - Landscaping;
  - Drainage features designed to mimic the natural environment;
  - Public utilities and facilities;
  - Driveways and streets; and
  - Sidewalks, pedestrian ways, or bikeways.



## SHO Development Guidelines

**Access management.**

- NCDOT policies and access management practices shall be followed to limit traffic conflicts through the design and placement of driveways and medians within the SHO.
- To improve safety and site circulation, cross access agreements shall be provided by proposed development to adjacent properties.



## SHO Development Guidelines

**Interchange building height requirements.**

- To promote a sense of arrival, structures located on intersection properties having frontage on Scenic US Highway 70 West shall be a minimum of two stories in height.

**Corridor building height requirements.**

- Properties located along the corridor shall adhere to the height requirements prescribed by the underlying zoning district. A balloon test may be used to determine the impact of a building on the scenic corridor.



## SHO Development Guidelines

**Interchange building height requirements.**

- To promote a sense of arrival, structures located on intersection properties having frontage on Scenic US Highway 70 West shall be a minimum of two stories in height.

**Corridor building height requirements.**

- Properties located along the corridor shall adhere to the height requirements prescribed by the underlying zoning district. A balloon test may be used to determine the impact of a building on the scenic corridor.



## SHO Design Guidelines

**General design.**

- Buildings shall be designed to be compatible with the surrounding environment, both manmade and natural. A building shall provide a positive impact on the surrounding environment.

**Building elevations.**

- All building elevations shall be treated equally as if all sides were the front of the building. This requirement includes but is not limited to architectural elements, facade treatment, and landscaping.

**Building materials and color.**

- Building materials and color selection shall achieve visual order through the consistent use of compatible color palettes.

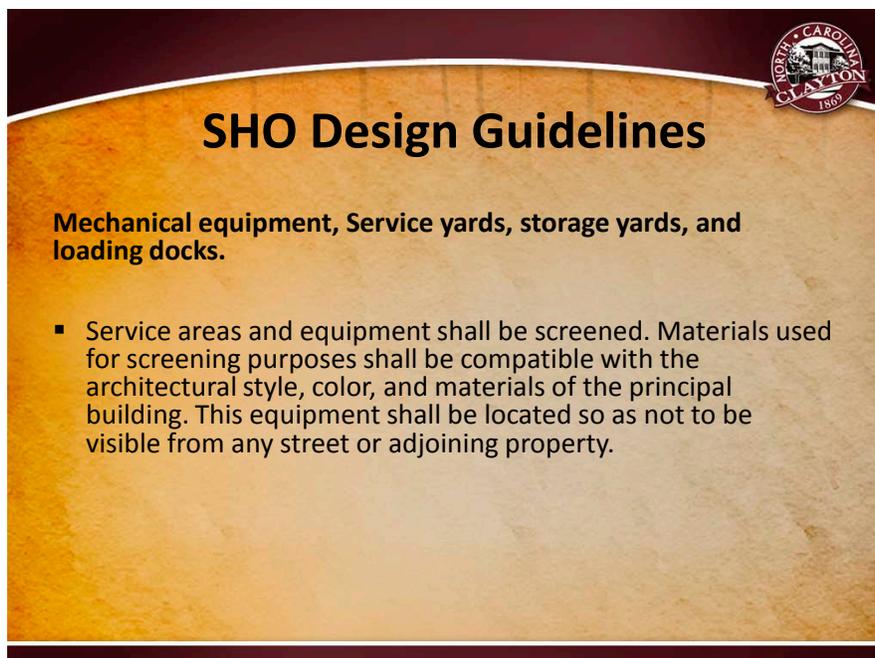


## SHO Design Guidelines

**Prohibiting certain elements.** The following elements are prohibited along the SHO corridor:

- Unfinished concrete or concrete masonry walls.
- Unscreened dumpsters or trash receptacles.
- Visible neon and other lighting elements with highly reflective or bright colored surfaces.
- Unshielded lighting and backlit signage.
- Distracting or frivolous objects which are not in harmony with the SHO.

**Site grading.** Site grading shall be minimized to incorporate the existing topography to the greatest extent feasible.



**Councilman Satterfield stated the Town of Clayton does not have an appearance committee; he questioned how the building appearance will be determined.**

**Planning Director DeYoung stated when the Planning Board approves a site plan it also reviews architecture.**

**Councilman Satterfield questioned if everything has to be vanilla.**

**Planning Director DeYoung stated in the negative. He added the design guidelines could be more restrictive than proposed.**

**Councilman Satterfield stated these are suggestions and not true guidelines.**

**Planning Director DeYoung stated in his opinion latitude is being given for an architect to come up with a design without pushing architectural standards so that the building looks vanilla. He stated the developers are being asked to look at what is in the surrounding area and make a product that is uniform on all sides of the building.**

**Councilman Satterfield stated he concurs. He stated in the past developers have not been required to come in with elevations and the Council has requested this. He added somewhere along the way it will be required.**

**Planning Director DeYoung stated if it is in the corridor, it will be required. He added staff has been requiring elevations for commercial and industrial uses.**

Mayor McLeod announced this has been noticed as a public hearing and anyone wishing to speak to come forward and state his/her name for the record.

Mr. Michael Blinson stated he and his mother are Black Creek Holdings LLC and own a 10 acre tract of land off of Corbett Road and the bypass. He stated he has been on the phone since 9:30 AM this morning contacting neighbors. He stated he understands now that Wooten did a study and he was not invited. He stated Mr. DeYoung has been helpful. He stated he did not receive notice of this meeting. He stated he has a concern with the 100 foot setback. He stated his present setback is 20 feet. He stated in the 70 corridor, the state planted trees in the right of way. He stated there is nothing he can plant that will make it more scenic that what is already there. He stated persons on Little Creek Church Road will have difficulty with the screening. He stated he fails to see the 100 foot making sense. He requested this be done in the least intrusive way possible. He stated he runs a gas station in Benson and he is not planning to build one in Clayton. He stated two interchanges are included and one is not. He stated if he had to build a two story gas station in the corridor and a competitor builds outside the corridor, the company in the corridor will have to spend more for a two story building. He stated people owning land in the corridor will be at a competitive disadvantage. He requested clarification on the general statute for a farm. He added his appreciation for the return phone calls from the elected officials.

Mr. Terry Coats stated a few years ago NCDOT split the family farmland and then Piedmont Natural Gas took a 60 foot easement. He stated he is now hearing about the 100 foot setback. He stated this will impact his ability to market. He stated his biggest concern is he knew nothing about this. He stated he was told it was in the paper and he does not take the paper. He stated he is confused by this because his property is on both sides of the road. He stated he would like more time to study and understand it. He stated he believes the small area plan is a good idea and is in favor of dressing up the entry way into town. He stated he did not know anything about this and his request is to give this time.

Mr. Kent Denning of Carolina Packers of Smithfield stated this is the first he has heard of this. He questioned how persons were notified.

Town Manager Biggs stated this was noticed in the newspaper and on the Town website.

Mr. Denning stated he had not received anything for the workshops. He stated this is a lot to comprehend. He stated he is not a developer and has about 250 to 300 acres of land. He stated he did attend the forum and at that point that was something that would be further discussed.

Mr. James Lipscomb, HomeTowne Realty at 328 East Main Street in Clayton, stated he is against plan as currently proposed. He requested the Council send

this back to the stakeholders as this was not part of the workshops to discuss how this impacts the property owners.

Mr. Worth Pounds Jr. questioned the 70 ETJ line going east.

Planning Director DeYoung pointed it out on the map.

Mr. Pounds questioned why there is no signage about the ETJ. Mr. Pound stated he is the administrator for his mother's estate and he did not recall receiving notice. He stated the State has whittled away the property from 54 acres to less than 10 acres. He questioned why such a large setback.

Councilman Satterfield stated the Council will continue to hear same thing. He stated he would like to table this issue and to invite persons to workshops. He stated he would like two workshop meetings. He stated he would like this tabled to the July 18<sup>th</sup> meeting with Council action at that meeting. Mayor Pro Tem Grannis and Councilman Harding simultaneously seconded the motion.

Councilman Lawter clarified there would be two public forums.

Councilman Satterfield stated affirmative. He clarified he would like this advertised as this is open to all the Council members and he plans to attend both.

Motion carried unanimously.

Ms. Frankie Penny Medlin stated she was not notified.

Town Manager Biggs stated for clarification this is a text amendment. He stated if the Council voted, and if approved, nothing would have changed about the regulation of the land. He stated the next step would be zoning and that is how the property is regulated. He stated the text amendment is a necessary step before the zoning map amendment. He stated he does not know how to be more inclusive.

Ms. Medlin stated the Wooten Company must not have known who to notify either. She questioned if the Town is willing to pay for a conservation easement to property owners for the required setbacks.

Town Attorney McConkey questioned if the Council wanted to take action on OA 2011-23 and OS 2011-24.

Councilman Lawter motioned to approve OA 2011-23 and OA 2011-24; Mayor Pro Tem Grannis and Councilman Satterfield simultaneously seconded the motion. Motion carried unanimously.

**Item 5c. Public hearing for reimbursement resolution for rolling stock.**

Finance Director Robert McKie provided an overview of the rolling stock request; bid tab summary and award of bid herewith attached.

Mayor Pro Tem Grannis questioned if this is within the fiscal budget.

Finance Director McKie stated affirmative.

Councilman Holder questioned if the money has been spent.

Planning Director McKie stated affirmative for the back hoe and one police vehicle and the remaining police vehicles have outstanding purchase orders.

Town Manager Biggs explained the debt service for rolling stock items.

Councilman Harding motioned to approve the resolutions as presented; Mayor Pro Tem Grannis seconded the motion. Motion carried 4-1 with Councilman Holder dissenting.

## **ITEM 6. OLD BUSINESS**

**Item 6a. Discussion of rental property registration ordinance format.**

Town Manager Steve Biggs stated there have been a number of changes in the content of this item. He stated in most cases the stakeholder goals and Town goals are very similar. He stated there remains a registration fee and it is substantially reduced from what it was. He stated he the Town acknowledges that properties under professional management tend to not have problems that are mentioned in the ordinance. He stated the proposed standard fee is \$50. He stated under the standard fee structure there would be an inspection performed by a Town building inspector the owners would receive an annual inspection by a building inspector. He stated there is a fee alternative that is available by utilizing a management company or qualifying as a manager. He stated the fee for a large complex will be capped at \$70. He provided the following overview of the proposed ordinance:

- Familiar with site
- Screening tenants
- Locations kept in good order
- Keep registration with accountability

Mayor Pro Tem Grannis questioned how many units constitute a multiple unit complex.

Town Manager Biggs stated three or more units.

Town Attorney McConkey stated it is under the definitions.

Councilman Harding stated the performance of background check requires permission of the individual. He questioned what happens if an individual has a record.

Town Manager Biggs stated the management group looks for a clean check. He stated the expectation is the industry standards would apply.

Town Manager Biggs stated there was a question about the definition of property manager. He stated the intent was to include a quality indicator and that they carry reputable insurance. He stated this is not the final draft.

Councilman Harding stated he can see citizens would sleep better with steps taken. He stated his concern is the program will become a cost to the Town.

Town Manager Biggs stated existing staff will be used with shared responsibilities of inspection department staff. He stated the revenue projections are extremely preliminary as the census figures have not yet been received.

Councilman Harding questioned if the developer before the Council this evening would be considered a complex.

Town Manager Biggs stated affirmative.

Councilman Holder questioned why this is being done by staff.

Town Manager Biggs stated the staff was requested to do this by the Council as it was adopted as a high priority at the Council Retreat. He added he sees this as a communication tool that clearly indicates the expectations of the Town.

**Item 6b. Discussion of extension the Waste Management Agreement.**

Town Manager Biggs stated this is the contract extension as discussed at the last meeting. He stated this would be for a five year extension.

Mayor Pro Tem Grannis motioned to approve the extension of the Waste Management Agreement as presented; Councilman Harding seconded the motion. Motion carried unanimously.

## **ITEM 7. NEW BUSINESS**

**Item 7a. Proclaiming May 5, 2011 as Johnston Community Foundation Day. [This item was moved to Item 4a.]**

**ITEM 8. STAFF REPORTS**

**Item 8a. Town Manager**

Town Manager Steve Biggs stated Town staff worked with Johnston County School Facility Management in follow-up to the presentation received from the Cooper Elementary PTA. He stated an agreement was reached to jointly perform a storm drainage improvement project. He stated the Town's cost will be \$8,500. He stated the Town and the Johnston County School Facility Management are equally splitting the cost. He stated the first initial estimate was \$10,000 and that it would probably not correct the problem. He stated by collaborating, a better project at a lesser cost can be accomplished. He stated it will be funded out of this year's budget. He also acknowledged Jake Jacobs, deputy superintendant, for working with Town staff on this particular project.

**Item 8b. Town Attorney**

Town Attorney Brenton McConkey stated no report.

**Item 8c. Town Clerk**

Town Clerk Sherry Scoggins stated the first graders of Cooper Elementary will visit the Clayton Center on Wednesday, May 4 and Thursday, May 5 to learn about services provided by the Town. She stated each day the classes will arrive at 10 AM. She stated if an elected official is available and would like to share what a Council member does to join them.

Town Clerk Sherry Scoggins stated Town Hall Day is Wednesday, May 4<sup>th</sup>.

**Item 8d. Other Staff**

No other staff made a presentation.

**ITEM 9. OTHER BUSINESS**

**Item 9a. Informal Discussion & Public Comment.**

No informal discussion and public comment received.

**Item 9b. Council Comments.**

Mayor Pro Tem Grannis stated he was appointed to the North Carolina Commission for Mental Health Developmental Disabilities and Substance Abuse Services and his commission begins next month.

Councilman Lawter questioned the bid process for East Clayton Community Park and phase two for the streets project.

Town Manager Biggs stated the bid process for the East Clayton Community Park is anticipated next week.

Public Works & Utilities Director Tim Simpson stated they met with the consultant after the last Council meeting. He stated documents have been turned over and they have begun the intermediate survey work. He stated a draft set of documents have been received after it is finalized it will go to bid.

Councilman Lawter questioned if a schedule for Riverwood Athletic Club streets had been received.

Town Manager Biggs stated a draft was received on Friday and it is being reviewed.

Councilman Holder questioned the cost.

Public Works & Utilities Director Simpson stated it bid out at over \$900,000.

Town Manager Biggs stated it is less than \$1 million.

Mayor McLeod announced a recess at 9:44 PM with Council going into closed session; meeting resumed at 9:51 PM.

Item 9c      Closed session to discuss a personnel matter in accordance with NC GS 143-318.11 (a) (6).

A motion to go into Closed Session under the authority of G.S. 143-318.11 to discuss a personnel matter was made by Councilman Satterfield; Councilman Lawter seconded the motion. Motion carried unanimously at 9:51 PM.

With there being no further discussion in closed session, Mayor Pro Tem Grannis motioned to return to open session. Councilman Lawter seconded the motion. Motion carried unanimously at 10:08 PM.

Item 10.      ADJOURNMENT

Mayor Pro Tem Grannis motioned to adjourn; Councilman Lawter seconded the motion. Motion carried unanimously at 10:08 PM.

Duly adopted by the Town Council this \_\_\_\_ day of May 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: 3b

Meeting Date: 5/16/11

**TITLE: PUBLIC NOTICE FOR PUBLIC HEARING ON THE TOWN'S FISCAL YEAR 2011-2012 BUDGET SLATED FOR MONDAY, JUNE 6, 2011.**

**DESCRIPTION: Public Notice.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-16-2011	Public Notice.	N/A.

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

Agenda Item: 3c

Meeting Date: 5/16/11

**TITLE: PUBLIC NOTICE FOR EVIDENTIARY HEARING ON SPECIAL USE PERMIT REQUEST SUP 2011-17 SLATED FOR MONDAY, JUNE 6, 2011.**

**DESCRIPTION: Public Notice.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-16-2011	Public Notice.	N/A.

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

Agenda Item: 4a

Meeting Date: 5/16/11

TITLE: INTRODUCTION OF NEW TOWN OF CLAYTON EMPLOYEE (S).

DESCRIPTION: Introduction(s).

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

5-16-11

Introduction(s).

N/A.

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

Agenda Item: 4b

Meeting Date: 5/16/11

**TITLE: PRESENTATION OF EAST CLAYTON OFF-LEASH DOG OWNER  
PARK PROPOSAL.**

**DESCRIPTION: Parks & Recreation staff will provide an overview.**

**RELATED GOAL: Expand Leisure Opportunities and Arts Community**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-16-11	Presentation.	N/A.

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

Agenda Item: 5a

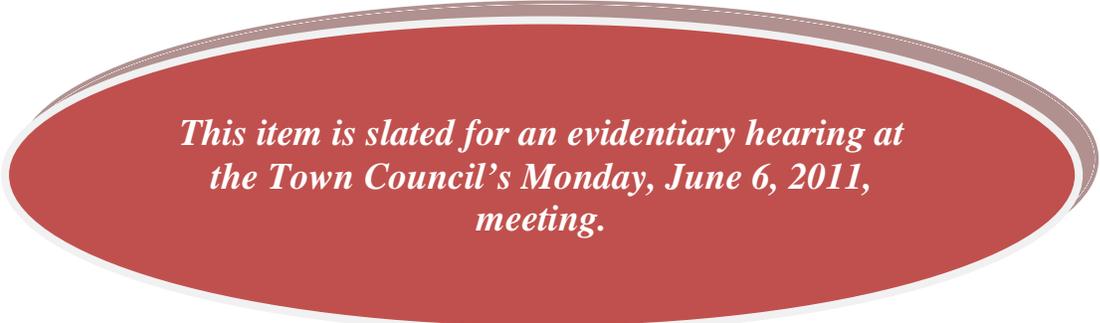
Meeting Date: 5/16/11

**TITLE: PRESENTATION OF SPECIAL USE PERMIT REQUEST SUP 2011-17 FOR LIFE SPRING ACADEMY LOCATED AT WELLSRING COMMUNIYT CHURCH ON SHORT JOHNSON ROAD.**

**DESCRIPTION: The applicant is seeking a special use permit for a private K-12 school located within the O&I zoning district.**

The applicant held a neighborhood meeting on April 7, 2011.

At the Planning Board's April 25, 2011, meeting, all Planning Board members voted in favor of recommending the special use permit with the four conditions as presented.



*This item is slated for an evidentiary hearing at the Town Council's Monday, June 6, 2011, meeting.*

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

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-16-11	Presentation.	Application, Exhibit A, Letter from Dawn Parker, Letter from Lead Pastor Bobby Austin, Staff Report, Map, and Site Plans.

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

Agenda Item: 5b

Meeting Date: 5/16/11

**TITLE: PRESENTATION OF PROCLAMATION FOR FLAG DAY.**

**DESCRIPTION: Proclaim June 14, 2011, as Flag Day.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

5-16-11

Presentation.

Proclamation.

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

Agenda Item: 5c

Meeting Date: 5/16/11

**TITLE: PRESENTATION OF PROCLAMATION FOR ADOPT A PET MONTH.**

**DESCRIPTION: Proclaim June as Adopt a Pet Month.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

**Date:**

**Action:**

**Info. Provided:**

5-16-11

Presentation.

Proclamation.

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

Agenda Item: 5d

Meeting Date: 5/16/11

**TITLE: PRESENTATION OF WARRANTY ACCEPTANCE FOR SOUTH TECH PARK / HARVEST MILL LANE FOR THE PUBLIC WATER, SEWER, AND ASSOCIATED STORM DRAINAGE UTILITIES.**

**DESCRIPTION: Attached.**

**RELATED GOAL: Administrative**

**ITEM SUMMARY:**

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-16-11	Presentation.	Memorandum.

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

Agenda Item: 9a

Meeting Date: 5/16/11

TITLE: TOWN MANAGER.

DESCRIPTION: Distribution of proposed FY 11-12 Town of Clayton  
Operating Budget.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-16-11	None.	N/A.

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

Agenda Item: 9c

Meeting Date: 5/16/11

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Clayton Road Race – Saturday, May 14, 2011 @ 9 AM
- Unplugged: Clayton Music & Art – Saturday, May 14, 2011, from 3 PM to 7 PM at Horne Square
- Peace Officer's Memorial Day – May 15, 2011
- Public Works Week – May 15-21, 2011
- National Police Week – May 15-21, 2011
- Council Mtg – Monday, May 16, 2011 @ 7:30 PM
- Board of Adjustment Mtg – Wednesday, May 18, 2011 @ 6 PM
- Town Square Concert Series: Hip Pocket Band – Thursday, May 19, 2011 from 7 PM to 9 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
- Public forum on the proposed Scenic Highway Overlay (SHO) regulations – Thursday, May 26, 2011; 6:30 PM to 8:30 PM at the Clayton Center Council Chambers
- Memorial Day Holiday – Monday, May 30, 2011
- Town Square Concert Series: Nantucket – Thursday, June 2, 2011 from 7 PM to 9 PM
- Clayton Visual Arts Faire – Saturday, June 4, 2011, from 10 AM to 4 PM at Horne Square
- Council Mtg – Monday, June 6, 2011 @ 7:30 PM Downtown Development
- Public forum on the proposed Scenic Highway Overlay (SHO) regulations – Thursday, June 9, 2011; 6:30 PM to 8:30 PM at the Clayton Center Council Chambers
- Association Mtg – Monday, June 13, 2011 @ 7:30 PM in Room GS 223
- Board of Adjustment Mtg – Wednesday, June 15, 2011 @ 6 PM
- Town Square Concert Series: Johnny Orr Band – Thursday, June 16, 2011 from 7 PM to 9 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
- Town Square Concert Series: Craig Woolard Band – Thursday, July 21, 2011 from 7 PM to 9 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
- Town Square Concert Series: Central Park Band – Thursday, August 18, 2011 from 7 PM to 9 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
- Town Square Concert Series: The Castaways – Thursday, September 15, 2011 from 7 PM to 9 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:  
5-16-11

Action:  
N/A.

Info. Provided:  
Calendar of Events.

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

Agenda Item: 10c

Meeting Date: 5/16/11

TITLE: HIGHLIGHTS OF THE APRIL 25, 2011, PLANNING BOARD MEETING.

DESCRIPTION: Attached as information; does not require Council action.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
5-16-11	None.	N/A.

**HIGHLIGHTS FROM THE PLANNING BOARD MEETING  
MONDAY, APRIL 25, 2011  
7:00 PM**

- A. **Members Present:** Chairman Frank Price, David Teem, Sarah Brooks, George Coats, Marty Bizzell, Jim Lee, Bob Ahlert and Derrick Thompson.
- B. **Members Absent:** Ronald Johnson, Dana Pounds, Joseph Whitley and Councilman Bob Satterfield.
- C. **Staff Present:** David DeYoung Planning Director, Beth Franson Planner, Cindy Batten Administrative Support, and John McCullen Town Engineer.
- D. **Adjustment to the Agenda:**  
David Teem informed the Board that the Johnston County Communication Transportation Plan drop-in meeting is scheduled in the Chambers on Tuesday, April 26, 2011 from 4:00 pm -7:00 pm. They will be discussing road improvements, bicycle/pedestrian trails. Meeting open to the public.
- E. **Approval of March 28, 2011 meeting minutes.**  
Sarah Brooks made a motion to approve the March 28, 2011 meeting minutes with (2) corrections. Bob Ahlert seconded the motion.
- F. **Reports and Comments:** None
- G. **Old Business:** None
- H. **New Business:**
  - A. **SUP 2011-17 Life Spring Academy at Wellspring Community Church (Private School)** – Special Use Permit request for a private school located in the existing Wellspring Community Church located at 143 Short Johnson Road. The proposed site is situated in the town limits. The applicant is proposing a four-phase plan that is spread out over 4 consecutive years.  
  
Sarah Brooks made a motion to recommend approval to Council. David Teem seconded the motion. Motion carried unanimously.
- I. **Adjourn:**  
David Teem made a motion to adjourn. George Coats seconded the motion. Motion carried to adjourn at 7:25 pm.

cb