

Jody L. McLeod
MAYOR

Bruce Thompson
TOWN ATTORNEY

Steve Biggs
TOWN MANAGER



Bob Satterfield
Alex Harding
R.S. "Butch" Lawter, Jr.
Art Holder
COUNCIL MEMBERS

Michael Grannis
MAYOR PRO TEM

TOWN COUNCIL MEETING

NOVEMBER 21, 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, NOVEMBER 21, 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 November 7, 2011, regular meeting and draft minutes from the November 7, 2011, closed session meeting.
4. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**
 - a. Introduction of new Town of Clayton employee(s).
 - b. Presentation of Youth Art Month request.
5. **ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA**
 - a. Presentation of text amendment to the Town’s Unified Development Ordinance for the Board of Adjustment as found in the Town Code of Ordinances Book.
 - b. Presentation of text amendment for the Planning Board as found in the Town Code of Ordinances Book.
 - c. Presentation of resolution directing the clerk to investigate annexation petition 2011-11-01 located at 277 Guy Road for the unincorporated portion of the parcel.
 - d. Presentation of final acceptance request for public water, sewer, and associated storm drainage utilities for Woods at Glen Laurel.
 - e. Presentation of warranty acceptance for public sewer utility for Cambridge Corner / O’Reilly Auto Parts.
6. **ITEMS CONTINGENT FOR THE REGULAR MEETING**
7. **ITEMS FOR DISCUSSION**
 - a. Discussion of loading zone request from Medlin’s Office Supply.
 - b. Discussion of Travel Rates as listed in the Town’s Comprehensive List of Fees and Charges.

8. **OLD BUSINESS**
 - a. Designating Barbour Street as a one way street (south) between Main Street to Horne Street and amending the prohibited parking to include the 100 and 200 blocks of the east side of Barbour Street and prohibit parking on the west side of Barbour Street from the corner of Second Street to the property line for 212 South Barbour Street.

9. **STAFF REPORTS**
 - a. Town Manager
 - b. Town Attorney
 - c. Town Clerk
 - Calendar of Events
 - d. Other Staff

10. **OTHER BUSINESS**
 - a. Informal Discussion & Public Comment.
 - b. Council Comments.

11. **ADJOURNMENT**

TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET

Agenda Item: 3a

Meeting Date: 11/21/11

TITLE: DRAFT MINUTES FROM THE NOVEMBER 7, 2011, REGULAR MEETING AND DRAFT MINUTES FROM THE NOVEMBER 7, 2011, CLOSED SESSION MEETING.

DESCRIPTION: Minutes.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

11-21-11

Approval.

DRAFT minutes from
11/07/2011 meeting.

****DRAFT minutes from
11/07/2011 meeting will
Be hand-delivered.***

MINUTES CLAYTON TOWN COUNCIL NOVEMBER 7, 2011

The first regular meeting of the Clayton Town Council for the month of October was held on Monday, November 7, 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, and Councilman Art Holder.

ABSENT: Councilman R. S. "Butch" Lawter Jr.

ALSO PRESENT: Steve Biggs, Town Manager; Brenton McConkey, Town Attorney; Sherry Scoggins, Town Clerk; Nancy Medlin, Deputy Town Manager; David DeYoung, Planning Director; Larry Bailey, Parks & Recreation Director; Tommy Roy, Information Services Technician

ITEM 1. CALL TO ORDER

Mayor McLeod called the meeting to order at 7:31 PM. Mayor McLeod gave the invocation.

ITEM 2. ADJUSTMENT OF THE AGENDA

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

- Table Item 6b to the next meeting.
- Add as Item 7a: Resolution Providing for Issuance of Revenue Bonds by the Local Government Commission for the Elevated Water Storage Tank Project.
- Add as Item 9c: Closed session to discuss an economic development opportunity in accordance with NC GS 143-318.11 (a) (4).

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

ITEM 3. ACTION AGENDA

Councilman Holder motioned to approve the action agenda as presented; Councilman Harding seconded the motion. The motion carried 4-0 at 7:33 PM with the following action agenda items being approved:

- Item 3a. Draft minutes from the October 17, 2011, work session meeting.
- Item 3b. Ordinance directing the building inspector to remove or demolish property located at 119 Liberty Lane.
- Item 3c. Temporary easement between the Town of Clayton and NCDOT.
- Item 3d. Resolution for 2012 Council schedule.

- Item 3e. Resolution for 2012 holiday schedule.
- Item 3f. Presentation of warranty acceptance for public water and sewer utilities for South Tech Park.

ITEM 4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- Item 4a. Clayton Christmas Parade request by the Clayton Chamber of Commerce.

Director of Special Projects Mary Beth Roberti stated the Clayton Chamber is requesting to host the Clayton Christmas Parade on Saturday, December 10, 2011, beginning at 3 PM. She stated the request is to temporarily close Main Street from US 70 Business to Robertson Street from noon until 5 PM.

Mayor Pro Tem Grannis motioned to approve the request; Councilman Holder seconded the motion. Motion carried 4-0 at 7:34 PM.

ITEM 5. PUBLIC HEARINGS

- Item 5a. Public forum to discuss limiting parking to one side of Collinsworth Drive between Athletic Club Boulevard and Manning Drive in the Riverwood Athletic Club Subdivision.

Town Manager Steve Biggs stated this was brought forward due to public safety response and access. He stated persons are parking on Collinsworth Drive at the end of the school day rather than using the carpool lane. He stated in preparation for this evening, a notice was placed in the newspaper, placed on the website, sent to the middle school, elementary school and Riverwood Athletic Club HOA.

Mayor McLeod opened the public forum at 7:35 PM. As no one came forward to speak, Mayor McLeod closed the public forum at 7:35 PM.

Based upon question by Council, Town Manager Biggs he is not aware of signage or ticketing occurring on Collinsworth Drive.

Councilman Harding motioned to approve the amendment to Ch 74 Ordinance; Councilman Holder seconded the motion.

Town Clerk Scoggins stated at the previous meeting Councilman Lawter recommended the effective date of the ordinance to coincide with the return from the winter school break. She added the effective date of the ordinance would be January 3, 2012.

Motion carried unanimously.

ITEM 6. OLD BUSINESS

Item 6a. Town board and committee applications.

Councilman Satterfield motioned to make the following town board and committee appointments; Mayor Pro Tem Grannis seconded the motion. Motion carried 4-0 with the following appointments:

BOARD	NAME	RESIDENCY	TERM EXPIRES
Board of Adjustment	Michael G. Orłowski	In-Town	12/31/2014
Board of Adjustment	Ralph J. Crabtree	In-Town	12/31/2014
Board of Adjustment	Donna White	ETJ*	12/31/2014
DDA	Richard Rairigh	In-Town	12/31/2014
DDA	Michael Sims	In-Town	12/31/2014
DDA	Janice “Jan” Hardison	In-Town	12/31/2014
DDA	Jessica Creech	In-Town	12/31/2012
Fire Adv. Board	Walter H. Langdon	Claytex	12/31/2015
Fire Adv. Board	Paul Zais	Fire Dept.	12/31/2014
Fire Adv. Board	Chris Sutton	Fire Dept.	12/31/2014
Library	Etheleen Eason	In-Town	12/31/2014
Library	Elizabeth T Barber	Out-of-Town	12/31/2014
Library	Kim Cooper	Out-of-Town	12/31/2014
Planning Bd	Franklin R Price	ETJ*	12/31/2014
Planning Bd	David Teem	In-Town	12/31/2014
Planning Bd	Marty Bizzell	ETJ*	12/31/2014
Public Art Adv Bd	Dorothy Demboski	In-Town	12/31/2014
Public Art Adv Bd	Ramona H Cash	Out-of-Town	12/31/2014
Public Art Adv Bd	Jason Hardy	Out-of-Town	12/31/2014
Rec Adv Comm	Ruth C Hunt	In-Town	12/31/2014
Rec Adv Comm	Michael Sneed	Out-of-Town	12/31/2014
Rec Adv Comm	Cathy Marraccini	Out-of-Town	12/31/2014

*ETJ recommendations will be forwarded to the Johnston County Board of Commissioners for final action.

- Item 6b. Designating Barbour Street as a one way street (south) from Second to Horne Street and amending the prohibited parking from the west side to the east side of the 200 block of Barbour Street.

Tabled until the next meeting.

- Item 6c. UDC relative to manufactured homes proposed for placement in established manufactured home parks [**TRACKING PURPOSES ONLY** – Referred to Planning Board for recommendation].

Tracking purposes only.

ITEM 7. NEW BUSINESS

- Item 7a. Resolution Providing for Issuance of Revenue Bonds by the Local Government Commission for the Elevated Water Storage Tank Project.

Mayor Pro Tem Grannis introduced and read the following resolution into the record:

“RESOLUTION PROVIDING FOR APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF WATER AND SEWER SYSTEM REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF SUCH WATER AND SEWER SYSTEM REVENUE BONDS; AND CERTAIN RELATED MATTERS AND FINDINGS

WHEREAS, the Town of Clayton, North Carolina (the “Town”) acting by and through its Town Council (the “Council”), is authorized by The State and Local Government Revenue Act of North Carolina, N.C.G.S. § 159-80 to issue revenue bonds and notes; and

WHEREAS the Council has determined that it is necessary to extend its existing water and sewer lines (the “Project”); and

WHEREAS, the Council is considering the issuance of not to exceed \$1,604,000 in the aggregate principal amount of the Town’s Water and Sewer System Revenue Bonds (the “Bonds”) to finance the Project, and, in connection therewith, to issue its Water and Sewer System Revenue Bond Anticipation Notes (the “Notes”) to be repaid with the proceeds of the Bonds; and

WHEREAS, the Council wishes the Town Manager to file with the Local Government Commission of North Carolina (the “LGC”) an application for

its approval of the Bonds and the Notes, on a form provided by the LGC and make certain findings therefore; and

WHEREAS, the Council wishes to retain Hunton & Williams LLP, Raleigh, North Carolina, as bond counsel for the issuance and sale of the Notes and the Bonds;

WHEREAS, it is anticipated that the Bonds will be purchased by the United States of America, acting through Rural Utilities Service, an agency of the United States Department of Agriculture (hereinafter “USDA”);

NOW, THEREFORE, the Town Council for the Town of Clayton, in a regularly scheduled meeting on November 7, 2011, does hereby resolve:

1. That the Bonds are to be issued by the Town for the purpose of providing funds to finance the costs of the Project and to pay the costs of issuing the Bonds as set out in the Town’s application to the LGC;
2. That Hunton & Williams LLP shall hereby be retained to serve as bond counsel;
3. That the Town Manager and bond counsel, are hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission for its approval of the issuance of the Bonds;
4. That the Mayor and the Town Manager are hereby authorized and directed to take all actions in furtherance of the issuance of the Bonds;
5. In connection with the application to the LGC, the Town Council hereby makes the following findings:
 - a. The Town Council hereby finds that the Bonds and the Notes are both necessary and expedient to finance the cost of the Project.
 - b. The Town Council hereby finds that the Project is feasible.
 - c. The Town Council hereby finds that the amount of debt to be incurred in connection with the Project and the fees to be paid in connection therewith are sufficient but not excessive for the purpose of acquiring, constructing and installing the Project by paying debt service on the Bonds.
 - d. The Town Council hereby finds that future rate increases may be necessary to meet debt obligations.
 - e. The Town has not defaulted on any debt obligation.
 - f. The Town follows the debt management guidelines of the North Carolina Local Government Commission.
6. This resolution shall take effect immediately.

Duly adopted this 7th day of November 2011 while in regular session.”

Town Manager Steve Biggs stated that in May 2010 Ms. Julia Johnson of the United States Department of Agriculture; hereafter USDA, Rural Development came before the Council to speak on this item. He stated at that time a loan offer was extended to the Town. He stated the loan amount for \$1.6 million is augmented by \$700,000 in grant funding from the North Carolina Rural Center and \$862,500 from Economic Development Administration Federal Grant funding. He stated for \$1.6 million in borrowing, the Town will receive \$3 million in value in the form of a 1 million gallon elevated water storage tank. He stated the Town’s engineer has evaluated this as essential to meet the fire flow protection and daily water demands. He stated the loan and grants make the project feasible. He stated this debt will come due two years from now and the loan for \$1.6 million is over a 40 year span with an interest rate of 4.125%.

Councilman Harding motioned to approve the resolution as presented; Councilman Holder seconded the motion. Motion carried 4-0.

ITEM 8. STAFF REPORTS

Item 8a. Town Manager

Town Manager Steve Biggs stated Council received from Councilman Lawter a status report on the dog park. He stated the bids for the fence contract were received and additional information is needed from the vendors. He stated the Council may have noticed the mobilization of mulch on the site. He stated the expectation by the NCDOT is the realignment of the driveway and this will not reduce the program space for the dog park program space.

Based upon question by Council, Town Manager Biggs stated the dog park is slated for opening the beginning of December.

Item 8b. Town Attorney

Town Attorney Brenton McConkey stated no report.

Item 8c. Town Clerk

Town Clerk Sherry Scoggins stated Tuesday, November 8th is municipal election for the Town of Clayton. She stated the polls open at 6:30 AM and close at 7:30 PM. She stated if citizens have questions about polling sites, they may contact the Johnston County Board of Elections at 919-989-5095.

Item 8d. Other Staff

Other staff did not have a report.

ITEM 9. OTHER BUSINESS

Item 9a. Informal Discussion and Public Comment

No Information discussion and public comment were presented.

Item 9b. Council Comments.

No Council comments were presented.

Item 9c. Closed session to discuss an economic development opportunity in accordance with NC GS 143-318.11 (a) (4).

Councilman Grannis motioned to go into closed session to discuss an economic development opportunity in accordance with NC GS 143-318.11 (a) (4); Councilman Satterfield seconded the motion. Motion carried 4-0.

Councilman Holder motioned to return to open session; Councilman Harding seconded the motion. Motion carried 4-0.

Item 10. ADJOURNMENT

Councilman Grannis motioned to adjourn; Councilman Satterfield seconded the motion. Motion carried 4-0 at 8:18 PM.

Duly adopted by the Town Council this [REDACTED] day of November 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: 4a

Meeting Date: 11/21/11

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

DESCRIPTION: Introductions.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-21-11	Introduction.	N/A

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

Agenda Item: 4b

Meeting Date: 11/21/11

TITLE: PRESENTATION OF YOUTH ART MONTH REQUEST.

DESCRIPTION: Presentation.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-21-11	Presentation.	Proclamation.

TOWN OF CLAYTON PROCLAMATION YOUTH ART MONTH

WHEREAS, the arts, in its many forms, constitute an important part of the community and contribute to the development of our youth; and,

WHEREAS, participation in and enjoyment of the arts can take many forms, including the visual arts, fine arts and performing arts; and,

WHEREAS, the Clayton Women's Club has sought to promote the involvement of our youth in various art projects to the betterment of their minds and the community as a whole.

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Clayton that the month of January each year, be recognized as:

YOUTH ART MONTH

Let it also be proclaimed that all businesses, industries and citizens in the Clayton community are urged to support and encourage the school aged children of Clayton to participate in the arts.

Duly proclaimed this the ____ day of November 2011, while in regular session.

Jody L. McLeod
Mayor

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

Agenda Item: 5a

Meeting Date: 11/21/11

TITLE: PRESENTATION OF TEXT AMENDMENT IN THE TOWN'S UNIFIED DEVELOPMENT ORDINANCE FOR THE BOARD OF ADJUSTMENT AS FOUND IN THE TOWN CODE OF ORDINANCES BOOK.

DESCRIPTION: The proposed text amendment clarifies attendance for Board of Adjustment members.

At its October 19, 2011, Board of Adjustment meeting, the Board of Adjustment members unanimously voted to recommend approval of the proposed text amendment.

At its October 24, 2011, Planning Board meeting, the Planning Board members unanimously voted to recommend approval of the proposed text amendment.

This item is slated for public hearing on Monday, December 5, 2011.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-21-11	Presentation & Public Notice.	DRAFT Ordinance.

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Chapter 155
Unified Development Code: Review Bodies – Board of Adjustment

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

155.700 REVIEW BODIES

(C) Board of Adjustment

(2) Composition

(c) Alternate members.

3. Each alternate member, while attending any regular or special meeting and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member. ~~Three unexcused absences shall constitute a vacancy to be filled by the Town Council at the next regularly scheduled meeting.~~

(d) Attendance. All members are expected to attend scheduled meetings for the prompt and efficient transaction of business. The secretary to the board shall maintain the attendance record, including attendance at regular meetings, work sessions and special called meetings. If at any time a member either fails to attend two-thirds of the scheduled meetings during a calendar year or misses three scheduled meetings in succession, the secretary to the board shall notify the Chairman of the Board. The Chairman of the Board will send a letter of recommendation on this member's attendance to the Town Clerk. The Town Clerk shall include the letter as an item on the next available Town Council meeting agenda requesting that the Council as a whole make a decision on this member's continued service to the board.

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

ATTEST:

Jody L. McLeod

Mayor

APPROVED AS TO FORM:

Sherry L. Scoggins, MMC
Town Clerk

Brenton W. McConkey
Town Attorney

Excerpt from UDO, Chapter 155, Section 700:

(C) *Board of Adjustment.*

(1) *Establishment.* The Board of Adjustment is established pursuant to G.S. § 160A-388.

(2) *Composition.*

(a) Number and term.

1. The Board of Adjustment shall consist of seven members with four members residing in the corporate limits and three members residing within the town's extraterritorial jurisdiction; and each member is to be appointed for three years.

2. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time.

(b) Membership.

1. Membership on the Board of Adjustment shall include representatives from the extraterritorial jurisdiction.

2. Any member of the Board of Adjustment representing the extraterritorial jurisdiction shall be appointed by the Town Council, subject to approval by the Johnston County Board of County Commissioners.

(c) Alternate members.

1. The Town Council may, in its discretion, appoint and provide compensation for two alternate members to serve on the Board of Adjustment in the absence of any regular member. One alternate member shall be from the town and one alternate member shall be from the extraterritorial jurisdiction.

2. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members.

3. Each alternate member, while attending any regular or special meeting and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member. Three unexcused absences shall constitute a vacancy to be filled by the Town Council at the next regularly scheduled meeting.

(3) *Proceedings.*

(a) Meetings. All meetings of the Board of Adjustment shall be held at a regular place and shall be open to the public.

(b) Minutes. The Board of Adjustment shall keep minutes of proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be by recorded resolution, indicating the reasons of the Board, all of which shall be a public record.

(c) Quorum. A quorum shall consist of four members. If there are not seven regular members in attendance, one or both of the alternate members may hear and vote on any matter coming before the Board of Adjustment regardless of the geographical area in which the alternate member resides; however, the total voting membership shall not exceed seven members in any case.

(4) *Powers and duties.* In execution of the provisions of this chapter, the Board of Adjustment shall have the following powers and duties.

(a) General authority. The Board of Adjustment may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.

(b) Final authority. The Board of Adjustment shall be responsible for final action regarding the following:

1. Conditional use review ([§ 155.710](#));
2. Variances ([§ 155.716](#));
3. Administrative appeals ([§ 155.717](#)); and
4. Interpretation of zoning district boundaries.

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

Agenda Item: 5b

Meeting Date: 11/21/11

TITLE: PRESENTATION OF TEXT AMENDMENT FOR THE PLANNING BOARD AS FOUND IN THE TOWN CODE OF ORDINANCES BOOK.

DESCRIPTION: The proposed text amendment clarifies attendance for Planning Board members.

At its October 24, 2011, Planning Board meeting, the Planning Board members unanimously voted to recommend approval of the proposed text amendment.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

11-21-11

Presentation.

Draft Ordinance.

TOWN OF CLAYTON
Amendment to the Code of Ordinances: Chapter 32
Departments, Boards, and Commissions: Planning Board

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

Amend Section 32.075 MEMBERS; TERMS; VACANCIES to read as follows:

- (C) ~~All members are expected to attend scheduled regular meetings. Any member who either fails to attend two-thirds of regularly scheduled meetings during a calendar year or missed three regularly scheduled meetings in succession without an excuse deemed reasonable by the Chairperson shall resign from their appointment upon notice by the Chairperson. Any decision by the Chairperson. Any decision by the Chairperson concerning an excuse for an absence may be appealed to the Planning membership. Upon a four-fifths vote of the entire membership, the decision of the Chairperson shall be overturned.~~**

All members are expected to attend scheduled meetings for the prompt and efficient transaction of business. The secretary to the board shall maintain the attendance record, including attendance at regular meetings, work sessions and special called meetings. If at any time a member either fails to attend two-thirds of the scheduled meetings during a calendar year or misses three scheduled meetings in succession, the secretary to the board shall notify the Chairman of the Board. The Chairman of the Board will send a letter of recommendation on this member's attendance to the Town Council liaison and the Town Clerk. The Town Clerk shall include the letter as an item on the next available Town Council meeting agenda requesting that the Council as a whole make a decision on this member's continued service to the board.

Duly adopted by the Clayton Town Council this ____ day of ____ 2011 while in regular session.

ATTEST:

Jody L. McLeod
Mayor

APPROVED AS TO FORM:

Sherry L. Scoggins, MMC
Town Clerk

Brenton W. McConkey
Town Attorney

§ 32.077 MEETINGS; QUORUM.

(A) The Planning Board shall hold at least one meeting monthly, and all of its meetings shall be open to the public.

(B) A quorum shall consist of five members. If there are not nine regular members in attendance, one or both of the alternate members may hear and vote on any matter coming before the Planning Board regardless of the geographical area in which the alternate member resides; however, the total voting membership shall not exceed nine members in any case.

(C) All members are expected to attend scheduled meetings. Any member who either fails to attend two-thirds of regularly scheduled meetings during a calendar year or misses three regularly scheduled meetings in succession without an excuse deemed reasonable by the Chairperson shall resign from their appointment upon notice by the Chairperson. Any decision by the Chairperson concerning an excuse for an absence may be appealed to the Planning Board membership. Upon a four-fifths vote of the entire membership, the decision of the Chairperson shall be overturned.

('71 Code, § 2-152) (Ord. passed 11-6-72; Am. Ord. passed 1-23-95; Am. Ord. passed 11-4-96; Am. Ord. 98-01-02, passed 1-20-98; Am. Ord. 2003-07-01, passed 7-21-03; Am. Ord. 2008-06-04, passed 6-16-08)

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

Agenda Item: 5c

Meeting Date: 11/21/11

TITLE: PRESENTATION OF RESOLUTION DIRECTING THE CLERK TO INVESTIGATE ANNEXATION PETITION 2011-11-01 LOCATED AT 277 GUY ROAD FOR THE UNINCORPORATED PORTION OF THE PARCEL.

DESCRIPTION: A citizen initiated annexation petition was received from North Carolina District of the Assemblies God Inc for the contiguous unincorporated portion of parcel located at 277 Guy Road (parcel number 05G02014Q).

RELATED GOAL: Administrative

ITEM SUMMARY:

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

**ANNEXATION PETITION 2011-02-01
277 Guy Road,
Unincorporated portion of parcel no. 05G02014Q
Owner – NC District Council of Assemblies of God Inc
CONTIGUOUS, 1.88 acres (out of a 3.93 acre tract)**

**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 November 4, 2011, 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 ____ day of ____ 2011, while in regular session.

**Jody L. McLeod
Mayor**

ATTEST:

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

Annexation 2011-11-01

2.21 Acres

Crossroads Church of Clayton

Annexation Petitioner: NC District Council of the Assemblies of God Inc

Property Owner: NC District Council of the Assemblies of God Inc

Parcel Number(s) Portion of 05G02014Q

Town Council Date(s): November 21, 2011
December 5, 2011



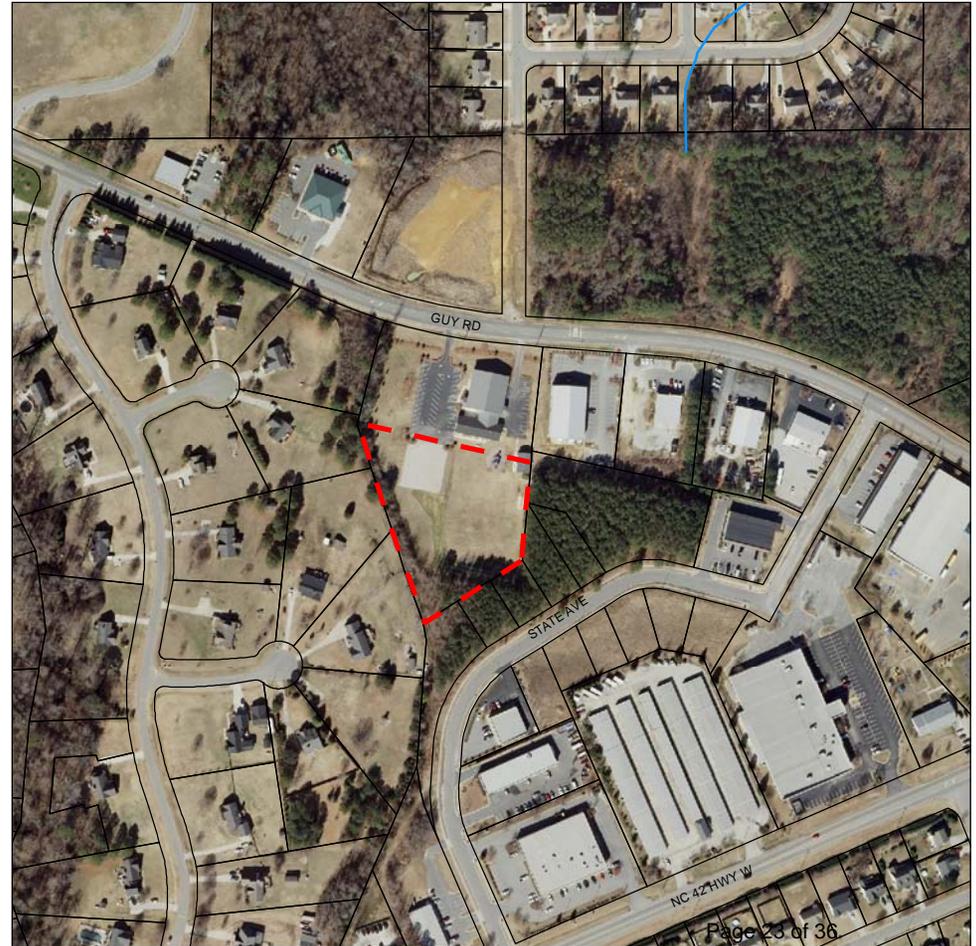
Map produced by Town of Clayton
Date: November 7, 2011

Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.
Aerial Photography Date: February/March 2010

Scale: 1" = 400'

 Town Limits

1



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

Agenda Item: 5d

Meeting Date: 11/21/11

TITLE: PRESENTATION OF FINAL ACCEPTANCE REQUEST FOR PUBLIC WATER, SEWER, AND ASSOCIATED STORM DRAINAGE UTILITIES FOR WOODS AT GLEN LAUREL.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-21-11	Presentation.	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

MEMORANDUM

To: Sherry Scoggins, Town Clerk

From: Chris Rowland, Construction Inspector *CR*

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

Date: October 11, 2011

Subject: Woods at Glen Laurel

Please place a final acceptance request for the subject public water, sewer, & associated storm drainage utilities on the next available agenda. All punch list items have been completed. Upon acceptance, the Town will assume all operation and maintenance duties.

received
10-12-2011 *JRH*

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

Agenda Item: 5e

Meeting Date: 11/21/11

TITLE: PRESENTATION OF WARRANTY ACCEPTANCE REQUEST FOR PUBLIC SEWER UTILITY FOR CAMBRIDGE CORNER / O'REILLY AUTO PARTS.

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-21-11	Presentation.	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

MEMORANDUM

To: Sherry Scoggins, Town Clerk
From: Chris Rowland, Construction Inspector *CR*
Copy: Jonathan Barnes, Dalton Engineering
Date: October 25, 2011
Re: Cambridge Corner / O'Reilly Auto Parts

Please place a warranty acceptance request for the subject public sewer utility on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the lines will be subject to a one-year warranty period. Subsequently, a final inspection will be done and any deficient items corrected by the developer's contractor prior to final acceptance.



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

Agenda Item: 7a

Meeting Date: 11/21/11

TITLE: DISCUSSION OF LOADING ZONE REQUEST FROM MEDLIN'S OFFICE SUPPLY.

DESCRIPTION: Ms. Jennifer Lawrence of Medlin Office supply forwarded an email request for a loading zone on Lombard Street adjacent to the "Pittman Jewelers" building.

RELATED GOAL: Administrative

ITEM SUMMARY:

Date:

Action:

Info. Provided:

11-21-11

Presentation.

Email & Excerpt of Town Ordinances 73.40 – 73.42.

From: Jennifer Lawrence [jmlawrence@embarqmail.com]
Sent: Friday, November 04, 2011 3:07 PM
To: Sherry Scoggins
Subject: Re: Loading Zone Request

Hello Sherry, I am emailing you to ask the Town Council to please consider designating a 'Loading Zone' area for Medlin Office Supply, on Lombard Street, adjacent to the 'Pittman Jewelers' building. We often have quantities of supplies and furniture to load into the vans for deliveries, and are not able to park close by because the nearby spaces are taken by local employees. The hours of 8:00 am until 11:00 am should normally cover the time we would need.

We thank you very much for your consideration of this request

Best regards, Jennifer M Lawrence / President - Medlin Office Supply

----- Original Message -----

From: Sherry Scoggins <sscoggins@townofclaytonnc.org>
To: Jennifer Lawrence <jmlawrence@embarqmail.com>
Sent: Mon, 31 Oct 2011 09:57:01 -0400 (EDT)
Subject: Loading Zone Request

Good morning,

Mr. Crowder stopped by the office a few weeks ago inquiring about a loading zone for Medlin's. After researching the available electronic records and index cards of the minutes, no request for Medlin Office Supply was found.

If you would like this item considered by the Town Council, please remit a letter describing your request. If this is received by the end of this week, it can be included on the November 21st work session agenda.

Sincerely,

Sherry L. Scoggins, MMC

NCAMC President

Clerks: The Hub of the Wheel

Town Clerk

Town of Clayton

"Premier Community for Active Families"

919.553.5002 ext 5004

919.553.8919 (FAX)

<http://www.townofclaytonnc.org>

TRUCKS**§ 73.30 PARKING TRUCKS AND TRAILERS IN RESIDENTIAL DISTRICTS.**

(A) It shall be unlawful to park or leave standing within a residential zone, any truck or truck and trailer combination with an individual or overall length of 25 feet or more or any trailer on any street. Owners of the above-stated vehicles shall use private property for parking and storing such vehicles within the town.

(B) Vehicles left parked or standing in a prohibited area as a result of an emergency stop shall not be in violation of this section for a period of one day, provided the location does not create a traffic hazard necessitating immediate removal of the vehicle.

(C) This section shall not apply to trucks actively delivering or receiving merchandise from a residence or providing a service to a residence.
(Ord. passed 8-17-87; Am. Ord. 2004-09-03, passed 9-20-04) Penalty, see § 73.99

LOADING AND UNLOADING ZONES**§ 73.40 COMPLIANCE WITH SIGNS REQUIRED.**

Whenever vehicle loading and unloading zones are designated, and when signs are placed, erected, or installed giving notice thereof, it shall be unlawful for any person to stop, stand, or park any vehicle for any purpose or period of time except in accordance with this subchapter.

(Ord. passed 8-17-87) Penalty, see § 73.99

§ 73.41 PASSENGER LOADING ZONES.

Certain streets or parts thereof are designated as passenger loading and unloading zones, and no person

shall stop, stand, or park a vehicle therein for any purpose other than the expeditious loading or unloading of passengers, and then only for a period not to exceed ten minutes.

(Ord. passed 8-17-87) Penalty, see § 73.99

§ 73.42 COMMERCIAL LOADING ZONES.

Certain streets or parts thereof are designated as commercial loading and unloading zones, and no person shall stop, stand, or park a vehicle therein, unless posted as such, for any purpose other than the expeditious unloading and delivery, or pickup and loading, of materials and goods, and then only for a period not to exceed 30 minutes.

(Ord. passed 8-17-87) Penalty, see § 73.99

OFFICIAL SIGNS OR MARKERS**§ 73.50 APPLICABILITY.**

(A) The provisions of this subchapter prohibiting the standing or parking of a vehicle shall apply at all times or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic-control device.

(B) The imposition of a time limit on parking on any official sign shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

(Ord. passed 8-17-87) Penalty, see § 73.99

§ 73.51 NO PARKING SIGNS.

When signs or markers are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets so designated.

(Ord. passed 8-17-87) Penalty, see § 73.99

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

Agenda Item: 7b

Meeting Date: 11/21/11

**TITLE: DISCUSSION OF TRAVEL RATES AS LISTED IN THE TOWN'S
COMPREHENSIVE LIST OF FEES AND CHARGES.**

DESCRIPTION: Attached.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
11-21-11	Presentation.	Current and Proposed Travel Rates.

TRAVEL RATES

I. TRAVEL REIMBURSEMENT

A. Mileage:

Personal vehicle mileage is reimbursed at the Internal Revenue Service allowable rate.

B. Per Diem Allowance:

Breakfast	\$ 6.00
Lunch	\$ 8.00
Dinner	\$14.00
Gratuity	\$ 3.50

Notes:

- All meals will be paid at the per diem rate.
- Any meal included as part of a school or meeting and included in registration will be paid at that rate and no per diem will be allowed.
- Per diem rates will apply to out of county travel and only during the duration of the school, meeting, or conference. *Breakfast per diem will be provided for events starting earlier than 8:30 AM. Dinner per diem will be provided when return travel (to Johnston County and/or primary residence) is not completed by 6:30 PM.*
- Exclusions from Per Diem Policy:
 - Breakfast per diem will not be provided when a "Breakfast Bar" is included with registration or lodging.*
 - Actual meal expense will be reimbursed with a receipt from an on-site motel restaurant when transportation or alternative accommodations are not available or practical.*

C. Motel and Hotels:

Motels and Hotels will be reimbursed at the actual charge for accommodations including applicable taxes.

D. Phone:

A wellness check phone allowance of \$3.00 for each two nights of out-of town stay will be provided upon request.

TOWN'S PER DIEM POLICY

I. TRAVEL REIMBURSEMENT

A. **Personal Automobile:**

Personal vehicle mileage is reimbursed at the Internal Revenue Service allowable rate.

B. **Per Diem Allowance:**

Breakfast	\$ 8.00/day*
Lunch	\$10.00/day
Dinner	<u>\$16.00/day</u>
	\$34.00/day

*No breakfast on day of departure.

C. Town of Clayton employees seeking reimbursement for travel expenses are to follow the Town of Clayton Travel, Food, and Beverage Policy effective (DATE).

Duly adopted this day of 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: 8a

Meeting Date: 11/21/11

TITLE: DESIGNATING BARBOUR STREET AS ONE WAY STREET (SOUTH) BETWEEN MAIN STREET TO HORNE STREET AND AMENDING THE PROHIBITED PARKING TO INCLUDE THE 100 AND 200 BLOCKS OF THE EAST SIDE OF BARBOUR STREET AND PROHIBIT PARKING ON THE WEST SIDE OF BARBOUR STREET FROM THE CORNER OF SECOND STREET TO THE PROPERTY LINE OR 212 SOUTH BARBOUR STREET.

DESCRIPTION: At its October 17, 2011, Council meeting, it was the consensus of the Council to have this item brought back for additional discussion.

At the request of staff, this item was tabled at the 11/7/2011 Council meeting.

RELATED GOAL: Administrative

ITEM SUMMARY:

<u>Date:</u>	<u>Action:</u>	<u>Info. Provided:</u>
10-17-11	Discussion.	
11-07-11	Discussion.	Ordinance Amendment.
11-21-11	Discussion.	Ordinance Amendment.

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

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

Amend the following section of CHAPTER 74: Parking Schedules, Schedule I, Prohibited Parking to read as follows:

Street	Location	Ord. No.	Passage Date
Barbour Street	100 and 200 block, east side		
Barbour Street	200 block, west side from the corner of the Second Street to the beginning of property line for 212 S Barbour Street		

Duly adopted this ____ day of ____ 2011, while in regular session.

(SEAL)

Jody L. McLeod
Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry L. Scoggins, MMC
Town Clerk

Brenton W. Thompson
Town Attorney

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

Agenda Item: 9c

Meeting Date: 11/21/11

TITLE: TOWN CLERK

DESCRIPTION: Calendar of Events:

- Grand Opening Celebration of Automatic Rolls of North Carolina – Friday, November 18, 2011
- Night of Networking, sponsored by the Clayton Chamber – Monday, November 21, 2011, from 5:30 PM – 7:00 PM @ the Clayton Law Enforcement Center; Participants are encouraged to bring an unwrapped toy in support of Toys for Tots!
- 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
- Clayton Downtown Christmas Village & Tree Lighting Ceremony – Thursday, December 1, 2011
- Council Mtg – Monday December 5, 2011 @ 7:30 PM
- Clayton Christmas Parade – Saturday, December 10, 2011 @ 3 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
- New Year’s Day Holiday – Monday, January 2, 2012
- Council Mtg – **TUESDAY**, January 3, 2012
- Martin Luther King Birthday Holiday – Monday, January 16, 2012
- Council Mtg – **TUESDAY**, January 17, 2012

Date:
11-21-11

Action:
N/A.

Info. Provided:
Calendar of Events.