The Town Of Clayton
Regular Town Council Meeting Minutes
Monday, June 6, 2016 @ 6:30 PM
Council Chambers

COUNCIL PRESENT:
Mayor McLeod
Mayor Pro Tem Grannis
Council Member Satterfield
Council Member Holder
Council Member Lawter
Council Member Thompson

STAFF PRESENT:
Steve Biggs, Town Manager
Nancy Medlin, Deputy Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Stacy Beard, Public Information Officer
Catherine Whitley, Human Resource Director
Ann Game, Customer Service Director
Tim Simpson, Public Works Director
John McCullen, Town Engineer
Chris Rowland, Construction Administrator
Dale Medlin, Electrical Manager
Larry Bailey, Parks & Recreation Director
Lee Barbee, Fire Chief
David DeYoung, Planning Director

COUNCIL ABSENT:

1 CALL TO ORDER

a) Mayor McLeod called the meeting to order at 6:33 p.m. The Mayor led everyone in the Pledge of Allegiance and also offered the Invocation.

2 ADJUSTMENT OF THE AGENDA

3 CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

a) Draft Minutes - May 16, 2016 Regular Session

b) Warranty Acceptance & All Utility Easements - Spring Branch Lot 4

c) Final Warranty Acceptance & Pertinent Easements - Arbors at East Village

d) Warranty Acceptance - Final Lift Asphalt - RWAC-Phases 1A,1B,1C,1D(Excludes Payton Dr.)

e) Warranty Acceptance - Final Lift Asphalt - RWAC-Phases 4A,4B,4C,4D,4E&4F

f) Proclamation - Gastroschisis Awareness

g) Request for Closure of Kilgo Street - July 4th Celebration

h) Resolution for Closure of Main Street - Halloween Parade

i) Waste Management Contract Amendment

j) Audit Contract for FY '15-'16 / Anderson, Smith & Wike, LLC

k) Appointment of Amanda Hilburn to Downtown Development Board

ACTION: Adoption of Consent Agenda as Presented

Motion: Council Member Thompson
Second: Council Member Holder
Vote: Unanimous

4 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) Recognition of Psi Sigma Omega (PSO) Chapter of Alpha Kappa Alpha
Presenter: Stacy Beard, Public Information Officer

Ms. Beard provided background information on this group who participated in the beautification of All-Star Park. Members from the sorority around the country, mobilize to provide improvements to parks in their communities. All-Star Park improvements included mulch, flowers, raking and cleaning. Members of the group were presented with a Certificate of Appreciation. Members of the council offered their thanks and appreciation.

b) Johnston County Storm Water/Sediment/Erosion Control Update
Presenter: Carlos Bagley, Johnston County

Mr. Bagley who is the Environmental Manager for Johnston County provided information regarding the many active projects in the town. He stated the County works in conjunction with the town and spoke about the good working relationship that is enjoyed. Mayor Pro Tem Grannis inquired about any information he might be able to provide regarding the issues being experienced at both Creekside Commons and Mitchiner Hills. Mr. Bagley stated that he had forwarded a report to KB Homes regarding several of the homes in that community. He further stated he was not aware of the issues with Mitchiner Hills and stated it was his understanding this project had been going on for several years. Mayor Pro Tem Grannis asked for additional clarification regarding erosion control and who might be responsible. Mr. Bagley stated that the original permits were issued by DNA (State). Council Member Lawter questioned if there were an enforcement issue would that fall to the state or to the county? Mr. Bagley stated he believed it would fall to Johnston County. Mayor Pro Tem Grannis stated he would like to see this issue followed up on. Council Member Holder agreed and stated he wanted to see this issue come back to Council. John McCullen, Town Engineer, stated he would report back to Council. Mr. Bagley also stated he would provide his contact information to anyone who wished it. Council Member Lawter stated he appreciated all the hard work that has been done and stated he would like to get the problem at Creekside resolved.

c) NCDOT Proposed Highway 70 Safety Project

Presenter: Jiles Harrell, NCDOT District Engineer

Mr. Harrell provided information regarding the US 70 Safety Project. He outlined two separate projects. The first project involves resurfacing and the second project involves median safety improvements Mr. Harrell stated that while the first project was advertised in May of 2016, it would preferential to take a look at incorporating both projects. The incorporation of both projects would include cost savings as well as being less intrusive to those affected by the projects. Project #1was advertisement in May of 2016 but they would like to take a look at perhaps incorporating the two projects together for any possible cost savings and to be less intrusive to those affected. Council approval is needed regarding the median project and without said consent only the paving project would move forward. Mr. Harrell provided four different area maps showing the suggested improvements. Also provided were statistics regarding crash data at all suggested concrete median islands. There was discussion regarding pedestrian safety crossing at Robertson Street. Mr. Harrell stated he would look into this issue, however, it would not fit into the project(s) being discussed. There was discussion regarding stacking lanes and light timing. A new traffic light is proposed for the area by the Food Lion Shopping Center. There was discussion regarding the re-routing of vehicles by the Old Towne area. Mr. Harrell further stated that discussions were held with Caterpillar and a Right of Entry has been obtained. Discussion continued regarding the use of private roads by the Old Towne area and possibility of maintenance. Mr. Biggs stated there are two options for rerouting vehicles and it would not be necessary to use the private road option. Council Member Satterfield stated he would like to know who owns all the properties and possibly have some type of agreement to keep it maintained. Mr. Biggs stated the town would be able to assist with that information.

Mr. Harrell provided crash data for all above areas and stated a reduction of 50-95% in crashes is typically seen with above type of improvements. Additionally you will see increased mobility along the corridor, decreased travel time for commuters as well and providing an opportunity for reduction in police and rescue response times. Completing both both projects together would decrease the redundancy and make the projects less "piece meal".

ACTION: Placed on June 20, 2016 Agenda for Action

5 PUBLIC HEARINGS

a) Public Hearing - Proposed FY '16-'17 Budget

Mr. Biggs stated this item served as a supplement to the previously held three-hour budget work session. Provided was an overview of the budget to include the requested positions and the in-housing of yard waste and property maintenance.

Mr. Biggs stated there was a separate item on the agenda to discuss the base fee adjustment. Additionally at that time a decision would need to be made regarding credit cards and non-utility usage as there is a different process if credit cards are used for non-utility items. Mr. Biggs stated the proposed base fee increase would set off transaction fees for credit card usage. Currently the credit card usage set fee is $3.95 per transaction. This set fee, which is a third party fee, is charged to the credit card user. He explained that should we decide to do away with that set fee, a percentage basis fee would be charged, with the cost to the town being approximately $80,000. Question being asked of council is whether to remain with status quo of keeping with the current $3.95 transaction charge or raising base fees to cover credit card costs. Mr. Biggs stated additional information would be broken down and provided at a later date.

Mayor McLeod stated this was being noted as a Public Hearing and opened the hearing at 7:38 p.m. for public comment.

Mr. Robert Ahlert addressed the council and stated his comments related to base fees and stated he would provide comments later on in the meeting.

Mr. Mike Marvel addressed the Council and stated he was present to request support for investment in community with regard to the 3D mammogram project and Johnston Health. Mr. Marvel stated that the goal was to also have other municipalities invest in this life saving equipment.

With there being no further comments, the hearing was closed at 7:47 p.m.

Discussion continued regarding credit card fees and proposed base fee increases. It was agreed there would be no base fee increase and the current fee of credit card usage would remain as is and be borne by the credit card user.

ACTION: Credit Card Fees Remain with No Changes to Base Fees

Motion: Council Member Thompson
Second: Council Member Holder
Vote: Unanimous

ACTION: Placed Proposed FY '16-'17 Budget on June 20, 2016 Agenda for Adoption

Motion: Council Member
Second: Council Member
Vote: Unanimous

b) Organization of Regional Water and Sewer Authority in Johnston County
Presenter: Katherine Ross, Town Attorney

Town Attorney Ross provided background information regarding this item and stated copies of the Resolution as well of the Articles of Incorporation had been included in the agenda packet for consideration of adoption. The two appointees from Clayton would be Mayor McLeod and Council Member Lawter. Mr. Biggs stated that Johnston County just adopted the Resolution at their meeting.

Mayor McLeod noted this as a public hearing and opened the hearing at 7:58 p.m.

With no one coming forward to speak, the hearing was closed at 7:59 p.m.

ACTION: Adoption of Resolution #2016-22

Motion: Council Member Thompson
Second: Council Member Holder
Vote: Unanimous

6 OLD BUSINESS

a) Façade/Site Elements Grant Program
Presenter: David DeYoung, Planning Director

Mr. DeYoung provided details regarding proposed updates to the grant program. Those improvements include but would not be limited to; facade improvements, brick or wall surface cleaning, patching/painting of facade walls, signage or lighting replacement/repair, structure/frame to hold signage, canopy, window or door replacement/repair, mortar join repair, railings repair or addition, cornice repair, design services, site lighting, landscaping, and parking improvements.

ACTION: Approval of Changes to Facade Grant

Motion: Mayor Pro Tem
Second: Council Member Holder
Vote: Unanimous

b) Base / Credit Card Fee Discussion
Presenter: Steve Biggs, Town Manager

This item was discussed and action taken under Item 5a.

7 NEW BUSINESS

a) Appointment of Interim Town Manager
Presenter: Kimberly Moffett, Town Clerk

Town Council has named Nancy Medlin, Deputy Town Manager to serve as the Interim Town Manager until such time a permanent appointment is made.

ACTION: Adoption of Resolution #2016-23

Motion: Council Member Satterfield
Second: Council Member Thompson
Vote: Unanimous

b) **Resolution Approving Proposal/Refinance - Law Enforcement Center**
Presenter: **Robert McKie, Finance Director**

Mr. McKie provided information regarding the proposed re-financing opportunity that would using the law enforcement center as collateral..

ACTION: **Adoption of Resolution #2016-24**

Motion: **Mayor Pro Tem Grannis**
Second: **Council Member Holder**
Vote: **Unanimous**

c) **Budget Amendment - Sam's Branch Phase II Capital Project**
Presenter: **Robert McKie, Finance Director**

Mr. McKie provided information regarding this ordinance and provision for establishment of infrastructure to a previously unserved area as well as support the future abandonment of one or more existing sanitary sewer lift stations.

ACTION: **Place on June 20, 2016 Consent Agenda**

8 STAFF REPORTS

a) **Town Manager**

1. **General Obligation Bond Preliminary Report**

Mr. Biggs provided a handout that included various possible park projects for with regard to potential General Obligation Bond. There was discussion regarding the schedule that would be necessary to include this item on the upcoming November ballot. This schedule would be extremely aggressive. It was noted that a referendum could be held at any election, it is not possible to call a special bond referendum. Discussion included pros and cons on moving forward with November ballot. It was agreed this item would not be placed on the November ballot. This will allow time for time to provide citizens with all the necessary information.

b) **Town Attorney**

c) **Town Clerk**

d) **Other Staff**
John McCullen - Town Engineer:
Update on Citizen Reported Issues at:

- **Creekside**
- **Mitchiner Hills**

Mr. McCullen provided updated information regarding settlement issues at Creekside and the Southside Connector. He stated that Andy Simmerman had recently visited the site and reported slope failure. He stated that large cracks appeared along the slopes, there was soil in cracks that appeared to have settled between 8 and 16 inches. He further stated that KB Homes has hired a technician to make recommendations regarding corrective actions. An

updated report will be available in the upcoming weeks. Mayor Pro Tem Grannis asked what the next steps would be. Mr. McCullen stated once report is received, corrective actions will be put into motion. Mr. McCullen further stated that KB Homes have been very receptive to assist. Mayor Pro Tem Grannis asked Mr. McCullen if he felt that Johnston County bore any role. Mr. McCullen stated he did not feel that the County had a role in this. He further stated staff remains in contact with property owners. Mayor Pro Tem asked should there be no recourse against the State in this issue, who would bear the responsiblity for repair. Mr. McCullen stated the town would be looking to the developer and home owner. Council Member Lawter stated erosion and cracking issues are separate and cracking would be a developer and property owner issue. It was stated the County will continue to look at the erosion.

Also discussed was erosion issues at Mitchiner Hills. Photos were provided both both upstream and downstream. It is the opinion of Mr. McCullen that maintenance is necessary on the upstream lots. He stated the downstream lots have had sod placed.

David DeYoung - Planning Director:
Update - 619 Lombard Street

Mr. DeYoung provided a brief updated regarding this property. He stated there was been no power at this property for the past 10 years. A notice was placed in February and a hearing held in March. This property was deemed unsafe/unfit for habitation. Owners were advised repairs needed to be completed no later than June 1, 2016 to bring into compliance. The owner has chosen to sell the property with the understanding that the present structure needs to be torn down. Owner is currently trying to clear up a title issue and stated plan is to maintain the property as a vacant lot.

9 OTHER BUSINESS

a) Informal Discussion & Public Comment

Ms.Lynn Austin addressed the council and thanked them for increased funding to support cultural arts in the town. Ms. Austin also offered her sincere thanks and appreciation for Mr. Biggs. She stated he will be dearly missed and expressed the town was losing a great manager.

Mr. Michae WIlliams also addressed the council and offered his peronal thanks to Mr. Biggs for his outstanding leadership and commitment to the town. He offered Mr. Biggs his best wishes.

Mr. Carlton Benson, who serves on the Archer Lodge Town Council offered his thanks and appreciation to Mr. Biggs. He stated Mr. Biggs was always willing to offer his assistance and was always available for advice. He stated he would be greatly missed.

Mr. Bob Ahlert spoke and stated for many years he has served as both an elected official as well as serving on numerous volunteer boards and stated there was no better manager than Mr. Biggs. He offered his thanks and appreciation.

b) Council Comments

Mayor McLeod, on behalf of the town council, stated Mr. Biggs was absolutely the best town manager ever. The Mayor presented a photo collage to Mr. Biggs. Also presented was framed art work of the Clayton Center. The Mayor offered his heartfelt thanks and appreciation to Mr. Biggs.

Council Member Holder spoke about Universal playground and stated he felt it was time to take some sort of action regarding this item. He proposed this item be brought back to the October agenda for additional discussion regarding possible available funding towards the playground. Mayor McLeod stated he felt appointment of a new town manager needed to take priority and then have a mini retreat, October/November time frame, to focus on a few issues to include the universal playground and create a clear vision.

10 CLOSED SESSION

a) Pursuant to NCGS 143-318.11(a)(3) - To consult with Town Attorney in order to preserve attorney-client privilege between attorney and Town of Clayton.

Following a brief break, council went into closed session at 9:05 p.m.

ACTION: Go into Closed Session

Motion: Council Member Lawter
Second: Council Member Holder
Vote: Unanimous

11 ADJOURNMENT

a) With there being nothing further the meeting was adjourned at 10:30 p.m.

Motion: Council Member Thompson
Second: Council Member Holder
Vote: Unanimous

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk