The Town Of Clayton
Regular Town Council Meeting Minutes
Monday, January 4, 2016 @ 6:30 PM
Council Chambers

COUNCIL PRESENT:	Mayor McLeod Mayor Pro Tem Grannis Council Member Satterfield Council Member Lawter Council Member Holder Council Member Thompson	**STAFF PRESENT:**	Steve Biggs, Town Manager Katherine Ross, Town Attorney Kimberly Moffett, Town Clerk Dave DeYoung, Planning Director Stacy Beard, Public Info. Officer John Hamlin, A/Public Info. Officer Tim Simpson, Public Works Director Dale Medlin, Electric Systems Director Matt Lorion, Parks & Recreation

COUNCIL ABSENT:

1 CALL TO ORDER

a)

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

2 ADJUSTMENT OF THE AGENDA

a)

Mr. Biggs stated Mr. Lee Worsley of Triangle J Council of Governments was present to provide a brief update. This item was added to the agenda as Item 4b.

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) 2015 Audit Presentations

b) Asphalt Pavement Acceptance(s)

- RWAC Ravens Ridge 8B-1 & 8B-2
- Riverwood Ranch Phase 2A

c) Warranty & All Easement Acceptance(s)
- RWAC Ravens Ridge 8B-1 & 8B-2
- Riverwood Ranch, Phase 2

d) Rock the Block Special Event

e) Fees & Charges Urban Archery & Advertisement

f) Draft Minutes

ACTION: Approval of Consent Agenda as Presented

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

4 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) Eagle Scout Project of Thomas Wright - Troop #421

Stacy Beard, Public Information Officer, introduced Thomas Wright who is an Eagle Scout with Troop #421. Thomas shared information regarding his Eagle Scout Project which was educational signage along Sam's Branch Greenway. He stated it was an amazing experience and offered this thanks and appreciation to Mr. Larry Bailey of the Parks and Recreation Department for his assistance during the entire project timeline. Mayor McLeod offered his appreciation for Thomas' dedication and hard work. Thomas was presented with a Certificate of Appreciation. All Council Members echoed the sentiments of the Mayor.

b) Lee Worsley, Executive Director of Triangle J Council of Governments

Mr. Worsley is the new Executive Director with Triangle J Council of Governments and wanted to take this opportunity to introduce himself. He stated he was extremely happy to be with the Council of Governments. He assured Council anything that is needed is just a phone call away. Mayor McLeod offered his congratulations and thanked Mr. Worsley for taking the time to attend the meeting.

5 PUBLIC HEARINGS

a) Hannahs Creek Preliminary Plat - Major Subdivision 13-106-01-SD

Attorney Ross provided information regarding rules for Quasi Judicial. At this time anyone wishing to offer testimony were asked to come forward and be administered the Oath by the Town Clerk.

Mr. DeYoung offered an update to this project, which is more unique than what is usually seen. The applicant, True Line Survey, is asking to add additional lot to an existing subdivision, Hannah's Creek, Phase 1. Following is dateline regarding this item:

- 2005 - Preliminary Approval Granted by County and lot in question was shown as permanent open space
- 2006 - Applicant recorded plat and shows as reserved for future development
- 2008 - Phase 3 - Approved by the Town and it was a bit unclear about open space
- 2014 - February 2014 - Major Subdivision application came in with some minor configuration changes to allow certain properties to have septic fields that didn't have them
- 2014 - March 2014 Phase 3 was platted by the Town
- 2015 - Minor subdivision granted for Lot #78 - this was issued in error - was actually granted as part of other minor subdivision that came in 2014 and it was felt we incorrectly added a lot an existing phase and that the proper procedure was for the applicant to rectify and add that lot, if interested in going for major subdivision approval.

Purpose for this evening is to change an area of the subdivision that is currently not developed, whether it is considered open space or reserved, into an additional lot.

Map showing the property was shown as it was presented in 2005, showing permanent open space, and also shown was map showing the same area in 2006 now showing area as reserved for future development. Staff has spoken with County regarding the change, however, the personnel who was there at that time that change occurred is no longer there, so there is no clear delineation of how or why that changed.

In 2014 some open space was modified and Lot #78 appeared and the remainder of that open space area or reserved for future development space area was labeled as open space. In March 2014 Phase 3 was platted. Planning Department rescinded the approval of Lot #78 as part of the subdivision, so the applicant did submit a major subdivision application as required by the Town to add the one lot and go through the full process.

In 2005 a total of 13.78 acres was open space, with 7.627 acres required it exceeded the open space requirement by 6 acres. With Phase 3 being incorporated open space is now 84.48 acres. Lot #78 taken from the overall open space removes about 1.51 acres. County requirement is 10% open space which equals 8.48 acres. County regulations are being followed to finish subdivision. If Town requirement were being used it would be 9.85 acres. Total open space remaining, after reduction of Lot #78 acreage, leaves 16.71 acres of open space.

The applicant has addressed Findings of Fact and they have been accepted by staff and made part of complete applicant. Required neighborhood meeting was held on October 14, 2015. Many residents are in opposition of this project.

The Planning Board recommended denial of the application and staff has not provided a recommendation of either approval or denial of the application.

If application is approved, staff has recommended conditions as listed in staff report.

Mayor Pro Tem Grannis confirmed that as far as Planning Department was concerned, the applicant has met all the requirements to move forward. Mr. DeYoung confirmed that to be true.

Mayor McLeod asked what the total acreage of natural resource conversation area was. Mr. DeYoung stated it was 6.7 acres.

Mayor Pro Tem Grannis questioned if there were any requirements from the Town with regard to open space being deemed unusable. Mr. DeYoung stated if the Town criteria were being applied there would be, however, County criteria is being used as County criteria was originally used for approval.

There were no further questions from Council for staff.

Mr. Joseph T. Hammer, an attorney with McCuller-Whitaker was present representing the developer Darryl Evans. He also stated that Curk Lane of True Line Surveying, 205 West Main Street, was present. Mr. Lane is a professional surveyor and provided his background. Mr. Hammer provided a slideshow and questioned Mr. Lane regarding the slides showing the preliminary master plan for Hannah's Creek. Mr. Lane stated he had been involved in this project since 20015 and provided details regarding the area platted as future development. He stated this came about based on conversations he had with Johnston County Planning at that time regarding the Harris Property which became landlocked through the Highway 70 bypass. He stated this subdivision has on site septic fields for each individual lot, so based on that and the usable soil the opted to reserve that for future development in case any of the property lines needed to be adjusted to maintain the septic approval for what would become Phase 3 of Hannah's Creek. Mr. Lane stated the County did approve this plat to be recorded as it was. Mr. Hammer continued to ask questions of Mr. Lane as to the open space issue. Mr. Lane provided his recollection of details. It was stated that that if the plan were ultimately approved it would result in a net increase in open space for the subdivision. Also discussed was the approval process for Phase 3, which came through the Town. Discussed proposed plan with Lot #78 layout.

Mr. Hammer asked Mr. Lane if it were his opinion that Findings of Fact #1 and Findings of Fact #2 were met. He stated it was his belief that they were met.

Mr. Hammer thanked Mr. Lane and called Thad Avent to the podium.

Mr. Thad Avent came forward and stated he has been a certified appraiser for twenty-five years. He stated he had appraised approximately 25 properties in Hannah's Creek since the start of development. He stated he had reviewed the plan for Lot #78 and provided details regarding same. Mr. Hammer asked if Mr. Avent had ever seen a premium being warranted for open space. He stated he had not in Johnston County. He stated that might be seen in Cary or Morrisville but not in Johnston County. He further stated he did not feel the proposed plan would be detrimental to surrounding property value.

Mr. Hammer thanked Mr. Avent and called Mr. Hodge to address Finding of Fact #3.

Mr. Hodge, 335 Athletic Club Blvd., Clayton stated he is with Adams & Hodge Engineering. He is a Civil Engineer and has been for 15-17 years in Johnston County. He stated he had been on site at Lot #78 at Hannah's Creek and stated it was his opinion there was no materially endangerment to the environment, public health, safety or general welfare.

Mr. Lane addressed Findings of Fact #4.

Mr. Lane stated he did not feel it would impact traffic nor would it adversely affect the general plan and orderly growth of the town.

Mayor Pro Tem Grannis had a question pertaining to the septic field for Lot #78 as proposed in relation to Findings of Fact #3. He asked if this had been approved by a certified engineer and if there were any issues with respect to the location of the field and the home.

Mr. Lane stated he had not been approved by a certified engineer but approved by staff of Johnston County Environmental Health and they did not feel there was any endangerment.

At this time, those wishing to offer oppositional views came forward.

Mr. Joshua Carlisle, who is a resident of Hannah's Creek addressed the Council and spoke about the history of the community and why so many residents were in opposition. He stated he purchased his property in 2006 and shared his personal experiences. He stated the lot was presented to him as open space and an area for future development of a common area. He shared information regarding conversations he had with Mr. Evans regarding the development of common area, to include a playground area. He further stated that in 2012 residents addressed issues regarding the poor upkeep of the area and added that Mr. Evans stated that fees were be putting aside for development of common area. He stated requests were made for financial statements, but none were ever provided. During a neighborhood meeting Mr. Evans was asked about these financial statement requests and Mr. Evans stated he was not an accountant. He also spoke about properties that were not being deeded properly, even though fees were being paid. He spoke about deceit and stated residents were being told things that simply were not true. He further stated that no communication had taken place over the past years and the first time residents knew of anything going on with the lot was when

they saw work being done on the property. He further stated the first contact with residents was when the neighborhood meeting information was provided. He stated it was his understanding that the Town Council has some flexibility with determining what qualifies as Open Space and hoped they would take that into consideration in reaching their decision.

Mayor Pro Tem Grannis stated he appreciated the sharing of information. He further stated that unfortunately information regarding HOA is something Town Council does not get involved with. He asked if there was any documentation to corroborate the statements regarding open space. Mr. Carlisle stated brochures had been included in the agenda packet that indicated permanent open space.

Council Member Holder asked if Lot #78 was specifically referred to as being open space. Mr. Carlisle stated yes.

Katherine Pagano of 66 Concord Street, addressed the Council. She stated brochures from HTR indicated this area as open space as did reference in the HOA minutes. Ms. Pagano read a length prepared speech. She also stated she believed we would be following the Town UDC since property in within the ETJ. She stated she had concerns regarding drainage, septic field and wetlands protection. She stated the proposed platewas not the same that was presented at the Neighborhood meeting. She stated she had concerns and drainage issues not being addressed, opinion that open space was not usable, criminal activity on various greenways, cost to maintain an area that is unstable, concerned that water pools will wash away as well as concerns about poisonous snakes. After speaking for 17 minutes, Mayor McLeod advised Ms. Pagano she had a minute to summarize. Ms. Pagano continued speaking about the above issues to include safety issues, neighborhood meetings, promises regarding open space and added she did not want a walking trail along the side of her home. She did not feel this would be an improvement to the quality. After allowing Ms. Pagano an additional four minutes to speak, Ms. Pagano was advised her time was up and she was asked to be seated.

Misty Jackson of 87 Concord Street, addressed the Council. She stated that Jerry Jones of HTR and Daryl Evans both advised her Lot #78 would be dedicated as common space for the neighborhood and there would be a playground. She also stated she was opposed to the walking trail. She further added that until this time, she was under the impression that because the subdivision is located in the ETJ that the Town UDC would guide the decisions. She had concerns why this was the first time it was stated that this was being handled under Johnston County regulations. She stated that she looked up JC regulations this evening regarding open space and it was her interpretation that this would not meet the criteria and asked that Council look at the proposed open space. She asked if it were permissible to have those residents who were present and in opposition to stand. Mayor McLeod stated that it was permissible and asked those residents to stand. It should be noted that there were approximately 20 residents present.

Mayor Pro Tem Grannis asked Ms. Jackson if she had anything written to substantiate that open space would be common area. She stated she did not have anything that stated that exactly. She did state that marketing materials were provided that showed area as open space. These materials were part of the agenda, pages 198-198.

With there being no one further for opposition, it was turned over to applicant for rebuttal.

Mr. Hammer stated that the stated marketing material being referred to is just that marketing material and should include a disclaimer. He further stated that it was a preliminary plat and changes can occur. He further stated that all the Findings of Fact were met and there is no reason that the application should not be approved. He further stated that Mr. Evans was not opposed to scraping the walking trail if the residents did not want it.

There were no questions from Town Council for applicant

Town Council asked Mr. DeYoung for a statement that addressed the Johnston County rules. Mr. DeYoung stated he is not an expert regarding Johnson County, however, it was his opinion that it met the standards in 2005 as well as the standards for today.

Mayor Pro Tem Grannis asked which aspect of this approval would fall directly under the Town Code. Mr. DeYoung stated none of it would apply, because this subdivision was approved and built by the Johnston County standards up to this point.

Council Member Lawter asked for confirmation that the open space requirement for Johnston County was met. Mr. DeYoung stated it did meet requirements.

With no further questions, the item was turned over to Council for deliberation at 8:05 p.m.

Council Member Satterfield stated he understood how the Planning Board reached their decision. He further stated he undersood that feelings can get in the the way, however, Council has to abide by the rules. He stated there is no hard core evidence that this area was to be open space and the Council needs to make decisions based on evidence presented. His vote this evening would be to approve.

Mayor Pro Tem Grannis stated he is of the same opinion of Council Member Satterfield. He stated decisions need to be based on the rules and evidence presented. He further added he feels this situation is very unfortunate and applauded the residents for showing up and trying to overturn what they perceived to be a bad thing for their community. He stated he has an obligation to vote in favor of the request and stated while he might not like it, there is not much of a choice.

Council Member Lawter reiterated the same sentiments. He stated as an Engineer, he deals in facts and there is criteria that needs to be followed. He stated he hated the circumstances and situation the residents were in, but evidence presented proved out the Findings of Fact that require him to approve the request.

ACTION: Approval of Preliminary Plat - Major Subdivision 13-106-01-SD with added condition that staff have authority to make final decision regarding the removal of walking trail.

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

b) Hocutt Baptist Church Western Parking Lot - 15-45-03-SUP

Attorney Ross provided information regarding procedures for a Quasi Judicial hearing to include the types of testimony and evidence that could be considered.

Those wishing to offer testimony were requested to come forward and the Town Clerk administered the oath.

Mr. McLeod of the Planning Department stated the applicant is requesting a Special Use Permit to use the subject parcels as a parking lot for Hocutt Baptist Church. Required neighborhood meeting was held on November 10, 2015. Planning Board recommends approval.

Mr. Hein, who represented applicant, was present and spoke about the project to include drainage and runoff to the swale area and installation of 2 boxes.

Mayor Pro Tem confirmed that staff is satisfied with the plan for run off and Mr. DeYoung stated town was.

There were no further questions and item was turned over to Council for deliberation.

Council Member Thompson stated this appeared to be a first class plan and is happy with this addition to the downtown area. Mayor McLeod offered his thanks and appreciation for the extra effort that went into to this project. Council Member Lawter agreed it was very well done.

ACTION: Approval of Special Use Permit

Motion: Council Member Thomspon
Second: Mayor Pro Tem Grannis
Vote: Unanimous

c) **Rhodes Farm Preliminary Plat - Major Subdivision 15-56-01-SD**

Attorney Ross provided information regarding a Quasi Judicial hearing and reminded type of testimony and evidence to be considered in process. Those wishing to offering testimony were asked to come forward and were given oath by the Town Clerk.

Mr. McLeod stated applicant is requesting approval of subdivision with 41 single family detached homes on 51.32 acres. Current zoning is R-E and is located off of Little Creek Church Road. Land is currently vacant.

Consistent with 2040 Comprehensive Plan, UDC and Surrounding Land Uses. Applicant will be paying fee-in-lieu for recreation. Main access will be located off of Little Creek Church Road with four other access points provided in form of stub-outs to connect to properties to the north and south of proposed development.

Applicant requested a ditch/swale road due to rural characteristics of development and also that it will connect to Little Creek Church Road, which also lacks curb and gutter. Applicant is also requesting waiver from 155.602(h)(1) requiring sidewalks be installed throughout development due to lack of curb & gutter.

Required neighborhood meeting was held on November 10, 2015.

Council Member Satterfield had concerns regarding waiver and setting a precedent regarding stub outs.

Applicant has completed Findings of Facts. Mr. McLeod stated that based on feedback from previous work session that waivers and sight conditions be better incorporated into the Conditions of Approval. Conditions of Approval have been modified to include the following:

All streets shall be built to NCDOT standards and successfully dedicated to NCDOT in accordance with NCDOT regulations.

Waivers:

All requested waiver for sidewalks on all roads shall be paid as fee-in-lieu prior to plat recordation.

Waiver from constructing curb and gutter road; all roads will be dedicated to NCDOT and will connect to NCDOT roads.

Council Member Satterfield asked if it were staff recommendation to grant waivers and Mr. McLeod stated it was.

Discussion took place regarding concern that we are setting precedent by granting waiver. Mr. DeYoung stated staff is supporting waivers because it outside of our town limits and within our ETJ and we do not accept any roads. All roads within our ETJ are dedicated to NCDOT. NCDOT allows other roadway sections that we do not. Mr. DeYoung stated that DOT approval would be required. Council Member Holder stated he is concerned that we are not requiring curb and gutter in all subdivision. Mr. DeYoung stated this is a decision that Council needs to make with regard to recommendation on curb, gutter and sidewalks. However, in this circumstance it is a NCDOT road that this street will connect to and there is no curb and gutter at that location, there is no sidewalk. So whatever we require of this subdivision will not continue outside of subdivision. Discussion continued regarding varying lifestyles and choices and there are some places that are mostly rural larger lots and would mean a large expense to include curb, gutter and sidewalk. Council Member Satterfield stated he agreed about the sidewalks and asked if staff still felt strongly about the curb and gutter. Mr. DeYoung stated staff would still recommend the waiver.

Discussion regarding concerns about not having curb, gutter and sidewalks continued with regard to future growth and location of this area. Mr. DeYoung explained he looked at three different types of areas urban suburban and rural. He stated that rural areas are not served by town sewer, police, they do not pay town taxes and have heard from other residents in these types of areas who are happy with how things are. He doesn't feel we should try to urbanize larger country type settings with infrastructure that needs to be maintained by NCDOT. He stated he does not feel this is the time and place for curb, gutter and sidewalks.

Council stated after listening to Mr. DeYoung that he made good point and they agreed with his thought process.

Discussion took place regarding sight line on the road in relation to the entrance. Mayor Pro Tem Grannis and Mayor McLeod stated they felt this might be a hazard and a safety concern. Mr. DeYoung stated that since this is a NCDOT road it must meet their standards for sight distance. It is possible that entrance may need to shift to be in best possible location. Traffic study and review was discussed. This will take place during the permitting level not the planning stage level. Mr. DeYoung stated we have to sign off on these permits and we certainly could write something into the permit that required the safety of the point of connection be reviewed prior to issuance of permit. This condition will be added to approval.

Discussion was held regarding traffic study and other subdivisions that may be developed in area that would accumulate a total of more than 100 homes and included possible drafting of code amendment.

Staff will send email to Division 4 asking that intersection studied as part of the permit approval at Little Creek Church Road.
No further questions of staff.

Mr. Simmons, representing the applicant, and addressed NCDOT permit

process. He stated it is now required that a certified sealed statement regarding sight distance and posted speed limit be provided reference driveway permits and safety. This rule was changed 4 or 5 years ago. The applicant has absolutely no objection at all with shifting the entrance if necessary, even it were to mean the loss of a lot. The main concern of the applicant is safety.

With reference to curb, gutter and sidewalks works in a 10,000 sf lot, however, it does not work in a 30,000 sf or larger lots seen in rural subdivisions. Costs were addressed. Septic tanks still being reviewed and it is possible that some lots will be combined and made larger.

There were no questions for applicant and the item was turned over to Council for deliberation at 9:08 p.m.

<u>ACTION:</u> Approval with Modified Condition Regarding NCDOT Permit & Sight Issue

Motion: Mayor Pro Tem Grannis
Second: Council Member Thompson
Vote: Unanimous

d) East Village Walk - <u>Two</u> Public Hearings Will Be Held

1. **Rezoning 12-05-04-PDD**
2. **Preliminary Plat Subdivision 12-05-05-SD**

Site is currently zoned PD-R and will again be PD-R. Reason for rezoning is part of Master Plan and with that Master Plan comes new conditions. With approval of this PDD Residential and subsequent subdivision, previous approval from 2013 will no longer be valid. Owner/Applicant is East Village Investments. Property were are discussing is the remaining residential property adjacent to the Arbors. It is 52.57 acres and is in the Watershed Protection Overlay, however, it has been granted the 10/70, for the 10% that can be 70% impervious. Required neighborhood meeting was held on September 9, 2015. It is consistent with our Future Land Use Plan, compatible with Surrounding Land Uses and applicant has addressed the rezoning criteria. Staff is recommending approval of the rezoning.

Mayor opened floor for those wishing to speak. Mr. Jimmy Teem introduced himself who was present as the planning consultant for the project. He introduced others in attendance.

Mayor Pro Tem Grannis asked the reason for requesting rezone and Mr. Teem stated it was due to a change in the street layout, density in the project and the concept of how the plan was being developed.

With there being no further questions, the item was turned over to Council for

deliberation.

ACTION: Approval of Rezoning

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

McLeod opened the Public Hearing for 12-05-05-SD. Attorney Ross provided information regarding public hearing and type of testimony and evidence to be considered in process. Those wishing to offering testimony were asked to come forward and were issued oath by the Town Clerk.

Mr. DeYoung request is for 52.57 acres and is currently vacant. This property did have previous approval. Previous approval was for a combination of single family and townhomes. There were two separate plans approved as developer did not know how sales would go for either portion.

Project is consistent with Future Land Use. Proposed developed as part of the new Master Plan are 300 single family lots and expect that to be made up of 136 village lots and 164 cottage lots. Greenway will continue as previously approved. This is a conceptual layout. Master Plan shows basically what is being considered for overall layout. As each phase comes it will need to meet all subdivision requirements. There are two options being considered to include alley loaded and courtyard homes. In the courtyard version, homes will front on a courtyard versus a road and thus brings the community closer together. Developer wants to ensure this is sellable but may need to transition to other option based on sales and demand.

Traffic Impact Analysis has been done and since this will be a senior adult housing it has a lower traffic generator than a standard residential unit. There is a condition of improvement that would require if it should convert from 55+ housing a traffic study would need to be done.

This project is compatible with Surrounding Land Use and UDC. Applicant has addressed the Master Plan Approval Criteria. Applicant is requesting waiver regarding reduced right of way widths.

The Planning Board has recommended approval. Staff recommends approval with conditions as stated in Staff Report. Staff is also in favor of waiver approval.

Additionally, there was an increase to total the amount of wastewater 24,480 gallons per pay.

Mr. Jimmy Teem, applicant representative, provided a Power Point presentation. He stated this will be a mature community, for those 55 and over. The concept is that of a pocket neighborhood/courtyard neighborhood.

He provided a history regarding this type of design. He shared information about high level of pedestrian connections, 3 dedicated parking spaces for each home, a total of 242 guest parking spaces, club house with an additional 40 parking spaces. He stated amenities will include; a clubhouse, a pool, a pocket park, a pickleball court, horseshoes, bocce ball court, a putting green and playground.

He stated he is very excited about this plan and feels it is a great opportunity for Clayton.

Mayor Pro Tem Grannis questioned what the width of the street would be should the courtyard concept not work. It was stated it would be 43' and lots would be slightly shorter, street would be 31' back to back.

Question was asked for clarification regarding parking spaces for each home. It was stated there would be 2 parking spaces in garage and 1 outside of garage. A total of 274 spaces would be spread throughout the project with 53 of those spaces being parallel. There was question regarding streets being large enough for garbage and fire trucks. Mr. Teem stated they felt confident they were.

There was discussion regarding the right of way of streets behind the homes and if consideration would be given to granting utility easements. It was stated that was the intent.

There was discussion regarding the private street and it was asked that the marketing material include the difference of public and private streets. Also discussed was the HOA responsibility for maintenance. It was stated that HOA would have option to pick up maintenance package for exterior of house and yards.

With no further questions turned over to Council for deliberation.

Mayor Pro Tem Grannis asked if anyone had a problem with the maintenance option. Mayor McLeod stated he believed the HOA would have minimum requirements.

<u>ACTION:</u> Approval of Subdivision to Include Waiver & Increase Wastewater Allocation

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

6 OLD BUSINESS

a) NC 42 East - Master Plan - 15-48-01-PDD - Amendments to Approval

Mr. DeYoung stated there were modified conditions for this item that were not carried over to the Ordinance and it was requested this be part of the record to indicate those modifications were accepted. Condition #5 was changed from "prior to the issuance of a building permit" to "certificate of occupancy" and Condition #4 was changed to change point of access from two to one.

ACTION: Approval

Motion: Mayor Pro Tem Grannis
Second: Council Member Satterfield
Vote: Unanimous

7 NEW BUSINESS

8 STAFF REPORTS

a) Town Manager

- Update - Window Replacement Project

Mr. Biggs provided an update regarding funding opportunities to cover deficit of this project. Mr. Biggs stated that at this time $30,000 is available in building maintenance funds and estimate that with transition of health insurance a savings of $50,000 will be seen. Request approval of $15,468 fund balance appropriation. Council indicated they were comfortable with moving forward.

Discussion was held regarding the rebidding of the project. It was stated that the old windows will be available for public art projects. Mayor McLeod stated if necessary he would assist in finding storage for these windows.

ACTION: Approval of Fund Balance Adjustment

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

b) Town Attorney

c) Town Clerk

- Council Portrait - Tuesday - January 19, 2016 @ 5:45 p.m.

Reminded Council that portrait session would be on Tuesday, January 19, 2016 at 5:45 p.m.

d) Other Staff

9 OTHER BUSINESS

a) Informal Discussion & Public Comment

- Report on Status of Easement Acquisition North Substation Project

Mr. Biggs provided information regarding this item. He stated property heirs

prefer that the Town undertake the condemnation process for administrative purposes on their end. Attorney Ross stated the following steps would take place:

1st Step - Execution of Resolution
2nd Step - Further conversation with heirs to confirm they will receive written notice
3rd Step - 30 days after written notice, filing for condemnation can take place

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

b) Council Comments

10 ADJOURNMENT

a)

With there being nothing further the meeting was adjourned at 10:05 p.m.

ACTION: Adjournment

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

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk