



**The Town Of Clayton
Regular Town Council Meeting Minutes
Monday, August 1, 2016 @ 6:30 PM
Council Chambers**

COUNCIL PRESENT:

Mayor McLeod
Mayor ProTem Grannis
Council Member Satterfield
Council Member Lawter
Council Member Holder
Council Member Thompson

STAFF PRESENT:

Nancy Medlin, Interim Town Manager
Merrick Parrott, Town Attorney
Kimberly Moffett, Town Clerk
David DeYoung, Planning Director
Jay McLeod, Senior Planner
Stacy Beard, Public Information Officer
John Hamlin, A/Public Information Officer

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

a)

Mayor McLeod called the meeting to order at 6:41 p.m. He led everyone in the Pledge of Allegiance as well as offering 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

- June 20, 2016 - Regular Session
- July 18, 2016 & July 25, 2016 - Closed Sessions

b) Warranty & Pertinent Easement Acceptances

- Parkview
- Elegant Events
- Chandlers Ridge

c) Recommendations for Appointment - Town Advisory Boards

- Board of Adjustment
- Planning Board

d) Code of Ordinance Amendment - Chapter 50 - Acreage and Capacity Fees

e) Customer Service Policy Amendment - Return Check Policy

ACTION: Approval of Consent Agenda as Presented

Motion: Council Member Holder

Second: Council Member Satterfield

Vote: Unanimous

4 INTRODUCTIONS AND SPECIAL PRESENTATIONS

5 PUBLIC HEARINGS

- a) 231 E. Second Street - Rezoning 2016-100-RZ
Presenter: David DeYoung, Planning Director

Mr. DeYoung presented this item, which is a staff initiated request to rezone from O-I (Office-Institutional) to B-1 (Central Business). This property is town owned, was home to the old Town Hall and was recently declared as surplus property. This request is compatible with the surrounding land use and is consistent with the 2040 comprehensive plan. Planning Board and staff recommend approval.

This was noted as a public hearing and opened at 6:43 p.m. Mayor McLeod stated that anyone wishing to speak should step forward and provide their name for the clerk.

Ms. Mary Sauls of 221 E. Second Street came forward and stated she was not sure what the plans were for this building but it was her hope that the town would be able to keep the building. She stated he would like to see the building use for library space and possibly as a museum. She stated it was a place that held much history and many special memories.

With no one further coming forward, the item was turned over the Council for their deliberation and consideration at 6:45 p.m.

Council Member Thompson shared that personally he would also like to see the building stay as part of Clayton and its history. He also addressed the cost of renovation and whether that was a cost the town could afford. He stated he felt torn, as he understands there is a business side and decision that need to be made as well as feeling nostalgic about the the building.

Mayor McLeod stated as elected officials everyone understands how important a landmark this building is. However, in all fairness to tax dollars and the cost of renovation to up fit the building, which is not in very good shape, the investment to the town would be significant. He further stated with demands on Clayton, keeping this building did not make the cut and the best option was to find someone who could take this building and turn it into something that would add to the quality of life for all the folks who live here. Financially, keeping the building was not a reality for Clayton.

Ms. Sauls stated she wondered if there was a way for the community to raise the money for saving the building. Mayor McLeod stated all options were

thoroughly explored and the cost would be between \$5 and \$7,000,000.

ACTION: Adoption of Ordinance #2016-08-03 Rezoning from O-I to B-1

Motion: Council Member Satterfield

Second: Council Member Lawter

Vote: 4-1 Opposed: Council Member Thompson

- b) **First Street Tavern - Special Use Permit - 2016-88-SUP**
Presenter: Jay McLeod, Senior Planner

The Town Attorney stated the Special Use Permit Public Hearing is quasi-judicial. The attorney provided information regarding the types of testimony that could be provided and considered. Attorney further stated that anyone providing testimony must do so under oath.

Those wishing to offer testimony were administered the oath by the town clerk.

Mr. McLeod provided information regarding this special use permit. This property is located at 115 First Street and request is to use premise as a tavern. He further stated that any drink establishment wishing to be located in a B-1 zoning district requires a special use permit. Mr. McLeod shared details regarding the layout of the inside of the premise as well as the parking area. Mr. McLeod stated there is a parking agreement with Four Oaks Bank for shared use of their parking lot. Mr. McLeod stated that the request is consistent with the comprehensive plan, the unified development code and the applicant has addressed the findings of fact.

The Planning Board recommended approval with conditions as listed in staff report. Staff recommended approval with conditions to include amendment to condition #5 as below:

Prior to any expansion of the tavern or cocktail lounge use beyond the approved 32 seats, expansion of outdoor seating areas, or increase of intensity of the food service component, additional review shall be required as appropriate per §155.711(K) "Modification to approved Special Use Permits", §155.707 "Site Plan Review", and/or the Johnston County Health Department.

Mayor Pro Tem Grannis had questions regarding the parking area and asked if the Town had a lease with the railroad regarding this property right of way. Mr. McLeod stated we did. There were questions regarding engineering requirements and plans. Mr. McLeod stated that this was presented to the Technical Review Committee and the applicant was informed that any uses above residential would require structural re-enforcement and this would move on to building inspection. There was also a question regarding grease traps and Mr. McLeod stated this issue would fall under Johnston County Health Inspections.

Council Member Thompson stated there was discussion at previous meeting

regarding a concern about handicap parking and wondered if there was anything prevent a handicap space from being installed in the NC Railroad Right of Way. Mr. McLeod stated that could be a possibility.

Mr. Dave Schearer of 124 Pine Drive, Clayton, is the applicant and stated he was happy to answer any questions.

Mayor Pro Tem Grannis stated he wanted to be sure the applicant understood the requirements regarding the architectural renderings. The applicant stated he did understand. Mayor Pro Tem Grannis stated he had some concerns regarding the applicant's answers to the findings of fact.

He asked the applicant if he had any concerns regarding safety should there be any possible altercations. He questioned if there would be any on site security. The applicant stated he didn't feel on site security was necessary based the target client being 35+ years of age.

Mayor Pro Tem Grannis asked the applicant to share additional information regarding findings of fact #4. and having any adverse impact on adjacent properties. The applicant stated that the properties on both sides of this business operated on different hours of operation and this business would not impede those locations.

Mayor Pro Tem Grannis also stated he wanted to ensure the applicant would be providing additional lighting would be required as per the health department correspondence. Applicant stated he understood. Mayor Pro Tem Grannis asked that the applicant provide a signed document regarding self closing doors.

With there being nothing further, the public hearing was closed at 7:09 p.m. and turned over to council for deliberation.

ACTION: Approval of Special Use Permit #2016-88-SUP with amended condition as above

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

6 OLD BUSINESS

7 NEW BUSINESS

8 STAFF REPORTS

- a) Town Manager
- b) Town Attorney
- c) Town Clerk

d) Other Staff

David DeYoung, Planning Director

- 231 E. Second Street RFP Response
- 220 E. Main Street Update

Mr. DeYoung provided an update regarding the RFP for 231 E. Second Street RFP. He spoke about the goals and adaptive reuse to attract a private investor for downtown while maintaining the historic integrity of the outside of the building. The RFP was posted for a total of 30 days and we have received one qualified bid. This bid has shared minimum qualifications. The qualified bidder was Community Smith. Mr. DeYoung shared information regarding this company and many similar projects they have completed. The proposed total investment in the property is \$2.4 millions. An aggressive schedule would require that renovations be completed by December of 2017. Proposed are 12 loft apartments and a commercial space, with possible space for a history room if ADA access can be provided.. Staff was requesting authorization to proceed with negotiations with developer. After negotiations, staff would come back to council for final approval of project.

Mayor Pro Tem Grannis stated he is most notably excited about maintaining exterior as close as possible as it is today.

Council Member Lawter asked if parking issues would be addressed in the developers agreement. Mr. DeYoung stated it would be addressed.

Mayor McLeod said he was very encouraged and stated the developers have a track records of doing excellent projects.

Mr. DeYoung provided an update regarding renovations to 220 East Main Street. The building is now in much better condition that it was when purchased. The plan now is to put out another RFP and it is desired that the owners of 218 East Main Street collaborate.

Mr. McLeod shared citizen concerns regarding landfill located on Showell Road and future request of this landfill to have ability to accept increased capacity from 250 tons to 1000 tons on a daily basis. This increase would mean increased traffic from large commercial trucks bring waste to the site. It would also increase odor in the area of the landfill. Mr. McLeod stated this request would require a special use permit from Wake County. Council directed staff to draft a letter to Wake County Commissioners expressing our concerns and opposition to this request.

ACTION: Approval for Staff to Move Forward with Negotiations - 231 E. Second Street

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

9 OTHER BUSINESS

a) Informal Discussion & Public Comment

Ms. Sauls stated she is not thrilled with the proposed project at 231 East Second Street. She has concerns about parking. Mayor McLeod stated he believed the developer understood the need to being a good neighbor.

Ms. Deborah Johnson of 32 Yadkin Street which is located in the Creekside Subdivision offered her thanks and appreciation to the council for their assistance in getting the issue regarding sinking grounds addressed. She stated that KB Homes has stepped up to the plate and are assisting with the problem. She also offered her appreciation and thanks to the Police Department for their increased patrols in the area. Ms. Johnson also offered her thanks and appreciation to Council Member Lawter for coming out to the site personally.

b) Council Comments

10 ADJOURNMENT

a)

With there being nothing further, the meeting was adjourned at 7:45 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Satterfield

Second: Council Member Thompson

Vote: Unanimous

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk