The Town Of Clayton
Regular Council Meeting Minutes
Monday, December 7, 2015 @ 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:	Nancy Medlin, DeputyTown Manager David DeYoung, Planning Director Kimberly Moffett, Town Clerk Jamie Schwendler, Town Attorney Stacy Beard, Public Information Officer John Hamlin, Asst. Public Information Officer
COUNCIL ABSENT:	

1. CALL TO ORDER

a. Mayor McLeod called the meeting to order at 6:31 p.m.
The Honor Guard was provided by Town of Clayton Fire Department. Mayor McLeod led everyone in the Pledge of Allegiance and 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. Cobblestone Phase 11-A Warranty & Easement Acceptance

b. Volunteer Board Appointment Recommendations

c. Customer Service Policy Amendment

d. Library Board By-Law Amendment

ACTION: Approval of Consent Agenda as Presented

Motion: Council Member Thompson

Second: Council Member Thompson
Vote: Unanimous

4. ORGANIZATIONAL MEETING

a. Administration of Oath of Office to newly elected Clayton Town Mayor by Judge Mary Wells, District Court to:

- Jody McLeod as Mayor

Administration of Oaths of Office to newly elected Clayton Town Council Members by Ms. Michelle Ball, Clerk of Superior Court to:

- R.S. "Butch" Lawter, Jr. as Council Member
- Jason Thompson as Council Member

b. Comments from newly sworn elected officials:

- Mayor Jody McLeod
- Council Member R.S. "Butch" Lawter, Jr.
- Council Member Jason Thompson

Mayor McLeod shared his thoughts about how great the community is. He spoke about goals for the next four years to include the building of Parks & Recreation by developing properties into parks. Additional goals include marketing, promotion and branding of Clayton to assist in the global recruitment of business and industry to continue the growth and financial strength of Clayton. He also stated Clayton is positioned in the strongest financial position it has ever been and that is due to great leadership and great staff. He offered his thanks and appreciation to Judge Wells for being in attendance and administering the Oath of Office. Mayor McLeod offered his thanks and appreciation to Michelle Ball for the great job she is doing as the Clerk of Superior Court.

Council Member Lawter spoke about how quickly the time has gone during his past three terms. He is excited about the next four years. He thanked everyone for their votes and support. He stated he was available for any questions or concerns. He also stated he had a request from a 7th grader to work on getting a Chick Fil A in Clayton.

Council Member Thompson offered his thanks and appreciation to his family and friends for attending. He also offered his thanks to the citizens for their vote of confidence in electing him to another four years in office. He also offered his thanks to the town staff for all their hard work and making Clayton the best town in Johnston County if not all of North Carolina. He also thanked his fellow Council Members and Mayor McLeod for their guidance and support. He thanked Ms. Ball for being in attendance and administering the Oath of Office.

5. RECESS FOR RECEPTION

a.

At 6:50 p.m. everyone was invited to join together in the lobby for a reception.

The meeting was re-adjourned at 7:20 p.m.

6. MAYOR PRO TEM SELECTION AND COUNCIL LIAISON APPOINTMENTS

a. Nomination and Selection of Mayor Pro Tem.

Council Member Lawter nominated Michael Grannis to serve as Mayor Pro Tem. Mayor Pro Tem nominated Council Member Satterfield to serve as Mayor Pro Tem. Council Member Satterfield stated he appreciated the nomination but respectfully declined and withdrew his name from consideration.

ACTION: Appointment of Michael Grannis as Mayor Pro Tem

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

b. Distribution of Town Council liaison and committee assignments: Mayor McLeod

Mayor McLeod provided a handout of assignments to various committees. All assignments will remain as in past term with exception of change to the CAMPO Alternate Position. Council Member Lawter has an engineering background that is a plus for this position.

ACTION: Approval of Appointments as Presented with Council Member Lawter serving as CAMPO Alternate

Motion: Mayor Pro Tem Grannis
Second: Mayor Pro Tem Grannis
Vote: Unanimous

7. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Winner of Downtown Development Association 2015 Storefront Holiday Decorations

Stacy Beard presented the winners of the Downtown Development Association 2015 Storefront Holiday Decoration Contest. They were as follows:

Most Creative - Classy Stitches
Most Traditional - Clayton Glass & Mirror
Peoples Choice Award - HomeTowne Realty

Ms. Beard provided additional information regarding the Peoples Choice Award and the collaboration with HomeTowne Realty and RUFF (Rescue Your Forever Friend). A total of $3,670 was donated on behalf of HomeTowne Realty to this animal rescue group since January of 2015.

Ms. Beard thanked all the businesses that participated.

8. PUBLIC HEARINGS

a. Nick's Flippin Kids - 15-50-01-SUP - 9257 US 70 Business

Mr. DeYoung provided information regarding this item. Applicant is requesting a Special Use Permit to open Nick's Flippin' Kids, which is a gymnastics facility, in an existing and vacant building which is located in a Special Use District. The building is known as Chloe's Furniture and is located at 9257 US 70 Business Highway West. Applicant is not proposing any changes to the site and will be responsible for the maintenance of landscaping. The original site was approved in 2007 through the Special Use Permit process. Neighborhood meeting was held on October 15, 2015 as required. Request is consistent with the UDC, applicant did address the Findings of Fact and are made part of the complete application. Staff is recommending approval.

The applicant was present and was administered the Oath by the Town Clerk .

Mr. Jim Lee stated he was available for any questions. There were no questions from the Council.

There was no one else in attendance that wished to speak either for or against the request and the item was turned over to Council for deliberation at 7:37 p.m.

ACTION: Approval Special Use Permit

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

b. NC 42 East - 15-48-01-PDD - Mixed Use Rezoning

Mr. DeYoung provided information regarding 15-48-01-RZ. Applicant is requesting to rezone property from Industrial 2 (I-2) and Residential-Estate (R-E) to Planned Development Mixed Use (PDMU). Overall size is 45.75 acres and is currently wooded and vacant and is part of the thoroughfare overlay and also part of the watershed protection overlay which limits the amount of impervious and pervious space allowed without a Special Intensity Allocation. A neighborhood meeting was held on October 12, 2015 and there a few attendees at that meeting with concerns regarding drainage. The use is consistent with Future Land Use Plan and is compatible with Surrounding Land Uses and consistent with Unified Development Code (UDC) and applicant has addressed the rezoning approval criteria which are part application. Staff is recommending approval of rezoning. There were no questions for staff.

Public Hearing was opened and those wishing to speak were asked to step forward and provide their name for the record.

Mr. Jim Dempster stated he was present at the previous Town Council meeting and stated his concerns remained the same to include traffic issues and a draining issues on his personal property. He spoke about a pond being located on his property and a proposal for a new holding pond and would like additional information about location.

Mayor McLeod reminded that this portion was strictly about the Rezoning and the Master Plan would be the next item on the agenda.

Mr. Gary Walston who is with Bass, Nixon & Kennedy Engineers, 6310 Capital Hill Road, stated he was here on behalf of applicant and happy to answer any questions. He further stated applicant was fine with all conditions that were attached to the Master Plan.

Ms. Mary Vanskype addressed the Council and read a prepared statement outlining her concerns to include; the loss of wooded lots, safety issues on roads, nature changes, noise buffering, water supply being damaged, no desire for additional big box stores, existence of many empty storefronts, excess of apartment complexes, and the work noise folks living in the neighborhood will be subjected to for the next 4+ years.

Ms. Trish Harrington addressed the Council and shared her concerns about the environment. She stated it is her belief this is all about money and greed and no thought is being given to people currently living in town. She is concerned there is not an understanding about the damage that is done by the cutting down of trees. She is concerned about traffic She stated she was not against growth but feels building around our environment is a better option. She was worried about there is no going back to right the wrongs that are made and feels there should be building with a purpose. She stated she was saddened that no one was considering the original reason people had moved to Clayton.

Mayor McLeod again stated for clarification purposes, the comments were to be specifically related to the rezoning, they did not need to be about what should come or not come, the item on the agenda pertains to the rezoning. Following the rezoning the proposed plan would be brought up on the agenda and that would be a more pertinent time for these types of comments.

With there being no further comments, the item was turned over to Council for deliberation.

Council Member Lawter had a question regarding current zoning of I-2, what are some of uses that could go there are currently zoned. Mr. DeYoung stated uses such as Grifols, NovoNordisk, Caterpillar, manufacturing and warehousing are the usual industrial projects seen.

ACTION: **Approval of Rezoning**

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

ACTION: Approval of Wastewater Allocation of 79,440 gpd

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

c. NC 42 East - 15-48-01-PDD - Master Plan

Those wishing to offer testimony were directed to come forward and be administered the oath by the Town Clerk.

Mr. DeYoung provided information regarding 15-48-01-PDD Master Plan, which is also acting as preliminary subdivision plan. This project will ultimately be split up to three separate tracks in a short time; one for residential, one for commercial and one that is a self-service storage facility.

Applicant is Commercial Properties and the owner James B Hunt.

Master Plan being proposed is three-parts with a 240 unit apartment complex to located on 20 acres, 180,000 sf commercial on 21.26 acres and 121,000 sf of self-service storage unit to be located on 4.49 acres.

Applicant is proposing a 40' landscape buffer along the northeast and south property lines with the only exception of 15' buffer along Glen Laurel Road. All PDD's do require a Class "C" buffer, which is maximum of 20', so applicant is doubling our requirement maximum widths. Additionally, a 10' buffer will be placed between the apartment complex and commercial space use. None is required, but they did add that to their plan.

A Traffic Impact Analysis was submitted on November 13, 2015. It is currently under review by the Town and NC DOT. It should be noted there are conditions of approval that require all necessary roadway improvements to be completed by the developer at the time of impact. These changes will include additional signalization on 42, additional turn lanes on both 42 and Glen Laurel Road, including intersection of Glen Laurel Road and 42.

This use is compatible with Surrounding Land Uses and the Unified Development Code. Applicant has addressed the master plan approval criteria which are required and they were accepted as part of the complete application.

Staff is recommending approval with conditions as presented in the Staff Report with one modification as follows;
"a minimum 10' greenway shall be constructed by for the entire project frontage along Glen Laurel Road", rather than a 5' sidewalk. Staff and

developer have met regarding this condition and developer has agreed to put the 10' greenway in, this will increase the size of walking trail.

A waiver request was received for removal of the berm requirement of a 6' fence, wall, berm, hedge or combination thereof for areas adjacent to 42 East and Glen Laurel Road.

Mayor Pro Tem Grannis had a question regarding streetlight on 42 and distance from that intersection to Fox Ridge Drive. Mr. DeYoung stated there are 3 entrances along 42 and stated the signalized entrance would be approximately 1600' from the intersection of Glen Laurel Road and the third entrance is a right in right out only and that is approximately 2500-3000' from Fox Ridge Drive. Mr. DeYoung stated he did not have the actual distance from the most northern entrance to Fox Ridge.

The applicant was represented by Mr. Gary Waltson of Bass Nixon Kennedy who provided a presentation and overview of this development. He stated it was the intention to bring community services out to this area and would not describe the area as a big box but rather there will be one anchor with smaller retail.

There was discussion regarding traffic signals. Council Member Lawter verified that the signalized intersection is between Phase 1 and Phase 3.

Mayor Pro Tem Grannis stated that at a previous Town Council Works Session he asked that Mr. Dempsters concerns be addressed. Mr. Walston stated most of those concerns were related to storm water and Mr. Kirby Bell, who is a civil engineer, was present to address that issue.

Mr. Bell addressed the Council and stated he had meet with Mr. Dempster to discuss his concerns. At that meeting photos were taken and were shared to the Council. Mr. Bell shared in depth information regarding the pond, which is undersized and located on the property line and stated they wanted to work with the Dempsters and offered alternatives regarding the pond to include pipe around the pond, create a swale around the pond to tie into existing swale, or to fill in the pond and replant it. Mr. Bell further stated they are willing to work with the Dempsters. Mr. Bell addressed all the questions that were provided by Mr. Dempster at the previous work session.

Mr. Bell stated this is going to be a nice development and there will be weekly service that will come out take care of landscaping as well as clearing all debris from pond.

Council Member Lawter confirmed that both the pond and the dam are on the Hunt property. It was stated that the dam straddled both properties. There was brief discussion about the drainage.

Mayor McLeod asked about the ownership of the shed. It is undetermined who built the shed but it is on the Hunt property.

Mayor Pro Tem Grannis confirmed the pond in question is really located on the Hunt property. Mr. Bell confirmed that was true. Mayor Pro Tem Grannis asked what the outcome was with regard to the discussions with the Dempsters. It was stated it was a very cordial meeting with much discussion. There was a lot of analyzing going on to see what could be proposed. He stated that Mr. Dempster mentioned the possibility of piping around the pond. He didn't believe it was ever mentioned to eliminate the pond because it was believed that Mr. Dempster wanted to keep it back there, but again they are willing to do what they could to keep it in place, but again they cannot discharge into that pond because the dam is not up to standards and the pipe is undersized. Mayor Pro Tem asked if there were a possibility to improve the dam. That could be accomplished and put a larger pipe through the dam, but in order to do that permission would be need to be granted as it would go through Mr. Dempster's property. They want to make Mr. Dempster happy and believes the least expensive option would be re-piping and leaving the pond, but surveys would need to completed to confirm all details.

Mayor McLeod asked who the pond belongs to, is it a pond on the Hunt property? It was stated it was a Hunt Property pond.

There were no further questions and Mayor McLeod asked if anyone wishing to speak in opposition to come forward.

Mr. Dempster stated he has two concerns; run off and traffic concerns. He stated this was the first he had heard from the developer/engineer so he stated he was not totally prepared to respond to those concerns. He stated the pond in question is on the Hunt property and stated they received permission from the Hunt's years ago to clean it up and use it. He stated he was not married to the pond and his biggest concern was the saturation of the bank and possible discharge and overflow at some point. He stated he was open to whatever it would take to prevent that embankment from being saturated and with pine trees coming down and destroying his in-ground pool. He stated he was willing to work with the developer/engineer to solve that issue.

Mayor McLeod asked who currently handles mosquito/pest control. Mr. Dempster stated he currently does and has been doing it for 18 years. He further stated he cleaned up the site originally. Mayor McLeod confirmed the shed was not the property of Mr. Dempster. Mr. Dempster stated the shed was there when he moved in and he did use it for a storage area. Mayor McLeod asked if Mr. Dempster carried homeowners insurance for his swimming pool should anything happen to it. Mr. Dempster stated he did.

Council Member Holder asked about previous storms and discharge. Mr. Dempster stated it had previously overflowed onto his property.

Council Member Lawter asked Mr. Dempster if he were willing to work with the developers and he stated he absolutely was.

Mayor McLeod addressed Mr. Dempster's concern regarding people and pets

falling into the pond and stated he did not know of any of safety guidelines are in place now.

Mayor Pro Tem Grannis confirmed that Mr. Dempster was receptive to have the pond removed. He also asked if the pond could be salvaged would he be willing to have new piping installed that would run across his property. Mr. Dempster stated he believed he would. Mayor Pro Tem Grannis asked if Mr. Dempster was satisfied that all his concerns were addressed. Mr. Dempster stated he was.

Mr. Dempster also stated he had concerns regarding traffic. He spoke about the hard time getting out onto Highway 42 at this time and was very concerned about the addition of 240 apartments adding additional clogging on the road. He stated he was concerned that the Traffic Impact Analysis did not include Fox Ridge in that report.

Mr. Steve Hull, 306 Deerfield Drive, shared his concern about the traffic condition on Highway 42 and safety concerns. He feels we need to slow down on progress. He addressed his concerns regarding a bridge located on Highway 42 and the fact it is on the Governor's "short list". He stated he is extremely concerned about the danger of our children on school buses crossing that bridge. He feels strongly that this bridge needs repair prior to any additional development.

With no other opposition, Mayor McLeod turned the floor back over to the applicant and representatives.

Mr. Ronald Stephenson is a traffic engineer and spoke about NCDOT plans to widen NC42 through this area. It will essentially a four-lane road and this should help ease traffic concerns. Mr. Stephenson is of the opinion that additional turn lands will be added following feedback from NCDOT. He further stated that the afternoon commercial traffic usually doubles in the afternoon and it is anticipated that traffic signals will align and tie together with the current one located at Glen Laurel Road.

Council Member Holder questioned when the traffic light would be installed. Mr. Stephenson stated it would added when traffic warrants it. He further stated most likely that would take place during Phase 3 and further that no apartment building would take place during Phase 1.

Mayor Pro Tem Grannis confirmed that Fox Ridge was not included in the TIA. Mr. Stephenson stated that was correct, however, we have not yet received from NCDOT as of yet and it should be noted that conversations have taken place. Mayor Pro Tem Grannis questioned if Fox Ridge was discussed during these conversations and it was stated no, but is believed that NCDOT is of the opinion that additional traffic lanes will improve traffic flow in this area. Discussion continued and it was stated it is possible that this intersection was taken into account with plans for the widening of NC 42. Discussion was held regarding if there would be an issue signal light being installed when the self-storage unit is constructed. It was stated that the traffic from that facility will

be extremely low and could wind up backing traffic up along NC 42 to allow possibly the exit of one vehicle. It is believed that when other commercial construction takes place the increase of traffic at that point would trigger the need for installation of the light.

Council Member Lawter stated he understood about the possibility of road widening and Fox Ridge being included at that time.

There was additional discussion regarding the traffic light and it was stated that it would be built as part of the apartment complex construction.

Council Member Lawter had some concerns regarding the driveway on Glen Laurel Road (#5 as shown in presentation) and traffic backing up on Glen Laurel Road at 42 and folks making that left hand turn and asked if at some point it becomes an issue would it be possible to make it a "no left turn" between certain hours. Mr. DeYoung stated it is proposed as a full direction but NCDOT had not completed their review, so it is possible there will be revisions necessary.

Council Member Lawter questioned if a future annexation would take place. Mr. DeYoung stated the development team had indicated that upon closing they will request to be annexed into the town. Mr. DeYoung stated if requested that could be included as a condition. The applicant stated that all phases would be annexed into the town and further stated they had no issues if such a condition be added. It was agreed that condition requiring annexation be added.

With no one else coming forward item was turned over to Council for deliberation.

Mayor Pro Tem Grannis stated that prior to voting he wished to comment that the Council takes all opinions heard very seriously and have compassion for issues heard and none of that it taken lightly. However, the owner of a property always the right to develop and if they have met all criteria and requirements as stated in our Ordinances there really is little room for the Council to vote against. Should Council vote against, it opens the door for the developer to file a law suit. He stated it was important to share that because he understands there is a lot of passion about the environment as well individual properties. He wanted to ensure that folks understood the requirements that Council need to comply with as well. He further stated the Council is very sensitive to environmental issues and property owners and input received is very valuable.

Mayor McLeod stated he echoed the sentiments and also added there is tremendous value in additional commercial area in Clayton. Our downtown is at 98% occupancy. He spoke many commercial areas that are at full occupancy. Mayor McLeod also stated that the issue to be a good neighbor with regard to the pond is at discretion of the developer. He feels they have met and exceeded the expectations and requirements of the town.

ACTION: Approval Master Plan With Amended Condition #10 & Addition of Condition #16

Motion: Mayor Pro Tem Grannis
Second: Mayor Pro Tem Grannis
Vote: Unanimous

d. Gordon Tract - Rezoning - RZ 2014-21

Mr. DeYoung provided report on this request for rezoning of property located east of Glen Laurel Road from Residential-Estate (RE) to Residential-8 (R-8). This application has been revised to include only 12.32 acres. Mr. DeYoung stated the portion being requested to be rezoned is within our ETJ.

This rezoning is consistent with our Comprehensive Plan and Surrounding Land Use. The required neighborhood meeting was held on July 2, 2015.

Staff is recommending approval.

Applicant, Jerry Dalton, stated he believed things were moving forward with this project.

ACTION: Approval of Rezoning

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

e. Gordon Tract Subdivision - PSD 2014-95

This is a quasi-judicial hearing and anyone wishing to offer testimony was asked to step forward and be administered the Oath by the Town Clerk.

Mr. DeYoung provided information regarding PSD-2014-95. Applicant has modified his request is for approval of a major preliminary subdivision for 28 single family detached units. This is located on the portion of the area which was rezoned - RZ-204-21. The plan was resubmitted the plan to include the portion which is located with the current ETJ.

Access will be off of Glen Laurel Road and will have two forms of connection into the portion of the project that ultimately going through the County process. Applicant is maintaining the 20' Class "B" buffer along the external boundary of the property. Internally, there is no buffer requirement. The property is within the Watershed Protection Overlay, which limits density to 2 dwelling units per acre or 35%. They are showing sidewalks on both sides of streets and will be paying fee-in-lieu for recreation open space.

There are no waiver or deviations required. Applicant is working with School Board to explore option for sidewalk access from the subdivision to Powhatan Elementary.

The project is compatible with Surround Land Uses and consistent with the Unified Development Code. The applicant has addressed the Findings of Fact.

Staff recommends approval with conditions as listed in staff report. There is one modified condition, which is Condition #5 which should state "street connection to Glen Laurel shall be approved by NCDOT prior to recording final plats", This modification removes "Powhatan Road'.

Mayor Pro Grannis asked if there were any issues with the small cemetery located at this area. Mr. DeYoung stated there are no issues with the cemetery and appropriate accommodations have been made.

The applicant, Jerry Dalton, addressed Council and reiterated there were no problems with cemetery. Mr. Dalton stated that Clayton will serve the project with sewer and water. Mr. Dalton provided additional information regarding the process with the County to gain approval for a totally compatible layout to fully develop the property. He stated that annexation into the town is in the future.

There were no questions of the Council.

No one wished to speak in opposition and the item was turned over to the Council for deliberation.

ACTION: Approval

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

9. OLD BUSINESS

10. NEW BUSINESS

11. STAFF REPORTS

a. Town Manager

b. Town Attorney

c. Town Clerk

Offered event reminders for Volunteer Appreciation event to be held on December 8, 2015 at Brick & Mortar from 6-8 p.m.; Christmas Parade to be held December 12, 2015 at 3 p.m. and Council Portrait will be taken on

December 21, 2015 prior to start of Council meeting.

d. Other Staff

Fire Chief Barbee advised the Fire Department took ownership of Rescue One. He stated the unit came in under budget. He offered his thanks and appreciation to staff who worked on this project. He stated a dedication service will be held after the holidays. He also added Rescue One will be in the Christmas Parade

12. OTHER BUSINESS

a. Informal Discussion & Public Comment

b. Council Comments

13. ADJOURNMENT

a.

With there being nothing further the meeting was adjourned at 9:37 p.m.

ACTION: Adjournment

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