



Town of Clayton
Regular Town Council Meeting Minutes
Monday, May 3, 2021 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:

Mayor McLeod
Mayor Pro Tem Thompson
Council Member Holder
Council Member Grannis
Council Member Bunn
Council Member Everett

STAFF PRESENT:

JD Solomon, Town Manager
Rich Cappola, D/Town Manager
Jim Cauley, Town Attorney
Kimberly Moffett, Town Clerk
Heidi Holland, Deputy Town Clerk
Jeff Caines, Senior Planner
Nathaniel Shelton, Communications Officer

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:08 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

- a) Mayor McLeod requested that Closed Session be added to the end of the agenda regarding personnel.

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) Resolution Directing Clerk to Certify Sufficiency of Application
- 2021-36-ANX - Ashcroft Phases 7 & 8 - Annexation
- b) DRAFT Minutes
- March 15, 2021 - Regular Meeting
 - April 19, 2021 - Regular Meeting

ACTION: Adoption of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

6 PUBLIC HEARINGS

- a) 2020-75-SD - O'Neil Overlook Subdivision (Quasi-Judicial)
Presenter: Planning Department

Attorney Cauley shared details regarding a quasi-judicial proceeding which is similar to a court hearing. He also shared details regarding the type of testimony that could be considered when council makes decision. Additionally, anyone wishing to offer testimony must do so under oath. Those wishing to offer testimony were administered the Oath of Affirmation from the Town Clerk.

Mr. Caines was present and stated this request is for a subdivision to be located at N O'Neil Street just north of the Rollingwood Subdivision. Project is proposed for 37 single family homes to be located on 17.42 acres and property is currently a vacant lot. Current zoning is Residential Estate, however, once annexed into the town it will be Residential-8. Subdivision has range of home sizes ranging from 8,048 to 24,746 square foot. There will be two access points. There will be a conservation area north and east of the developed site. There will be two access points with direct access off of O'Neil Street and Oakdale.

Staff recommended approval and if approved staff recommended conditions be placed on approval as indicated in staff report. Additional condition that was inadvertently omitted should be added to state the following; *"following Town Council approval, three copies of the Preliminary Plat meeting the Conditions of Approval shall be submitted to the Planning Department for final approval. The Conditions of Approval for the preliminary plat and associated applications shall be recorded on the cover sheet".*

Council Member Grannis stated the application indicated 30 lots versus 37 lots and further the number 30 was throughout staff report. Mr. Caines apologized and stated the correct number of lots should be 37. Council Member Grannis confirmed that a DOT Traffic Analysis was not required. Mr. Caines confirmed that was correct. Council Member Grannis asked if Planning Staff were in agreement with the responses to the Findings of Facts.

Ms. Emily Beddingfield was present on behalf of the applicant. She stated she is a regional planner, has a Master's Degree in urban planning, is a certified planner and has over 12 years' experience.

She stated the best selling point of this project is the location. She stated Clayton is growing rapidly in this location and is pleased to offer residential options so close to downtown. She stated this project conserves a good portion of ecological land. She stated their Findings of Fact were submitted as part of the project. She shared details regarding Rollingwood Subdivision that was platted back in the 50's or 60's and stated this subdivision has only one access point. She shared information that based on today's standards emergency vehicle access would require an additional access. She stated an additional access point would also bring enhanced safety to current residents of Rollingwood. She stated this was a very unique element of this project that she was very excited about.

Council Member Grannis asked when NCDOT driveway permit was expected. Ms. Beddingfield stated this normally takes place when construction drawings take place. Council Member Grannis asked if it were fair to say these would be applied for prior to any construction took place and Ms. Beddingfield that would be correct.

Those who wished to speak in opposition were asked to step forward. Ms. JoAnn McKinnon stated she had concerns and stated she felt the residents of Rollingwood have been inconvenienced. She stated she brought concerns previously regarding the access point and feels it is being addressed now as it is of benefit to the developer. Ms. McKinnon asked that developer consider another location in the subdivision as an access point. She shared concerns regarding townhomes recently built and shared how these residents dump trash on residence properties. She had concerns about over burdening our police department with all the growth. She also spoke about possibility of speed bumps being installed on Oakdale. She also asked about new egress and whether there would just be a stop sign. She shared concerns about folks parking in blind spots and near accidents. She would like to see better supervision of this project when it occurs to include flaggers. She would also like to see "children at play" signs installed on Oakdale. She stated she would like to see a coalition of citizens to understand the nuances of neighborhoods and how new development will serve everyone.

Mr. Ronald Johnson was present. He stated he has lived in Rollingwood for 50 years. He stated he was in complete agreement with everything stated by Ms. McKinnon. He stated he felt there was going to be concerns issues with the location of this proposed access point. He stated the streets in Rollingwood have not been paved in 50 years, while other streets un town have been paved two times.

Ms. McKinnon further stated she would like to see developers create a green space for new developments. She also spoke about the congestion of the roads.

Mayor McLeod reminded everyone this was a quasi-judicial and stated this conversation had nothing to do with the project before us. Ms. McKinnon stated she understood.

Mr. Lipscomb was present and stated a construction entrance would be off of North O'Neil and construction equipment would be staged on their property. He further stated the turn lane would not be designed until approval.

Ms. Beddingfield addressed requirements for green space. She stated the developer was paying a fee-in-lieu for parks & recreation. She stated all standards of the ordinance were being met and actually project went above minimum standards.

With no one wishing to speak, it was turned over to council for deliberation at 6:55 p.m.

Mayor Pro Tem Thompson requested staff to state that subdivision did meet requirements. Mr. Caines stated that was true. Mayor Pro Tem asked applicant to confirm the subdivision would have no detrimental effect to value of surrounding properties. The applicant stated that was true and there would be no detrimental effect.

ACTION: Approval of 2020-75-SD with Conditions as Listed in Staff Report and Additional Condition as indicated above.

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

- b) 2021-04-SUP - Smithfield Chicken & BBQ (Quasi-Judicial)
Presenter: Planning Department

Attorney Cauley shared details regarding a quasi-judicial proceeding which is similar to a court hearing. He also shared details regarding the type of testimony that could be considered when council makes decision. Additionally, anyone wishing to offer testimony must do so under oath. Those wishing to offer testimony were administered the Oath of Affirmation from the Town Clerk.

Mr. Caines stated request is for a Special Use Permit to allow construction of a paved off-site parking area for Smithfield Chicken & BBQ. This would be located at 136 Durham Street. Property size is approximately .29 acres. Currently the location is vacant.

Mr. Caines stated the Site Plan has been reviewed and approved by Technical Review Committee (TRC). He further stated project is consistent with the Comprehensive Plan and Surrounding Land Uses.

Council Member Bunn stated he had concerns about drainage. He stated he wanted to confirm that drainage would take place on Durham Street and not surrounding properties. Mr. Caines stated that was correct.

Council Member Holder asked if this parking area would be strictly employee parking. Mr. Caines stated they anticipated this might be used additionally for overflow parking. Council Member Holder had concerns about congestion at this area and safety with people crossing the road and would like to see a crosswalk at this location. Mayor McLeod echoed his concerns and would also like to see signage and a painted crosswalk. Mr. Cappola stated this concern was raised by staff and stated they would ask that applicant add this. Mr. Solomon stated mid street crossing is very dangerous and asked Mr. Cappola his opinion regarding this. Mr. Cappola stated he agreed and stated an engineering evaluation would take place. Council Member Grannis confirmed timing of installation of force main and sidewalks. Mr. Caines stated he believed that would be September 2022 and Council Member Grannis asked if there was any reason this could not be completed prior to that date. Mr. Cappola provided additional information about this force main project and provided general timeline for this project.

Mr. Fleet Temple was present on behalf of the applicant. He stated he was happy to answer any questions or concerns. Council Member Thompson asked Mr. Temple to state his qualification for the record. Mr. Temple stated he is a professional engineer since 1994. Mayor Pro Tem Thompson asked if there were anyone present to address any detrimental concerns to surrounding properties. Mr. Temple stated he was present and there would be no detrimental concerns. Mayor McLeod asked if applicant understood that certified professionals were required to attest to all Findings of Fact. Mr. Temple stated he did not. Mayor stated he was not trying to set up hurdles, however, there is criteria needed to be met. Attorney stated we could continue this project if necessary. Mayor McLeod stated he wanted to ensure that we were doing all that was required.

Council Member Grannis stated he was in agreement and would recommend that we continue this Public Hearing to the next meeting to allow applicant additional time. The applicant stated he was in agreement with continuing.

ACTION: Continue to May 17, 2021

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

- c) 2020-103-PDD - Lumen - Rezoning
(Continued from April 19, 2021 Council Meeting)
Presenter: Planning Department

ACTION: Continue to May 17, 2021

Motion: Council Member
Second: Council Member
Vote: Unanimous

- d) 2020-104-SD - Lumen - Subdivision (Quasi-Judicial)
(Continued from April 19, 2021 Council Meeting)
Presenter: Planning Department

ACTION: Continue to May 17, 2021

Motion: Council Member
Second: Council Member
Vote: Unanimous

ACTION: Adoption of Resolution #2021-19 (Wastewater Allocation)

Motion: Council Member
Second: Council Member
Vote: Unanimous

- e) Development Agreement - Lumen
(Continued from April 19, 2021 Council Meeting)
Presenter: Planning Department

ACTION: Continue to May 17, 2021

Motion: Council Member

Second: Council Member

Vote: Unanimous

7 OLD BUSINESS

8 NEW BUSINESS

9 STAFF REPORTS

a) Town Manager

Mr. Solomon welcomed all council members back to the podium after more than a year. He stated a great job was done with parking lot. He stated we had a soft opening today, which was a success. He stated that the problems with the internet today were not related to parking lot project. Mr. Solomon stated water conservation guidelines are mandatory, this will come back to council shortly.

b) Town Attorney

c) Town Clerk

d) Other Staff

10 OTHER BUSINESS

a) Informal Discussion & Public Comment

b) Council Comments

Mayor Pro Tem Thompson offered his thanks to the citizens who came to the meeting this evening. He further stated the information provided was very important and he really liked the idea of "Children at Play" signs being installed. He further stated he felt Rollingwood was definitely overdue for paving and would ask staff to visit this concern.

Council Member Grannis echoed Mayor Pro Tem Thompson statements. He would like to see us evaluate speed bumps or speed calming on Oakdale and would like to see a report come back to council.

Council Member Holder stated he believed speed bumps were never authorized in the town due to emergency response vehicles.

11 CLOSED SESSION

a) Closed Session Pursuant to NCGS 143-318.11.(a)(6)

ACTION: Enter Into Closed Session at 7:30 p.m.

Motion: Council Member Grannis

Second: Council Member Holder

Vote: Unanimous

- b) Council returned from Closed Session at 9:48 p.m.

Council Member Thompson offered the appreciation of the council for all the great work done by Mr. Solomon. Council Member Grannis stated that much credit was due to Mr. Solomon for all his assistance in the hard work recently completed.

ACTION: Accept Resignation of JD Solomon as Town Manager

Motion: Council Member Everett
Second: Council Member Grannis
Vote: Unanimous

ACTION: Appoint Richard Cappola as Interim Town Manager

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

12 ADJOURNMENT

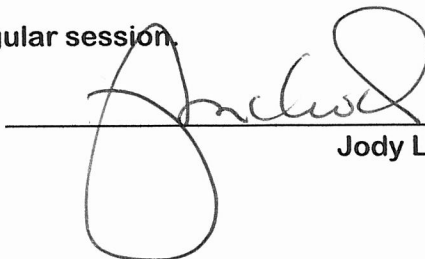
- a) Adjourn the Meeting

With there being nothing further the meeting was adjourned at 9:53 p.m.

ACTION: Motion to Adjourn

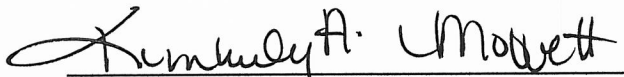
Motion: Council Member Holder
Second: Council Member Grannis
Vote: Unanimous

Duly adopted this the 17th of May, 2021 while in regular session.



Jody L. McLeod
Mayor

ATTEST:



Kimberly A. Moffett, CMC, NCCMC
Town Clerk

