



Town of Clayton
Regular Town Council Meeting Minutes
Monday, March 2, 2020 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:

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

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, D/Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Byron Poelman, Distribution & Collection
System Manager
Samantha Wullenwaber, Planning Director
Rich Cappola, Public Services Director
Robert McKie, Finance Director
Joy Garretson, Library Director
Stacy Beard, Communications Director

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:01 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

- a) Item 5a was requested to be removed from the agenda and will be rescheduled at a later date. It was also requested to add an additional Closed Session under NCGS 143-318.11(a)(3)

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 - February 17, 2020
b) Wastewater Allocation Policy
c) Warranty Acceptance
 - Gordon Park, Phases 4, 5 & 7
 - Riverwood Villas II - Phase III - SP 2013-39 (FINAL)

ACTION: Adoption of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) ~~East Clayton Disc Golf Course—Clayton Area Disc League (CADL) Donation~~
~~Presenter: Matt Lorion, Recreational Superintendent & Jay Pontier, CADL~~
~~Disc Golf Group~~

Item was removed from agenda and will be rescheduled

- b) Community Garden Volunteer Acknowledgement
Presenters: Scott Barnard, Parks & Recreation Director and Roy Lewis, Community Garden Volunteer

Mr. Barnard was present and acknowledged all volunteers of the Community Garden. A short video was shared that showed all the areas of the garden including a bee hive. Much of the produce grown in the garden is shared with Clayton Area Ministries. Mr. Lewis, who is a Master Gardener and volunteer at the Garden was present and shared a few words. He stated over last year a total of 15,000 lbs. of food had been grown and donated. There are a total of 26 volunteers. All members were presented with a Certificate of Appreciation and a photo was taken with the Mayor. The Mayor offered sincere appreciation for all the work that goes into the garden.

6 PUBLIC HEARINGS

- a) 2019-239-SUP - Meadow View - Special Use Permit (Quasi-Judicial)
Presenter: Samantha Wullenwaber, Planning Director

Attorney Ross shared details regarding a Quasi-Judicial proceeding including the types of evidence and testimony that can be presented and considered. All those wishing to offer testimony were issued the Oath of Affirmation by the Town Clerk.

Ms. Wullenwaber stated she would be presenting both Items 6a and 6b together. Request is to modify a previously approved Preliminary Plat and a Special Use Permit. This is to develop 188 townhomes and to modify original dimensional standards. The property is located off of Old US 70, Shotwell Road and South of Highgate Subdivision. The property is 38.9 acres and the zoning is R-10. The right in only off of Old US 70 has been removed. This development is a mix of alley and front loaded units. The amenity center has been relocated. The plan is subject to all original traffic improvements. This project has gone through the Technical Review process and staff is in agreement with proposed dimensional standards. A proposed layout design was shown. This project is consistent with the Future Land Use Map. Applicant has addressed Findings of Fact. Staff recommends conditions be placed upon both applications as outlined in the Staff Report.

Council Member Bunn asked about street size. Ms. Wullenwaber stated streets are designed to current standards. Council Member Grannis asked about timing for traffic light. Ms. Wullenwaber stated there is a meeting scheduled for March 23, 2020.

The applicant, Sean - Timmons Group, was present and stated he was happy to answer any questions or address any concerns regarding this project. Council Member Grannis asked for his credentials. He stated he was a licensed home surveyor. Council Member Grannis asked how FOF #1 would be accomplished. He spoke about new access due to rear alley loaded access. Council Member Grannis also asked about FOF #3 and asked him to expand a bit about not hindering adjacent properties. He spoke about improvements and the buffer along Lakewood Acres. Council Member Grannis asked if home prices would be comparable. He stated he would need to get that information but stated these are new construction versus existing. The developer was present and stated the price point would be mid 200's. Council Member Grannis asked about timing of amenity center. He stated it would take place during Phase 2, which would be at approximately the 100 home occupancy. Council Member Grannis asked about cul-de-sac and it was stated it was thought it was a better idea. Council Member Everett asked about 3 access points and timing of construction. The timing of construction of access points was explained. Council Member Everett asked about length of buffer. Information regarding the buffer was explained. Council Member Holder stated he like that this development would be providing an additional access point. Mayor Pro Tem Thompson asked if the traffic engineer or appraiser were available this evening. Applicant stated they were not present as nothing had changed from previous approval. Ms. Wullenwaber stated that since plan was actually down one less unit, no new triggers would have required an updated Traffic Impact Analysis.

No one wished to speak in opposition. Item was turned over to council for their deliberations.

Mayor Pro Tem Thompson confirmed that since this was a modification, there was no requirement for expert testimony regarding traffic. Attorney Ross confirmed.

ACTION: Approval of 2019-239-SUP

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

- b) 2019-241-SD - Meadow View - Preliminary Plat Major Modification (Quasi-Judicial)
Presenter: Samantha Wullenwaber, Planning Director

Mr. Baird stated there were some changes to the original wastewater allocation. The original allocation was 59,340 and request is for 48,020.

ACTION: Approval of 2019-241-SD

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

ACTION: Adoption of Resolution #2020-08 (Wastewater Allocation)

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

- c) **2020-02-SD - Steeplechase Meadows - Preliminary Plat Major Modification**
(Quasi-Judicial)
Presenter: Samantha Wullenwaber

Attorney Ross provided details regarding Quasi-Judicial. Those wishing to offer testimony were issued the Oath of Affirmation by the Town Clerk.

Ms. Wullenwaber stated this request is modify a previously approved master plan which was approved in 2018. The new request is to develop up to 660 residential units. 660 unit maximum with 435 single homes and 182 townhomes. Open space is provided. A total of four access points and four stub-outs for a total of 8 potential access points. Subject to all original requirement traffic improvements. An updated trip generation letter was submitted. There is a decrease in daily trip from original master plan by 1800. This will be an age-restricted community. There will be numerous amenities to include an 18,000 SF clubhouse, an indoor pool, neighborhood park, pocket parks, walking trails and a dedicated 9.71 acres for future park land. Mr. Barnard was present and shared information regarding the proposed land donation. He stated staff did not recommend acceptance of the land donation.

Council Member Grannis stated he had some concerns about a new TIA not being completed. Ms. Wullenwaber stated that an updated trip generation letter was provided and stated that applicant could provide additional information. Staff stated since this would now be age-restricted it is believed this will generate less trips. Council Member Grannis asked about the wastewater allocation. Mr. Baird stated the original request was higher and there will now be a reduction.

The applicant ESP & Associates was present. She shared details about the project. Council Member Grannis asked about using an existing TIA which is 21 months old. Rynal Stephenson of Ramey Kemp & Associates, stated that original TIA was done to include a normal growth rate of 3%. He stated the current plan is now for an age-restricted community which reduces the trip generation by half. He stated further that road improvements identified previously would be completed.

There were no further questions for applicant.

Mr. Salupo, citizen, was present and had concerns regarding the daily trip generation on what is considered two of the busiest roads in Clayton. He asked if it would be an appropriate request to have additional access points to alleviate traffic, donating land for school and having the traffic analysis completed by the town versus the developer. He asked Council to hold off on approval. Mayor Pro Tem Thompson asked for any qualifications regarding his testimony. Mr. Salupo stated he is simply a homeowner and travels the road on a daily basis. Mayor McLeod stated he didn't believe it was the burden of the developer to alleviate all the traffic burdens and further that this developer has gone above and beyond with road improvements. Mayor McLeod stated it is the burden of the developer to bring results of traffic studies, not the town. He further stated that in a quasi-judicial hearing, all testimony and evidence allowed must be evidence based.

The floor was turned over to applicant for rebuttal. Mr. King, civil engineer for over 30 years, stated he believed staff did an excellent job bringing this project forward. He stated he was happy to answer any additional questions or concerns. He again addressed the number of anticipated daily generated trip count.

With no one further wishing to speak, the item was turned over to council for deliberation.

Attorney Ross clarified that acceptance of proposed land donation for recreational open space would be a separate motion. This could be addressed now or at another time.

ACTION: Approval of 2020-02-SD

Motion: Council Member Grannis

Second:

Vote:

There was a motion to approve the project. Prior to this motion being completed, Council Member Grannis amended his motion. There was discussion regarding clarification of Condition #20. Council Member Grannis stated approval be based on fact that town does not approve acceptance of recreational open space.

Mr. Baird addressed the wastewater request which is for request of a total of 166,100 gallons. Council Member Grannis asked if this was the original amount that was previously approved, Mr. Baird stated this amount is less than the originally approved amount of 244,000 gallons.

Council Member Holder asked for further clarification. It was explained the acceptance of recreational open space would not be approved. There was discussion and a suggestion to make another motion based on this discussion.

ACTION: Reconsider Motion to Accurately Reflect Terms of Approval

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

Council Member Holder asked for clarification regarding the Ashcroft Subdivision utilizing the tunnel to access the proposed space. Discussion continued and it was consensus there would be no acceptance of the open space.

ACTION: Approval with Amended Condition that Open Space Will Not Be Accepted.

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

ACTION: Adoption of Resolution #2020-09 (Wastewater Allocation)

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

7 OLD BUSINESS

- a) Nutrient Credit Purchase Agreement
Presenter: Rich Cappola, Public Services Director

Mr. Cappola presented this item and stated this was a continuation of previous discussions. He shared additional background details. He stated this was a great opportunity and hoped to close sometime in July. Council Member Grannis asked if this was a good price. Mr. Cappola stated it was and that buying in bulk offered an even greater opportunity. Council Member Holder asked about the funding, Mr. Lindsay stated this was part of our Capital Improvement Plan for the Neuse River Water Reclamation project.

ACTION: Authorize Nutrient Credit Purchase Agreement

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

- b) Neuse River Water Reclamation Facility Financing Approval
Presenter: Robert McKie, Finance Director

Mr. McKie was present and provided details about this financing. He stated staff is working with LGC and will return to council with additional recommendation.

ACTION: Adoption of Resolution #2020-10

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

8 NEW BUSINESS

- a) 2020-18-SNA - Steeplechase Meadows - Alternative Sign Plan
Presenter: Samantha Wullenwaber, Planning Director

Ms. Wullenwaber stated the request is to allow residential identification signs that exceed the maximum height and sign face area. The request is for two signs proposed per entrance. A conceptual vision of the proposed design was shown. Staff recommended approval with conditions as listed in Staff Report. Council Member Grannis confirmed 12' height.

ACTION: Approval of 2020-18-SNA

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

- b) 2018 Local Water Supply Plan
Presenter: Rich Cappola, Public Services Director

Mr. Cappola presented this annual approval which included information such as usage data for the previous year, what the current holdings are in terms of capacity and what it looked like for future projections. He stated we have received conditional approval from the state.

ACTION: Approval of Plan

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

- c) LED Project Budget Amendments
Presenter: Robert McKie, Finance Director

Mr. McKie requested approval of two ordinances regarding the LED project.

ACTION: Adoption of Ordinances #'s 2020-03-01 & 2020-03-02

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

9 STAFF REPORTS

- a) Town Manager

- b) Town Attorney
 - c) Town Clerk
 - d) Other Staff
 - Census Update
- Presenter: Joy Garretson, Library Director*

Ms. Garretson provided an update on the current census. Starting in mid-March, folks will start to receive information to begin census completion. Additional public service announcements are being created and will be distributed shortly. It was reminded how vitally important this census is with reference to federal funding and area representation for the next 10 years. Ms. Garretson also provided information regarding the Coronavirus and what the library is doing. Library books are being wiped down with disinfecting cleaner, as are computers and work space. Mayor McLeod asked if this cleaning was taking place in other departments. He felt this is good due diligence. Ms. Medlin stated that Customer Service and Parks & Recreation are looking at efforts that can be done as well. Council Member Grannis offered his thanks for staff being proactive. Mayor Pro Tem Thompson offered his thanks to Ms. Garretson for taking the reins on so many projects like the census.

10 OTHER BUSINESS

- a) Informal Discussion & Public Comment

Jill Burkhard, a biological certified safety professional was present. She stated she has worked for 30 years in this field and stated she was happy to offer her services with reference to any issues with the coronavirus. Additionally she stated she was a master gardener and involved with the Community Garden. She stated she has concerns about some of the chemical products used in our parks, etc. that may be problematic for some. She would prefer to see us using organic products. She asked if our water had ever been tested for glyphosate. Mayor McLeod stated he felt that would be a county question.

- b) Council Comments

11 CLOSED SESESSION

- a) Closed Session Pursuant to § NCGS 143-318.11(a)(5) & § NCGS 143-318.11(a)(3) at 8:01 p.m.

ACTION: Motion to Go into Closed Session

Motion: Council Member Grannis

Second: Council Member Holder

Vote: Unanimous

12 RETURN FROM CLOSED SESSION

- a) Council returned from Closed Session at 8:47 p.m.

ACTION: Approve Memorandum of Understanding/Settlement with Shenandoah Homes

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

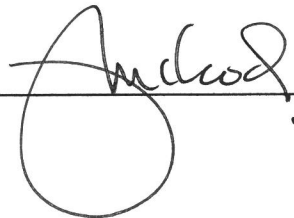
13 ADJOURNMENT

a) With there being nothing further, the meeting was adjourned at 8:48 p.m.

ACTION: Adjourn the Meeting

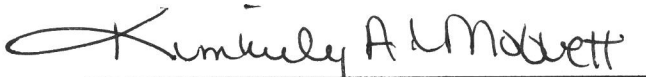
Motion: Mayor Pro Tem Thompson
Second: Council Member Grannis
Vote: Unanimous

Duly adopted this the 20th day of April, 2020 while in regular session.



Jody L. McLeod
Mayor

ATTEST:



Kimberly A. Moffett, CMC, NCCMC
Town Clerk

