



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

COUNCIL PRESENT:

Mayor McLeod
Council Member Grannis
Council Member Holder
Council Member Bunn
Council Member Everett

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, D/Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Samantha Wullenwaber, Planning Director
Haley Hogg, Senior Planner
Joshua Baird, Town Engineer
Robert McKie, Finance Director
Stacy Beard, Communications Director

COUNCIL ABSENT:

Mayor Pro Tem Thompson

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) Mr. Lindsay requested that Item 3c, Wastewater Allocation Policy be pulled from the Consent Agenda and placed under Old Business on the upcoming January 21, 2020 council meeting. Additionally, Item 6d, Code of Ordinance Amendment, will be continued to January 21, 2020.

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
 - December 16, 2019 - Regular Session
- b) Student Art Month Proclamation
- c) ~~Wastewater Allocation Policy~~
** This item was removed from Consent Agenda*
- d) PEG Media Interlocal Agreement
- e) Warranty Acceptance
 - Parkview, Phase 14 - FINAL

ACTION: Adoption of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Student Art Month Proclamation Presented to Susan Johnson - Woman's Club / Student Arts Festival Chair
Presenter: Jody McLeod, Mayor

Ms. Johnson was present and shared details about the awards presentation scheduled to be held on January 9, 2020. She extended an invitation to all to attend this event honoring our young artists. Mayor McLeod presented a Proclamation to Ms. Johnson that acknowledged January 2020 as Student Art Month.

6 PUBLIC HEARINGS

- a) 2019-40-PDD - Buckhorn Branch Planned Development - Rezoning
Presenter: Planning Department

Ms. Hogg presented this item and stated request is to rezone from R-E to PD-R. There is an associated master plan to develop 324 lots with a property size of 84.73 acres. Rezoning is mostly inconsistent with Future Land Use Map, however, it is supported by staff (refer to staff report for additional information). Planning Board recommended approval of the rezoning.

Council Member Bunn had questions regarding neighborhood meeting. These questions will be addressed to applicant. Council Member Grannis asked about inconsistency and staff recommendation of approval. Ms. Hogg stated the area supports the approval. Council Member Grannis asked if staff were in agreement with applicant response to availability of services.

Applicant, Mr. Ryan Fisher of Withers Ravenel was present and stated they were happy to answer any questions. Mayor McLeod clarified this was strictly the rezoning hearing.

Mr. Jason Cox, adjoining property owner, was present and stated he is concerned about future impact to this area with regard to recruiting future jobs to the town.

Mr. Saluppo questioned if any consideration was given for acreage being put aside for construction of new schools.

Mr. Chris Johnson, Johnston County Economic Development, was present and stated he was not here to speak for or against the project, but wanted to ensure that proper buffering be included in the project.

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

ACTION: Adoption of Ordinance #2020-01-01

Motion: Council Member Holder

Second: Council Member Bunn

Vote: Unanimous

- b) 2019-39-SD - Buckhorn Branch Preliminary Plat - (Quasi-Judicial)
Presenter: Planning Department

Attorney Ross provided details regarding Quasi-Judicial proceedings and the types of evidence that could be considered. All testimony must be offered under oath. Those wishing to offer testimony were issued the oath of affirmation by the Town Clerk.

Ms. Hogg presented the item. This request is for master plan to develop 324 lots located off of Highway 70 Business for a total of 203 single-family units and 121 townhomes. The properties in total are 84.73 acres in size, 3.81 units per acre. Landscaping along perimeter would be provided and existing natural areas will also remain. Open space to be provided include pocket parks and amenity center. Access points meet all criteria. Architectural elevations were shown and meet all requirements. Traffic Improvement Analysis indicates 2,882 daily trips with 208 during the AM peak and 273 trips during the PM peak. The right turn lane is on to Wildwood. Iris Street would be paved with a 40' ROW and sidewalk and Wildwood would be paved to the center line. Other improvements as outlined by DOT had already been completed. This project is consistent with Future Land Use maps and Findings of Facts have been addressed. If approved staff recommended conditions be placed upon this project.

Council Member Bunn asked about easement. Mr. Joshua Baird stated he did not know the owner of the access easement. Council Member Bunn asked if this could affect the project should the owner not allow easement. Council Member Grannis questioned percentage of usable open space. The requirement is 12.5% for open space with 25% of that being usable. Ms. Hogg stated she was not aware of total usable space for this project. Council Member Grannis asked about the response to Findings of Fact #2, he questioned if staff did concur with the statement. Ms. Hogg stated they did. Council Member Grannis asked about Findings of Fact #3, he questioned if staff did concur with the statement and Ms. Hogg stated they did. Council Member Grannis questioned if there is a School Board member on the TRC, Ms. Hogg stated they do have a seat on the Technical Review Committee (TRC). Council Member Grannis asked if it were fair to say the School Board was aware of this project and Ms. Hogg stated yes they are aware of the project. Council Member Grannis asked about the timing of the traffic report and any current

projects that would change the report. Ms. Hogg stated there were no known projects. Council Member Grannis asked if staff had any concerns about the left turn out at PM peak times. Ms. Hogg stated there were no concerns and further that DOT had no concerns. Council Member Grannis asked who was responsible for the cost of new pump station. Mr. Cappola stated the developer would bear all costs. Mr. Cappola stated the Iris Street access is incumbent upon the developer to determine owner of access easement and all costs involved with this.

Mr. Fisher, Withers Ravenel, was present and introduced the team that was also present and stated they were happy to answer any questions or concerns. He provided a brief overview of the development.

Mayor McLeod for details about the proposed buffer. Ms. Hogg stated it was a Class C buffer to include shrubs trees and 6' tall opaque barrier. The applicant has chosen a berm with a 10' wide planted buffer. The applicant will utilize existing woods around certain areas to meet requirements. Mayor McLeod stated he was concerned that buffer seemed minimal. There was discussion regarding different classes of buffer. Ms. Hogg provided additional details. Ms. Hogg reminded since this was a Quasi-Judicial proceeding, additional stringent buffering conditions could be added to the project. Ms. Ross stated conditions could be tied to Findings of Fact.

Dave Brown, Withers Ravenel, Landscape Architect, stated in regards to open space, there is approximately 18% which include about 15 acres of open space. He also added that stream buffers and wetlands are not included, those are beyond open space requirements.

Council Member Bunn asked about Neighborhood Meeting questions and responses. Mr. Fisher responded to those questions:

Question #1 (Confirmation on paving) - yes, Iris Street would be paved and would have enough ROW. There is an existing 40' easement, the proposed pavement would be within that 40' strip.

Question #2 (Trespass questions/concerns) - thought about possible fence but that cannot take place because of the easement right for gas/power lines but they don't see trespassing as a concern.

Question #3 (Concern about gun shooting) - it was stated some deer stands would be removed and hopefully cut down this concern.

Question #4 (Housing Units) - stated that mixture of housing units are rear and front loading homes which explains the mix of units.

Question #5 (additional traffic on Wildwood Drive) - stated this would now be paved and doesn't feel like it would affect the current usage.

Question #6 (Storm water questions) - There would be 2 proposed storm water ponds, 1 a dry pond and 1 a wet one, both which meet storm water regulations.

Question #7 (About lot #332) - This lot will remain as open space and undeveloped.

Question #8 (Price of homes) - this information is unknown at this time.

Question #9 (Timeline) - the hope is to start construction this summer.

Council Member Grannis asked what point would the amenity package be constructed. Mr. Brown stated it would begin in the first phase. Council Member Grannis stated his concern about Hardee Lane and during peak hours it would be hard to exit and turn left to head west.

Mr. Clark, traffic expert with Exult Engineering, discussed delay and stop control intersection. Council member Grannis asked if an additional development took place is it possible that other improvements might be needed. Mr. Clark stated it would depend on NCDOT requirements for that intersection.

Mayor McLeod stated majority of people will go to Sheetz to get to Highway 70. He questioned how many vehicles per day is projected to travel. Mr. Clark stated during PM peak there would be 46 exiting and 86 entering. Different options were discussed. Mayor McLeod stated these streets are extremely quiet and finds it hard to believe the neighborhood doesn't understand the upcoming change on those streets with currently 10-15 cars traveling those roads. Mayor McLeod asked if any neighbors indicated concerns about traffic. Mr. Fisher stated some concerns were noted. Mayor McLeod asked about current infrastructure on streets. Mr. Baird stated Iris Street would be paved with full curb and gutter provided, Tulip and Wildwood are both proposed to have at least 20' of asphalt. Mayor McLeod asked about room for fire trucks, etc. Mr. Baird stated he would look into that.

Council Member Grannis asked about conflicting movements at Iris and Tulip and if it needed to be resolved how that would occur. Mr. Clark stated the recommendation is to install a stop sign at the intersection to resolve the conflicting movements.

Council Member Grannis asked about Wildwood re-alignment concerns and how they would be resolved. Mr. Clark stated it had been discussed with NCDOT about aligning Wildwood Drive and being able to make a right onto Hwy. 70 with new median opening for U-turn. Mayor McLeod asked if there is adequate space for traffic back up at this location. Mr. Clark stated there was. Mayor McLeod asked how these numbers are calculated. Mr. Clark stated a manual is used to calculate trip generation numbers. Council Member Grannis asked the edition date of said manual. Mr. Clark stated it was the 10th edition, no date, but it is the latest edition. The applicant stated the edition is usually updated and offered to find date of this edition. Council Member Grannis stated the traffic analysis was completed 11 months ago, he asked if any

significant change had occurred that would change report. Mr. Clark stated he is not aware of any and stated staff did not note any other development since time of report. Council Member Grannis asked if anybody has reached out to school board. Mr. Clark stated no. Council Member Grannis asked if there was any particular reason, given the size of the project. Mr. Clark stated he believed it was part of the town review. Council Member Grannis asked if there would be any interest in dedicating property for school in this development. Mr. Clark stated he would need to defer to developer. The developer was present and stated this was the first time he is hearing this question and it had never been raised. He stated he is not prepared to answer at this time, but it is not part of the current project. Council Member Grannis asked the developer if he would be willing to extend the buffer to the east to 50', adjacent to the Cox property. The developer answered that in all previous discussions with town this has not been raised, but would appreciate consideration of plan. He further stated they want to be good neighbors and feel this project is a good one. He stated he felt they went above requirements for the project with regard to open space, etc. Mr. Clark provided the information of the trip calculation manual, the 10th edition was published in September of 2017 and it expires August, 2021.

There was discussion regarding the southern buffer Cox property and it was suggested to eliminate road connection by lot 74. Ms. Hogg stated if stub outs were removed the plan would need to go back to TRC. Council Member Grannis asked if that could be a condition and then send back to TRC. Attorney Ross stated Council could approve with condition that it needed to obtain TRC approval. Should TRC have concerns it could then come back to Council for consideration. Mayor McLeod agreed that stub out is not required.

Mr. Cox stated this issue is not the street but the issue is homes next to a mega site for industry. He stated it is obvious this has not been considered or discussed by staff or developer. He feels this is very important for residents, potential business and town. Mr. Johnson stated that he was not aware of any of this until last week and would have loved to have been involved in earlier discussions. Council Member Bunn asked what he saw as a buffer between residential and industry. It was stated that main concern is that when there are competing projects that all concerns be addressed. It was stated that industrial growth is key for the town and this is one of the largest pieces of property in the town.

Applicant and developer stated they were aware of the Cox property but not ever approached about the school issue. He stated they would love to be good neighbors to any industrial neighbor but not to limit any residential development on a hypothetical. Mayor McLeod stated it is not if but rather when the Cox property would be developed, as it was one of the most sought after pieces of property along the east coast.

Mayor McLeod shared concerns about traffic in the area of 70 and 42 and future growth.

Ms. Wullenwaber shared information regarding school enrollments projected to be at 211. She stated the buffer should be industrial but this buffer would be denser. She discussed possible concern of emergency vehicle and removal of street as addressed above. She commented regarding comprehensive plan, which is now 5 years old and should be updated soon.

There was discussion regarding industrial buffer and process would be special use permit and buffer could be decided by council.

Mr. Saluppo shared concerns of traffic impact and street size and suggested being proactive and increase width of roads in preparation for future and safety.

With no one further wishing to speak, item was turned over to council for their deliberations.

Council Member Grannis asked if item could be table for decision at a later date. Mayor McLeod asked if this item were to be tabled what additional information would be sought.

Council Member Grannis stated some questions were raised regarding not being compatible with 2040 plan, but due to nature of development, it becomes compatible or acceptable. He asked staff to explain. Attorney Ross asked that questions be posed but reminded that applicant has burden of showing plan meets requirements of Findings of Fact.

Ms. Wullenwaber shared a slide showing the Future Land Use Map. She showed that Cox property is still part of the low density residential area. Ms. Wullenwaber stated she could provide density numbers at other properties.

Council Member Grannis asked applicant about Findings of Fact #3, he asked if it is detrimental of other properties in surrounding area. He stated there is no mention of being in or out of compliance with 2040 Comp Plan.

The applicant answered and discussed that the density could be maximized at 364 and they are asking for 324. He stated he did believe that the spirit and intent of Comp Plan was met. The applicant stated he felt this is a reasonable request and further added they are bringing a new pump station and significant road improvements to the area. He discussed going above and beyond regarding open space as well as not impacting the natural wetlands. He also discussed pocket parks right in the middle of the neighborhood. He stated much careful thought went into this plan.

No further questions, council into deliberation at 7:35 p.m. Mayor McLeod stated that if approved would love to see conditions regarding buffer by proposed industrial development.

Council Member Grannis stated he felt applicant addressed Findings of Fact.

Mr. Cappola stated the numbers for wastewater would be amended to indicate 82,250 GPD. Staff would recommend the 82,250 reserve with approval for 1st phase of 27,500 GPD.

ACTION: Approval of 2019-39-SD with Conditions as Listed in Staff Report & Addition of a Substantial Buffer on southern property (adjoining to Cox property) at staff discretion as well as consideration of necessity of stub out in consultation with Technical Review Committee (TRC)

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

ACTION: Adoption of Resolution #2020-01 (Wastewater Allocation) with changes as noted above.

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

- c) 2019-183-SUP - Clayton Storage Special Use Permit - (Quasi-Judicial)
Presenter: Planning Department

Attorney Ross provided details regarding Quasi-Judicial proceedings and the types of evidence that could be considered. All testimony must be offered under oath. Those wishing to offer testimony were issued the oath of affirmation by the Town Clerk.

Ms. Hogg presented this item which is a request for accessory limited outdoor storage specifically for boats and RV's. The request includes 3 storage canopies, 26 spaces, self-service kiosk, access, flood zone, landscaping. This project has been reviewed by engineering department and structures need to construct within guidelines of flood zone requirements. The property will be screened and metal canopies will match existing primary storage building. This is consistent with Comp Plan and Surrounding Land Use (commercial). Conditions recommended if approved as outlined in staff report.

Applicant, Mr. Lee, was present and stated he was happy to answer any questions. He addressed previous concerns regarding storm water and stated they are in compliance. He provided slides showing additional rendering views. Council Member Grannis asked about the pros and cons of the flood study. Applicant stated the site has been raised out of the flood plain. Ms. Ward with Timmons Group stated study was completed regarding this site. Analysis was completed and it indicated that discharge impact would only be .1 and it did not show any increases. Council Member Grannis asked about maintenance of swale, the applicant stated the swale is not located on their property. Plan is to maintain and landscape property of this project. Council Member Grannis questioned Finding of Facts #3, he shared his concern about current flooding at this location when we have heavy rain and downpours. The applicant stated additional impervious surfaces and curb will be installed and released in a controlled manner.

Council Member Grannis asked staff if they were satisfied regarding increased flooding potential. Mr. Baird stated applicant would be required to apply for floodplain permit.

Applicant provided additional details about analysis and any increase in any discharge. Analysis included one cross section and increased discharge figures and increase in discharge was only .02, so there was no effect.

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

ACTION: Approval of 2019-183-SUP with Conditions as listed in Staff Report

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

- d) 2019-243-OA - Code of Ordinance Amendment - Unified Development Ordinance - §155.400 (Access)
Presenter: Planning Department

ACTION: Continued to January 21, 2020

7 OLD BUSINESS

- a) Downtown Mural Guidelines
Presenter: Stacy Beard, Communications Director

Ms. Beard presented this item. She provided background information regarding murals. She stated these guidelines were crafted with interest and input from the following; Planning Department, Economic Development, Public Art Advisory Board (PAAB) and Downtown Development Advisory Board (DDA). It was requested that the PAAB be appointed with authority to oversee this project. Council Member Grannis offered his thanks all parties involved in this project.

ACTION: Appoint PAAB with Oversight Authority

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

8 NEW BUSINESS

- a) Fire Advisory Board Recommendations
Presenter: Kimberly Moffett, Town Clerk
- Matt Sutphin - Term Expiration 12/31/2022
 - Karen Patterson - Term Expiration 12/31/2023

Ms. Moffett presented this item and stated it was recommendation that the above two board members be re-appointed to serve on the Fire Advisory Board.

ACTION: Appointments to Fire Advisory Board

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

- b) Budget Amendments - Capital Budget Projects - Little Creek Outfall & Walnut Creek
Presenter: Robert McKie, Finance Director

Mr. McKie presented background information regarding these two ordinances as they pertained to Little Creek Outfall and Walnut Creek.

ACTION: Adoption of Ordinances #2020-01-03 & #2020-01-04

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

9 STAFF REPORTS

- a) Town Manager
- b) Town Attorney
- c) Town Clerk
- d) Other Staff

10 OTHER BUSINESS

- a) Informal Discussion & Public Comment

Ms. Hinton 236 E. Front Street. She shared concerns about traffic on the north side of the town from Church to Center Street, speeding issues on Front Street stop sign by post office, garbage at 256 Front Street, rental property – concerns, homes on Stalling Street that are run down, pecan tree roots showing and erosion issues. She shared concern about speed limit on Front Street being 35 mph while it is 25mph in other locations. She questioned possibility of additional stop signs being installed. Council thanked Ms. Hinton for sharing her concerns.

Ms. Peach was present. She stated she is a member of the DDA and shared her appreciation for the mural project and wanted to advise council that Clayton artists want to be involved in this project.

- b) Council Comments

11 CLOSED SESSION

- a) Closed Session Pursuant to NCGS 143.318.11(a)(3) - Attorney Client Privilege

ACTION: Motion To Go Into Closed Session

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

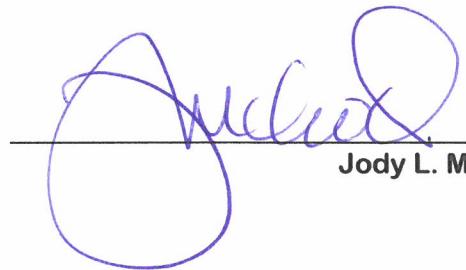
12 ADJOURNMENT

- a) With there being nothing further, the meeting was adjourned at 9:30 p.m.

ACTION: Motion to Adjourn

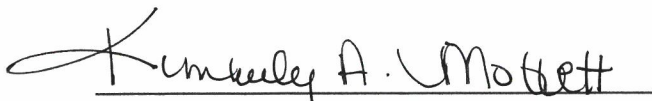
Motion: Council Member Grannis
Second: Council Member Holder
Vote: Unanimous

Duly adopted this the 21st day of January, 2020 while in regular session.



Jody L. McLeod
Mayor

ATTEST:



Kimberly A. Moffett, CMC, NCCMC
Town Clerk

