Town of Clayton
Regular Town Council Meeting Minutes
Monday, November 18, 2019 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:
Mayor McLeod
Mayor Pro Tem Grannis
Council Member Satterfield
Council Member Holder
Council Member Thompson
Council Member Bunn

STAFF PRESENT:
Adam Lindsay, Town Manager
Nancy Medlin, D/Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Samantha Wullenwaber, Planning Director
David DeYoung, Economic Development Director
Rich Cappola, Public Services Director
Stacy Beard, Communications Director

COUNCIL ABSENT:

1 CALL TO ORDER
Pledge of Allegiance and Invocation

a) Pledge of Allegiance
Clayton Civitan Boy Scout Pack #24

Mayor McLeod called the meeting to order at 6:01 p.m. Boy Scout Pack #24 led everyone in the Pledge of Allegiance and Mayor McLeod offered the Invocation.

b) Invocation
Mayor McLeod

2 ADJUSTMENT OF THE AGENDA

a) Request to remove November 4, 2019 Closed Session Minutes from Consent 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) November 4, 2019 DRAFT Minutes
- November 4, 2019 - Regular Session

b) School Choice Week Proclamation

ACTION: Adoption of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) New Employee Introduction(s)
Presenter: Samantha Wullenwaber, Planning Director

- Jeff Caines, Planner

Ms. Wullenwaber introduced Mr. Caines as the new Planner. He is from Portland Oregon with 20 years of experience in Planning. He is AICP certified. Mr. Caines stated he was very happy to be in Clayton and looked forward to working with everyone. Council welcomed him.

b) Techno Tigresses Robotic Team
Presenter: Samantha Wullenwaber, Planning Director

Ms. Wullenwaber introduced the Techno Tigresses, the first Lego League Robotics team. They are the first and currently only all-girl team in Johnston County and they are based in Clayton. Members of the team, ages 11-13, were present and shared details about their project, City Shaper. The team choose to focus on the Children's Room at the Library. Their project will enhance the learning environment. Mayor McLeod offered his appreciation and thanked them for the outstanding job the team has done. Council stated this was an awesome presentation.

6 PUBLIC HEARINGS

a) 2019-35-SUP - Durham Street Townhomes (Quasi-Judicial)
Presenter: Planning Department

Attorney Ross provided details regarding Quasi-Judicial proceedings and the type of evidence that could be considered. An Oath of Affirmation was administered to all those wishing to offer testimony.

Ms. Hogg presented both 2019-35-SUP and 2015-36 SD together. The SUP is to develop 21 townhomes located at Durham & Holding Street. Access will be via Durham Street and Holding Street. Zoning is R-8. Density of 8.71 units per acre. Architectural elevations were provided. The project is consistent with Comprehensive Plan 2040, Surrounding Land Uses and the applicant addressed Findings of Facts for both SUP and SD. Staff is recommending conditions be placed on both SUP and SD as outlined in staff report.

Mr. Kurt Lane, applicant, was present and stated they are in agreement with conditions as proposed by staff.

Mayor Pro Tem Grannis asked if questions raised at neighborhood meeting had been addressed. Mr. Lane stated they were and it was explained to neighbors that the storm water plan would need to be approved by Johnston County.

With no one further wishing to speak, the items were turned over to council for deliberation. Mayor Pro Tem Grannis made note for the record the Findings of Fact as submitted by applicant as well as staff commentary.

ACTION: Approval of 2019-35-SUP with Conditions as Listed in Staff Report

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

b) 2019-36-SD - Durham Street Townhomes (Quasi-Judicial)
Presenter: Planning Department

ACTION: Approval of 2019-36-SD with Conditions as Listed in Staff Report

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

c) Edward's Electronic Developer's Agreement
Presenter: Planning Department

Ms. Wullenwaber presented this item as a request for a Developer's Agreement of Edward's Electronic. Additionally voluntary annexation will be forthcoming.

ACTION: Authorize Execution of Agreement

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

7 OLD BUSINESS

a) New Neuse River Water Reclamation Facility Business Case Evaluation
Presenter: JD Solomon, Jacobs Engineering

Mr. Solomon was present and provided recommendation for new wastewater treatment plant. He stated there were three major decision to be made; what and how large of facility, what do we do with current plant and what funding sources will be utilized.

Mr. Solomon provided Business Case Evaluations for both the proposed Neuse River Water Reclamation Facility and Little Creek Water Reclamation Facility. These evaluations include recommendation and background information. Both evaluations are attached to these minutes and made part of the record.

There was lengthy discussion that included funding. Both revenue bonds and state revolving funding will be utilized. It was stated that a short term bond could be used to initiate the planning and design, mitigation of shooting range and purchase of nutrient credit.

Council Member Bunn questioned what the possible timeframe would look like should be plan for a 6mgd with initial building of a 4mgd. Mr. Solomon stated the building of 2mgd would have to happen very quickly, following the construction of the 4mgd. It was stated that easements have not yet been obtained.

Question was raised regarding possibility of partnering with other municipalities and accepting their flow. Mr. Solomon stated that had been considered, however, that would be need to in addition to the 6mgd and further that if we went with a 4mgd that would not be a possibility. Additionally upfront money would need to be provided.

It was asked if there was an update regarding rate information and it was stated that is the next step in the process.

Question raised regarding Pine Hollow and reclaimed water and whether we would continue sending water to them and if so how. Mr. Solomon stated that this process probably costs us money and with new plant it would basically impossible to resend reclaimed water to them. He further stated consideration would need to be given regarding affordability.

Council Member Holder questioned possibility of building only one pipe. Mr. Solomon stated that was studied however, this was the least expensive way to complete. Council Member Holder shared his concerns about cost and how senior citizens who live on a fixed income are going to be able to afford. Mayor McLeod reminded that regardless of what we do the cost is going to be high and there is no way to get around that unless we put a stop to everything. Rate study will be completed shortly. Mr. Solomon reminded that currently our rates are below state median. Mayor McLeod further stated that Clayton rates for water and sewer had been extremely inexpensive for a long time. He stated we will not ask for more from any citizen than what is required to pay off the debt for the investment.

ACTION: Direct Staff to Move Forward with Business Case Evaluation Recommendations

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

8 NEW BUSINESS

a) Horne Memorial United Methodist Dedication/Easement Agreement
Presenter: David DeYoung, Economic Development Director

Mr. DeYoung stated that agreement is mutually beneficial to both the town and the church and provides for shared use of parking lot and dedication of two homes across the street to complete the parking lot.

Mr. Blake, representative from Horne Memorial Church offered thanks for support and agreement.

ACTION: Authorize Execution of Dedication/Easement

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

b) Advisory Board Recommendations
Presenter: Kimberly Moffett, Town Clerk
Parks & Recreation Advisory Board

- Travis Crowder - Term Expiration 12/31/2022
- Gina Garera - Term Expiration 12/31/2020
- Emily Beddingfield - Term Expiration 12/31/2022
- Bennett Jones - Term Expiration 12/31/2021
- Theodore Willer - Term Expiration 12/31/2022

ACTION: Appointment to Parks & Recreation Advisory Board

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

c) 2019-233-SNA - Smithfield's Chicken N Bar-B-Q
Presenter: Planning Department

Ms. Wullenwaber presented request for an alternate sign plan which would include installation of a "juke box" sign that would exceed the maximum size requirements per the Unified Development Code. The proposed size face area is 75 square foot with a LED ID sign with a proposed height of 20 foot. Unified Development Code permits total of 64 square foot for face and a height of 8 foot.

Staff recommended five options to include the following:

1. Approve the sign as proposed. If that occurred staff recommended a condition of approval be place upon the application required the LED board to be dimmed at night for safety purposes.
2. Approve the sign height proposed, with either the removal of the LED board or lowering of the LED board.
3. Approve the sign face designs (including LED board) but require the overall sign to be built as a ground monument sign with a maximum height of 8 feet as permitted by the UDC.
4. Approve as alternative design as desired by Council.
5. Deny the alternative design plan request and require the sign to be developed to UDC standards.

Council Member Satterfield confirmed that Option 5 would be to require to stay in compliance with the UDC.

Ms. Wullenwaber stated the request was due to rebuilding and new branding.

Council Member Bunn asked how many alternative sign plans were recently approved. It was stated that both Vinson and Culvers had received approval, however, it was further stated that each request is very different.

Council Member Satterfield stated he felt a sign this large on a 1 acre lot was unacceptable.

Mayor Pro Tem Grannis asked if staff had a preferred option. Staff stated they were okay with LED sign being removed.

Council Member Thompson stated he felt that Option 5 was the best choice.

Council Member Holder asked how long since sign requirements were changed. Mr. DeYoung stated code was updated approximately 2.5 years ago. Mr. DeYoung stated he felt we had worked hard to ensure that signs meet code.

Applicant was present and shared his thoughts about request. He stated it was a very nice sign that has been installed in other locations. A photograph of the sign was provided to council.

Council Member Holder shared his concern about curtailing businesses and their signs. He stated we needed to be careful that we weren't too restrictive.

Applicant stated pole cover could be reduced.

Mayor McLeod stated a two story sign seems excessive for a one story building. Ms. Wullenwaber reminded a LED sign is allowed by code.

Mayor Pro Tem Grannis shared his concerns regarding setting a precedent, especially with signs located on Highway 70.

Attorney Ross reminded council that applicant could come back with other options if they requested them to do so.

Council continued discussion.

ACTION: Motion to Proceed with Option 5

Motion: Council Member Satterfield
Second: Council Member Thompson
Vote: Motion Passes 3-2 (Satterfield, Thompson & Grannis) (Opposed: Bunn & Holder)

9 STAFF REPORTS

a) Town Manager

Mr. Lindsay provided update on bond and stated we will now begin with design process. He offered his thanks to the community for support of bond referendum.

b) Town Attorney

c) Town Clerk

d) Other Staff

10 OTHER BUSINESS

a) Informal Discussion & Public Comment

Mr. Tew was present and shared his concern/opinion regarding his perception of disconnect between the town and the leaders and administration. He voiced his concerns about negative experience with some town departments. He again shared his concerns about safety issues with the new parking lot, traffic study, zoning and having requested information about sewer capacity.

Mr. Tew requested information regarding current sewer capacity for town. Mr. Cappola stated currently there was 375,000 gallons of available unallocated capacity.

Mr. Tew questioned if there were any existing plans for acquisition in the recreation bond. Mr. Lindsay stated current plans were for improvement of existing infrastructure at this time not for acquisition of any new property at this time. Mr. Tew asked for an update regarding the current status of the old town hall. Mr. Lindsay stated developer had run into delays and is attempting to get back in alignment, with the hope of project continuance. Mr. Tew questioned what the town would do to force that. It was stated that we were in conversations with the owners, however, the building is privately owned with no current violations and we were limited as to be able to do anything further. Mr. Tew requested a copy of the developer's agreement.

Mayor McLeod addressed concern of Mr. Tew and any violations with regard to old town hall. He stated there are no violations he is aware of, other than vehicles parked there, as well as high grass at one time that was mowed and taken care of. The Mayor requested that Mr. Tew document any violations and submit that documentation. Mr. Tew stated this is a residential zoning and there are two business trucks parked there and is concerned about zoning that allows business vehicles to be parked there.

Mayor McLeod addressed Mr. Tew's statement regarding lack of traffic study being done on Horne Street until later in the process. Mayor McLeod reminded that this study cost the town $8000, after being told by a 25 year experience consultant such a study was not good practice we still spent the money to be good neighbors.

Discussion regarding election results. Mayor stated he is hearing very good feedback about having a new person on the council.

b) Council Comments

Mayor Pro Tem Grannis about percentage of wastewater capacity. Mr. Cappola stated percentage was approximately 8-10% Mayor Pro Tem Grannis stated he believed during last report received percentage reported was 30%. He shared his concerns about the variance. He asked for regular updates and stated he does not feel comfortable with approving projects without having accurate updated information.

AMI Report Update. Mayor Pro Tem Grannis stated he would like a thorough report provided. Council Member Bunn would like money piece (monthly fee being added to each bill) added to that report as well. Mr. Lindsay stated a report would be provided

11 ADJOURNMENT

a) With there being nothing further, the meeting was adjourned at 7:57 p.m.

ACTION: Motion to Adjourn

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

Duly adopted this the 16th day of December, 2019 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi Holland
Deputy Town Clerk