



**Town of Clayton
Regular Town Council Meeting Agenda
Monday, January 7, 2019 @ 6:00 PM
Council Chambers**

1. CALL TO ORDER

Pledge of Allegiance and 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. Draft Minutes
November 5, 2018 - Regular Session
November 5, 2018 - Closed Session
December 17, 2018 - Regular Session
[Cover](#)
[November 5, 2018 DRAFT Minutes](#)
[December 17 2018 DRAFT Minutes](#)
- b. Certificate of Sufficiency - 2018-238-ANX - Rising Tide
[Certificate of Sufficiency](#)

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

- a. Council Liaison Committee/Board Assignments
Presenter: Jody McLeod, Mayor
[Cover](#)
[Council Liaisons 2019](#)
POTENTIAL ACTION: Informational
- b. Recommendation on Johnston County Economic Development Board
Presenter: Kimberly A. Moffett
[Cover - JC Economic Development Board](#)
[JC Economic Development Advisory Board - B. Satterfield](#)
POTENTIAL ACTION: Support of Appointment
- c. Warranty Acceptance
 - Summerlyn, The Orchards
[Summerlyn](#)

POTENTIAL ACTION:

Place on January 22, 2018 Consent Agenda

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Student Art Month Proclamation

Presenter: Jody McLeod, Mayor

[Cover](#)

[Proclamation](#)

POTENTIAL ACTION:

Presentation of Proclamation

- b. Miss Capital City (Clayton/Cleveland) Pageant Update

Presenter: Keith Branch

[Cover](#)

6. PUBLIC HEARINGS

- a. Water and Sewer Rates / Wastewater Capacity Study

**Public Hearing originally advertised for and opened on November 19, 2018*

Presenter: Adam Lindsay, Town Manager

[Cover](#)

[Wastewater Capacity Slides 1-7-19](#)

POTENTIAL ACTION:

Public Hearing

Receive Information/Public Comment & Continue

7. OLD BUSINESS

8. NEW BUSINESS

- a. Resolution for Document Management Program

Presenter: Nancy Medlin, Deputy Town Manager

[Cover](#)

[Resolution](#)

POTENTIAL ACTION:

Adoption of Resolution #2019-001

- b. 2018-238- ANX - Rising Tide

Presenter: Planning Department

[Cover Sheet](#)

[Application](#)

[Public Notice](#)

[Resolution](#)

POTENTIAL ACTION:

Set Public Hearing for January 22, 2019

- c. 2018-206-RZ - New Trinity Missionary Baptist Church

Presenter: Planning Department

[Cover](#)

[Application \(Updated\)](#)

[Public Notice](#)

POTENTIAL ACTION:

Set Public Hearing for January 22, 2019

- d. 2018-226-RZ - Town Hall Parking Expansion
Presenter: Planning Department
[Cover](#)
[Application](#)
[Public Notice](#)

POTENTIAL ACTION: Set Public Hearing for January 22, 2019

9. STAFF REPORTS

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

10. OTHER BUSINESS

- a. Informal Discussion & Public Comment
- b. Council Comments

11. CLOSED SESSION

- a. Closed Session pursuant to NCGS 143-318.11.(a)(4)

POTENTIAL ACTION: Motion to go into Closed Session

12. ADJOURNMENT



Town Council Agenda Cover Sheet

Meeting Date

January 7 2019

Agenda Location

Consent Agenda

Item Title

Draft Minutes

Presenter

Kimberly Moffett, Town Clerk

Summary/Description

Draft Minutes from November 5 2018 and December 17, 2018 are presented for adoption. Both regular and closed session minutes from November 5, 2018 will be sent under separate cover.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

December 17, 2018 DRAFT Minutes

Meeting Timeline

Click or tap here to enter text.



Town of Clayton
Regular Town Council Meeting Minutes
Monday, November 5, 2018 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:

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

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, D/Town Manager
Merrick Parrott, Town Attorney
Kimberly Moffett, Town Clerk
Samantha Wullenwaber, Planning Director
Blair Myhand, Police Chief
Blake Mills, Public Works A/Director

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:02 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 the addition of a Closed Session pursuant to NCGS 143-318.1.1.(a)(5)

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) NCDOT Updating Speed Limit Ordinance
• SR 1709 (City Road) - 45 MPH
- b) Wastewater Allocation - Ashcroft Phases 6 & 7
- c) Warranty Acceptance
• Stone Ridge, Phases 3 & 4 - FINAL

ACTION: Adoption of Consent Agenda as Presented

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

- d) DRAFT Minutes:
• October 1, 2018 - Regular Meeting
• October 15, 2018 - Regular Meeting

- October 15, 2018 - Closed Session

4 ADMINISTRATIVE ITEMS

- a) Warranty Acceptances
 - RWAC Alpine 6A-3 FINAL
 - Brookside Subdivision FINAL

ACTION: Placed on November 19, 2018 Consent Agenda

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Boy Scout Troop 714

Mayor McLeod welcomed members from boy Scout Troop 714. They were present at the meeting as part of their work for their Community Service Badge.

- b) New Employee
Presenter: Catherine Whitley, HR Director
 - Kimberly Lazar - HR Analyst

Ms. Whitley introduced Kimberly Lazar, who began as an HR Analyst on October 8, 2018. Kimberly stated she was happy to be here and looked forward to a long career with the Town of Clayton. Council welcomed her to the team.

6 PUBLIC HEARINGS

- a) 2018-62-SD - Kyli Knolls Preliminary Plat (Quasi-Judicial)
Presenter: Planning Department

Town Attorney provided information regarding the difference in a quasi-judicial proceeding versus a legislative procedure. She shared information regarding the types of testimony that could be considered when make final decisions. She also stated that anyone wishing to offer testimony must do so under oath. The Town Clerk issued those wishing to offer testimony.

Ms. Wullenwaber presented this item. She stated it is a request to develop a 22-lot subdivision. 18.56 acres. She stated this item was previously presented in 2017 and at that time, the project was for 20 single-family lots with no curb and gutter. At that time, the project was denied due to safety concerns and traffic distribution/congestion. She further stated this item was heard at the October 15, 2018 meeting as well. At that time, the applicant did not have expert witnesses to provide testimony and the council agreed to table this item to this meeting.

Mayor Pro Tem Grannis asked about sewer hookup and availability regarding distance. Ms. Wullenwaber stated she was not able to answer that question. Mr. Cappola addressed the question of sewer and stated he was not sure of

actual distance, however, he stated that another project would start shortly in that area and the distance was less than the 2100'.

There were no further questions for staff and it was turned over to applicant.

Mr. Curt Lane presented representing the developer. He stated he was at previous sewer allocation meeting and was happy to answer questions regarding the sewer.

Mayor Pro Tem Grannis asked if the 2100' distance was the correct amount. Mr. Lane stated that was correct. He further stated that an additional pump station would be on line in approximately 18-24 months. He further stated the gravity sewer line would not access their property and the only way to gain access would be to gain easements. Mayor Pro Tem Grannis asked if were fair to say that if new gravity line were up and running and easements granted they could hook up to it. Mr. Lane stated he was in agreement with that.

Mr. Frank Price stepped forward offer testimony regarding traffic assessment report. Council Member Lawter asked town attorney if there were any conflicts regarding Mr. Price offering testimony for this project, as Mr. Price currently serves on the Planning Board. Attorney Parrott stated that would not be an issue. Mr. Price stated that at the time this item was heard at the Planning Board, he was in no way affiliated with this project and further he was contacted by applicant following the October 15, 2018 Public Hearing and stated he did not have a conflict of interest.

Mr. Frank Price offered testimony. He stated he works for Wetherill Engineering. He stated he is a licensed engineer and surveyor and had been licensed since January 1967. He provided a traffic assessment report and shared details outlined in the report. He stated he observed traffic for two days during peak times. He stated this subdivision would generate a total of 208 trips per average weekday. He stated that most driveways are configured so that residents will not back out onto Amelia Church Road but rather turn around and drive out onto Amelia Church Road.

Council Member Lawter asked about current level of service "b" with regard to left turn lane and Mr. Price stated there was no degradation. Council Member Lawter confirmed total number of trips are 16 in the morning and 22 in the afternoon/evening. He stated it is opinion this is not a hazard.

Mayor Pro Tem Grannis asked about easement into one specific lot on north side of Amelia Church Road and if there were any anticipated issues with respect to site lines or any sort of congestion. Mr. Price stated he did not.

Mr. Jerry Dalton arrived and was issued the oath. Mr. Dalton offered testimony and stated he was with Dalton & Associates. He offered his credentials, stated he was a licensed engineer, and provided background on some of the projects he had worked on since 1995. He stated he was here to share information regarding the cost of sewer connection. He shared information about ground elevation. He stated the site was 3200' away from sewer connection and

further stated ground elevation difference would not work. He provided a map showing the ground elevation and stated the seer would not be able to get to this project via this manner. Council Member Lawter confirmed that it was the testimony of Mr. Dalton that it would not gravity flow. Mr. Dalton stated that was correct. He further stated that if you completely disregarded cost, a pump station would work. Mayor Pro Tem Grannis confirmed the distance was 3200' away, as a distance of 2100' was stated at previous meetings. Mr. Dalton stated it was in fact 3200' and he had measured it by hand.

Mr. Thad Avent was present to offer testimony, stated he is a certified appraiser, and have been for 25 years. He offered his testimony and stated it was opinion this project would not adversely impact the surrounding area values and further stated in the end would be an asset to the area.

There were no questions for the appraiser.

There was no need for rebuttal and turn over to council for questions.

Mayor Pro Tem Grannis asked Mr. Cappola if he were in agreement with Mr. Dalton. Mr. Cappola stated that based upon the documentation provided, the methodology used and testimony were accurate. Mayor Pro Tem Grannis asked about adding pump station and what cost of pump station might be for this type of development. Mr. Cappola stated he did not have an exact figure, but would guess it would be in the six figures

Council Member Bunn asked Mr. Lane to expand on Finding of Fact and this project meeting Comprehensive Plan and meeting density. Mr. Lane stated it did not meet density. Council Member Bunn stated that would mean it did not meet the 2040 Comprehensive Plan. Mr. Lane stated he believed it did meet, as they are increasing density as much as possible based upon and further this project is at the end of the ETJ. He stated he believed they have gone beyond what is required. He further added they have added curb, gutter and sidewalks. He stated they cannot gravity until any sewer today or in the near future and they are developing at the highest density they can.

Council Member Lawter addressed the adopted policies of the town and stated he had some concerns. He stated his concern is we are reducing our standards and not maximizing use. Mr. Lane stated he would agree with that statement if there were if the project were in the middle of undeveloped land but this project is at the end of developable land at the end of Amelia church Road. Council Member Lawter stated he understood what was being said but was not sure how the council would balance that with current visions and plans.

Council Member Bunn asked Mr. DeYoung for his professional opinion. Mr. DeYoung stated based on Comprehensive Plan he believed this is not in line with our planning policies. He provided an example of Steeplechase being adjacent to other projects regarding their density. He stated density is assigned based on certain criteria. He stated that all surrounding properties, with regard to this property, would ultimately come in at a higher density when

gravity sewer is in place. He stated the best use for this property is at a higher density. He stated a lower density without town services does not benefit the town. He stated that NCDOT would not maintain the sidewalks and the town would be responsible. He further stated that there should be fee-in-lieu for sidewalks should the project be approved. He further stated this project is not consistent with our 2040 Comprehensive Plan.

Mayor Pro Tem Grannis asked Mr. DeYoung about sewer availability and if it were his opinion it would be developer responsibility for pump station cost to rectify the issue or would that be unreasonable. Mr. DeYoung stated that most developers do their due diligence prior to purchasing a property. He stated he believed this project is premature and be detrimental. He has concerns about maximizing our infrastructure and being detrimental to the town's growth. Mr. DeYoung further stated that as the area around this project is developed and sewer is available, folks who will live in this project will be upset with higher density being developed around them. Mr. DeYoung shared additional information regarding the many years of research and planning that went into the 2040 Comprehensive Plan and stated this project is inconsistent with that plan.

Mayor McLeod confirmed the Planning Board approved this project. Ms. Wullenwaber stated that was correct. The project was recommended for approval with conditions. She further stated that staff does not make recommendations on Quasi-Judicial proceedings. Ms. Wullenwaber also added that moving forward the Planning Board will no longer be hearing these types of projects and they will be coming directly to Town Council. Ms. Wullenwaber also stated that should project be approved that a condition be added for fee-in-lieu of sidewalks.

With there being no further questions for staff, the item was turned over to council for their deliberation.

Council Member Lawter stated this is a very difficult decision and struggles looking at the town goals and future land use. He further stated he struggles with determining if this is premature development and telling folks how they can develop their land. He stated he is concerned about making changes to our Comprehensive Plan. He struggles with if developer has met their burden of proof regarding criteria.

Mayor Pro Tem Grannis stated he is also struggling and stated one of his concerns and it felt unreasonable to put burden for pump station on developer in order to try and obtain high density. He shared his concerns about the Comprehensive Plan and all the time and effort put into that. He has concerns about the project fitting the Comprehensive Plan.

Council Member Thompson stated he puts faith in the process and the council received a recommendation from the Planning Board. He felt that the applicant met their burden.

Council Member Holder had concerns about higher density and how it would change the traffic and safety issues.

Council Member Bunn stated he felt the applicant had done all they could possibly do at this point. He stated he is struggling as well with regard to the 2040 Comprehensive Plan.

Mayor stated that he has listened and felt that this project is a bit unusual because of its location and it is at the end of ETJ. He stated it was not feasible to make developer to put in for water and sewer and higher density. He further stated he did not feel we would be setting a precedent, as the record will reflect the amount of deliberation that went into this project. He spoke about future Quasi-Judicial proceedings coming to council. He stated he is uncomfortable telling people what they can and cannot do with their properties. He stated he felt there was a market for this project. He stated he felt comfortable with recommendation from the Planning Board. He further stated that he feels there are extenuating circumstances to this project and would much rather see town have fee in lieu.

Attorney Parrott asked that each Finding of Fact be gone through and deliberate on each Finding.

Mayor Pro Tem Grannis stated he believed developer had made an effort to do everything the town wanted. He stated he had huge respect for staff and felt they do a great job and are consistent. He further stated that he believed there are times when common sense must prevail felt the developer had done all they can.

Council member Lawter stated he believed the development is probably the best it can be, but does not feel it meets the Comprehensive Plan 2040.

ACTION: Motion to Approve Finding of Fact #1
"The preliminary subdivision plat is consistent with the adopted plans and policies of the town."

Motion: Council Member Thompson
Second: Council Member Holder
Vote: 4-1 (Lawter - Opposed)

ACTION: Motion to Approve Finding of Fact #2
"The subdivision meets all required specifications of the Town of Clayton Unified Development Code."

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

ACTION: Motion to Approve Finding of Fact #3

"The subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area."

Motion: Council Member Thompson

Second: Council Member Holder

Vote: 4-1 (Lawter - Opposed)

ACTION: Motion to Approve Finding of Fact #4

"The subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare."

Motion: Council Member Thompson

Second: Council Member Holder

Vote: 3-2 (Lawter & Grannis - Opposed)

ACTION: Approval of 2018-62-SD and Addition of Condition to Include Fee-In-Lieu for Sidewalk, Curb & Gutter

Motion: Council Member Thompson

Second: Council Member Holder

Vote: 4-1 (Lawter - Opposed)

b) 2018-183-ANX - Sunbelt Rentals
Presenter: Planning Department

Ms. Wullenwaber presented this item and stated the applicant was requesting voluntary non-contiguous annexation of 6.22 acres. The property is located at 7635 US Highway 70 Business, Clayton and doing business as Sunbelt Rentals.

There were no questions for staff.

The applicant was present. There were no questions for applicant.

With there being nothing further, the item was turned over to council for their deliberation.

ACTION: Adoption of Ordinance #2018-11-01

Motion: Mayor Pro Tem Grannis

Second: Council Member Bunn

Vote: Unanimous

7 ITEMS SCHEDULED FOR THE UPCOMING TOWN COUNCIL MEETING

8 OLD BUSINESS

- a) Update/Discussion - Sanitary Sewer Tap Replacements, Water & Sewer Rates and Capacity Study

Presenter: Adam Lindsay, Town Manager

Mr. Lindsay stated the town continues to work with staff and consultants to explore needs. Mr. Lindsay asked that public hearing be set. He further stated that staff continued to look at different options. There was discussion regarding whether sewer tap fees would be included in the rates as proposed in rate study. Mr. Lindsay stated that consultants would be present at the November 19, 2018 meeting.

Council Member Bunn wants to know number for tap fee and Mr. Lindsay stated it would be approximately \$.50. Council Member Bunn wanted to ensure all options would be discussed at the public hearing. Mr. Lindsay stated all options would be discussed as need and required.

Mayor stated he would like council to have as much information as soon as possible prior to the November 19th meeting, so town manager could address any questions they may have. Additionally, Mayor McLeod wanted to ensure the public had time to hear about the issue and further that the public hearing may need to continue so ensure the public had numerous opportunities to gather information.

Mr. Lindsay stated the Public Hearing would be in regard to sewer and water rates and further that we would have to make commitment in the near future on that matter. He stated a few months may be realistic, but six months would not be.

ACTION: Set Public Hearing for November 19, 2018

9 NEW BUSINESS

- a) Johnston County School System Grant - Resource Officers

Presenter: Blair Myhand, Police Chief

Chief Myhand provided background on this issue. This grant would allow for Clayton's two middle schools being staffed with our officers. Chief Myhand stated the grant would cover salary up to \$50,000 per officer.

Chief Myhand stated we were prepared to staff these positions immediately following Christmas break. He further stated this would be an 18-month grant, which was originally a 24-month grant; however, the county was behind in being able to staff these positions. He stated the County advised they would be re-applying for grant. Further, Chief Myhand stated there are vehicles in our current fleet that could be used by these officers; however, they are aged vehicles and at some point there would be a cost.

Mayor Pro Tem Grannis stated he felt it was a great project. He asked what the cost would be to outfit officers. Chief Myhand stated we had some items in stock but approximate cost would be a couple thousand dollars and that would include gun, laptop, uniform, etc.

Council Member Bunn asked what thought was about the likelihood of the grant continuing after 18 months. Chief Myhand stated he hoped it would continue but potentially it could end after 18 months and we could be asked to fund these positions.

Council Lawter stated he would like to see full figures prior placing this on the consent agenda.

Mr. Lindsay added that we are not only town in Johnston County that is considering this program, so should the grant money go away other towns would be as looking at that cost as well. He stated he felt good that the grant would continue to fund the positions.

ACTION: Placed on November 19, 2018 Consent Agenda

- b) Interlocal Agreement with Archer Lodge for Animal Control Services
Presenter: Blair Myhand, Police Chief

Chief Myhand shared information regarding this agreement. He stated Archer Lodge approached him that we provide police services while animal control officer is in Archer Lodge. Currently the animal control officer needs to contact the Sheriff's Department and this can take quite a bit of time for response. Having Clayton Police Department provide this service would provide safety for animal control officer. Attorneys have reviewed agreement.

- c) Public Assistance Grant Funds - Hurricane Florence
Presenter: Blake Mills, Public Works Assistant Director

Mr. Mills provided information regarding Hurricane Florence being deemed a disaster and further stated that all of Johnston County would be eligible for assistance funds. While we were very fortunate we did not have any damage to our infrastructure, staff time for debris cleanup and overtime for emergency protection, services are reimbursable. The proposed resolution would appoint our staff to represent the town with regard to the grant. This is a very similar process as to what was done with Hurricane Matthew. An agreement was provided that would authorize town manager to execute.

ACTION: Adoption of Resolution #2018-28

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

ACTION: Authorization of Agreement

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

- d) 2018-165-RZ - 517-549 E. Main Street Rezoning
Presenter: Planning Department

Ms. Wullenwaber requested that a Public Hearing be set for November 19, 2018.

ACTION: Set Public Hearing for November 19, 2018

10 STAFF REPORTS

- a) Town Manager
- b) Town Attorney
- c) Town Clerk
- d) Other Staff
 - Harvest Festival & 150th Birthday Celebration Updates
Presenter: Stacy Beard, Public Information Officer

Ms. Beard reported the Harvest Festival was very well attended and have received great feedback. Chamber offered their thanks for all the support and collaboration with other groups. They anticipate the numbers will remain as in past year. Debriefing meeting will take place soon.

Spoke about space provided to the town to share information about upcoming 150th birth celebration and many people stopped by the tent and received a save the date card. Many folks offered ideas and many community groups want to participate. An advisory group will be meeting with event planner this Thursday evening.

11 OTHER BUSINESS

- a) Informal Discussion & Public Comment

Ms. Martinez of 406 Page Street was present and shared her concerns regarding parking in front of her home and students from the high school loitering and trespassing. She stated she does not feel safe in her own home. She stated she has called the police each time there was any issue. She has also met with staff from the Police Department several times about her concerns. She was hopeful that a No Parking Sign could be installed in front of her home and hoped that would stop the students from hanging out on and near her property. She also stated she spoke with staff at the high school; however, they informed her once students were off school property they could not intervene or assist. She stated she had documented everything and spoke about students coming up on her porch and invading her privacy.

Chief Myhand stated he has met with Ms. Martinez and stated the no school hours parking would be helpful. He further stated that currently there is no parking at any time across the street from her. His main concern was that one

of the homes next to Ms. Martinez did not have any driveway and a No Park sign would not allow any parking for this home. Chief Myhand offered other suggestions to include the painting curb in front of her house. He further stated he felt it might be more of a trespassing issue. Council member Bunn asked if we could put signs up in front of her house only and Chief Myhand stated that was possible.

Mayor stated he understood and sympathized. He stated she needed to ensure that no trespassing signs were posted on her property. Council Member Thompson wanted to ensure that police were enforcing parking issues per our ordinance especially in the school zone. Mayor thanked for her time and bringing awareness of her concern to council.

b) Council Comments

Council Member Holder shared his concern regarding the lack of a local newspaper.

Mayor Pro Tem Grannis shared his thoughts regarding street closures and food truck locations during the Harvest Festival. He shared his concern regarding location of food trucks being so close to restaurants and that those business owners were not notified this would occur. He stated better communication was needed. Mr. DeYoung stated the Chamber was responsible for this type of notification and would relay this information to them. The Mayor shared his concern and that he did not feel they should be located in close proximity to an established business.

12 CLOSED SESSION

- a) Closed Session pursuant to NCGS 143-318.1.1.(a)(5) to discuss possible acquisition of real property.

ACTION: Motion to go into Closed Session

Motion: Council Member
Second: Council Member
Vote: Unanimous

13 ADJOURNMENT

- a) With there being nothing further, the meeting was adjourned at 9:05 p.m.

ACTION: Motion to Adjourn

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

Duly adopted this the 7th day of January 2019, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

November 5, 2018
Minutes



Town of Clayton
Regular Town Council Meeting Minutes
Monday, December 17, 2018 @ 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
Rich Cappola, Interim Public Works Director
Scott Barnard, Parks & Recreation Director
Dave DeYoung, Economic Development Director
Stacy Beard, Public Information Officer

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

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
- November 19, 2018
 - December 3, 2018
- b) Warranty Acceptance
- Spring Branch, Lot 12
- c) Resolution Directing Clerk to Investigate Sufficiency - 2018-238 ANX - Rising Tide
- d) Inspection Code Updates

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) 150th Celebration - Schedule of Events
Presenter: Michelle Bonham, Event Planner

b) Ms. Bonham was present and shared details regarding tentative schedule for the kick-off celebration of the town's 150 birthday. We will be collaborating with Canopy to help brand the event and we are currently in the process of securing additional partnerships. Times on the below schedule are tentative.

Friday - April 12, 2019:

●9:00AM- Opening Ceremony

- 9:00AM- 10:00AM - To kick-start our birthday celebration, church bells will ring and sirens will sound all around town. Join us in town square for coffee & doughnuts while we celebrate the Clayton Police Department with new badges in honor of the 150th Anniversary
- 2:00PM - 7:00PM- Starting at 2pm, join us every hour on the hour for a Storytelling Event
- 5:00PM - 10:00PM – Fun for the whole family with rides, face painting, and games
- 5:00PM - 9:00PM - Wine Walk down Main Street: Silent Auction, Sidewalk Square Art
- 5:00PM - 10:00PM - Music & Entertainment at the Main Stage in Town Square
- 2:00PM - 7:00PM – Make sure to head to the center of Town Square to get your picture taken with the 150th Birthday Cake!
- 2:00PM - 7:00PM – Stop by Town Hall to view Historic Town Photos.
- 5:00PM - 10/11PM – Stop by our Beer Garden to enjoy a nice cold glass of Deep River's 150th Anniversary Brew. While you're there, play a game of corn hole, grab a group for giant Jenga
- 5:00 PM - Join Mayor McLeod at Town Square as we toast to 150 years and look forward to 150 more!
- 7:00PM - 10/11PM – Starting at 7pm, join us for a ghost tour
- 7:00PM-10/11PM-Dance the night away under the stars with DJ/Band and stick around / Unveiling of 150th lighting projection after sunset.
- 9:00PM-Join us as we release 150 Lanterns into the sky to celebrate our 150th Anniversary!

Saturday - April 13, 2019:

- 9:00AM-12:00PM-LocalChurchChoirs and schools perform at the Main Stage
- 12:00 Memorial Marker
- 9:00AM-3:00PM-InteractiveArtMural
- 9:00AM-3:00PM –Storytelling Event celebrating the town's history at the library
- 9:00AM-3:00PM-Fun for the whole family with rides, face painting, and games
- 9:00AM-3:00PM-Volunteer/Vendor Fair lining Main Street: peruse local businesses and learn more about the volunteer organizations Clayton has to offer. Each business and organization will be displaying (and sharing!) their own take on the150th Anniversary birthday cake.

Council Member Satterfield asked that we check regarding the lantern launch, as he believes they have been outlawed in several places. Mayor Pro Tem Grannis asked if this would be just a 2-day event. Ms. Bonham state this would be but it would but branded to include all events throughout the year. There were questions regarding the closing of Main Street on Friday and Saturday. Ms. Bonham stated plan was to use Christmas Village as template for closure of Main Street on Saturday. On Friday, the only closure would be around the concert. Ms. Bonham stated we were looking into have possibly having food trucks at either end of Main Street on Friday and around concert as well as encouraging folks to visit local restaurants. Local businesses will be notified once all formal plans have been completed, with hope to notify local businesses in mid-January. Mayor shared his thoughts about possible locations for food trucks and hoped that an exception be considered for locations other than at each end of Main Street. Council offered their thanks,

6 PUBLIC HEARINGS

- a) 2018-207-ANX - Walton Farm @RWAC
Presenter: Planning Department

Item noted as Public Hearing.

Ms. Wullenwaber presented this request for annexation of Walton Farms, which is located off Covered Bridge Road. Total acreage is approximately 47 acres.

There were no questions for staff.

Mayor McLeod asked those wishing to speak to step forward

A resident of Riverwood, Mr. Langdon, stated he had concerns and felt this area needs to be its own entity and not part of Riverwood Athletic Club, RWAC. He shared his concerns regarding financial risk and felt the council should consider this. He stated he did not feel this property had anything in common with RWAC, other than being owned by Fred Smith Company, FSC. He stated when RWAC was originally approved that the HOA would be turned over to homeowners when a certain percentage of sales was reached and by continually adding more homes this number cannot be reached. He feels this is a detriment to the current homeowners. He shared financial records showing that Fred Smith Company is loaning money to the HOA. He spoke about fees regarding the gymnasium, which is privately owned by FSC. Council Member Satterfield asked if there were proof that the original agreement was breached. Mr. Langdon stated that an approximate number was included in the agreement regarding percentage/saturation point. Mr. Langdon questioned why each project was not its own individual entity. Council Member Satterfield stated he believed that FSC was legally allowed to market his properties as he choose. Mr. Langdon stated that he still believed each subdivision should be stand-alone entities and further that he would like to see RWAC turned over to the HOA.

There were no further questions and no one further stepped forward to speak.

Mayor Pro Tem Grannis questioned staff regarding if this was a Planned Development. Ms. Wullenwaber stated it was and that Walton Farm was approved in 2017 and that is when these types of concerns should have come forward. She further stated that the town for does not get involved in the day-to-day operations of Homeowner's Associations. Mayor Pro Tem Grannis stated that he believed the annexation was not unfair and complied with all rules and processes. He further stated that while it was a compelling argument it was obvious that RWAC was within their rights and were abiding by all laws.

With there being nothing further, the item was turned over to council for deliberation.

ACTION: Adoption of Ordinance #2018-12-05

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

- b) **Water & Sewer Rates / Wastewater Capacity Study**
**Public Hearing originally advertised for and opened on November 19, 2018*
Presenter: Adam Lindsay, Town Manager

Mr. Lindsay provided brief background on this item. He further stated that consultants needed more time to gather additional information. He further stated the consultants would return to council on January 7, 2019.

Mayor McLeod noted this as a public hearing and asked that anyone that wishes to speak should step forward. With no one stepping forward to speak, the public hearing was closed.

ACTION: Continue Public Hearing to January 7, 2019

7 OLD BUSINESS

8 NEW BUSINESS

- a) **Advisory Board Appointment Recommendations**
Presenter: Kimberly Moffett, Town Clerk

Ms. Moffett provided information regarding process. Vacancies on all advisory boards were noticed on both the website and social media. Anyone who submitted an application was interviewed. Interviews were completed by council liaison to board, staff member and town clerk. Ms. Moffett stated it was a very difficult decision, as there were so many excellent and extremely qualified applicants. She further stated that several of the applicants, who were not being recommended for appointment at this time, would be serving in

other capacities. She further stated vacancies remain on the Fire Department Advisory Board, Library Advisory Board and Recreation Advisory Board.

ACTION: Appointment of Nominees

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

- b) Easement Abandonment - 309 Robin Lane
Presenter: Rich Cappola, Interim Public Works Director

Mr. Cappola stated the property located at 309 Robin Lane was in process of selling and scheduled for a closing at the end of November 2018. At that time, it was discovered that a very small portion of the back corner of the house was encroaching in the existing drainage and utility easement by 1.1 feet. The town did our due diligence, investigated the encroachment, and determined that no town sanitary sewer, water main or storm sewers were located in the easement and therefore easement is not required. In order to facilitate the sales of the property the Town allowed a temporary encroachment within the 20' drainage and utility easement conditioned that said easement be abandoned no later than December 28, 2018. Additionally, there is a 10' drainage and utility easement located along the rear of the property that is not required and therefore it would be abandoned. A quitclaim deed has been prepared for abandonment of easements.

ACTION: Approval of Easement Abandonment

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

- c) Resolution of Support - Parks and Recreation Trust Foundation (PARTF)
Presenter: Scott Barnard, Parks & Recreation Director

Mr. Barnard provided information regarding history of PARTF, which was established to fund improvements in the state's park system, to fund grants for local government and to increase the public's access to beaches and waterways. The Town of Clayton had benefited three times as a recipients that allowed the town to build phase one Community Park, partial funding of the Community Center and partial funding for acquisition of the north side Neuse River property. This fund as well as others are at risk of being eliminated by House Bill 1120 and Senate Bill 821. Neither of the bills are targeting the existence or continuation of the funds directly, but rather appoint give power to appoint commission members, with result of "sun setting" the commission and thus the fund. This Resolution would show support to protect the trust fund.

ACTION: Adoption of Resolution #2018-32

Motion: Mayor Pro Tem Grannis

Second: Council Member Holder
Vote: Unanimous

9 STAFF REPORTS

- a) Town Manager
- b) Town Attorney
- c) Town Clerk
- d) Other Staff
 - Video Equipment / Council Meetings
Presenter: Stacy Beard, Public Information Officer
 - Backflow Presentation
Presenter: Brad Carroll
 - Mountain to Coast Trail
Presenters: Scott Harding, Parks & Recreation Director & David DeYoung, Economic Development Director

Ms. Beard a PowerPoint presentation regarding town council agenda/information notification for residents. She shared information about current process for agenda publication and notification. Currently, the morning following a town council meeting, the audio recording of the meeting are published and available via iCompass, which is the agenda software currently used by the town clerk. Ms. Beard shared information options for video recording. She shared additional information about other municipalities who currently offer video versions of council meetings in various formats. Ms. Beard provided some detailed information about the Town of Garner who started video recording in 2011 and recently started to also use Facebook Live. Also provided were details about viewing data. An option that has been looked into for the town to video council meeting would be part of the current agenda software, iCompass. Currently the town records an audio version of each meeting and there is the option to video record meetings. Discussed was the cost difference for audio versus video recording of meetings. Ms. Beard further stated as a member of the PEG Channel, the town would be able to receive funding to help pay for video recording equipment. There was also discussion regarding Facebook Live and the lack of quality with that option. Council Member Satterfield stated he would like to see the hard costs involved with changing to video. Ms. Beard stated she would pull together information to include equipment maintenance, etc. There was discussion regarding Facebook Live and Ms. Beard stated that 3 municipalities had responded that they currently used Facebook Live, however, no municipality started out using Facebook. Additionally, other municipalities have reported there is not much "live" watching of meetings. Mayor McLeod stated he saw value in video recording and the educational impact it could have on our community. There was discussion regarding comments during the meeting and Ms. Beard stated she didn't anticipate having a forum for interactive comments. Mayor Pro Tem Grannis asked if a video recording could serve as the official minutes of the meeting. Ms. Moffett stated they could not serve as the official minutes; however, the format for minute taking could change from summary minutes to action minutes. Mayor McLeod added that he would like to discuss this further

at the council retreat, which will take place in February. He further stated he was very proud of our transparency and spoke about future possibilities on every level.

Mr. Cappola introduced Brandon Carroll, who provided a statistical update on the Fat, Grease & Oil (FOG) Program, Backflow Program and Water Customers.

Mr. Carroll shared information regarding the benefits of both the Backflow Program as well as the FOG Program, which include the following:

- Protection of human health
- Public illness or potential death due to BACKFLOW EVENT (siphoning)
- Public illness due to EXPOSURE TO RAW SEWAGE (overflow, backup)
- employee exposure to contaminants/raw sewage due to repair
- Protection of Environment
- Potential spills of raw sewage onto land and surface water
- Compliance with federal, state, and Town of Clayton regulations
- Safe water drinking act, 42 U.S.C. §300f et seq. (1974)
- NCDEQ COLLECTION SYSTEM PERMIT: wqcs00110
- Town of Clayton Ordinances: Chapter 52 Oils and Grease, Chapter 53 Cross Connection and Backflow
- Cost
- Water, sewer, and street maintenance and repair costs
- Wastewater treatment cost
- Fines and penalties for spills
- Service interruption
- Shut down of water system due to contamination

Additional information was provided regarding suggested plan to transition to alternate analysis by a third party. BSI on line is a software program that manages municipal backflow. It is recommendation that current staff level be maintained and purchase the BSI on line software. There was discussion regarding customer service mailing that was recently sent, which was done to ensure transparency. Mayor McLeod stated he would like to see that regional vendors/local testers be included on website as well a link to those testers. There was question regarding cost for tester and Mr. Carroll stated it could go up to \$15 and people would be encouraged to shop around. Mayor Pro Tem Grannis asked for confirmation that those who do not have an irrigation system would not be effected and Mr. Carroll stated that was correct. Discussion took place regarding timeline for testing. Mr. Carroll provided additional details and stated these programs are mandated by the State.

Mr. Barnard and Mr. DeYoung provided brief presentation regarding the Mountains to Coast Trail Event scheduled for October 2 -3 2019. A group of approximately 1,000 would be visiting Clayton during this period. Based on historical records, towns see a direct economic impact of approximately \$100,000. There was brief discussion regarding necessity of closing Main

Street, as this is a very busy time for numerous events downtown. Mr. DeYoung stated he did not feel all of Main Street would be closed down, only a small portion as is closed for the town concert series.

10 OTHER BUSINESS

a) Informal Discussion & Public Comment

Mr. Wilson invited everyone to attend a Christmas Program on December 23, 2018 at 11:00 a.m. at the Church of Latter-Day Saints, which is located on Canterbury Road, Smithfield.

b) Council Comments

Council Member Bunn asked about an update regarding a live camera being located on Main Street. Ms. Beard stated she would gather some additional information.

Mayor Pro Tem Grannis wished everyone a Merry Christmas and a Happy New Year.

11 ADJOURNMENT

a) With there being nothing further, the meeting was adjourned at 7:47 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Satterfield

Second: Council Member Thompson

Vote: Unanimous

Duly adopted this the 7th day of January, 2019 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

ANNEXATION PETITION 2018-238-ANX

Rising Tide

Parcels: 05G01014C

Owners: 1218 Properties, LLC

Non-Contiguous; 0.57 acres

CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Clayton, North Carolina

I, Kimberly A. Moffett, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Clayton, this 7th day of January, 2019.

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

January 7 2019

Agenda Location

Administrative

Item Title

Council Liaison, Board/Committee Assignments

Presenter

Jody McLeod, Mayor

Summary/Description

Assignments of Council Liaisons to Advisory Boards, Triangle J Council on Governments, NC League of Municipalities, CAMPO and ElectriCities.

Noted Changes:

Planning Board Liaison – Bob Satterfield replaces Michael Grannis

Recreation Advisory Board Liaison – Michael Grannis replaces Butch Lawter

Triangle J Council on Governments Alternate – Bob Satterfield replaces Butch Lawter

CAMPO Primary – Michael Grannis replaces Butch Lawter

CAMPO Alternate 1 – Bobby Bunn replaces Michael Grannis

CAMPO Alternate 2 – Jason Thompson replaces Bobby Bunn

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Assignment Sheet

Meeting Timeline

Click or tap here to enter text.



**TOWN OF CLAYTON
COUNCIL LIAISON AND COMMITTEE ASSIGNMENTS
2019**

<u>COMMITTEE/BOARD</u>	<u>COUNCIL LIAISON</u>
Downtown Development Association (DDA)	Bobby Bunn
Fire Advisory Board	Jason Thompson
Library Board	Art Holder
Planning Board	Bob Satterfield
Public Art Advisory Board	Jody L. McLeod
Recreation Advisory Board	Michael Grannis
Triangle J COG - Delegate	Jason Thompson
Triangle J COG - Alternate	Bob Satterfield
NC League of Municipalities - Delegate	Jody L. McLeod
CAMPO - Primary	Michael Grannis
CAMPO - Alternate 1	Bobby Bunn
CAMPO - Alternate 2	Jason Thompson
ElectriCities - Delegate	Robert J. Ahlert
ElectriCities - Alternate	Michael Grannis



Town Council Agenda Cover Sheet

Meeting Date

January 7 2019

Agenda Location

Administrative

Item Title

Recommendation on Johnston County Economic Development Board

Presenter

Kimberly A. Moffett

Summary/Description

The position representing the Clayton area is up for consideration. Currently, this position is being held by Bob Satterfield and he has reapplied for another term. Johnston County Commissioners are seeking a recommendation from the Clayton Town Council.

Requested Action**Funding Source (If Applicable):**

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Letter from the Johnston County Economic Development Board

Meeting Timeline

Click or tap here to enter text.

Office of
County Commissioners
(919) 989-5100
FAX (919) 989-5179

Paula G. Woodard, Clerk

Johnston County
POST OFFICE BOX 1049
SMITHFIELD, N.C. 27577

Ted G. Godwin, Chairman
Chad M. Stewart, Vice Chairman
Jeffrey P. Carver
Larry Wood
Tony Braswell
Patrick E. Harris
R.S. "Butch" Lawter, Jr.

December 19, 2018

Ms. Kimberly A. Moffett, CMC, NCCMC

Town Clerk

Town of Clayton

kmoffett@townofclaytonnc.org

PO Box 879

Clayton, NC 27528

Dear Ms. Moffett:

As you may know, Johnston County has an Economic Development Advisory Board that consists of 14 members (one position for each of the eleven municipalities and three at-large positions) that are appointed by the Johnston County Board of Commissioners. Presently, the position representing the Clayton area is up for consideration. This position is currently held by Mr. Bob Satterfield who has reapplied for another term. No additional applications were received for this position.

The Johnston County Board of Commissioners feels that it is important the municipalities have input with regards to the selection of a representative on the Economic Development Advisory Board, for their respective areas. To that end, the Johnston County Board of Commissioners would appreciate the Town Council, at their next scheduled meeting, discussing the position and making a recommendation on the applicant enclosed.

Thank you for your assistance in this matter and please do not hesitate to contact me if you have any questions.

Sincerely,

Paula G. Woodard

Paula G. Woodard
Clerk to the Board

Attachment



TOWN OF CLAYTON
Engineering & Inspections
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Tom Speight, Bateman Civil Survey
David Stallings, Granite Land & Timber
Karen Durham, Engineering & Inspections Coordinator

Date: December 6, 2018

Subject: Summerlyn, The Orchards

Please place a warranty acceptance request for the subject public water, sewer, and associated storm drain utilities along with all pertinent easements on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the utilities will be subject to a one-year warranty period. Following expiration of the warranty, a final inspection will be done with all deficient items corrected by the developer prior to final acceptance.



Town Council Agenda Cover Sheet

Meeting Date

January 7 2019

Agenda Location

Introductions & Special Presentations

Item Title

Student Art Month Proclamation

Presenter

Jody McLeod, Mayor

Summary/Description

At the request of the Woman's Club of Clayton, the Town Council will proclaim January 2019 as "Student Art Month" to help promote and support youth involvement in the arts and all that it adds to our community.

Mayor Jody McLeod will read the proclamation explaining this outstanding initiative and present it to members of the Woman's Club of Clayton, which just turned 100 years old in 2018.

Each year the Woman's Club teams up with the non-profit Clayton Visual Arts to feature student art in the lobby of The Clayton Center for the month of January.

Local middle and high school students, as well as Woman's Club members, exhibit their work and are entered in the annual Woman's Club Arts Festival competition. Students and clubwomen can win cash prizes and ribbons. First place selections go on to compete at the district and state levels.

We invite the public to view the art and find out who won at a free reception 6-7:30 p.m. Thursday, Jan. 10 at The Clayton Center. Dress is casual, and light refreshments will be served. Everyone is invited, especially children, who can see the artwork of their peers!

Ms. Susan Johnson of the Woman's Club of Clayton will be in attendance to receive the Proclamation.

Requested Action

Approval

Additional Documents to be Included in Agenda Packet

Proclamation

**TOWN OF CLAYTON
PROCLAMATION
STUDENT ART MONTH**

WHEREAS, the arts, in its many forms, constitute an important part of the community and contribute to the development of our youth; and,

WHEREAS, participation in and enjoyment of the arts can take many forms, including the visual arts, fine arts and performing arts; and,

WHEREAS, the Woman's Club of Clayton has sought to promote the involvement of our youth in various art projects to the betterment of their minds and the community as a whole.

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Clayton that the month of January each year, be recognized as:



Let it also be proclaimed that all businesses, industries and citizens in the Clayton community are urged to support and encourage the school aged children of Clayton to participate in the arts.

Duly proclaimed by the Clayton Town Council this the 7th day of January 2019, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

January 7 2019

Agenda Location

Introductions & Special Presentations

Item Title

Miss Capital City (Clayton/Cleveland) Pageant Update

Presenter

Keith Branch

Summary/Description

Mr. Branch, along with other pageant officials, will be present to share an update and some exciting news for the Miss Capital City – Clayton/Cleveland Pageant. The competition will be held at The Clayton Center in March of this year.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

None

Meeting Timeline

Click or tap here to enter text.



Town Council Agenda Cover Sheet

Meeting Date

January 7 2019

Agenda Location

Public Hearings

Item Title

Water and Sewer Rates / Wastewater Capacity Study

Presenters

Adam Lindsay, Town Manager, Rich Cappola – Interim Public Works Director, The Wooten Company Representatives (Charlie Davis, Carl Scharf & Casey Garland), and Black & Veatch Representatives (Robert Chambers)

Summary/Description

Please join us Monday, January 7th at 6 p.m. for the continuation of a public hearing first held on Nov. 19 and continued at both the Dec. 3 & 17 Town Council meetings. The public is welcome to attend to listen and share comments as consultants continue to study how to best plan and pay for the expansion of our wastewater sewer capacity and possible replacement of the Town's wastewater treatment plant, which serves our residential, commercial and industrial customers.

The Town of Clayton has continued to grow and we're reaching capacity levels that dictate the need to expand our wastewater capacity. The current treatment plant is 54 years old and lies in a flood hazard area. Plans to replace the plant date back decades. In the mid-90's, Town leaders purchased land to build a new wastewater treatment plant near the Neuse River. In the mid-2000s, Town leaders began planning for the cost and construction of a new plant, but those plans were shelved when the country hit the Great Recession, the biggest economic downturn since the Great Depression. Unclear on the timeline for economic recovery and growth, Town leaders began to explore intermediary methods of accommodating our sewer needs. We reached agreements to connect and send wastewater flow to the City of Raleigh and Johnston County – and those increased capacities have served Clayton to this day. The City of Raleigh flow agreement, however, is not permanent. We currently send some flow to Johnston County for treatment and we are considering options to bring that flow back to Clayton.

Original baseline calculations first presented by consultants in October called for building a new plant within 4 years on that designated piece of land, and to pay for the project by raising sewer fees and rates for most homeowners an average of about \$15 a month starting July 1, 2019. The study also calls for annual 30% sewer rate and 2% water rate increases for the following three years. Upon hearing those baseline costs, Town Council requested staff and consultants research options to build a treatment plant in phases, partner with regional and private entities, operate two facilities, and/or operate a single facility. Since that request, the consultants have been revisiting growth forecasts as they tie into the schedule and scope of needed wastewater solutions and will present at the January 7 meeting. At the Dec. 3rd Council meeting, several residents shared comments and questions. The public is again invited to do so on Monday, January 7.

You can view documents and listen to audio of past discussions on wastewater capacity and water and sewer rate by clicking the links below:

- Original Consultant Study Presentations: [Water & Sewer Rate Study – Black & Veatch](#), [Wastewater Capacity Study – Wooten Company](#)
- [Nov. 5th Town Council meeting](#) – Town Manager Adam Lindsay reviews progress and Council sets 1st Public Hearing for Nov. 19th.
- [Nov. 19th Town Council meeting](#) – Wooten Company reviews [additional wastewater capacity study information](#) and Council opens public hearing and continued
- [Dec. 3rd Town Council meeting](#) – Update from Town Manager, public hearing with several public comments
- [Dec. 17th Town Council meeting](#) – Update from Town Manager, no one commented, hearing continued to Jan. 7th Town Council meeting

Requested Action

Open Public Hearing and Continue Hearing to Future Council meeting

Additional Documents to be Included in Agenda Packet

Staff and Consultant Presentation Slides

Meeting Timeline

Public Hearing to be Continued to future Council meeting

Wastewater Capacity Evaluation Update

January 7, 2019



Future Wastewater Needs Decision

- Factors driving the decision
 - Design-Permitting-Construction timeline
 - Will take ± 4 years to deliver a project
 - Raleigh contract expiration
 - Current commitments
 - Actual Flow vs. Permitted Flow vs. Allocated Flow
- Impacts
 - Delayed decision will require limits on development approvals



Considerations

- Community needs
 - “Best Value” vs. Cost to Customers



Since the Last Update

- Re-evaluated projected flows based on most recent allocations made and requested to the Town
 - 20-year planning period
- Explored options to extend need to have additional capacity (*ongoing*)
 - *Staff met with Johnston County, City of Raleigh, 3rd Party Operators, Legislators*
- Used Rate Model to determine impact of options explored on user rates (*ongoing*)



Variables in Options Considered

- Obtaining Additional Capacity in Clayton vs. JoCo
 - ~45% in JoCo and 55% in Clayton
 - ~20% in JoCo and 80% in Clayton
 - All Flow Treated in Clayton
- Timing
 - Raleigh Contract ends in 2027 vs. 2032
- Maximizing Existing Resources
 - Building one new facility vs. two facilities (maintaining Little Creek WRF and building smaller new facility)
- Phasing
 - Is phasing a feasible option to spread out costs for each scenario considered?



Table of Options Considered

	Raleigh Contract Expires 2027			Raleigh Contract Expires 2032		
	~45% of Flow Treated in JoCo; 55% Treated in Clayton	~20% of Flow Treated in JoCo; 80% Treated in Clayton	All Flow Treated in Clayton	~45% of Flow Treated in JoCo; 55% Treated in Clayton	~20% of Flow Treated in JoCo; 80% Treated in Clayton	All Flow Treated in Clayton
	(A)	(B)	(All)	(C)	(D)	(All)
One New Facility	1A	1B	1BAII	1C	1D	1DAII
Two facilities (Little Creek WRF and smaller new facility)	2A	2B	2BAII	2C	2D	2DAII

- This represents 20 options for consideration (including some options as phased)



Options Considered for Rate Study

- Of all the options considered, 5 options were supplied for the Rate Model
 - 1B – One Plant; ~20% of Flow Treated in JoCo; 80% Treated in Clayton
 - 2B – Same as 1B but running Two Plants
 - 1C – One Plant; ~45% of Flow Treated in JoCo; 55% Treated in Clayton
 - 2C - Same as 1C but running Two Plants
 - 1DAll – One Plant, Clayton treats all flows (no flow sent to Raleigh or JoCo by 2037)



Run Enterprise like a Business

- Multi-Year Financial Planning and Monitoring
 - Multiple variable effort
- Maintenance of Expenses and Revenues
 - Capital and Operating Drivers
 - Sustainable Implementation
 - User Rates, System Dev. Fees, and Other Revenues Sources
 - SDFs charges are now mandated by NC Legislation
- Maintenance of Financial Metrics
 - Debt Service Coverage and Fund Balance (Cash)
- Rate Comparison (Competitiveness)
 - ToC's Rates are low and have been low for years
 - "Growth" alone will not cover system requirements
- Adequate and frequent stakeholder engagement



Run Enterprise like a Business

Water Capital Improvement Project



Run Enterprise like a Business

Wastewater Capital Improvement Project



Run Enterprise like a Business

- Multi-Year Financial Planning and Monitoring
 - Multiple variable effort
- Maintenance of Expenses and Revenues
 - Capital and Operating Drivers
 - Sustainable Implementation
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- Rate Comparison (Competitiveness)
 - ToC's Rates are low and have been low for years
 - "Growth" alone will not cover system requirements
- Adequate and frequent stakeholder engagement



Run Enterprise like a Business

Combined Rates					Inside Jurisdiction				Outside Jurisdiction			
Utility	Customers				Estimated Bills				Estimated Bills			
	Residential	Commercial	Industrial	Institutional	5,000 Gals	50,000 Gals	100,000 Gals	1,000,000 Gals	5,000 Gals	50,000 Gals	100,000 Gals	1,000,000 Gals
Town of Cary	65,668	3,150	65	300	59.43	836.12	1,991.77	18,841.61	116.49	985.35	2,133.43	17,827.30
Town of Morrisville	12,387	2,163	-	97	70.22	924.76	2,169.05	20,614.37	148.87	1,251.26	2,665.26	23,145.58
City of Durham	86,834	5,811	120	1,332	37.37	491.18	1,305.70	10,300.51	N/A	N/A	N/A	N/A
County of Durham	19,238	883	-	550	39.67	367.94	912.99	6,719.29	N/A	N/A	N/A	N/A
City of Raleigh	171,033	14,923	183	831	46.48	416.51	1,152.19	7,833.95	92.97	1,390.27	2,752.64	20,436.15
Town of Angier	2,660	342	1	34	75.15	491.40	953.90	9,278.90	90.00	612.00	1,192.00	11,692.30
Town of Fuquay Varina	11,465	904	10	42	79.49	577.19	1,130.19	11,084.19	88.32	630.12	1,232.12	12,138.78
Town of Holly Springs	13,934	874	12	74	75.30	755.08	1,511.50	15,695.10	81.61	767.01	1,414.61	15,452.85
Town of Wendell	Part of Raleigh				55.69	463.34	1,069.31	8,879.41	111.40	1,483.92	2,586.89	22,527.08
Town of Zebulon	Part of Raleigh				67.30	478.32	1,088.03	8,965.45	134.62	1,513.87	2,624.32	22,699.15
Johnston County	31,574	914	16	30	81.08	722.90	1,665.90	13,214.90	N/A	N/A	N/A	N/A
Town of Smithfield	4,609	992	19	83	86.75	717.45	1,422.45	14,112.45	117.74	865.11	1,708.11	16,943.40
Town of Selma	2,081	168	-	-	76.69	789.89	1,979.89	19,881.89	119.23	1,085.88	2,973.38	29,747.95
Harnett County - Residential	38,439				100.50	567.75	1,092.75	10,542.75	N/A	N/A	N/A	N/A
Harnett County - Commercial		698	11	28	104.00	571.25	1,096.25	10,546.25	N/A	N/A	N/A	N/A
Aqua	N/A	N/A	N/A	N/A	98.15	958.18	1,913.76	19,114.29	98.15	958.18	1,913.76	19,114.29
Clayton Proposed - 2020	7,710	661	21	104	87.28	817.72	1,361.22	13,319.89	106.14	1,015.28	1,689.78	16,413.36
Clayton Proposed - 2021					113.46	1,063.04	1,769.59	17,315.86	137.98	1,319.86	2,196.71	21,337.37
Clayton Proposed - 2022					145.23	1,360.69	2,265.07	22,164.30	176.62	1,689.43	2,811.79	27,311.83
Clayton Proposed - 2023					188.80	1,768.89	2,944.59	28,813.59	229.60	2,196.25	3,655.33	35,505.38



What's next?

Decision needed by end of February 2019





Town Council Agenda Cover Sheet

Meeting Date

January 7 2019

Agenda Location

New Business

Item Title

Document Management Program

Presenter

Nancy Medlin, Deputy Town Manager

Summary/Description

The town has purchased content management software to manage electronic documents. Our ultimate goal is to become nearly "paperless". To achieve this "paperless" goal, we must obtain authorization from the North Carolina Department of Archives. The first step in this process is for Council to adopt a Resolution stating a desire to begin scanning documents. Following adoption of this Resolution, staff will prepare and submit to the North Carolina Department of Archives a Compliance and Electronic Records Warranty for their review and approval. This document will outline the quality assurance tests to be implemented. Once final approval is received from the Department of Archives, disposition of paper records can begin.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Resolution

Meeting Timeline

Click or tap here to enter text.

**TOWN OF CLAYTON
RESOLUTION IN SUPPORT OF A DOCUMENT MANAGEMENT PROGRAM
(IMAGING DOCUMENTS)**

WHEREAS, the request to incorporate the Town of Clayton was duly ratified by the State of North Carolina on April 12, 1869; and

WHEREAS, as a corporation, the Town of Clayton operates under the rules and procedures set forth in the North Carolina General Statutes; and

WHEREAS, in conducting the business for the Town, records are generated, and the creation, maintenance, disposal or preservation of the records shall comply with the North Carolina General Statutes of Chapters 121 and 132; and

WHEREAS, the Town of Clayton recognizes public records shall mean all documents, papers, letters, maps, emails, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary materials regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business (NCGS 132-1); and

WHEREAS, the Town of Clayton is responsible throughout the lifecycle of the records – from creation to disposition or preservation; and

WHEREAS, the Town of Clayton strives to provide efficient and timely records reference and retrieval services; and

WHEREAS, the Clayton Town Council duly adopted the North Carolina Municipal Records Retention and Disposition Schedule while in regular session on November 5, 2012; and

WHEREAS, certain records have transient importance with no future reference value, and are stored and maintained until satisfying the Municipal Records Retention and Disposition Schedule; and

WHEREAS, technology has enabled the ability to scan public records and make them accessible electronically; and

WHEREAS, it is the desire of the Town of Clayton to create an Electronic Records and Imaging Policy that is reflective of the records created, maintained, disposed, or preserved in the course of Town business; and

WHEREAS, the Town of Clayton's Document Management Program (Tyler Technologies) would ensure scanned documents are of high quality and are backed up for both archival and disaster recovery; and

WHEREAS, the Town of Clayton further seeks to dispose of the hard copies after quality assurance tests of the scanned documents have been successfully met; and

WHEREAS, upon the successful completion of quality assurance test, a Compliance and Electronic Records Self-Warranty would be completed and remitted to the North Carolina Department of Archives for review and approval prior to the disposition of the paper records.

NOW THEREFORE, the Clayton Town Council does hereby support a resolution supporting the Document Management Program and scanning of documents for the Town of Clayton and the option to dispose of the paper records after the successful completion of the quality assurance test and the approval of the Compliance and Electronic Records Self-Warranty.

Duly adopted this the 7th day of January, 2019 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

January 7 2019

Agenda Location

New Business

Item Title

2018-238-ANX Rising Tide

Presenter

Planning Department

Summary/Description

Annexation of Parcel Number 05G01014C 0.57 acres, 1218 Properties, LLC is the owner.

Requested Action

Set Public Hearing

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Meeting Timeline

Click or tap here to enter text.



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are due by 5pm on the first working day of each month.

Request Information

☐ Contiguous Annexation

☒ Non-Contiguous Annexation

The following items must accompany an annexation petition:

To be completed by the applicant:	Included?	
	Yes	No
1. Petition for Annexation with original signatures	☒	☐
2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet).	☒	☐
3. Legal Description (metes and bounds)	☒	☐

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

Petition for Voluntary Annexation Application – Property Information
COMPLETE IF A LIMITED LIABILITY COMPANY:

Submittal Date: 12/3/2018

Petition No.: 2018-238-ANX

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

*If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is contiguous, X non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total acreage to be annexed: 0.58 ACS
Existing housing units: N/A
Population of acreage to be annexed: 0
Existing Zoning District*: B-3
Proposed Town Zoning District*: B-3
Reason for petitioner to annex: Receive Town Services
X Other (please specify): SEE ATTACHED LETTER

5. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

In witness whereof, 1218 Properties LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 8th day of November, 2018.

Name of Limited Liability Company: 1218 Properties, LLC

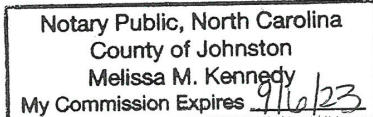
By: [Signature]

Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Melissa M Kennedy, a Notary Public for the above State and County, this 8th day of November, 2018.

SEAL



[Signature]
Notary Public

My Commission Expires: 9/16/2023

In the Town of Clayton Comprehensive Plan 2040 the property requested to be annexed is in an area designated as Downtown Residential. The purpose of areas designated as Downtown Residential is to ***“support and foster the Downtown Core”*** by providing for housing options and office uses that retain and maintain the established neighborhoods.

The Downtown Core as described in the Comprehensive Plan 2040, is an area that is planned to ***“foster an urban environment”*** characterized by preservation of older structures and new construction that is “context sensitive.” The proposed reuse of the property and the reuse of the structure meet the objectives of the Downtown Residential designation of the Comprehensive Plan while supporting and fostering the Downtown Core.

Further, due to the physical location of the property immediately east of the railroad trestle on Main Street, the property its self is the gateway to Downtown Clayton from the west. By being civic minded and supporting the Town of Clayton Comprehensive Plan 2040 and Downtown Clayton the next logical step is to request annexation.

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 or NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	The following certification must be placed on the map near a border to allow the map to be sealed: Annexation # _____ I, Samantha Wullenwaber, MPA, Planning Director, Clayton, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, _____, by the Town Council. I set my hand and seal to the Town of Clayton, _____. _____ Samantha Wullenwaber MPA
14.	Leave 2 inch by 2 inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

11-1-2018

LEGAL DESCRIPTION OF 1218 West Main Street Property

PIN# 165911-66-9594

Johnston County, North Carolina

BEGINNING AT AN IRON PIPE BEING AT THE
NORTHERN INTERSECTION OF THE RIGHTS OF
WAY OF WEST STALLINGS STREET AND WEST
MAIN STREET, HAVE NC GRID COORDINATES OF
N: 696526.80E: 2157064.32' (NAD83/NSRS2011);
THENCE ALONG THE RIGHT OF WAY OF OLD US HIGHWAY 70
N 28°39'24" W A DISTANCE OF 81.77' TO A NEW IRON ROD;
THENCE ALONG THE RIGHT OF WAY OF OLD US HIGHWAY 70
N 22°18'19" W A DISTANCE OF 50.00' TO A NEW IRON ROD;
THENCE ALONG THE RIGHT OF WAY OF OLD US HIGHWAY 70
N 15°18'19" W A DISTANCE OF 75.00' TO A NEW IRON ROD;
THENCE ALONG THE RIGHT OF WAY OF OLD US HIGHWAY 70
N 06°28'19" W A DISTANCE OF 99.08' TO A NEW IRON ROD
BEING IN THE SOUTHERN RIGHT OF WAY OF RAILROAD CORRIDOR;
THENCE ALONG THE SOUTHERN RIGHT OF WAY OF RAILROAD CORRIDOR
S 45°40'51" E A DISTANCE OF 291.15' TO A NEW IRON ROD
BEING IN THE SOUTHERN RIGHT OF WAY OF RAILROAD CORRIDOR AND
WESTERN RIGHT OF WAY OF WEST STALLINGS STREET;
THENCE ALONG THE NORTHERN RIGHT OF WAY OF WEST STALLINGS
STREET S 57°56'41" W A DISTANCE OF 47.17' TO A NEW IRON ROD;
THENCE ALONG THE NORTHERN RIGHT OF WAY OF WEST STALLINGS
STREET S 52°40'41" W A DISTANCE OF 99.55' TO AN IRON PIPE,
BEING THE POINT OF BEGINNING
HAVING AN AREA OF 24,735 SQUARE FEET, 0.57 ACRES

PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:00 PM on Tuesday, January 22, 2019, at Town Hall, 111 E. Second Street, on the question of annexing the following described non-contiguous area, requested by annexation petition 2018-238-ANX filed pursuant to G.S. 160A-58.1:

The area proposed for annexation is described as the following: Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

BEGINNING AT AN IRON PIPE BEING AT THE NORTHERN INTERSECTION OF THE RIGHTS OF WAY OF WEST STALLINGS STREET AND WEST MAIN STREET, HAVE NC GRID COORDINATES OF N: 696526.80E: 2157064.32' (NAD83/NSRS2011); THENCE ALONG THE RIGHT OF WAY OF OLD US HIGHWAY 70 N 28°39'24" W A DISTANCE OF 81.77' TO A NEW IRON ROD; THENCE ALONG THE RIGHT OF WAY OF OLD US HIGHWAY 70 N 22°18'19" W A DISTANCE OF 50.00' TO A NEW IRON ROD; THENCE ALONG THE RIGHT OF WAY OF OLD US HIGHWAY 70 N 15°18'19" W A DISTANCE OF 75.00' TO A NEW IRON ROD; THENCE ALONG THE RIGHT OF WAY OF OLD US HIGHWAY 70 N 06°28'19" W A DISTANCE OF 99.08' TO A NEW IRON ROD BEING IN THE SOUTHERN RIGHT OF WAY OF RAILROAD CORRIDOR; THENCE ALONG THE SOUTHERN RIGHT OF WAY OF RAILROAD CORRIDOR S 45°40'51" E A DISTANCE OF 291.15' TO A NEW IRON ROD BEING IN THE SOUTHERN RIGHT OF WAY OF RAILROAD CORRIDOR AND WESTERN RIGHT OF WAY OF WEST STALLINGS STREET; THENCE ALONG THE NORTHERN RIGHT OF WAY OF WEST STALLINGS STREET S 57°56'41" W A DISTANCE OF 47.17' TO A NEW IRON ROD; THENCE ALONG THE NORTHERN RIGHT OF WAY OF WEST STALLINGS STREET S 52°40'41" W A DISTANCE OF 99.55' TO AN IRON PIPE, BEING THE POINT OF BEGINNING HAVING AN AREA OF 24,735 SQUARE FEET, 0.57 ACRES

This is an open meeting and the public is invited to attend.

Kimberly A. Moffett, CMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004

News & Observer - Clayton

Please advertise on the following date:

January 11, 2019

Affidavit of publication required.

ANNEXATION PETITION 2018-238-ANX

Rising Tide

Parcels: 05G01014C

Owners: 1218 Properties, LLC

Non-Contiguous; 0.57 acres

**TOWN OF CLAYTON
RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION
OF ANNEXATION PURSUANT TO G. S.160A-58.2**

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Clayton, North Carolina that:

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at Town Hall at 6:00 PM on Tuesday, January 22, 2019.

Section 2. Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

BEGINNING AT AN IRON PIPE BEING AT THE NORTHERN INTERSECTION OF THE RIGHTS OF WAY OF WEST STALLINGS STREET AND WEST MAIN STREET, HAVE NC GRID COORDINATES OF N: 696526.80E: 2157064.32' (NAD83/NSRS2011); THENCE ALONG THE RIGHT OF WAY OF OLD US HIGHWAY 70 N 28°39'24" W A DISTANCE OF 81.77' TO A NEW IRON ROD; THENCE ALONG THE RIGHT OF WAY OF OLD US HIGHWAY 70 N 22°18'19" W A DISTANCE OF 50.00' TO A NEW IRON ROD; THENCE ALONG THE RIGHT OF WAY OF OLD US HIGHWAY 70 N 15°18'19" W A DISTANCE OF 75.00' TO A NEW IRON ROD; THENCE ALONG THE RIGHT OF WAY OF OLD US HIGHWAY 70 N 06°28'19" W A DISTANCE OF 99.08' TO A NEW IRON ROD BEING IN THE SOUTHERN RIGHT OF WAY OF RAILROAD CORRIDOR; THENCE ALONG THE SOUTHERN RIGHT OF WAY OF RAILROAD CORRIDOR S

45°40'51" E A DISTANCE OF 291.15' TO A NEW IRON ROD BEING IN THE SOUTHERN RIGHT OF WAY OF RAILROAD CORRIDOR AND WESTERN RIGHT OF WAY OF WEST STALLINGS STREET; THENCE ALONG THE NORTHERN RIGHT OF WAY OF WEST STALLINGS STREET S 57°56'41" W A DISTANCE OF 47.17' TO A NEW IRON ROD; THENCE ALONG THE NORTHERN RIGHT OF WAY OF WEST STALLINGS STREET S 52°40'41" W A DISTANCE OF 99.55' TO AN IRON PIPE, BEING THE POINT OF BEGINNING HAVING AN AREA OF 24,735 SQUARE FEET, 0.57 ACRES

Section 3. Notice of the public hearing shall be published once in the News & Observer - Clayton, a newspaper having general circulation in the Town of Clayton, at least ten days prior to the date of the public hearing.

Duly adopted this 7th day of January 2019 while in regular session.

Jody L. McLeod,
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

January 7 2019

Agenda Location

New Business

Item Title

2018-206-RZ New Trinity Missionary Baptist Church

Presenter

Planning Department

Summary/Description

A rezoning request to rezone two parcels located at 347 W. Main Street and 317 W. 2nd Street from Central-Business (B-1) to Neighborhood Business (B-2). Both properties have frontage along Main Street and Second Street. However, the applicant is only proposing to rezone a portion of each property to B-2, so that the portions along Main Street remain B-1. The properties are adjacent to and generally bordered by commercial uses, with some office and church uses. The other properties on the same block are zoned B-1 and B-2 and surrounding properties are zoned B-1, B-2, R-6, and O-I.

**Requested Action**

Set Public Hearing

Additional Documents to be Included in Agenda Packet

Application

Newspaper Ad

Meeting Timeline

December 18th – Planning Board

January 7th – Set a Public Hearing (Town Council)

January 22nd – Public Hearing



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

REZONING APPLICATION

- ☒ Standard Rezoning Fee: \$400.00
☐ Planned Development Rezoning Fee: \$1,000 + \$5.00 per acre
☒ Advertisement Fee: \$200.00

SITE INFORMATION

Name of Project: New Trinity Missionary Baptist Church

Acreage of Property: 1.809 Acres

Zoning District: B-1 & B-2

County Tag #: 05019025

05 019020

NC Pin #: 165916-93-7577

165916-93-7608

Address/Location: 115 Robertson Street

347 W Main St + 317 W 2nd St

Existing Zoning District: B-1 & B-2

Proposed Zoning District: B-2

APPLICANT INFORMATION

Applicant: New Trinity Missionary Baptist Church

Mailing Address: P.O. Box 827, Clayton, N.C. 27528

Phone Number: 919-606-5012

Fax: _____

Contact Person: Mike Sims

Email Address: ssmsbdg@aol.com

PROPERTY OWNER INFORMATION

Name: New Trinity Missionary Baptist Church

Mailing Address: 115 Robertson Street, Clayton, N.C. 27520

Phone Number: 919-606-5012

Fax: _____

Email Address: ssmsbdg@aol.com

OFFICE USE ONLY

Date Received: OCT 31 2018

Amount Paid: \$600

File Number: 2018-206-RZ

TOWN OF CLAYTON
PLANNING DEPARTMENT

July 2018

Still owes \$100 as of 11-1-18

2 of 10

EXPLANATION OF PROJECT

Please provide detailed information concerning all requests. Attach additional sheets if necessary.

WE ARE CURRENTLY SEEKING TO REZONE 1.8 ACRES AT THE ATTACHED
LOCATION FROM B1+B2 TO ENTIRELY B-2

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

IN KEEPING WITH THE TOWN OF CLAYTON'S COMPREHENSIVE GROWTH
PLAN. THE TOWN IS LOOKING AT A 47% GROWTH RATE FROM 2010 TO
2030. WE WOULD LIKE TO BUILD A SANCTUARY THAT WILL ACCOMMODATE THIS GROWTH.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.

PART OF THE PROPERTY WAS ZONED RESIDENTIAL. THIS IS WHY
WE ARE ASKING FOR A REZONING.

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.

THE PROPOSED CHANGES HELPS WITH THE GROWTH OF THE
CHURCH AND GROWTH WITH THE TOWN.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.

THERE IS ADEQUATE PUBLIC FACILITIES TO SUPPORT THIS PROJECT.
THERE IS WATER, SEWAGE, AND ROADS AVAILABLE.

5. It has been determined that the legal purposes for which zoning exists are not violated.

THIS WILL NOT CREATE ANY LEGAL ISSUES FOR EXISTING
PROPERTIES.

6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.

ADJOINING PROPERTIES WILL HAVE NO ADVERSE EFFECT FROM
REZONING OF CURRENT PROPERTY.

7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

NO ONE PROPERTY OWNER OF SMALL GROUP WILL BENEFIT
FROM CHANGES MADE.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to amend the Zoning Ordinance and change the Official Zoning Map of the Town of Clayton as requested. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.

Michael Sims
Print Name

Michael Sims
Signature of Applicant

OCT. 12 2018
Date



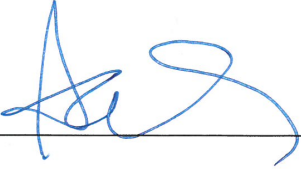
TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

REZONING APPLICATION COVER SHEET

Name of Project: New Trinity Missionary Baptist Church Date: 9-10-18
Applicant Name: New Trinity Missionary Baptist Church

The following checklist to be completed by applicant:

- ☐ Pre-Application Meeting on: 9/18 (Samantha)
- ☒ Review Fee
- ☒ Advertisement Fee
- ☒ Completed Application
- ☒ Owner's Consent Form
- ☒ Adjacent Property Owner's List
- ☐ Neighborhood Meeting Notice Letter (1 copy) needs date & was told to wait for
- ☒ Set of stamped, addressed, empty envelopes for adjacent property owner notification ok.
- ☒ Signed & Sealed Boundary Survey
- ☒ Copy of signed & sealed boundary survey in PDF on USB

Reviewed by: 

ADJACENT PROPERTY OWNERS LIST

Project Name: New Trinity Missionary Baptist Church

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS
05023026	Raymond E. Lee	Main Street
05019026	Lee Brothers Rental	399 W. Main Street
05019024	Percy Yates Lee	389 W. Main Street
05019023	Percy Y. Lee	381 W. Main Street
05019021	Hilburn Investments Properties LLC	West Main Street
05019020B	Hilburn Investments Properties LLC	West Main Street
05019066	Graham Rentals LLC	315 W. Main Street
05019018A	The M5 Investments Group LLC	110 Ellington Street
05019042	Mable M. Howard	303 W. Second Street
05019040	Hocutt Baptist Church	311 W. Second Street
05019035A	Hocuttt Baptist Church	Second Street
05018036	Hocutt Baptist Church	Second Street
05019029	Hocutt Baptist Church	345 W. Second Street
05019027	Hocutt Baptist Church	Second Street
05023003	Hocutt Baptist Church	Second Street
05019004	Jerry T, Dew, Sr.	326 W. Main Street

PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on Tuesday, January 22nd, 2019, at 6 PM at Town Hall, 111 East Second Street, to consider the following rezoning requests:

- 2018-206-RZ New Trinity Missionary Baptist Church for parcel number(s) 165916-93-7577 & 165916-93-7608, all within the town limits off Main Street. The requested change is from Central-Business (B-1) to Neighborhood-Business (B-2).
- 2018-226-RZ Town Hall Parking Expansion for parcel number(s) 166913-02-1690, 166913-02-0545, 166917-02-1435, all within the town limits off East Second Street. The requested change is from Residential-6 (R-6) and Office-Institutional (O-I) to Public Facility (PF).

The Clayton Town Council reserves the right to approve the request as presented or any portion of the request without necessity of withdrawal or modification of the application or additional public hearing on the matter. Likewise, the Town Council may designate approval to the district requested or another district or districts without modification of the request or additional public hearing.

This is an open meeting and the public is invited to attend.

Damiere Powell, Planner
919-553-5002

News & Observer - Clayton

Please advertise on the following dates:
January 11, 2019
January 18, 2019

Affidavit of publication required.



Town Council Agenda Cover Sheet

Meeting Date

January 7 2019

Agenda Location

New Business

Item Title

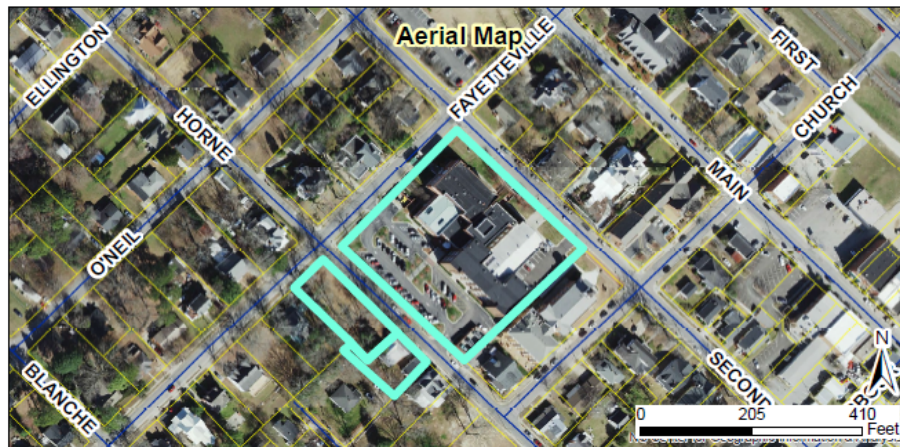
2018-226-RZ Town Hall Parking Expansion

Presenter

Planning Department

Summary/Description

A rezoning request to rezone three parcels located at 111 East Second Street and 117-121 Horne Street from Residential-6 (R-6) and Office-Institutional (O-I) to Public Facilities (PF). Currently, Town Hall is located on one of the parcels. The other parcels are vacant or used as a single-family residence. The parcels are bordered generally by single-family residences. Adjacent properties are zoned Office-Institutional (O-I), Central-Business (B-1), and Residential-6 (R-6). If rezoned, the Town plans to redevelop the existing parking at Town Hall and incorporate the two new parcels on the south side of Horne Street to further expand the parking lot. A portion of Horne Street will also be abandoned and incorporated into the new parking lot.

**Requested Action**

Set Public Hearing

Additional Documents to be Included in Agenda Packet

Application

Newspaper Ad

Meeting Timeline

December 18th – Planning Board

January 7th – Set a Public Hearing (Town Council)

January 22nd – Public Hearing



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

REZONING APPLICATION COVER SHEET

Name of Project: Town Hall Parking Lot Expansion Date: 12/3/2018

Applicant Name: David DeYoung

The following checklist to be completed by applicant:

- [☒] Pre-Application Meeting on: 11/14/2018
- [☒] Review Fee N/A
- [☒] Advertisement Fee N/A
- [☒] Completed Application
- [☒] Owner's Consent Form
- [☒] Adjacent Property Owner's List
- [☒] Neighborhood Meeting Notice Letter (1 copy)
- [☒] Set of stamped, addressed, empty envelopes for adjacent property owner notification
- [☒] Signed & Sealed Boundary Survey
- [☒] Copy of signed & sealed boundary survey in PDF on USB

Reviewed by: _____



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

REZONING APPLICATION

- ☒ Standard Rezoning Fee: \$500.00
☐ Planned Development Rezoning Fee: \$1,000 + \$5.00 per acre
☐ Advertisement Fee: \$200.00

SITE INFORMATION

Name of Project: Town Hall Parking Lot Expansion
Acreage of Property: +/- 3.16 Acres Zoning District: R-6 and O-I
County Tag #: 05015058, 05020002B, 05016043A NC Pin #: 166913-02-1690, 166913-02-0545, 166917-02-1435
Address/Location: 111 East Second Street and 117 - 121 Horne Street
Existing Zoning District: R-6 and O-I Proposed Zoning District: PF

APPLICANT INFORMATION

Applicant: David DeYoung, Town of Clayton
Mailing Address: 111 East Second Street, PO Box 879, Clayton NC, 27528
Phone Number: 919-553-5002 Fax: N/A
Contact Person: David DeYoung
Email Address: ddeyoung@townofclaytonnc.org

PROPERTY OWNER INFORMATION

Name: Town of Clayton (Town is acquiring parcel from Horne Memorial Methodist Church)
Mailing Address: 111 East Second Street, PO Box 879, Clayton NC, 27528
Phone Number: 919-553-5002 Fax:
Email Address: ddeyoung@townofclaytonnc.org

OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ File Number: _____

EXPLANATION OF PROJECT

Please provide detailed information concerning all requests. Attach additional sheets if necessary.

The Town of Clayton is seeking to rezone the subject parcels to Public Facilities to more accurately reflect the current use and to accommodate the expansion of the primary parking area at Town Hall and the Clayton Center.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

The proposed rezoning is consistent with the adopted plans of the Town. Specifically, the rezoning to PF is consistent with the Future Land Use Designation of Downtown Residential, which historically includes public facilities such as government offices, churches, and schools.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.

Parking is permitted in both the existing and proposed zoning district. The current use and the expansion of Town Hall's primary parking area is more suitable in the proposed zoning district as the primary use of the subject property is government (public) facilities.

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.

The proposed change in zoning will allow for the addition of much needed parking to support activities at Town Hall, the Clayton Center, and Horne Church. The existing facilities do not have adequate parking to accommodate major functions such as concerts, conferences, weddings, funerals and church services.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.

The rezoning will not negatively impact capacity public facilities as the existing use is not changing.

5. It has been determined that the legal purposes for which zoning exists are not violated.

The proposed rezoning is to a standard zoning district adopted in the Town's Unified Development Code to support public facilities. Consequently, the legal purposes for which zoning exists will not be violated.

6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.

There are three single family houses that are adjacent to the expanded parking area. To mitigate adverse impacts on these properties, the town will be installing a minimum 10 foot wide Class "C" buffer. In addition to the Class "C" buffer, site lighting and landscaping will be placed to limit spill-over and glare.

7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

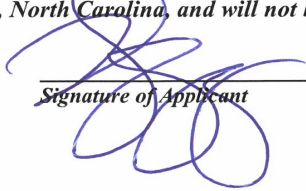
The expanded parking area is to benefit the public and visitors to Town Hall, the Clayton Center and Horne Church and
will not benefit one or a small group of property owners to the detriment of the public.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to amend the Zoning Ordinance and change the Official Zoning Map of the Town of Clayton as requested.. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.

David DeYoung

Print Name


Signature of Applicant

10/3/2018
Date

PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on Tuesday, January 22nd, 2019, at 6 PM at Town Hall, 111 East Second Street, to consider the following rezoning requests:

- 2018-206-RZ New Trinity Missionary Baptist Church for parcel number(s) 165916-93-7577 & 165916-93-7608, all within the town limits off Main Street. The requested change is from Central-Business (B-1) to Neighborhood-Business (B-2).
- 2018-226-RZ Town Hall Parking Expansion for parcel number(s) 166913-02-1690, 166913-02-0545, 166917-02-1435, all within the town limits off East Second Street. The requested change is from Residential-6 (R-6) and Office-Institutional (O-I) to Public Facility (PF).

The Clayton Town Council reserves the right to approve the request as presented or any portion of the request without necessity of withdrawal or modification of the application or additional public hearing on the matter. Likewise, the Town Council may designate approval to the district requested or another district or districts without modification of the request or additional public hearing.

This is an open meeting and the public is invited to attend.

Damiere Powell, Planner
919-553-5002

News & Observer - Clayton

Please advertise on the following dates:
January 11, 2019
January 18, 2019

Affidavit of publication required.