



Town of Clayton
Regular Town Council Meeting Minutes
Monday, April 1, 2019 @ 6:00 PM
Council Chambers

COUNCIL PRESENT:

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

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, D/Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Dave DeYoung, Econ. Development Director
Samantha Wullenwaber, Planning Director
Robert McKie, Finance Director
Blake Mills, A/Public Works 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 6:03 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

- a) Mr. Lindsay requested that Closed Sessions be removed from the agenda. Additionally he asked that an additional action be added to Item 6c for Adoption of Resolution related to Wastewater Allocation Request.

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) Certification of Sufficiency - 2019-29-ANX - The Village @ Little Creek Subdivision
- b) Resolution Setting Public Hearing - 2019-29-ANX - The Village @ Little Creek Subdivision
- c) Proclamation - Week of the Young Child
- d) Bid Award - Sam's Branch Greenway Phase II
- e) Budget Ordinance - Sam's Branch Greenway Phase II

ACTION: Adoption of the Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

- a) Warranty Acceptances
- RWAC - Alpine Valley Phase 6A-4
 - Parkview Subdivision, Phase 1

ACTION: Placed on April 15, 2019 Consent Agenda

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) NEW EMPLOYEE INTRODUCTIONS
Presenter: Robert McKie, Finance Director
- Kristie Germano - Staff Accountant
 - Hector Nunez - Warehouse Specialist

Mr. McKie introduced both Kristie, who serves as a Staff Accountant and Hector who is the Warehouse Specialist.

Kristie began on January 7, 2019. She has numerous years of experience. Hector began work on March 4, 2019 and previously worked at Pepsi Cola. Mr. McKie stated both employees were doing a great job.

Kristie said she was happy to be here and Hector stated he was happy as well. Council welcomed both employees to the Town of Clayton.

- b) Presentation of Week of the Young Child Proclamation

Ms. Wooten introduced the Chamber of Commerce Education Committee members who were present and provided information regarding the request for the Week of Young Child. Mayor McLeod read and presented the Proclamation to the group.

- c) 2019 Art Sculpture Trail Selections
Presenter: Sara Perricone, Public Art Advisory Board Chair

Ms. Perricone presented and shared information regarding the sub-committee. Ms. Perricone provided a PowerPoint presentation highlighting the submissions that were selected for the 2019-2020 Art Sculpture Trail. She provided information about the process regarding submission and selection. It is anticipated the new sculptures will begin being installed in June.

Ms. Perricone shared information regarding the Fish Display on the Greenway. Many of the fish were painted by Ms. Jeffrey's students at Corinth Holders High School, many of these students are special need students. Reception will be held on Thursday evening and everyone is invited.

Mayor Pro Tem Grannis offered his thanks and appreciation. He shared that he was very honored to have been part of a ceremony held at the High School last week.

6 PUBLIC HEARINGS

- a) Abandonment of Portion of Horne Street
Presenter: Dave DeYoung, Economic Development Office

Mr. DeYoung requested this hearing be continued to April 15, 2019.

ACTION: Continued to April 15, 2019

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

- b) 2018-231-PDD - Barbour Tract Rezoning
Presenter: Planning Department

Ms. Wullenwaber presented and stated the applicant is requesting to rezone 32.10 acres from Single Family Residential (R-8) to Planned Development Residential (PD-R). The property is located south off O'Neil Street and Oakdale Avenue, northwest of Cooper Academy and east off of Wilson Street.

The request is consistent with the Comprehensive Plan and Surrounding Land Uses. The applicant has addressed all criteria. Both staff and the Planning Board recommend approval.

Mayor McLeod opening the Public Hearing at 6:27 p.m.

The applicant, Reid Smith, was present and stated he was available for any questions or concerns.

With there being no questions, the hearing was closed and the item was turned over to council for their deliberation.

ACTION: Adoption of Ordinance #2019-04-02

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

- c) 2018-233-SD - Barbour Tract - Master Plan (Quasi-Judicial)
Presenter: Planning Department

Ms. Ross, Town Attorney, provided details regarding Quasi-Judicial hearings to include the types of evidence that could be considered by council when making their decision. Additionally anyone wishing to offer testimony must do so under oath. Those who wished to offer testimony were administered the Oath of Affirmation by Kimberly Moffett, Town Clerk.

Ms. Wullenwaber presented this item and stated request is to entitle the Master Plan with a total of 255 residential units. Development is proposed to include 133 single family homes, 12 townhomes and 10 apartment buildings with a total of 110 units. Property is 32.10 acres located south off O'Neil Street and Oakdale Avenue, northwest of Cooper Academy and east off of Wilson Street.

Ms. Wullenwaber stated the Site Plan shows a total of three access points to include N. O'Neil, E. Wilson Street and roundabout at N. Mial Street.

A total of 6.3 acres of open space is proposed. Applicant proposed to dedicate 1.6 acres to the town, however, town staff does feel this would serve a public purpose. Town Council would make final decision regarding acceptance of land.

Details were provided regarding the proposed amenities as well as the Class "C" perimeter landscaping buffer. A multi-use trail is proposed around the retention pond to connect Cooper Academy to the eastern portion of the project. Sidewalk on both sides of road within subdivision. Ms. Wullenwaber stated applicant is proposing roundabout be located by school. It is believed this is will help with traffic around the area, especially during arrival and end of school day.

Architectural elevations were shown for the single family residences. There are two types both front and alley loaded. Staff recommended that the minimum lot width for all single-family front-loaded lots be increased to 42'. Applicant is requesting a width of 37'. The 42' width is consistent with the town's smallest lot width allowed in R-8. This proposed width would allow for parking and ensure homes were not right on top of each other. Ms. Wullenwaber further stated staff was comfortable with a lot with of less than 42' if alley-loaded. Ms. Wullenwaber stated Georgetowne, which is located nearby this project, have 55' lot widths.

Elevations were also shared regarding townhomes and apartments. Applicant did push unit back to allow for adequate parking at townhomes. Also shown was a phase map and there would be a total of 9 phases for this project. Improvements were scheduled to take place on Rosemary this summer, but this will need to be pushed back.

Ms. Wullenwaber stated a Traffic Impact Analysis was conducted and our consultant reviewed. NCDOT did recommend some improvement for N. O'Neil Street. Upon review of study, staff and consultant did not feel these improvements were required.

Project is consistent with Comprehensive Plan and Surrounding Land Use. Applicant did address all Findings of Fact.

Staff has recommended that conditions as listed in staff report be placed on project if approved. Ms. Wullenwaber stated there was a change on Condition #12 from the Staff report that was included in agenda packet. Original

condition stated a minimum of a 25' garage setback and staff has changed that condition to a 24' garage setback.

Council Member Bunn asked about the lot width. There was discussion regarding our UDC which states width minimum of 42', however, a PDD allows applicant to set different standards. Ms. Wullenwaber did state that Walton Farms was previously approved at a width of 37' for front-loaded homes by council.

Attorney Ross asked staff to address width concerns regarding Findings of Fact and lot width. Ms. Wullenwaber stated her concern related safety concerns with vehicle congestion as well as fire hazard concerns.

Mayor Pro Tem Grannis asked what the difference was regarding Walton Farm and this project. Ms. Wullenwaber stated that it simply was the lot width. She stated she believed there were parking concerns at Walton Farms, but they have been addressed. She stated though they were approved, lesson learned. Ms. Wullenwaber stated that developers have the right to ask for what they would like but they are advised that per the UDC width is 42'.

Mayor Pro Tem Grannis asked staff to address 1.60 being dedicated to the town. Ms. Wullenwaber stated that a portion of this would be maintained by the HOA and other parts maintained by the town. Further some of these pocket parks that are located within subdivisions and do not serve the public well and many times folks that live within subdivision are protective of their perceived park. Mayor McLeod stated it appeared that this area would serve the subdivision and not the public and probably not worth the maintenance to the town.

Applicant, Reid Smith addressed council. He stated this project has been two years in the making and stated he felt the project was now ready for presentation. He stated staff had been very responsive. He stated the name of the neighborhood would be Academy Pointe, which comes from Cooper Academy. Mr. Reid shared information regarding the development team and provided an overview of the project. He stated this development would be an extension of downtown and add an appropriate feel and was excited to see what this project would bring to this area. He spoke about desire to see folks walking their kids to school and parks, which would be similar to Riverwood. He shared a view of locations of Tot Lot, Dog Park, Park, Walking Trail and additional Tot Lot. He further stated there was no concern regarding the land proposed to be dedicated to town.

Provided were photos of single-family residents, townhomes and apartments. Mr. Smith stated it was their desire to provide affordable housing options. He shared details regarding the property being maintenance free as part of the HOA. He stated this helped to keep everything look clean and neat with regard to lawn maintenance. Mr. Smith shared information about the roundabout as the safest and amenity for Cooper Academy students. He stated it was hoped that this property would allow more folks to participate in town events and patronize local businesses.

Mr. Smith introduced his expert witnesses and their credentials. Rynal Stephenson is a licensed traffic engineer and has many years experiences; Marc Jones is a NC State certified general real estate appraiser and a qualified witness, and Donnie Adams is a NC professional civil engineer with over 20 years of experience.

The following Finding of Facts were addressed:

Finding of Fact #1

"That the subdivision meets all required specification of the Town Subdivision Regulations and conforms to the Unified Development Code."

Mr. Adams stated it was his opinion that this project was in full compliance. Mr. Stephenson also stated it was his opinion that all required specifications had been met.

Finding of Fact #2

"That 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."

Mr. Adams stated it was his opinion project would not be detrimental in any way. Mr. Stephenson stated it was his opinion project would not be detrimental and further stated he believed the roundabout would increase safety. Mr. Jones stated it was his opinion that the project would not be detrimental and further he felt this project would be very positive for the area.

Finding of Fact #3

"That 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."

Mr. Stephenson stated it was his opinion that the project would provide for distribution of traffic in a manner that would avoid congestion in immediate area. Mr. Adams also offered his opinion and stated this project would provide for distribution of traffic in manner to avoid or mitigate congestion in the immediate area.

Finding of Fact #4

"That the subdivision will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by Town Council."

Mr. Adams stated it was his opinion that the project would not adversely affect general plans for orderly growth.

Mr. Smith asked for questions regarding concept and Findings of Fact and then address concern raised by staff regarding lot width.

Mayor Pro Tem Grannis asked about the land proposed to be dedicated to the town. He asked if the HOA would take over that property should the town

decide not to accept the land. Mr. Smith stated that was correct, the HOA would take over responsibility.

There was a question regarding the proposed roundabout and ability for large trucks and school buses to gain entry into Cooper Academy. Mr. Adams stated the roundabout was designed in accordance with all guidelines and there would no issue with large trucks or school buses.

Mayor Pro Tem Grannis referred to applicant response with regarding for Finding of Fact #2 as addressed in application and access and traffic flow to and from the school. He asked if that response dealt strictly to roundabout or additional improvements. Mr. Stephenson stated that it included the additional improvements not just the roundabout.

Mayor McLeod asked for clarification of total units. Mr. Adams stated the total number of units would be 255 total to include 133 single-family homes, 12 townhomes and 110 apartment units.

Mayor McLeod shared his concern about traffic in and out with relation to O'Neil Street and volume. Mr. Stephenson stated that there is a good grid pattern that would allow traffic additional ways to access the property and Main Street and not all traffic would be forced to O'Neil. He stated there had been discussion to retiming of existing traffic signal at intersection to handle additional volume. Mayor stated he has some concerns regarding RR and should RR ever decide to close down Fayetteville Street, what that might mean. Mr. Stephenson stated there are going to be times that traffic would be greater than other times. Mayor asked for explanation regarding other exit possibilities. Mr. Stephenson stated there would be multiple options to include Rosemary Street, Wilson Street and O'Neil.

Mayor Pro Tem Grannis confirmed that the alley-load homes would be a private street and asked how they would they be maintained. Mr. Smith stated they would be maintained by the HOA. Would there be parking allowed on private streets and Mr. Reid stated that would not be allowed and violations would be issued.

Mr. Smith submitted Exhibit #1 as part of the record. He provided history of previous projects that were approved with a 37' width to include Parkview & Walton Farms. He further stated that Smithfield recently approved a project similar to this with no objection. Mr. Smith stated that he does not understand why this would be a problem. He stated it is critical that this area be developed and density is critical. He stated he struggled to understand the reasons staff had an issue. He addressed the two concerns raised by staff which included parking and fire safety concerns. He stated the 37' width allows for the parking 3 vehicles. He stated the alternative would be rear entry alley-load which would only allow for 2 vehicles on a pad in the rear of the residence. He also addressed concern about fire trucks and not sure why this would be an issue as footprint remains the same as the alleyway. He stated there are no issues related to emergency vehicles at other projects. He stated he would like council consideration for this project.

Mayor McLeod asked in event there was more parking on street how would that be enforced? Mr. Smith stated hopefully that would not be an issue as they would have spots for 3 vehicles. Mr. Smith stated alleyway would only allow for parking of 2 cars and in turn mean more enforcement.

Mayor also questioned one council does not bind another is that correct. Attorney affirmed that. Additionally Attorney Ross advised that one approval is not precedential to another and council is not bound by any previous decisions. Mr. Smith asked how developers were to know if there were no consistency. Ms. Ross reminded this is a Planned Development and while there are no rules in place and further that developer and staff work together and council makes final determination. Mr. Smith again asked for consistency.

There were no further questions and Attorney Ross reminded conditions be included in motion.

Mr. Smith stated they were okay with all conditions with exception of condition related to lot width.

Council Member Satterfield stated he was in favor of 37' width. Council Member Bunn asked if the issue regarding 37' width was discussed at Technical Review. Ms. Wullenwaber stated this was thoroughly discussed at TRC and the developer chose not to take staff recommendation and bring it to council for consideration.

Ms. Wullenwaber confirmed that Staff Report on line was updated since time agenda was published and further the Resolution provided by Town Clerk was correct.

ACTION: Approval of 2018-233-SD
With Conditions in Staff Report with Exception to Amend to Condition #13 to allow for 37' lot widths and additionally that Pocket Parks would not be accepted by Town

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

ACTION: Adoption of Resolution #2019-12 (Wastewater Allocation Request)

Mr. Cappola stated our available non-committed balance 448870 gallons and approximately 400000 is operationally difficult to reach.

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

- d) 2019-31-SUP - Kid's First Pediatrics - Special Use Permit (Quasi-Judicial)
Presenter: Planning Department

Ms. Ross, Town Attorney, provided details regarding Quasi-Judicial hearings to include the types of evidence that could be considered by council when making their decision. Additionally anyone wishing to offer testimony must do so under oath. Those who wished to offer testimony were administered the Oath of Affirmation by Kimberly Moffett, Town Clerk.

Ms. Hogg provided details regarding request to operate a medical office in existing tenant space located at 435 Athletic Club Boulevard. Current zoning is Central Business (B-1).

Ms. Hogg stated the project is consistent with the Comprehensive Plan and Surrounding Land Uses and the applicant has addressed the Findings of Fact.

Staff recommends condition, as included in staff report be placed if approved.

The applicant, Mr. Sarle was present. He provided his credentials as an architect. He stated it was his opinion that all four Findings of Fact had been met.

Council Member Satterfield stated he had concerns regarding applicant and his credentials regarding all Findings of Fact.

At this time, Mr. Donnie Adams and Mr. Reid Smith were issued the Oath of Affirmation by the Town Clerk.

Mr. Adams, provided his credentials as a civil engineer and stated that it was his professional opinion that all Findings of Fact had been met.

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

ACTION: Approval 2019-31-SUP with Condition as Included in Staff Report

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

- e) 2018-61-SUP - Camel Street Townhomes - Special Use Permit (Quasi-Judicial)
Presenter: Planning Department

It was stated that Items 6e and 6f would be heard as a joint Public Hearing.

Ms. Ross, Town Attorney, provided details regarding Quasi-Judicial hearings to include the types of evidence that could be considered by council when making their decision. Additionally anyone wishing to offer testimony must do so under oath. Those who wished to offer testimony were administered the Oath of Affirmation by Kimberly Moffett, Town Clerk.

Ms. Hogg presented and stated that a Special Use Permit is required for development of townhomes. This request is running concurrently with 2018-59-SD. Request is to allow use of townhomes on a portion of 8.98 acres

located at corner of Camel and Mial Streets. Property is zoned R-8 and current use is vacant.

Request is for 62 units with 6.9 units per acre with shared total parking of 140 spaces. It was stated that this parking does exceed requirements. Developer is proposing sidewalks, so there will be a continued sidewalk throughout.

Ms. Hogg stated the project is consistent with the Comprehensive and Surrounding Land Uses. Applicant has addressed Findings of Facts on both applications.

Staff recommends conditions, as included in Staff Report, be included if approved.

Ms. Penny Sakadio, applicant was present. She stated she is a civil engineer licensed in North Carolina. She offered her thanks to staff. She stated she was in agreement with condition as proposed by staff and further it was her professional opinion that all Findings of Fact had been met.

Mayor Pro Tem Grannis stated per the staff report, staff concurred with all four responses to the Findings of Fact.

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

ACTION: Approval 2018-61-SUP with Condition as Listed in Staff Report

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

- f) 2018-59-SD - Camel Street Townhomes (Quasi-Judicial)
Presenter: Planning Department

ACTION: Approval 2018-59-SD with Conditions as Listed in Staff Report

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

ACTION: Adoption of Resolution #2019-11(Wastewater Allocation) *Revised 15,500

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

- g) **2018-74-OA - Private Street Ordinance Update**
Presenter: Planning Department

Ms. Wullenwaber provided details regarding proposal for amendment. She stated many hours of research went into this ordinance and further that this was a collaborative process.

This proposal would create private street standards. Ms. Wullenwaber provided details regarding the difference between Class A and Class B streets which based on number of lots.

Both Staff and Planning Board recommend approval.

Mayor Pro tem Grannis asked for additional information regarding research completed. Ms. Wullenwaber state approximately 20 additional municipalities were researched. She further stated there are very few municipalities that allow private streets and private streets are mostly allowed by counties. Mayor Pro Tem Grannis confirmed that the number of lots without paving would be 5.

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

ACTION: Adoption of Ordinance #2019-04-03

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

7 OLD BUSINESS

8 NEW BUSINESS

- a) **Vehicle Purchase Budget Amendment**
Presenter: Robert McKie, Finance Director

Mr. McKie provided details regarding this budget amendment which refer to town vehicles that need replacement.

ACTION: Adoption of Ordinance #2019-04-04

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

9 STAFF REPORTS

- a) **Town Manager**
b) **Town Attorney**

- c) Town Clerk
- d) Other Staff
 - ADA Transition Plan

Presenter: Blake Mills, Asst. Public Works Director

Mr. Mills shared details regarding details and requirements for ADA Transition Plan.

Mayor Pro Tem Grannis asked if there were a timeline to be in compliance. Mr. Mills stated there was no timeline to be in compliance and further explained the process and stated he believed the process would take several years.

- e) Chief Barbee provided details regarding the upcoming April 11, 2019 Firefighter Banquet and extended an invitation to all council.

10 OTHER BUSINESS

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

Mayor Pro Tem Grannis stated he attended the opening ceremony of the Senior Games today. He stated it was a great event and well organized.

Mayor McLeod brought up concerns regarding school crossings and wanted to ensure that proper markings are in place to ensure safety. Mayor McLeod asked if we would be requesting a crossing from NCDOT near the location of the recent student fatality. Mr. Lindsay stated there was a meeting scheduled with NCDOT on this Friday and this issue would be discussed. Mr. DeYoung further stated also the topic would be the widening of Highway 42.

Council Member Thompson spoke about Arbor Day. He stated he was very happy to have attended and stated the students involved were very well informed and educated. He also stated the Clayton HS principal may come to council for a broader level of support with regard to school crossings.

11 CLOSED SESSION

- a) Closed Session Pursuant to NCGS 143-318.11.(a)(1)&(3)

This item was removed from the agenda.

12 ADJOURNMENT

- a) With there being nothing further, the meeting was adjourned at 8:38 p.m.

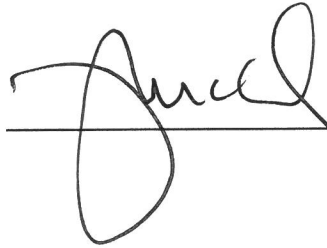
ACTION: Motion to Adjourn

Motion: Council Member Thompson

Second: Council Member Bunn

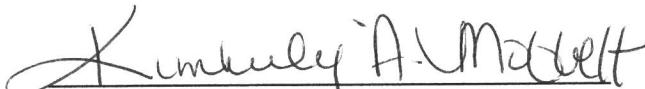
Vote: Unanimous

Duly adopted this the 15th day of April, 2019 while in regular session.



Jody L. McLeod
Mayor

ATTEST:



Kimberly A. Moffett, CMC, NCCMC
Town Clerk