



**Town of Clayton
Regular Town Council Meeting Minutes
Monday, October 1, 2018 @ 6:00 PM
Council Chambers**

COUNCIL PRESENT:

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

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, Deputy Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Samantha Wullenwaber, Planning Director
Blake Mills, Asst. Public Works Director
Stacy Beard, Public Information Officer
David DeYoung, Economic Development Officer
Tim Simpson, Public Works Director
Dale Medlin, Electric Department Supervisor
Blair Myhand, Police Chief
Lee Barbee, Fire Chief
Ann Game, Customer Service Director

COUNCIL ABSENT:

Mayor McLeod

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor Pro Tem Grannis called the meeting to order at 6:01 p.m. He led everyone in the Pledge and offered the Invocation.

2 ADJUSTMENT OF THE AGENDA

- a) Item #3a (September 17, 2018 Draft Minutes) was removed from the Consent Agenda and added to Administrative items as Item #4b

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
 - September 17, 2018 - Regular Meeting

The draft minutes were pulled from Consent and placed on Administrative Items for amendment.

- b) 2019 Town Council Meeting Schedule
- c) 2019 Holiday Schedule
- d) Resolution Directing Clerk to Investigate 2018-183-ANX - Sunbelt Rentals

ACTION: Adoption of Consent Agenda as Presented

Motion: Council Member Thompson

Second: Council Member Lawter

Vote: Unanimous

4 ADMINISTRATIVE ITEMS

a) Warranty Acceptances:

- Johnston Charter Academy
- Johnston Charter Academy Roadway Improvements Phase 1

ACTION: Placed on October 15, 2018 Consent Agenda

b) Draft Minutes

- September 17, 2018 - Regular Minute

Mayor Pro Tem Grannis stated there was a correction required with regard to the Motion for 2018-125-SD. The motion should reflect that Mayor Pro Tem Grannis voted in opposition.

ACTION: Approved with Amendment

Motion: Council Member Thompson

Second: Council Member Holder

Vote: Unanimous

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) Hurricane Florence Employee Recognition

Presenter: Adam Lindsay, Town Manager

Ms. Beard stated she was working on a video that would hi-lite many of the town employees who participated/assisted with preparation, clean up and follow up regarding Hurricane Florence. She shared the fact that every town department was involved in the process and numerous town employees stepped up and worked together to ensure the residents of Clayton were kept safe and informed before, during and after the storm.

b) Recognition of Public Power Week 2018 - October 7 - 13, 2018

Presenter: Michael Grannis, Mayor Pro Tem

Mayor Pro Tem Grannis shared a recognition honoring our Electric Department staff during Public Power Week 2018. A copy of the recognition was presented to Dale Medlin, Electric Department Supervisor.

c) Harmony Playground Project & Fundraising Update

Presenters: Dean Penny, Clayton Community Recreational Foundation and Derrick Thompson, T&T Creative Group

Mr. Penny and Mr. Thompson provided detailed information regarding the upcoming Gala that would be held on October 20, 2018. Everyone was encouraged to attend and support the fundraising efforts for this inclusive playground. Detailed information was provided regarding the updated fundraising efforts, approximately 50% of total cost has been raised. Also shared information was regarding the creation of a logo and website for the Foundation. The Harmony Playground logo has been refreshed. A brick campaign will be available soon and Novo Nordisk has stepped up and will be a promoter of the campaign. A t-shirt campaign will also take place with Clayton Pediatrics serving as the location for sales. Council offered thanks and appreciation for all the hard work and dedication of everyone involved in this project.

d) **Economic Development Districts**

Presenters: David DeYoung, Economic Development Director and Jim Perricone, Clayton Chamber Economic Development Committee Chair

Mr. DeYoung introduced Mr. Perricone who serves as the Chair of the Chamber of Commerce Economic Development Committee. He shared details about the background of this project and offered his thanks to several town staff members for their assistance. Provided was map showing the various districts of the town. These maps are the first steps in the project and demographics would be gathered for each area. That detailed information will be available to those look to relocate to Clayton. A marketing kit will also be created and made available for each district; which will help brand individual districts to the town. Council stated they were excited to have heard about the great work that had been done and are looking forward to hearing and seeing additional information as the process moves forward.

6 PUBLIC HEARINGS

a) **2018-65-SUP - Spinning Mill - Special Use Permit (Quasi-Judicial)**
Presenter: Planning Department

Ms. Ross provided information regarding a quasi-judicial hearing and the types of testimony that could be considered when making final decision. She further stated those wishing to offer testimony must do so under oath. Those wishing to offer testimony were issued the oath via affirmation by the Town Clerk.

Ms. Wullenwaber stated request is for a Special Use Permits for 255 apartments located off Front Street and Central Street. These units will be located within 8 new buildings as well as the existing Spinning Mill which being renovated. A major site plan was submitted with this application and was reviewed by the Planning Board in September. Current zoning is Neighborhood Business. There are 3 access points, one off of Front Street and two onto Central Street. There will be 450 parking spaces, numerous amenities, appropriate landscaping buffers have been proposed and storm water will be controlled on site. According the to the TIA (Traffic Impact Analysis) there is a total of 1900 trips per day. There is a conflict with the railroad right of way, so any improvements along Front Street will not take place. A right turn lane with a 50' taper off of East Front Street into the

property will be provided. The original TIA called for a left turn lane, however, there is no room to widen Front Street. After discussion with applicant, NDOT and railroad, staff is in agreement with recommendation to have the right turn lane only. The building heights will range from 27' to 52'. Historic characteristics of building will be maintained. Project is consistent with the 2040 Comprehensive Plan and Surrounding Land Use. Applicant has addressed Findings of Fact. Planning Board did approve with conditions as noted in Staff Report.

Mayor Pro Tem Grannis confirmed that the building was height was acceptable at the TRC (Technical Review Committee). Ms. Wullenwaber stated the Fire Department is part of the TRC and also stated the buildings have sprinklers. Mayor Pro Tem Grannis confirmed that NDOT were in agreement with the right turn lane only. Ms. Wullenwaber stated that was correct. Council Member Bunn confirmed that a full TIA was completed and Ms. Wullenwaber stated that was correct.

With no further questions of staff, the floor was turned over to the applicant.

Mr. Marty Bizzell of Bass, Nixon & Kennedy, was present and introduced others who were present representing the applicant. Mr. Bizzell stated he was very excited to be part of this project. Mr. Bizzell provided a bit of historical background regarding the site. He shared photos of what the building currently looks like and stated the building is sound but in need of renovations. Property were recently rezoned to Neighborhood Business. He stated there might be a small coffee shop or restaurant at the location. He stated he believed it was consistent with the Comprehensive Plan. He stated request is to develop a total of 255 apartment units. In addition to the existing building, eight new buildings would be included. He shared photos of the elevations and proposed renderings of the project. He stated each Findings of Fact were addressed satisfactorily. He stated he believed this project would have a very positive impact on downtown Clayton.

Council Member Lawter asked Mr. Bizzell to his provide his credentials for the record. Mr. Bizzell stated he is a licensed engineer with North Carolina and has been practicing for a total of 31 years. Council Member Lawter asked if were his opinion that the project met all criteria and Mr. Bizzell stated it was his professional opinion that he did met all criteria.

Mayor Pro Tem Grannis questioned Mr. Bizzell regarding storm water. Mr. Bizzell stated they had been in contact with Johnston County and they have confirmed that the project is in full compliance. Mayor Pro Tem Grannis also requested if there was any additional information regarding Finding of Fact #3. Mr. Bizzell stated that since the application was submitted, the applicant had purchased the property and gone through several appraisal and feels that adjacent property values would increase based on this purchase. Mayor Pro Tem Grannis asked he there was any evidence that could be provided to substantiate that. Mr. Bizzell stated he could make available appraisals of the current properties. Council Member Bunn asked Mr. Bizzell to address retention ponds and downstream. Mr. Bizzell stated two ponds were designed

to reduce nitrogen and they fully intend to design these in order to control winter storms and run off.

Mr. Thomas Tapp stated that appraisal shows an "as is" value which is usually much lower than a completed project. Attorney Ross reminded that facts should be stated not opinions. Mr. Tapp stated that \$35 million dollars was being invested in the project.

Mayor Pro Tem Grannis asked someone to speak regarding NCRR Right of Way. Mr. Bizzell stated that NCRR they would not allow any additional widening toward the railroad tracks. Mr. Bizzell stated that a copy of the response from NCRR was provided to the town. A copy of that documentation was shared as evidence.

Mr. Ryan Stephenson stated his firm had prepared the TIA. He stated he is a registered professional engineer. Council Member Lawter confirmed that the main traffic flow would primarily exit toward 42 east. Mr. Stephenson stated that was correct. He stated it was his professional opinion that he met Findings of Fact related to any traffic impact.

With no one further wishing to speak, the public hearing was closed and turned over to council for their deliberations.

Mayor Pro Tem Grannis asked what the available uncommitted wastewater availability was. Mr. Simpson stated this project would flow to the City of Raleigh and he believed there was approximately 250,000 GPD available at this time.

Council Member Lawter asked that an updated spreadsheet be provided regarding wastewater allocation amounts. Mr. Lindsay stated that would be discussed during the October 22, 2018 Special Meeting if that were acceptable and Council Member Lawter stated it would be acceptable.

ACTION: Approval of 2018-65-SUP

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

ACTION: Adoption of Resolution #2018-25 (Wastewater Allocation)

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

7 OLD BUSINESS

8 NEW BUSINESS

- a) 2018-123-ORD - Sanitary Sewer Tap Replacements

Presenter: Blake Mills, Public Works Assistant Director

Mr. Mills provided shared a power point regarding the current Code of Ordinance, Chapter 50.15 (Water and Sewer tap Replacements) . He stated that currently customer pays for cost of replacement of the sanitary sewer tap located in the public right of way. He shared details how this process works and further stated this type of work is normally completed our own crews. The current charge is \$1625 for this work with an additional charge of \$500 if a pavement cut is required, if curb and sidewalk is required there is another additional charge of \$500 each for a total cost of \$2625. He stated currently our actual for replacement is \$3579, so we are not recovering full amount. He stated this fee could be an issue for many customers, as this could be an unexpected high cost. He stated he believed there were other options to fund these types of issues, including commodity charges. He provided details regarding how this could be accomplished. He stated that should we include these costs in commodity charges, the average residential customer would see an increase of approximately 50 cents per month. Customer would still be responsible for anything on private property but the town would take care of anything in the public right of way. He further recommended that these changes be retroactive to July 1, 2018, and that anyone who had paid these fees since July 1, 2018 would be refunded.

There was discussion regarding water lines going across private property to reach another resident. Mr. Mills stated the ordinance is clear that when there is a private water line that crosses private property the town can relocate the tap. Mr. Mills was asked about other municipalities and their process. Mr. Mills stated that he had compared our process to at least 18 other municipalities and they do not charge the resident for any sewer tap that was located in public right of way. He also discussed the way several of them handle routine maintenance being the responsibility of the homeowner.

To confirm, the town would replace the sewer tap in the right of way and the property owner would be responsible for maintenance. It was stated that of the municipalities researched, all are putting these fees in their commodity charges.

There was discussion regarding street pavement projects and ability to check sewer taps prior to start of a project. There was also discussion regarding tree intrusion in pipes and how difficult it is to determine where the roots are coming from.

Council Member Lawter suggested that this item be tabled until the rate study information was completed. He stated he liked the ordinance but wanted to see the rates. Mr. Lindsay stated that these figures be included in the rate study figures.

ACTION: Place on November 5, 2018 Agenda

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

Mayor Pro Tem Grannis asked that applicant speak to easement on adjoining property with reference to Finding of Fact #3.

ACTION: Set Public Hearing for October 15, 2018

- c) 2018-119- PDD - Ashcroft - Phases 6 & 7 Planned Development Rezoning
Presenter: Planning Department

ACTION: Set Public Hearing for October 15, 2018

- d) 2018-120-SD - Ashcroft - Phases 6 & 7 Preliminary Plat Major Modification
(Quasi-Judicial)
Presenter: Planning Department

ACTION: Set Public Hearing for October 15, 2018

- e) 2018-121-SUP - Villages @ Parkview - Special Use Permit (Quasi-Judicial)
Presenter: Planning Department

ACTION: Set Public Hearing for October 15, 2018

- f) 2018-122-SD - Villages @ Parkview - Preliminary Plat (Quasi-Judicial)
Presenter: Planning Department

ACTION: Set Public Hearing for October 15, 2018

9 STAFF REPORTS

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

Stacy Beard reported that FEMA representatives would be at the Fire Department on October 2, 2018 at 9:00 a.m. and would be available to provide information to anyone who may need it.

10 OTHER BUSINESS

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

11 ADJOURNMENT

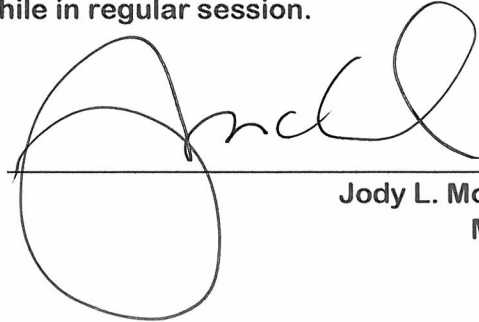
- a) Adjourn the Meeting

With there being nothing further, the meeting was adjourned at 7:40 p.m.

ACTION: Motion to Adjourn

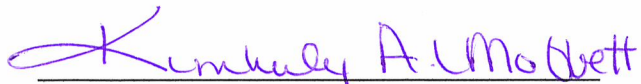
Motion: Council Member Holder
Second: Council Member Thompson
Vote: Unanimous

Duly adopted this the 5th day of November, 2018 while in regular session.



Jody L. McLeod
Mayor

ATTEST:



Kimberly A. Moffett, CMC, NCCMC
Town Clerk

