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 and 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: 3-2 (Lawter & Grannis - 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: 3-2 (Lawter & Grannis - 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 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 18months. 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 Holder
Second: Council Member Thompson
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