



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

COUNCIL PRESENT:

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

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, D/Town Manager
Kimberly Moffett, Town Clerk
Katherine Ross, Town Attorney
Stacy Beard, Public Information Officer
John Hamlin, A/Public Information Officer
Dave DeYoung, Economic Development Officer
Kaitlin Russo, Economic Development Specialist
Samantha Wullenwaber, Planning Director
Jay McLeod, Senior Planner
Tim Simpson, Public Works Director

COUNCIL ABSENT:

Council Member Thompson

1 CALL TO ORDER

Pledge of Allegiance and Invocation

2 ADJUSTMENT OF THE AGENDA

- a) Addition of Item 5g - Clayton Area Ministries Lease

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
- January 16, 2018
 - February 19, 2018
- b) Resolution Directing Clerk to Investigate Sufficiency of Annexation Application - 2018-06-ANX - Glen Haven
- c) Resolution Directing Clerk to Investigate Sufficiency of Annexation Application- 2018-19-ANX - Powhatan Warehouse Annexation
- d) Warranty Acceptances:
- Lionsgate Phases 3A & 3G
 - RWAC Phases 6A-1, 6B, 6C & 6E
 - RWAC Ravens Ridge 8C-1 & 8C-2
- e) Budget Amendment - Talton Property Acquisition

ACTION: Adoption of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

- a) Recommendation for Appointment to Recreation Advisory Board
Presenter: Kimberly Moffett, Town Clerk

ACTION: Placed on March 19, 2018 Consent Agenda

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) Introduction of Samantha Wullenwaber, Planning Director
Presenter: Adam Lindsay, Town Manager

Mr. Lindsay introduced Samantha who is the new Planning Director. Samantha stated she was excited to be in Clayton and looks forward to assisting with the growth of the town. She previously served as the Planning Director for the City of Dunn. Council welcomed her and stated they were happy to have her as part of the team.

- b) Proclamation Recognizing March 16th as 2018 Arbor Day
Presenter: Stacy Beard, Public Information Officer

Ms. Beard presented information regarding the Town of Clayton being a Tree City as well as the process for obtaining a Proclamation recognizing Arbor Day. She shared information regarding the history of Arbor Day in Clayton and partnerships and the planting of trees. This year it was decided to include some fourth grade students in the process of drafting our annual Arbor Day Proclamation. Fourth grade classes at Riverwood participated and this years' Proclamation was crafted by the students. Several of those students were present and along with Mayor McLeod read their proclamation. Mayor McLeod stated he was honored to have the students present and offered the thanks and appreciation of the council for their hard work and participation.

ACTION: Adoption of Proclamation

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

- c) Proclamation Request Recognizing May 5, 2018 as Clayton Derby Classic Day
Presenters: Mike Marvel, Clayton Derby Classic Chair & Stewart McLeod, Johnston Health Foundation Chair

Mr. McLeod thanked the council and provided background regarding the Johnston Health Foundation, which is the fundraising arm of Johnston Health and offer assistance with capital projects and patient assistance. Mr. Marvel spoke about the Clayton Derby Classic Day and stated this fundraising event

will assist with the Angel Fund and the needs of many cancer patients. He stated that Mayor McLeod will serve as the Master of Ceremonies and it is the hope that this event will raise \$100,000 for patients.

ACTION: Placed on March 19, 2018 Consent Agenda

- d) Special Event Request - Mondo Roots - June 2, 2018
Presenter: Blair Myhand, Police Chief

Chief Myhand requested road closures of Main Street from O'Neil to Church Street and Fayetteville Street from First Street to Second Streets from 8:00 a.m. - 11:00 p.m. for this event. Mayor Pro Tem Grannis asked about roll out carts for this event. Ms. Russo stated a trash sponsor would be handling roll out carts. Mayor Pro Tem Grannis asked about security and Chief Myhand stated the Clayton Police Department would be providing security.

ACTION: Placed on March 19, 2018 Consent Agenda

- e) Special Event Request - Alzheimer's NC Johnston County Walk/Fun Run - April 28, 2018
Presenter: Blair Myhand, Police Chief

Chief Myhand requested the approval of road closure for Second Street from O'Neil to Lombard Street. This fun run is a new element to this annual event.

ACTION: Placed on March 19, 2018 Consent Agenda

- f) Special Event Request - Clayton Road Race - May 12, 2018
Presenter: Blair Myhand, Police Chief

Chief Myhand stated this a Town of Clayton event. He stated this will be a rolling street closure and the only NCDOT street included would be Robertson Street.

ACTION: Placed on March 19, 2018 Consent Agenda

- g) Clayton Area Ministries
Presenters: Dale Matthews, Clayton Area Ministries Executive Director & David DeYoung, Economic Development Director

Mr. DeYoung provided information regarding Clayton Area Ministries and lease for old SPCA building. Ms. Matthews provided background information regarding Clayton Area Ministries. She stated the major function is serving as a food pantry and approximately 700 people are assisted every month. Other services provided include assistance with electric bills during the cold months. Currently they are running out of room at the current location on Main Street. She stated there is a wonderful opportunity for expansion at the old SPCA location. That location would be both a larger and more visible location and would allow for additional opportunities to assist those in need.

Mr. DeYoung stated an advertisement is required to take place 30 days prior the execution of a lease. This item will return to council following that timeline for authorization of execution of said lease.

6 PUBLIC HEARINGS

- a) 2017-195-RZ - Recovery Logistics Rezoning
Presenter: Planning Department

Mr. McLeod stated the applicant has requested to postpone, however they have not identified a date.

Mr. McLeod provided options with regarding to setting another public hearing date. He further stated people were present in the audience that wished to speak on the item.

Council stated applicant would need to have this item re-advertised and notification would need to be sent to property owners.

ACTION: Applicant Required to Re-Notice and Re-Advertise

- b) 2017-160-RZ - Massey Property Rezoning
Presenter: Planning Department

Mr. McLeod provided information regarding request to rezone two parcels from Residential-Estate (R-E) to Residential-8 (R-8) and Neighborhood Business (B-2). Mr. McLeod provided detailed information regarding the types of use allowed within each zoning district.

Total area to be rezoned is 47.2 acres. Tract 1 is west of Ranch Road and is primarily bordered by Grant Street to the south and Cobblestone subdivision to the west. Proposed rezoning to Residential-8 (R-8).

Tract 2 is primarily bordered by large-lot single family residential uses, and is bounded by Ranch Road on the west and Little Creek Church Road on the east. Proposed rezoning to Residential -8 (R-8).

Tract 3 is bordered by Ranch Road on the west, Little Creek Church Road on the east, and on the south by Tract 2. The intersection of Ranch Road and Little Creek Church Road is at the northern tip of parcel. Proposed rezoning to Neighborhood Business (B-2).

Mr. McLeod stated requested rezoning is partially consistent with Future Land Use Map. Currently tract 1 is consistent while tract 2 and 3 would be inconsistent.

The Planning Board has recommended approval of rezoning of all tracts. Staff recommends approval of tract 1 and denial of tracts 2 and 3.

Mayor McLeod noted this a Public Hearing at 6:37 p.m. and asked that anyone wishing to address the council to please step forward.

Mr. Allen Tew was present and stated he was an attorney and representing the applicants. He stated all three properties are three distinct tracts of land requesting to be rezoned as follows:

Tract 1 is 27.26 acres to be rezoned from Residential Estate (R-E) to Residential-8 (R-8).

Tract 2 is 17.86 acres to be rezoned from Residential Estate R-E to Residential-8 (R-8).

Tract 3 is 3.80 acres to be rezoned from Residential Estate (R-E) to Neighborhood Business (B-2).

Mr. Tew stated a neighborhood meeting was held and was well attended. He stated there were no significant issues raised at the meeting. He stated the two issues raised at the meeting included use of the property and question of annexation. Mr. Tew had a presentation and shared background information, proposed transportation improvements, traffic increase, widening of highway 42 projects, US 70 bypass conversion, and the southeast study area.

Mayor McLeod asked that Mr. Tew remain specific to comments regarding the requested rezoning.

Mr. Tew addressed proposed realignment of Little Creek Church Road from 2007/2008. He stated this was important as this is not R-8 or R-E property and that it will require some other use. He addressed staff comment regarding the adequacy of public utilities. He stated that when he was met with this, he attempted to get additional information and stated he has not been provided with requested sewer capacity. He further stated he feels this is a non-issue as the two potential locations for sewer; include a lift station located in Cobblestone and a gravity flow on Boiling Street which is 1/2 mile away and would require a pump station. Power is available through existing services through Duke Energy. He contends that sewer is a non-issue as this is a rezone request. He addressed staff comments regarding split zoning and that this is not the case as these are in fact three separate tracts. He requested that the recommendation of the Planning Board for approval of these rezonings be adopted.

Mayor Pro Tem Grannis asked with respect to traffic issues, with exception of 4042 east, none of the planned changes are currently scheduled or budgeted, would that be fair to say. Mr. Tew stated one of the projects was on the CAMPO plan with a recommendation set to be released in April.

There were no questions for the applicant. Council Member Lawter had a two part question for staff regarding what would need to come back to council down the road should the zoning remain as it currently is. Mr. McLeod stated

any future application would come to council at that time. He further stated one of the criteria for rezoning that may be considered by council is whether public utilities exist. Mr. McLeod further stated that Mr. Tew had been provided with the documentation regarding utilities, however, staff did not mine data regarding room in pipes, which is developers' job. Council Member Lawter asked about water, sewer and traffic consideration, etc. Mr. McLeod stated that would take place in a subdivision application.

Attorney Ross stated that it would depend the use that came before council. She reminded conditions cannot be placed on re-zoning. Mr. McLeod provided information regarding the types of applications that would come before council for approval.

Mayor Pro Tem Grannis asked for definition of split zoning. Mr. McLeod provided definition and stated there is no problem with split zoning the parcel, the two large tracts have one Parcel ID number. There is no problem considering them three separate entities. They are legally connected by a road that runs through it. He stated the smaller tract is a separate parcel that is distinct from the others.

Mayor asked if anyone else wished to speak to please step forward.

Ms. Lisa Barbour stated she owns a piece of property off of Ranch Road on Glen Street. She stated she does not understand clearly about the zoning and process. She stated would like to be more knowledgeable about the zoning.

With no one further coming forward, the item was turned over to council for deliberation at 7:08 p.m.

ACTION: Adoption of Ordinance #2018-03-03

Council Member Lawter modified Consistency Statement to indicate that all tracts are consistent with rezoning request.

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

- c) 2017-98-SD - Kyli Knolls (Preliminary Plat) Subdivision
Presenter: Planning Department

Attorney Ross provided information regarding the process of a Quasi-Judicial proceeding and types of testimony to be allowed and considered. The Town Clerk administered oath via affirmation to those wishing to offer testimony.

Mr. DeYoung presented the item and stated request is for 20 single-family residential lots on 18.56 acres. It is located at the southeast intersection of Highway 42 West and Amelia Church Road. Parcel behind is owned by YMCA. The current zoning is Residential-Estate and the owner is Full Spectrum Custom Homes.

Minimum lot size is 25,000 sq. feet with public water and septic systems. Applicant is requesting density with 20 lots of 1.07 dwelling units per acre. The primary 90 degree access is off of Amelia Church Road which is a 45 mph road. Subdivision is a pretty standard layout. Street that curves to the north connects with existing farmland properties that connect back to Short Johnson Road to the north and fall down toward Cobblestone.

A few items concerning staff include; applicant is requesting public water and septic system. Sewer is available near Amelia Station Apartments at intersection of Highway 42. Additionally there will be sewer capacity available following a town project as base of creek near bottom of adjacent properties. Capacity is available now, however, it is just a short distance away. Access easement ties in at a weird angle and staff is concerned that without a realignment, this will create an unsafe entrance at the subdivision.

Mr. DeYoung stated this project is inconsistent with Future Land Use. Staff feels this whole area should be designated at a Medium Density Residential, which typically allows for 3-5 dwellings per acre. Applicant is requesting 1.07 dwelling units per acre, as they do not intend to extend sewer service to the property. With extension of sewer higher density would and should be possible.

This is only partially consistent with Unified Development Code based around street cross section application is wanting to use. Applicant has addressed Findings of Fact and are included in agenda packet.

Applicant is requesting waiver from curb and gutter which would allow the applicant to build a ditch cross-section in lieu of curb and gutter. Staff does not agree that existing topography and use of septic tanks would interfere with the installation of curb and gutter since the slopes to move water by ditch vs. gutter/pipe do not greatly differ. Staff does not feel applicant meets approval criteria for waiver.

Mr. DeYoung stated items to be considered during review include; waiver request, driveway location, turn lanes and the fact that preliminary plats must meet the Findings of Fact. Voluntary annexation is being requested. Staff also feels that applicant requesting only 20 lots eliminates the requirement for turn lane per NCDOT. Currently NCDOT requires a turn lane with subdivision of 21 + lots.

Planning Board did recommend approval of ditch section roads and conditions to modify to require ROW dedication instead of a turn lane and addition to conditions to relocate mail kiosk to end of Street "B" cul-de-sac.

Staff recommends the following conditions be applied, should approval be granted.

1. A voluntary annexation application shall be submitted prior to Final Plat recordation.

2. The conflict between the 30' access easement, the proposed site entrance and Amelia Church Road shall be resolved through relocation or proper separation of these points of access prior to final subdivision approval / platting of the property.

3. A dedicated left-turn lane into the development shall be provided on Amelia Church Road prior to issuance of the first Certificate of Occupancy.

4. The Class "A" landscape buffer along Amelia Church Road shall not encroach into safe sight triangles or the adjacent existing 30' access easement.

5. The Class "A" landscape buffer along Amelia Church Road shall be installed prior to issuance of the first Certificate of Occupancy.

6. Unless a waiver from curb and gutter is granted, a 31' back to back street section shall be required for Street "A" and "D", and a 27' back to back street section shall be required for Street "B" and "C". If the waiver is approved, the minimum pavement width of streets "A" and "D" shall be 26' and Street "B" and "C" shall be 22'.

Mayor Pro Tem Grannis noted that the staff report commented about Johnston County jurisdiction comparison. He asked where the closest piece of property was located. Mr. DeYoung stated it was approximately at least one half a mile from any property outside of our ETJ.

Mayor Pro Tem Grannis asked if staff would have an issue if sewer was agreed to and lot sizes staying the same. Mr. DeYoung stated he didn't believe developer would develop this site and further stated he would let developer address that issue. There was discussion regarding density and septic lot sizes. Mr. DeYoung stated smallest lot with septic is 25,000. Mayor Pro Tem asked where closest sewer connection was with regard to this property. Mr. DeYoung stated it was located on the southwest corner of Amelia Station apartments. Mayor Pro Tem Grannis how far a distance that was. Mr. DeYoung stated approximately 1200' and stated the applicant had studied this and would let him discuss this further.

Mr. DeYoung stated this entire area will become a higher density area as water and sewer become available very shortly; and further is shown as medium density residential in the Comprehensive Plan.

Council Member Holder stated he did not feel we should grant waiver regarding curb and gutter requirement.

Council Member Bunn stated that while reading the neighborhood meeting summary form they kept referring to Johnston County rules, did they not know they were within Clayton ETJ? He also wondered about the pond on lot #16 they referred to. Mr. DeYoung stated he would let the applicant address this.

With no further questions of staff, the applicant came forward.

Curk Lane of True Line Surveying was present and stated he was representing the applicant Full Spectrum Custom Homes. He stated he would like to address areas of staff concerns.

With regard to the curb and gutter waiver request, he stated they would like to utilize roadside ditches with sidewalks. He stated the topography is extremely flat, and the water in front of the property is owned by Johnston County, roads are owned by NC DOT and the sewer available is approximately 2200 feet away which makes that not feasible to run sewer along a roadway. They are limited to Johnston County water and on-site septic. He spoke about drainage and stated there would be swells to get to water to the north.

He addressed concerns regarding the driveway location. He states currently there is a driveway location to the south of this location off of Amelia Church Road and the current owner does not wish to move that location. In the future should that change there are plans in place to provide for that and there is a 30' access easement located between lots 11 and 12 off the end of that cul-de-sac to access that lot.

With regard to turn lanes, he feels there may have been some miscommunication. He stated because there are 21 lots, there is no requirement for turn lane, however, as a general rule of thumb once you go over 21 lots that triggers a traffic impact study by NCDOT and if study requires improvements, they would be made at that point. He further stated that there was no magic number regarding the lots in the planning and certainly anything this small would be beneficial not to have a turn lane monetarily. Due to the size of the lots, septic fields and drainage fields, they do not feel they would be able to get more than 20 lots through the Johnston County Environmental Health who will be the on-site septic approval agency.

Mr. Lane stated they are requesting approval of this project with modification of mail kiosk as well as staff condition of widening of streets to 26' and 22'.

Council Member Bunn asked about the pond that was mentioned. Mr. Lane stated there is a water hole in high ground and it is for surface water only. Believe purpose was for livestock and it will be filled in and smoothed out.

Mayor Pro Tem Grannis asked why are they were not receptive to town sewer. Applicant stated at this time it is too far away and will too expensive for this small development. Perhaps if it was cost shared and others could hook onto it and in his opinion sewer needs to come from the north. Coming down Amelia Church Road would limit who could hook on.

Mayor Pro Tem Grannis asked about the driveway easement issue and asked if he felt it was dangerous by not having a turn lane. He stated he did not. Attorney Ross reminded that only expert testimony could be considered and

asked that Mr. Lane provide his credentials. Mr. Lane stated he was a licensed land surveyor and not a traffic impact specialist.

Mr. Jimmy Holmes of 2431 Amelia Church Road was administered the oath and provided information regarding the pond. He provided background information regarding same. His concern is that he has been living there since 1975 and has seen a large increase in traffic and has safety concerns. He also spoke about the pond and that 2" of rain washes a lot away. He further stated he did not understand how they could possibly have septic tanks. He also shared concerns regarding wind and tile roofing. He would like to know about a buffer to keep some of the noise down.

Mr. Scott Boil of 2425 Amelia Church Road was administered the oath and stated he lives at the corner lot property with the easement. He wanted to understand if the easement was part of the sale of the property. Mr. DeYoung stated it was and the easement was his. He further stated he was told that the pond was going to be enlarged and now he is hearing that it is planned to fill it in.

Mr. Holmes stated he had one more question regarding the pond being filled in and if there would be any type of restriction regarding water runoff and gushing or any type of restrictive buffer to slow down, etc.

Mr. Lane stated the stated easement is attached to property and cannot be dis-attached until the owner wants to. He further stated there would be no rile roofs in the neighborhood. Also addressed the pond and spoke about the ditch section where they would like to see the water run off of the properties and get it back to the north side.

With there being no further questions or comments, this item was turned over to council for their deliberation at 7:15 p.m.

Council Member Holder shared his concern regarding erosion.

Council Member Lawter stated this project gave him some pause and raise questions, especially regarding traffic and safety.

There was discussion regarding number of lots and requirement of traffic impact study versus traffic lane requirements.

Council Member Lawter stated the application did not meet all the Findings of Facts, specifically, the following:

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.

ACTION: Denial of 2017-98-SD

Motion: Council Member Lawter

Second: Council Member Holder

Vote: 3-1 (Holder/Lawter/Bunn) / (Grannis)

- d) 2017-176-SUP - Barbour Street Townhomes Special Use Permit
Presenter: Planning Department

This item was requested by the applicant to be continued until April 16, 2018.

ACTION: Continue until April 16, 2018

- e) 2018-10-RZ - 110 East Second Street Rezoning
Presenter: Planning Department

Mr. McLeod provided information regarding the requested rezoning. The property is located at 110 East Second Street and request is to rezone from Office-Institutional (O-I) to Central Business (B-1). Mr. McLeod stated request is consistent with the Comprehensive Plan and Surrounding Land Use.

There were no questions of staff and the item was turned over to Council for deliberation at 8:14 p.m.

ACTION: Adoption of Ordinance #2018-03-04

Motion: Mayor Pro Grannis

Second: Council Member Holder

Vote: Unanimous

7 ITEMS SCHEDULED FOR THE UPCOMING TOWN COUNCIL MEETING

8 OLD BUSINESS

9 NEW BUSINESS

- a) Resolution Authorizing Staff to Execute Contract for ECIA Water & Wastewater Project
Presenter: Tim Simpson, Public Works Director

Mr. Simpson provided information regarding this resolution which would allow staff to authorize the execution of bids. Request is being made due to a compressed timeline from a funding partner. Conditions on execution of bids is that they come in under budget.

ACTION: Adoption of Resolution #2018-07

Motion: Council Member Lawter

Second: Council Member Holder

Vote: Unanimous

10 STAFF REPORTS

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

- Main Street Conference Update

Presenter: Kaitlin Russo, Economic Development Specialist

Ms. Russo provided an update regarding the Main Street Conference. As of today a total of 464 attendees have registered. Arrangements are being made for staff to park off site and attendees are being encouraged to ride shuttles, Ms. Russo stated there are over 50 volunteers who have signed up to assist throughout the conference.

11 OTHER BUSINESS

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

12 ADJOURNMENT

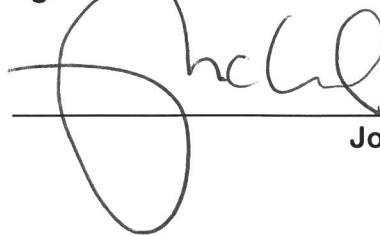
- a) Council Member Holder offered his thanks to staff for a great council retreat.

With there being nothing further, the meeting was adjourned at 8:18 p.m.

ACTION: Motion to Adjourn

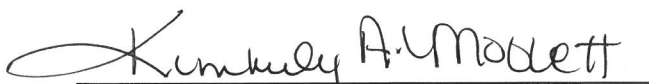
Motion: Council Member Lawter
Second: Council Member Grannis
Vote: Unanimous

Duly adopted this 19th day of March, 2018 while in regular session.



Jody L. McLeod
Mayor

ATTEST:



Kimberly A. Moffett, CMC, NCCMC
Town Clerk