



**Town of Clayton
Regular Town Council Meeting Minutes
Monday, December 17, 2018 @ 6:00 PM
Council Chambers**

COUNCIL PRESENT:

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

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, D/Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Samantha Wullenwaber, Planning Director
Rich Cappola, Interim Public Works Director
Scott Barnard, Parks & Recreation Director
Dave DeYoung, Economic Development
Director
Stacy Beard, Public Information Officer

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:01 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

3 CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

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

ACTION: Adoption of Consent Agenda as Presented

Motion: Council Member Holder

Second: Council Member Thompson

Vote: Unanimous

4 ADMINISTRATIVE ITEMS

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

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

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

Friday - April 12, 2019:

●9:00AM- Opening Ceremony

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

Saturday - April 13, 2019:

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

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

6 PUBLIC HEARINGS

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

Item noted as Public Hearing.

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

There were no questions for staff.

Mayor McLeod asked those wishing to speak to step forward

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

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

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

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

ACTION: Adoption of Ordinance #2018-12-05

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

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

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

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

ACTION: Continue Public Hearing to January 7, 2019

7 OLD BUSINESS

8 NEW BUSINESS

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

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

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

ACTION: Appointment of Nominees

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

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

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

ACTION: Approval of Easement Abandonment

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

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

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

ACTION: Adoption of Resolution #2018-32

Motion: Mayor Pro Tem Grannis

Second: Council Member Holder
Vote: Unanimous

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STAFF REPORTS

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

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

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

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

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

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

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

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

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

10 OTHER BUSINESS

a) **Informal Discussion & Public Comment**

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

b) **Council Comments**

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

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

11 ADJOURNMENT

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

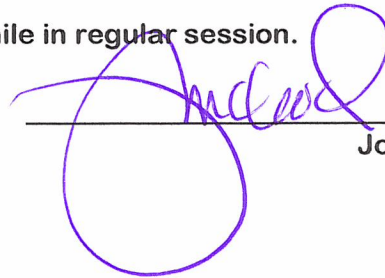
ACTION: Motion to Adjourn

Motion: Council Member Satterfield

Second: Council Member Thompson

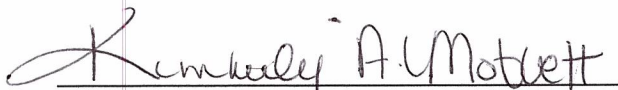
Vote: Unanimous

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



Jody L. McLeod
Mayor

ATTEST:



Kimberly A. Moffett, CMC, NCCMC
Town Clerk