



Town of Clayton
Regular Town Council Meeting Minutes
Monday, August 6, 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, Deputy Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
Samantha Wullenwaber, Planning Director
David DeYoung, Economic & Community Development Director
Tim Simpson, Public Works Director
Haley Hogg, Planner
Lee Barbee, Fire Chief
Dale Medlin, Electric Department Director
Robert McKie, Finance Director
Stacy Beard, Public Information Officer
John Hamlin, A/Public Information Officer
Rich Cappola, Engineering & Inspections Director
Ann Game, Customer Service Director
Richie Herring, Police Captain

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

- a) Mr. Lindsay requested that a Closed Session be added under NCGS 143-318.11(a)(4)

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.)

4 ADMINISTRATIVE ITEMS

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) New Employee Introductions:
Presenter: Tim Simpson, Public Works & Utility Director
 - Blake Mills, Asst. Public Works & Utility Director

Presenter: Dale Medlin, Electrical System Supervisor

- Tyler Barbee - Electric Line Technician I
- Logan Mohler - Utility Locating Coordinator

Presenter: Stephen Blasko, Public Works Operations Manager

- Terry Williams - Streets Maintenance Worker
- Travis Rose - Property Maintenance Worker
- Brandon Norris - Cemetery Specialist

Recently Promoted Employees:

Presenter: Rich Cappola, Engineering & Inspections Director

- Robert Yarborough - Inspection Supervisor
- Jose Perez - Building Inspector

Mr. Simpson introduced Blake Mills who is the new Assistant Public Works & Utility Director. This is a new position and Blake began last week. Blake brings with him 16 years of municipal experience and 15 years of experience in the private sector. Mr. Mills stated he was very happy to be part of the Town. Council welcomed him.

Mr. Medlin introduced Tyler Barbee and Logan Mohler. Mr. Barbee came to the Electric Department via the Public Works Department. Mr. Barbee stated he was happy to have the opportunity to become part of the Electric Department. Mr. Mohler comes to us from the Town of Apex. Mr. Medlin stated he is very knowledgeable and he is extremely happy to have him as part of the team. Mr. Mohler stated he was thrilled to be here. Council welcomed both Tyler and Logan.

Mr. Blasko introduced Terry Williams, Travis Rose and Brandon Norris. He stated that there were over 300 applications received and stated he felt the three employees here tonight were the cream of the crop. Mr. Rose introduced himself and stated he was happy to be part of the team. Mr. Williams offered his thanks for the opportunity to be part of the town. Mr. Norris offered his thanks and appreciation to be part of the team. Council welcomed all three to the town.

Mr. Cappola announced the promotions of two employees. Robert Yarborough was recently promoted to Inspections Supervisor. He has been with the town since 1994. Mr. Cappola stated Robert is one of the finest Inspectors he has ever worked with. Mr. Yarborough stated he was proud and honored to be part of the town and appreciated the opportunity for the promotion. Mr. Cappola stated that Jose Perez is now a building inspector and is doing a great job. Mr. Perez stated he appreciated the opportunity very much. Council congratulated both on their recent promotions.

b) Certificate of Financial Reporting Achievement

Presenter: Jody McLeod, Mayor

Mayor McLeod presented a Certificate of Financial Reporting Achievement to Robert McKie. This is the 17th year the Town of Clayton has received this

award, with Ms. Medlin having received it a total of 8 times and Mr. McKie a total of 9 times.

- c) **Utilities & Billing Customer Satisfaction Survey Results**
Presenter: Ann Game, Customer Service Director

Ms. Game presented the results of a Customer Satisfaction Survey that was recently completed. This survey was to receive feedback from residents and was completed by Great Blue Research via sponsorship of Electricities. Ms. Game stated she was very excited to present the results and provided details about the process. She pointed out that the Town of Clayton fared better than Duke Energy in most categories. Ms. Game spoke about what was next for customer service including smart meters and bill payment improvements.

Mayor Pro Tem Grannis offered his thanks to both the Customer Service and the Electric Departments for the outstanding work they do. He stated they have made quite an impact. Mayor McLeod stated he would like to see this presentation become part of our Economic Development presentations. Mayor McLeod stated this is a very important message, of which he was very proud, and that it needed to be shared.

- d) **State of the Chamber**
Presenter: Dana Wooten, President - Clayton Chamber of Commerce

Ms. Wooten introduced herself and shared a Clayton Chamber of Commerce video that provided details about the Chamber and services they offer. Ms. Wooten shared information about some of the areas the Chamber has been focused on for the two years to include, strategic planning, mission statement and vision of the Chamber. She shared details about various Chamber committees. She stated the current Chamber membership is 432. Also shared was information regarding some the recent Chamber events such as the Sip & Shop that was recently held downtown. She provided a brief update on the 2018 Harvest Festival and stated that Sheetz would be the sponsor this year. The festival is scheduled for September 12 - 16, 2018. She offered her thanks to the Chamber staff for their hard work and dedication. Mayor McLeod stated the new energy at the Chamber was exciting to see.

6 PUBLIC HEARINGS

- a) ***2018-87-SUP - 330 W. Stallings Street - (Quasi-Judicial)**
**This hearing was continued from July 16, 2018*
Presenter: David DeYoung, Economic & Community Development Director

Attorney Ross provided information about quasi-judicial proceedings. The town clerk administered the Oath via affirmation to those wishing offer testimony.

This was noted as a Public Hearing at 6:34 p.m. Mr. DeYoung presented and stated this item had been continued from previous meeting, as the incorrect site plan was included in the July 16, 2018 agenda. He stated the corrected

site plan had now been provided and entered into the record. He stated he was available to answer any questions regarding the new site plan.

The applicant, Reid Smith, of 114 West Main Street was present and stated he would be offering expert testimony as well. He shared information regarding the item and shared the site plan. He stated he was excited about this product and the redevelopment of this area and felt this was a good use of the property. He stated he felt this project would increase the tax base. He further stated there was six-plex adjacent to this property.

Mr. Smith introduced Josh Crumpler of 2308 Ridge Road, Raleigh NC. Mr. Crumpler stated he was a professional engineer with 14 years' experience.

Mr. Smith introduced Mark Jones of 119 Hood Farm Road, Clayton, NC. Mr. Jones stated he was a certified appraiser and was qualified in both state and federal courts.

Mr. Smith read the Findings of Fact into the record and asked for the opinions of his expert witnesses with regard to the accuracy of the following:

Finding of Fact #1 - This application would not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved. Mr. Crumpler concurred.

Finding of Fact #2 - This application meets all required specifications and confirms to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations. Mr. Crumpler affirmed.

Finding of Fact #3 - This application would not substantially injure the value of adjoining or abutting property and would not be detrimental to the use or development of adjacent properties or other neighborhood uses. Mr. Crumpler confirmed it would not be detrimental to the value or use of adjacent properties. Mr. Jones stated it was his professional opinion that it would not damage adjacent or abutting property values. He stated there is a very eclectic mix in this area and this project would fit it very well.

Finding of Fact #4 - This application would not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties. Mr. Crumpler stated that the plan was designed to meet all town ordinances.

Mr. Smith stated he was available for any questions.

Mayor Pro Tem Grannis asked Mr. Crumpler how he determined this project would not be detrimental to adjacent property or other neighboring uses. Mr. Crumpler stated the project was designed based on town code and it would be in full compliance. Mayor Pro Tem confirmed that even with the majority of homes being single-family homes versus this being a duplex it would not be

detrimental. Mr. Reid stated this project is across the street from a six-plex and that the block of the proposed project had a 100% of multiple family use.

Council Member Lawter confirmed his understanding regarding Finding of Fact #3 is that this project would be not be detrimental to any future development. Mr. Reid stated that was correct and it would not prevent any neighbors from development on their properties. Mr. Crumpler offered his professional opinion that this project would not be detrimental to any future development.

With there being no further questions of the applicant, the floor was turned over to anyone wishing to speak in opposition.

Ms. Beddingfield of 217 W. Stallings Street addressed the council. She stated she is a resident and also provided information regarding her professional credentials including being an urban planner, 8 years professional experience in both local government and private sector, as well as neighborhood planning. Ms. Beddingfield questioned if the driveways were to be paved or graveled. She asked they be paved should the project be approved. Her second question was regarding sidewalk along Robertson as recommended by Planning Board. She asked should project be approved that sidewalk be installed as recommended. Ms. Beddingfield had a question regarding the applicant's response to Finding of Fact #3, which states the development would have a very positive impact on adjacent parcels and their valuation. She asked that the applicant speak to that language or if that would be removed from the record. She stated she would like to address Findings of Fact #4 and spoke to the character of the neighborhood. She stated a picture had been painted about this neighborhood and how this project was a good adaptive re-use of this property. She shared other projects she considered good examples of adaptive reuse. She stated when she purchased her home she saw it as a single-family residential neighborhood and had she known it was going to be a mixed residential use, she would not have purchased. She stated there are over 100 homes in neighborhood with majority of them being single homes. She shared information regarding the Comprehensive Plan expressly stated that multi-family is appropriate directly bordering downtown core and this property does not border the downtown core. She also addressed objectives LU1.4 and D1.4 and spoke about protecting historic character and felt a tone was being set by allowing a duplex in this neighborhood. She stated she did not believe this project met the requirements of Findings of Fact #4 as it violates the adopted town policies, the 2040 Comprehensive Plan and Future Land Use.

Mr. Wayne Funk of 312 Kildee Street addressed the council and stated he has lived at this address for one year. He stated his home is 156' away from this property. Spoke about the research he and wife completed prior to moving to this location. They were looking for a residence that was located in a historic area and near a vital downtown with not a lot of transient in the neighborhood. He stated that had he known a duplex would be possible he never would have moved to this location.

Mr. James Baltzer of 218 W. Barnes Street addressed the council and offered his credentials. He is a licensed professional engineer and shared information about numerous projects he had been part of during his career. He provided a copy of a Special Warranty Deed for this site and shared information regarding the normal process of subdividing tracts/parcels. He spoke about the description on the deed and stated he felt the parcel was incorrectly drawn on the application. He addressed his concerns regarding the General Design Guidelines 2006 and parking issues. He shared his concern about the differences noted on the architecture elevation not showing shutters on all sides of the home as it states. He spoke about infill and the surrounding neighborhood. He addressed his concern with setbacks and intersection drawings. He also shared copies of a map of the downtown core as well Johnston County map. He stated he felt this project should not be approved and asked that the land use map, the comprehensive plan and general design guidelines be considered when making a final decision on the project. ,

With there being no one further to speak in opposition, it was turned over to applicant for rebuttal at 7:25 p.m.

Mr. Smith stated he would answer a few of the questions that were raised and that driveways would be paved and it was his understanding that sidewalks were a condition of approval through the Planning Board and they would also be part of the approval by council. He stated they had gone through the entire process, complied with every layer, offered expert testimony and received staff recommendation of approval for this project. He further stated that with regard to Findings of Fact, he did not believe any specific item had been entered into the record showing this project would create an adverse effect on values. He further stated that folks might not like the project, however, he believed due diligence was done on his part and believed they have met the requirements of all Findings of Fact.

Mr. DeYoung stated and confirmed that installation of sidewalk along Robertson Street is part of the condition for approval.

With there being nothing further, the hearing was closed and turned over to council for their deliberations at 7:28 p.m.

Mayor ProTem stated he had a question for staff.

ACTION: Re-open Public Hearing

Motion: Council Member Lawter

Second: Mayor Pro Tem Grannis

The hearing was re-opened at 7:29 p.m.

Mayor Pro Tem Grannis asked about the elements/questions raised by Ms. Beddingfield. Mr. DeYoung stated they were elements from the Comprehensive Plan and read both LU1.4 and D1.4 into the record.

LU1.4 - "Protect and enhance the historic downtown character while promoting quality redevelopment and infill."

D1.4 - "Ensure design of new development or redevelopment reflects and contributes to the historic character of the Downtown."

Mayor McLeod asked for clarification regarding the use of the word "historic". Mr. DeYoung stated the term "historic" refers to any property greater than 50 years old.

With there being no further questions, the hearing was closed and turned over to council for their deliberation at 7:33 p.m.

Mayor Pro tem Grannis stated this was a difficult decision and stated he appreciated the developer and all he had done. He further stated his concerns were the items raised by Ms. Beddingfield. He stated he felt he could not approve this project based on Finding of Fact #4.

Council Member Holder stated he felt we needed to be careful and remember that anything built prior to 1968 is considered historic and we should not set a precedent that could come back to haunt us.

Mayor McLeod stated with regard to Downtown Overlay District, the wording states "shall" versus "should" and that is a bit of caution for him.

Council Member Lawter agreed that the wording also gave him some pause. He stated he believed that Findings of Facts # 1-3 had been met. Ms. Beddingfield did raise important points with regard to Finding of Fact #4, however based on evidence and testimony, he believed the project had met the burden and met all the Findings of Fact. Council Member Bunn agreed. He stated this was a difficult decision but felt all Findings of Fact had been met.

Council Member Lawter read all Findings of Facts into the record.

ACTION: Approval of 2018-87-SUP with Condition of Sidewalks Along Robertson

Motion: Council Member Lawter

Second: Council Member Holder

Vote: Opposed: Mayor Pro Tem Grannis & Council Member Thompson

7 OLD BUSINESS

- a) Economic Development Administration Financial Assistance Award Amendment

Presenter: Katherine Ross, Town Attorney

Ms. Ross provided details about the grant and stated this amendment relates to easements. County Commissioners agreed to these amendments as well.

ACTION: Approval of Amendment

Motion: Council Member Holder

Second: Mayor Pro Tem Grannis

Vote: Unanimous

8 NEW BUSINESS

- a) 2018-36-SD - Canady Landing Subdivision
Presenter: Samantha Wullenwaber, Planning Director

Ms. Wullenwaber asked that a Public Hearing be set for August 20, 2018. This item was heard at July 23, 2018 Planning Board meeting.

ACTION: Set Public Hearing for August 20, 2018

- b) NC Governor's Highway Safety Program Grant Resolution
Presenter: Richie Herring, Police Captain

Captain Herring was present and provided information regarding the grant. The Police Department is requesting council enter into an agreement with the Governor's Highway Safety Program for continued consideration for the 2018 grant, to be awarded on October 1, 2018.

ACTION: Place on August 20, 2018 Consent Agenda

- c) Town of Clayton Sesquicentennial Celebration Advisory Committee
Presenter: Stacy Beard, Public Information Officer

Ms. Beard provided information regarding the 150th celebration. The Mayor has assisted in nominating folks to work on the advisory committee. The first meeting of this advisory committee will be held soon and begin the planning process. One of the first steps being taken is the advertisement for a part time event coordinator for the yearlong event. It was stated the celebration would be included in existing town wide events and perhaps the addition of new events as well.

ACTION: Adoption of Resolution #2018-20

Motion: Mayor Pro Tem Grannis

Second: Council Member Holder

Vote: Unanimous

9 STAFF REPORTS

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

- **Fiber Optic Project Update**
Presenter: Nancy Medlin, Deputy Town Manager

Ms. Medlin provided an update on this project, which is scheduled to begin in the next few days. She stated this project was included in the current budget. This project would not cause any disruption to any citizens, property or service. The project would take place on existing poles and the only area of possible concern would be traffic control when the project crosses over US 70. The Clayton Police Department will be involved when this occurs.

10 OTHER BUSINESS

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

11 CLOSED SESSION

- a) Closed Session pursuant to NCGS 143-318.11(a)(4)

ACTION: Motion to go into Closed Session

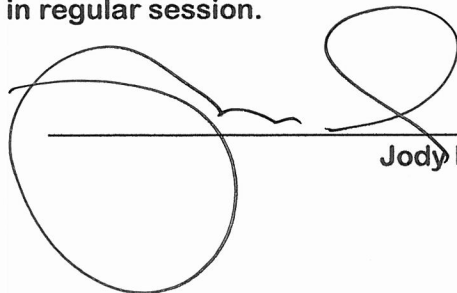
Motion: Mayor Pro Tem Grannis
Second: Council Member Thompson
Vote: Unanimous

12 ADJOURNMENT

- a) Council returned from Closed Session at 8:15 p.m. With there being nothing further, the meeting was adjourned.

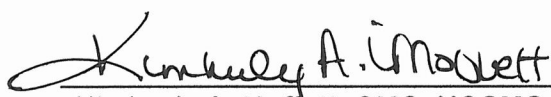
Motion: Mayor Pro Tem Grannis
Second: Council Member Holder
Vote: Unanimous

Duly adopted this 20th day of August 2018 while in regular session.



Jody L. McLeod
Mayor

ATTEST:



Kimberly A. Moffett, CMC, NCCMC
Town Clerk

August 6, 2018
Minutes

