The Town of Clayton
Regular Town Council Meeting Minutes
Tuesday, September 5, 2017 @ 6:30 PM
Council Chambers

COUNCIL PRESENT:
Mayor McLeod
Mayor Pro Tem Grannis
Council Member Satterfield
Council Member Lawter
Council Member Holder
Council Member Thompson

STAFF PRESENT:
Adam Lindsay, Town Manager
Nancy Medlin, Deputy Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
David DeYoung, Planning Director
Jay McLeod, Senior Planner
Robert McKie, Finance Director
Ann Game, Customer Service Director
Lee Barbee, Fire Chief
Blair Myhand, Police Chief
Stacy Beard Public Information Officer
John Hamlin, A/Public Information Officer

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

a) Mayor McLeod called the meeting to order at 6:33 p.m. He led everyone in the Pledge and offered the Invocation.

At this time, Mayor McLeod acknowledged the passing of long time employee, Jim Poindexter. Mr. Poindexter was the Code Enforcement Officer for the Town and retired from this position in September of 2014. Chief Barbee shared fond memories of Jim. He stated that Jim was a member of the Clayton Fire Department from 1999 - 2008 and was instrumental in the start of the Honor Guard. Chief Barbee stated the family would be appreciative of any assistance with funeral costs and further that funeral services would be held at McLaurin Funeral Home on October 7. The council offered their deepest condolences to the family and friends of Mr. Poindexter.

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
- August 21, 2017

b) Building Inspector Position

c) New Inspection Fees

d) Residential Utility Deposit Policy & Comprehensive Fees & Charges Update

e) Variable Credit Card Fees for Utilities

f) Resolution Directing Clerk to Investigate Sufficiency - 2017-141-ANX - Lidl Grocery Store

g) Proclamation Honoring Samuel Robertson

ACTION: Adoption of Consent Agenda as Presented

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

4 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) Hurricane Harvey Donation Site
Presenter: Jay Dinner, Everett Chapel FWB Church

Mr. Dinner, who is a member of Everett Chapel FWD Church, shared information regarding a donation site for victims of Hurricane Harvey. Informational flyers were provided. The donation site will be open beginning September 6, 2017 through September 24, 2017. Donation collection hours will be 7:00 - 11:00 a.m. and 3:00-7:00 p.m. Mayor Pro Tem Grannis offered his thanks to Mr. Dinner for his willingness to take the lead in this effort.

b) Clayton High School - 2017 Homecoming Parade
Presenter: Kaitlin Russo, Downtown Development Coordinator

Ms. Russo shared information regarding changes for the 2017 Homecoming Parade. The parade will be held on Tuesday September 19, 2017 and will begin at 6:30 p.m. Request is for rolling closures of Main Street during the parade, meaning sections of the road will be closed as needed.

ACTION: Approval of Road Closures for 2017 Clayton High School Homecoming Parade

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

5 PUBLIC HEARINGS

a) 2016-239-OA - Downtown Overlay District
Presenter: Planning Department

Mr. McLeod provided information regarding suggested amendments to the downtown overlay district The current downtown overlay district only provides restrictions on signage and promotional banners. The proposed update includes changes to designation and boundary, permitted uses, sign regulations (including some relaxations of signage requirements), dimensional regulations (setbacks, etc.), development standards (parking and landscaping requirements, on-street parking, building materials and design), district character and architecture, and development incentives and disincentives (outdoor dining, density, development fees, and demolition waiting period).

The proposed amendments are consistent with the remainder of the Chapter and is consistent with all known state and federal laws. The proposed changes are consistent with the Comprehensive Plan as well as the Unified Development Ordinance.

The Downtown Development Association, Planning Board and Staff all recommend approval.

There was discussion regarding bike racks and locations. Mr. McLeod stated that with basically no setback requirement for new construction, there would be room directly in front of a location for installation of a bike rack or pay fee-in-lieu. There was also brief discussion regarding choice of paint colors. Mr. McLeod stated that this was not an issue that had the need to be addressed. There was discussion regarding windows and faux windows. Mr. McLeod stated safety was part of the reason behind this as windows tend to make folks feel more comfortable. He further added if requested a variance could be submitted to the Board of Adjustment. Council Member Lawter asked for staff input regarding feedback received from open house. Mr. McLeod stated there was good turnout. Council Member Lawter stated he was pleased and wanted to ensure that folks had a chance to provide feedback. Mr. DeYoung stated that in addition to the open house, folks came into the office, came into the office, attended Planning Board, Downtown Development Association and Town Council meetings. He stated there were many opportunities to receive information and provide feedback.

Mayor McLeod had a question regarding signage and whether it addressed signage stating "No Walk Ins" etc. Mr. McLeod stated we do not regulate content of signage but we did restrict use of ground floor space to be open and active and that 2nd floor space should be dedicated to those types of business who do business by appointment only. Council Member Satterfield asked if there was a there a requirement that would make these types of business be located on the second floor and Mr. McLeod stated a zoning compliance permit would be not issued to businesses who ran exclusively by appointment for ground floor space.

With there being nothing further, the public hearing was closed at 7:04 p.m.

<u>**ACTION:**</u> Adoption of Ordinance #2017-09-03

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

b) 2017-96-RZ - Clayton Corners & Town Center Blvd.
Presenter: Planning Department

Mr. DeYoung provided background information. Council had staff to review SUD's back in 2016. This category requires adds a layer of complexity to the approval process. Staff has evaluated and feels that the above location should have the SUD designation removed. It is a very large shopping center and the SUD designation could preclude future uses when one tenant move out and another wished to move in. This requested rezoning would simply remove the SUD.

Rezoning is consistent with the Comprehensive Plan and is compatible with Surrounding Land Uses.

With there being nothing further the public hearing was closed at 7:07 p.m.

ACTION: Adoption of Ordinance #2017-09-04

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

c) 2017-99-RZ - Capps Tract
Presenter: Planning Department

Council Member Lawter made full disclosure and stated that he is employed by applicant and requested to be recused from voting.

Mr. McLeod stated the request to is to rezone this property which is located behind the commercial development at Enterprise Drive and Cameron Way from Residential-Estate (R-E) and Highway Business (B-3) to Residential-10 (R-10), with some land also being rezoned from Residential-Estate (R-E) to Highway Business (B-3).

The request is consistent with the Comprehensive Plan and Surrounding Land Use.

The Planning Board and Staff recommend approval.

There were no questions of staff. A citizen who resides at 230 Summit Avenue stated they would like to request that berm be placed when the new development is in place. The Mayor stated there are requirements regarding buffers and should staff deem additional buffering be required that would considered.

With there being nothing further, the public hearing was closed at 7:13 p.m.

ACTION: Adoption of Ordinance #2017-09-05

Motion: Council Member Satterfield

Second: Council Member Thompson
Vote: Unanimous

d) Development/ Incentive Agreement - 231 E. Second Street
Presenter: Katherine Ross, Town Attorney

Ms. Ross provided update regarding property at 231 E. Second Street and redevelopment project. She shared information regarding incentives offered through the RFP process and spoke about the protection of the historical integrity of the building. She stated a draft agreement has been provided regarding transformer locations. Ms. Ross stated council would be requested to take action regarding the developer's agreement at a later date, most likely at the same time a parking agreement was complete. Ms. Ross further stated that a full developer's agreement would be provided.

Mayor McLeod opened the floor for comments at 7:20 p.m.

Darlene Earl and Gene Rimely of 313 East Horne Street stated they currently have a shared parking lot with the town and have an access agreement. They had concerns that reserved parking spaces in this lot for the above project could potentially create issues for their clients as well as safety issues. Ms. Earl requested that she be included in discussions regarding parking spaces at this location.

Mr. DeYoung spoke about this parking lot and provided background details. He stated there is currently a cross access agreement with above owner and stated many town vehicles currently park there. He stated that approximately 10 of these town vehicles would be relocated to another lot. With the potential parking agreement it is the intent to reserve 16 spaces in this lot, one designated for each apartment unit in the building. These spaces would be marked and there would be a monthly fee associated with them. Staff is currently working with the developer regarding pricing. Currently looking at $15 - $20 per month per space.

Mr. DeYoung further stated there really are no other options for parking alternatives and further stated he is not concerned about the need to find new locations for the town vehicles to park. He further stated that he is not concerned regarding locating additional parking spaces for town vehicles that currently park in this parking lot. He also stated the cross access agreement is safe would not would be affected with the proposed parking. He further stated spaces that are part of the cross access agreement are currently signed/posted and if necessary the owner could have folks towed right now.

There was brief discussion regarding potential impact if project did not take place. Mr. DeYoung stated should the property need to be torn down the cost associated would be $100,000 and no revenue would be generated. With the project taking place the building would add a minimum of 16 active citizens in downtown and would help to generate revenue and taxes.

Council Member Satterfield asked for clarification regarding the number of parking spaces and Mr. DeYoung confirmed it would be a maximum of 16 spaces, 1 space per unit up to a total of 16. Additionally, Mr. DeYoung added there would be a dedicated handicap space in front of the building.

Council Member Lawter asked for a visual regarding parking be provided. Also discussed were possible locations for parking of town vehicles. These locations included the PD parking lot, Operations Center parking lot, and lot on O'Neil by the water tower.

Council Member Lawter asked if there were any known environmental issues and Mr. DeYoung stated there were none known. He further stated that to date the property is being taken care of by the town.

With there being nothing further, the public hearing was closed.

This item will be brought back to council at a future date for approval.

ACTION: To Be Placed on Future Agenda Once Parking Agreement is Available

6 OLD BUSINESS

a) Update on Regional Wastewater Pretreatment Facility
Presenters: Adam Lindsay, Town Manager & Katherine Ross, Town Attorney

Ms. Ross provided additional information regarding the agreement. She stated that staff has been working with Novo, YMCA, Johnston County and many others. She stated there has been a lot of input and energy from all involved. It has been a very collaborative process. Ms. Ross shared additional information about the construction process and donation process. She provided details regarding the protections offered in the agreement for the town. Attorney Ross stated she recommended approval of the agreement. She further stated that the next goal upon approval would be the execution of the agreement next Friday and to exercise the option for the YMCA property exchange. Following would be published notification regarding intent to lease the front portion of the property to the YMCA with adoption of resolutions to take place at the October 16, 2017 meeting.

Mayor Pro Tem Grannis asked what would happen if standards were not met. Attorney Ross stated that would indicate a breach of agreement and notice to resolve would be issued. There was a question regarding Exhibit E and testing activities and how actions would be completed. Attorney Ross provided detailed information regarding the process and standards that are expected to be met. Once again if contractual obligations were not being met it would need to be resolved and operations would need to be adjusted to meet obligations.

Council Member Satterfield confirmed that this facility would be designed as a regional facility. Attorney Ross confirmed that it is being designed as Regional Facility.

ACTION: Approval of Agreement By and Between Novo Nordisk and the Town of Clayton

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

7 NEW BUSINESS

a) Issuance and Sale of Revenue Bonds to USDA
Presenter: Robert McKie, Finance Director

Mr. McKie provided information regarding the issuance and sale of Revenue Bonds to the USDA in the aggregate amount of $5,097,000 which would retire the outstanding Revenue Bond Anticipation Note currently held by BB&T. The current term rate is 3.25%, it could go lower but will never go above 3.5%. An anticipated close date of September 27, 2017 is expected.

ACTION: Adoption of Resolution #2017-25

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

b) Funding Application / Intent to Apply
Presenter: Tim Simpson, Public Works Director

- Walnut Creek Outfall Improvements

Mr. Lindsay provided information regarding application for funding regarding the Walnut Creek Outfall Improvement Project. Mr. Lindsay stated applying does not mean that we will receive, however, it does offer us some flexibility and additional options.

ACTION: Adoption of Resolutions #2017-26

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

8 STAFF REPORTS

a) Town Manager

Request to go into Closed Session

b) Town Attorney

c) Town Clerk

d) Other Staff

9 OTHER BUSINESS

a) Informal Discussion & Public Comment

b) Council Comments

Council Member Satterfield stated he had received an email this morning regarding some flooding issues. Mayor McLeod stated that the Town Manager was not included on the original email and he has now been copied and the Town Manager will handle.

10 CLOSED SESSION

a) Closed Session pursuant to NCGS 143-318.11(a)(3)

ACTION: Motion to go into Closed Session

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

11 ADJOURNMENT

a) Council returned from Closed Session at 8:21 p.m.

With there being nothing further, the meeting was adjourned.

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

Duly adopted this the 2nd day of October, 2017 while in regular session

Michael Grannis
Mayor Pro Tem

TOWN OF CLAYTON
INCORPORATED APRIL 1869
CLAYTON, N.C.

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk