The Town of Clayton
Regular Town Council Meeting Minutes
Monday, May 1, 2017 @ 6:30 PM
Council Chambers

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

STAFF PRESENT:
Adam Lindsay, Town Manager
Nancy Medlin, D/Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Manager
David DeYoung, Planning Director
Jay McLeod, Senior Planner
Robert McKie, Finance Director
Dale Medlin, Electric System Director
Christie Starnes, Library Director
Larry Bailey, Parks & Recreation Director
Stacy Beard, Public Information Officer
John Hamlin, A/Public Information Officer
Tim Simpson, Public Works Director

COUNCIL ABSENT:
Council Member Satterfield

1 CALL TO ORDER
Pledge of Allegiance and Invocation

a) The Mayor called the meeting to order at 6:33 p.m. He led everyone in the Pledge and offered 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) Warranty Acceptance - FINAL Water & Sewer
- Cleveland Draft House of Clayton

b) All Star Waste Services Contract

c) Support of Triangle Land Conservancy Proposed Shared Trail Network

d) Support of Southeast Study Recommendations

e) Storm Water Management Agreement

f) Resolution Directing Clerk to Investigate Sufficiency of Petition - 2017-64-ANX
- HP6 Clayton Health

g) Resolution Directing Clerk to Investigate Sufficiency of Petition - 2017-69-ANX

- Warrick Subdivision

h) Live Burn - 534 W. Main Street - May 6, 2017

ACTION: Adoption of Consent Agenda as Presented

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

4 ADMINISTRATIVE ITEMS

a) Proclamation Request - Older Americans Month - May 2017

ACTION: Placed on May 15, 2017 Consent Agenda

b) 2017 -2018 Budget Public Hearing

ACTION: Set Public Hearing for May 15, 2017

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) Cooper Elementary Academy Update
Presenter: Jocell Flores, Principal

Ms. Flores was in attendance and provided information regarding the history of Cooper Elementary School. Additionally provided was information regarding the process of a “re-start" school. Ms. Flores provided details about scheduling, staffing and curriculum that will take place at Cooper Elementary Academy. It is the desire of administration that all students attending the academy will have their own individual goal for the future when they leave Cooper. Ms. Flores stated there was an ongoing discussion regarding school spirit wear. Ms. Flores stated the proposed schedule would be Monday - Thursday 7:45 a.m. - 3:45 p.m. and 7:45 - 12:45 p.m. on Friday. Having an early dismissal on Friday would allow for personal development of teachers during the afternoon hours. Ms. Flores stated there would be two upcoming open house "vision tours" for Cooper Academy that would be held on May 16, 2017 at 4:30 p.m. and May 18, 2017 at 1:00 p.m. She invited all to attend. Mayor McLeod thanked Ms. Flores and stated the town is very excited about Cooper Academy and offered support.

6 PUBLIC HEARINGS

a) SUP - 2017-08-SUP - Abbington Forest Apartments
Presenter: Planning Department

Town Attorney provided information regarding a quasi-judicial proceeding including the types of testimony that could be considered. All testimony must be provided under oath. All those wishing to offer testimony were administered this oath via affirmation by the Town Clerk.

Mr. DeYoung provided information regarding request to develop apartments on subject property, which is currently zoned O-I. Request for four buildings with a total of 72 apartment units and clubhouse. It was noted there was a wastewater allocation request of 20,295 GPD. Mr. DeYoung stated this item was approved at the April 24, 2017 meeting the Planning Board. It was delayed from previous month until such time that staff concerns were addressed. The plan is consistent with Comprehensive Plan, applicant has addressed the approval criteria and addressed the Findings of Fact. Staff is recommending approval with conditions as listed in staff report.

Mayor Pro Tem Grannis asked for guidance from attorney and stated he had communications with applicant at Planning Board. Attorney Ross questioned conversation and it was determined nothing was discussed that was not previously discussed in public and attorney thanked Mayor Pro Tem Grannis for disclosing his ex-part communication.

Applicant, Michael Birch was present and provided a bit of history regarding this item and original denial at the Planning Board. He introduced all other members of applicant team that were present.

Mr. Sean Brady was present and provided background information and details regarding the applicant company. He stated they have projects from Texas to North Carolina. He shared information about the amenities provided at these multi-family units projects and stated they have proven to be very successful. He shared a brief PowerPoint which included an aerial overlay slide, exterior elevations and four photos of finished projects at similar locations.

Mr. Jason Gaston spoke about the deceleration lane, the amenities and clubhouse, playground area, picnic pavilion and mail kiosk. He stated beyond building #300 there will be a retention pond buffered by a small 3' trail. He also shared information about the location of dumpster and recycling.

Mr. Lyle Overcash addressed the council and stated he has been a traffic engineer for 24 years and stated the main concern with this site was the driveway and the right in and right out of the premises as well as the U turn on Highway 70. He stated an analysis was completed that showed no issues or problems.

Mr. Jarvis Martin addressed the council and stated he is a certified appraiser. He provided information regarding a completed study and comparisons of values He stated there were no adverse impact of value or future development determined.

Mr. Birch addressed the council again and stated he believed all Findings of Fact had been met.

Council Member Holder shared his concerns regarding traffic hazard at the Dogwood Forest subdivision crossover.

Mayor Pro Tem Grannis questioned if there had been a dialogue with the Post Master and required number of boxes. Applicant stated that information would be provided.

Mayor Pro Tem Grannis offered his thanked and appreciation for all the responses.

Council Member Lawter questioned if Wake Med had interest in connectivity and the applicant stated they were agreeable to connectivity to both the east and the west.

There was brief discussion regarding the 3' trail and Council Member Lawter stated he would like to see something a bit wider than 3' and applicant agreed to a 5' trail.

With there being nothing further the public hearing was closed and turned over to council for deliberation.

ACTION: Adoption of Resolution #2017-11 (Wastewater)

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

ACTION: Approval of Special Use Permit #2017-08-SUP

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

b) Rezoning - 2017-20-RZ - Gateway Lot #6
Presenter: Planning Department

Mr. McLeod provided information regarding request to rezone property located at Gateway Drive Lot #6 from Business Special Use District (B3-SUD) to Office-Institutional (O-I). The property is currently vacant and applicant wishes to prepare the property for future sale and development. Request is compatible with Surrounding Land Uses and consistent with the Comprehensive Plan. Planning Board and Staff recommend approval.

There were no questions for staff or for applicant and the item was turned over to council for deliberation.

ACTION: Adoption of Ordinance #2017-05-01

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

7 OLD BUSINESS

8 NEW BUSINESS

a) 2016-2017 Audit Contract - Anderson, Smith & Wike, PLLC
Presenter: Robert McKie, Finance Director

Mr. McKie provided information regarding the audit contract. Mr. McKie stated there was no increase in fees, which have remained consistent since 2012. Staff recommends approval of contract.

ACTION: Authorization of Contract

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

b) 2017-69-ANX - Warrick Subdivision
Presenter: Planning Department

Mr. DeYoung provided information regarding requested the non-contiguous annexation of the Warrick Tract. Annexation was a requirement of the approval process of the subdivision. Mr. DeYoung stated they will be a water customer.

There were no questions of staff.

ACTION: Set Public Hearing for May 15, 2017

c) 2017-64-ANX - HP6 Clayton Health Investors
Presenter: Planning Department

Mr. DeYoung provided information regarding this contiguous annexation request. He stated it is a very small portion of a property that was mot previously annexed. Both water and sewer services will be provided by the town.

There were no questions for staff.

ACTION: Set Public Hearing for May 15, 2017

d) CAMPO Spot 5 Funding Commitment
Presenter: David DeYoung, Planning Director

Mr. DeYoung provided information regarding CAMPO SPOT Funding. He stated there was a call for SPOT 5.0 bike/pedestrian projects and stated member agencies were encouraged to complete a submittal form along with a funding commitment letter. Minimum project size is $100,000 and local commitment is 20% of project. He further stated CAMPO is allowed to submit a total of 43 new bicycle/pedestrian projects to be programmed in years 6-10 of the State Transportation Improvement Plan.

There was discussion regarding future projects to include the following Greenway Projects and cost estimates:

- East Clayton - 1.2 Million Cost (estimate)
- Cobblestone - $920,000
- Mountains to Sea Linkage - $575,000
- Clayton High School Sidewalk Connector - $410,000

ACTION: Adoption of Resolution #2017-14

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

9 STAFF REPORTS

a) Town Manager

b) Town Attorney

c) Town Clerk

d) Other Staff

10 OTHER BUSINESS

a) Informal Discussion & Public Comment

b) Council Comments

11 CLOSED SESSION

a) Closed Session Pursuant to NCGS 143-318.11(a)(5) & 143-318.11(a)(6)

- Possible Acquisition of Real Property
- Town Manager Six Month Performance Evaluation

ACTION: Motion for Closed Session at 7:53 p.m. pursuant to NCGS 143-318.11(a)(5)

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

b) Returned from Closed Session

Council returned from Closed Session at 8:38 p.m. and the following action was taken.

ACTION: Place Resolution for Exchange of Amelia Church Road & YMCA property and Set Public Hearing under NCGS 158-7.1 for May 15, 2017

Motion: Council Member Thompson
Second: Mayor Pro Tem Grannis

Vote: Unanimous

c) Closed Session Pursuant

Council returned to Closed Session at 8:41 p.m. pursuant to NCGS 143-318.11(a)(6)

ACTION: Motion for Closed Session

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

d) Returned from Closed Session

Council returned from Closed Session at 9:23 p.m.; with no action being taken.

12 ADJOURNMENT

a) With there being nothing further, the meeting was adjourned at 9:23 p.m.

ACTION: Motion to Adjourn

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

Duly adopted this the 5th day of June, 2017 while in regular session.

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

JMcLeod
Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett
Kimberly A. Moffett, CMC, NCCMC
Town Clerk